



Mayor and Cabinet

Local Development Scheme Update

Date: 9 December 2020

Key decision: Yes

Class: Part 1

Ward(s) affected: All

Contributors: Director of Planning (David Syme)

Outline and recommendations

The Local Development Scheme (LDS) is a document that sets out the timetable for the preparation and review of the Council's planning policy documents. Having an up-to-date LDS is important to ensure that local communities and other stakeholders can keep track of the progress of local plans. The Council is required by law to publish and maintain an LDS. Lewisham's Local Plan must also be prepared in accordance with the LDS, a matter of legal compliance which will be tested at the plan's independent examination. The LDS can be revised at any such time the Council considers it appropriate.

The current LDS was adopted and brought into force on 10th January 2018, effectively updating and replacing the 2015 version. A further update is now required in order to reflect changing local circumstances, the latest legislative and policy framework, as well as to respond to delays to the Local Plan programme incurred as a result of COVID-19 and other factors. The update will ensure the Council has an up-to-date LDS which appropriately reflects the scope of the emerging Local Plan review and the timetable for its production.

Mayor and Cabinet is recommended to:

- a) Approve the LDS (December 2020) for formal adoption and publication, taking effect on 21st December 2020.

Timeline of engagement and decision-making

The current Local Development Scheme was adopted on 10th January 2018.

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1. Summary

- 1.1. The Council is legally required to prepare and maintain a Local Development Scheme (LDS). This is a procedural document that sets out the timetable for the preparation and review of the Council's planning policy documents, along with the subject matter and geographical area to which these documents relate.
- 1.2. Lewisham's statutory Development Plan, which comprises the Local Plan together with the London Plan and any Neighbourhood Plans, contains the policies against which all planning applications are considered, unless material considerations indicate otherwise. At present the Council's adopted Development Plan Documents (DPDs) include the Core Strategy DPD, Site Allocations DPD, Development Management DPD and the Lewisham Town Centre Local Plan DPD. These are supported by a number of Supplementary Planning Documents (SPDs) and other supporting documents.
- 1.3. The Planning and Compulsory Purchase Act initially required local planning authorities to submit their LDS to the Secretary of State. However this requirement was removed by the Localism Act 2011. Therefore, Lewisham Council can now adopt an LDS without approval by the Secretary of State.
- 1.4. The current LDS was adopted and brought into force on 10th January 2018, effectively updating and replacing the LDS adopted on 24th June 2015. A further update is now required in order to reflect changing local circumstances, the latest legislative and policy framework, as well as to respond to delays to the Local Plan programme incurred as a result of COVID-19 and other factors. The update will ensure the Council has an up-to-date LDS which appropriately reflects the scope of the emerging Local Plan review and the timetable for its production.
- 1.5. This report sets out the details of the new LDS, including the documents that will form the new Local Plan and the timetable for their production.

2. Recommendations

- 2.1. Mayor and Cabinet is recommended to:
 - a) Approve the LDS (December 2020) for formal adoption and publication, taking effect 21st December 2020.

3. Policy Context

- 3.1. The Planning and Compulsory Purchase Act (as amended by the Planning Act 2008, the Localism Act 2011 and the Housing and Planning Act 2016), requires local planning authorities to produce and maintain a LDS.
- 3.2. The Local Development Scheme must specify the Local Plan documents that are to be produced; the subject matter and geographical area to which each document relates; and the timetable for the preparation and revision of these documents. It must be made publicly available and kept up-to-date as it is important that local communities and interested parties can keep track of progress. Any amendments made to the LDS must be published and made available to the public.

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- 3.3. Lewisham's Local Plan must also be prepared in accordance with the LDS. This is a matter of legal compliance which will be tested at the plan's independent examination. Where this requirement is not satisfied, the Council will effectively fail this legal compliance test for plan production and be unable to adopt its Local Plan.
- 3.4. The statutory requirements and guidance in respect of Local Development Schemes include those set out in:
- Planning and Compulsory Purchase Act 2004 (as amended) ("the Act")
 - The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the Regulations")
 - National Planning Policy Framework (NPPF) (2019) and National Planning Practice Guidance (NPPG).

Lewisham's Corporate Strategy 2019

- 3.5. By ensuring that the programme for the Local Plan process is up to date and residents are aware of when public consultation will take place the LDS has a key role in supporting the delivery of the Council's Corporate Strategy, including:
- Open Lewisham - Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.
 - Tackling the housing crisis - Everyone has a decent home that is secure and affordable.
 - Building an inclusive local economy - Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
 - Making Lewisham greener - Everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.
 - Building safer communities - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

4. Background

Lewisham's Development Plan

- 4.1. Lewisham's statutory Development Plan, which comprises the Local Plan together with the London Plan and any Neighbourhood Plans, contains the policies against which all planning applications are considered, unless material considerations indicate otherwise.
- 4.2. The Mayor of London is responsible for preparing the London Plan. The Council is responsible for preparing the Local Plan, which must be in 'general conformity' with the London Plan. Neighbourhood Forums (which are formally

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designated by the Council) prepare Neighbourhood Plans that contain 'non-strategic' policies to support the Local Plan.

- 4.3. At present the Council's Local Plan consists of a portfolio of adopted Development Plan Documents (DPDs) including the Core Strategy DPD, Site Allocations DPD, Development Management DPD and the Lewisham Town Centre Local Plan DPD. These are supported by a number of Supplementary Planning Documents (SPDs), and other documents, that provide guidance to aid with the implementation of the Local Plan policies. There are currently no Neighbourhood Plans in Lewisham that have progressed to the stage where they carry material weight in planning decisions.
- 4.4. The Council is now legally required to review its Local Plan every five-years in order to consider whether changes are necessary to bring it in line with the latest national and regional planning policies. The Council committed to the review of its existing policies and the preparation of Local Plan through its LDS (2015), which was later updated (2018). Production of the new Local Plan subsequently progressed, including the undertaking of a formal public consultation in October 2015. Production has continued albeit with delays to the programme initially set out, thus necessitating further updates to the LDS, discussed below.

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Local Development Scheme

Background

- 4.5. The main planning regulations that govern the procedures for plan preparation are the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Government has prepared planning guidance to support local authorities in preparing plans. This provides flexibility for different approaches to the overall structure of Local Plans, including a 'single-plan' approach with a fully integrated Local Plan as well as 'multiple-plan' approach comprising a suite of documents. Whilst guidance encourages the integration of plans, this does not preclude local planning authorities from preparing multiple documents where this is justified.
- 4.6. The Council's current LDS was adopted and brought into force on 10th January 2018, effectively updating and replacing the LDS adopted on 24th June 2015. The LDS sets out the Council's commitment to review its existing Local Plan policies to support the preparation of a new Local Plan, and to employ an integrated plan approach by consolidation the following adopted DPDs:
- Lewisham Core Strategy (2011)
 - Site Allocations Local Plan (2013)
 - Development Management Local Plan (2014)
- 4.7. The Lewisham Town Centre Local Plan (2014) is not currently included within the scope of the Local Plan review.
- 4.8. Furthermore, the LDS provides for the production of a standalone, single-issue Local Plan to address identified need arising in Lewisham for a gypsy and traveller site(s), in line with the National Planning Policy Framework. Work has progressed on this document, including the undertaking of formal public consultation.
- 4.9. Finally, the LDS sets out information regarding the preparation of Supplementary Planning Documents (SPDs) that will support implementation of the Local Plan policies. SPDs do not include policies and therefore do not have 'Development Plan' status, but they are a material consideration in planning decisions.

Changing circumstances

- 4.10. Since the LDS was adopted in 2018 there have been significant changes to the legislative and policy framework for plan-making. This includes the revised National Planning Policy Framework (NPPF) which was published in February 2010 and subsequently amended in June 2019. Notably, the NPPF introduced new requirements for local planning authorities to review their Local Plans every five years, and to update them where necessary. At the regional level, a new London Plan has been prepared by the Mayor of London and this has been subject to independent examination. Outcomes of the examination are pending a decision by the Secretary of State for Housing, Communities and Local Government. Lewisham's Local Plan is legally required to be in 'general conformity' with the London Plan.
- 4.11. Alongside these changes in the planning framework, there have been a number

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of events that have impacted on the Local Plan programme. These include the UK General Election in December 2019 and the initial peak of COVID-19 experienced in spring 2020. The latter had a particular impact on the timescales for the Local Plan review. On 11th March 2020, Mayor and Cabinet endorsed the draft Local Plan to proceed to Council for approval to commence a statutory round of public consultation (Regulation 18 stage). A Council decision was programmed for late spring / early summer 2020, however this was required to be delayed until autumn 2020.

- 4.12. The London Mayoral and London Assembly elections were due to be held in May 2020 but these have been delayed owing to COVID-19; they are now scheduled for May 2021. Whilst the elections have not impacted on the timescales to-date, it will be important to programme Local Plan public consultation around them, owing to legal requirements on the purdah period.
- 4.13. Finally, there have been changes in local circumstances that necessitate further consideration of the scope of the Local Plan review. This includes new information on landowner interest in key strategic sites. In September 2018 the Planning Service carried out a 'call for sites' consultation Local Plan, in which the public was invited to identify potential development sites for inclusion in the new plan. Major landholders provided feedback on the deliverability of sites, including key strategic sites in Lewisham town centre.

Main changes proposed

- 4.14. In light of the changing circumstances set out above, it is considered necessary to update the LDS. Revisions to the LDS 2018 will provide clarity for the public about the programme for the production of new planning policy documents and opportunities for public consultation. It will also ensure the Council meets the relevant legal requirements for plan-making.
- 4.15. It is proposed that the new LDS (December 2020) will update and replace the current LDS 2018. Details of the changes are set out in the revised LDS (included as Appendix 1). The key changes are summarised as follows:
 - **Revised timescales for Local Plan production** – The LDS revises the timescales for progressing the Local Plan through key stages of the plan-making, reflecting current circumstances and progress to-date. It provides that the new Local Plan is scheduled for adoption in Summer/Autumn 2022 subject to it being found 'sound' at independent examination.
 - **Lewisham Town Centre Local Plan brought into the scope of the Local Plan review** - This means that the draft new Local Plan will update and replace the Core Strategy, Site Allocations, Development Management and Lewisham Town Centre DPDs.
 - **Gypsy and Traveller Local Plan brought into the scope of the Local Plan review** – This means that the single-issue Local Plan on gypsy and traveller accommodation will not be progressed further; and that

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identified needs arising in the borough for such accommodation will be addressed by the new Local Plan. This change is a response to progress made on the identification of a dedicated gypsy and traveller site, which is now proposed to be included as a site allocation within the Local Plan, along with greater certainty around its delivery via a planning application.

- **Update on Supplementary Planning Documents (SPDs)** – The LDS updates information about SPDs that have been prepared, as well as those which the council is committed to preparing along with broad timescales for their production.
- **Update on Statement of Community Involvement (SCI)** – This is a factual update to reflect that the council is currently consulting on an Addendum to the SCI 2018 (focussed principally on the plan-making process), as well as to inform the public about the Council's intention to undertake a more comprehensive review of the SCI in the future, in line with the outcomes of the council's democracy review.

5. Financial implications

- 5.1. In withdrawing the single issue Local Plan on Gypsy and Traveller accommodation, the Council will not have to dedicate funding to a separate public consultation on this plan. The cost of updating the evidence base, public consultation, and related printing and publishing, of any Local Plan document will be met from the existing Planning Service budget.

6. Legal implications

- 6.1. Many of the legal implications are set out in the body of the report. Section 9D of the Local Government Act 2000 states that any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local authorities (Functions and Responsibilities (England) Regulations 2000 specifies that certain functions relating to Development Plan documents are by law the responsibility of the Council. No specific reference is made to the preparation of the Local Development Scheme in the Regulations and as it is not a Development Plan Document it is therefore an executive function.
- 6.2. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3. In summary, the council must, in the exercise of its function, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

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- Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and persons who do not share it
- 6.4. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.5. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

7. Equalities implications

- 7.1. There are no direct equalities implications arising from this report. However, the production of the Local Plan documents specified in the LDS may have equalities implications. These will be considered during the plan-making process for Local Plan documents through the preparation of Integrated Impact Assessments. These consolidate different types of assessment into a single process, including Strategic Environmental Assessment, Sustainability Appraisal, Equality Impact Assessment (EqIA) and Health Impact Assessment. For Supplementary Planning Documents that provide guidance to support the implementation of the Local Plan, the need to undertake an EqIA will be considered on a case-by-case basis, having regard to the Public Sector Equality Duty.

8. Climate change and environmental implications

- 8.1. There are no direct climate change or environmental implications arising from this report. However, the production of the Local Plan documents specified in the LDS may have climate change and environmental implications. These will be considered during the plan-making process through the preparation of reports, where required by legislation, including for Strategic Environmental Assessment, Sustainability Appraisal and Habits Regulations Assessment. Notably, there is no legislative requirement to prepare a Sustainability Appraisal for Supplementary Planning Documents (SPDs) that provide guidance to support implementation of the Local Plan.

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9. Crime and disorder implications

9.1. There are no crime and disorder implications.

10. Health and wellbeing implications

10.1. There are no direct health and wellbeing implications. However, the production of the Local Plan documents specified in the LDS may have health and wellbeing implications. These will be considered during the plan-making process for Local Plan documents through the preparation of Integrated Impact Assessments. These consolidate different types of assessment into a single process, including Strategic Environmental Assessment, Sustainability Appraisal, Equality Impact Assessment (EqIA) and Health Impact Assessment.

11. Background papers

11.1. Lewisham Local Development Scheme (2018)

<https://lewisham.gov.uk/myservices/planning/policy/ldf/local-development-scheme>

12. Glossary

Term	Definition
Local Development Scheme (LDS)	The LDS forms part of the Local Development Framework and is a legal planning requirement. It sets out the timetable for the preparation and review of the Council's planning policy documents, along with the subject matter and geographical area to which these documents relate.
Local Development Framework	The name for the collection of Local Development Documents. It consists of Development Plan Documents, Supplementary Planning Documents, a Statement of Community Involvement, the Local Development Scheme and the Annual Monitoring Report. Together, these documents provide the planning framework for the borough as developed at the local level.
Local Plan	A local plan is a Development Plan Document prepared by the council. Subject to a draft local plan being found 'sound' at an examination in public, it can be adopted and forms part of Lewisham's statutory Development Plan, alongside the London Plan and neighbourhood plans.

13. Report author and contact

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14. Comments for and on behalf of the Executive Director for Corporate Resources

14.1. Shola Ojo – Principal Accountant, Financial Services
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15. Comments for and on behalf of the Director of Law, Governance and HR

15.1. Paula Young – Senior Lawyer, Legal Services (paula.young@lewisham.gov.uk)

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