



## Mayor and Cabinet

### Local Development Scheme Update

**Date:** 14<sup>th</sup> September 2022

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** David Syme, Head of Strategic Planning

## **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 21<sup>st</sup> December 2020, effectively updating and replacing the 2018 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) Note the revised content and timetable of the Local Development Scheme, as set out in Appendix 1, and approve the LDS (Sep 2022) for formal adoption and publication, taking effect on 24<sup>th</sup> Sep 2022.

## **Timeline of engagement and decision-making**

The current Local Development Scheme was adopted on 21<sup>st</sup> December 2020.

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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 21<sup>st</sup> December 2020, effectively updating and replacing the LDS adopted on 10<sup>th</sup> January 2018. 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.
- 1.5. 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.
- 1.6. 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) Note the revised content and timetable of the Local Development Scheme, as set out in Appendix 1, and approve the LDS (Sep 2022) for formal adoption and publication, taking effect on 24<sup>th</sup> Sep 2022.

## 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 development documents which are to be development plan documents; 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

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interested parties can keep track of progress. Any amendments made to the LDS must be published and made available to the public.

- 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) (2021) and National Planning Practice Guidance (NPPG).

## 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 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 two adopted Neighbourhood Plans in Lewisham at Crofton Park & Honor Oak (May 2022) and Grove Park (August 2021) meaning that they 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). Formal public consultation on the Issues and Options was undertaken in October 2015. Following this the council decided to temporarily halt the process.

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- 4.5. Progress on the Local Plan subsequently re-commenced in 2018 with the Council undertaken a comprehensive set of evidence base documents. Despite continued delays due to significant changes in planning legislation and unforeseen circumstances, such as COVID-19 the Council undertook a successful consultation in 2021 on the draft Local Plan Regulation 18 stage “Main Issues and Preferred Approaches” document.
- 4.6. Since then officers have collated the consultation responses, commissioned further evidence base in response and amended the plan where appropriate.
- 4.7. Subject to approval by Mayor and Cabinet and Council it is intended to consult on the draft Local Plan Regulation 19 stage “Proposed Submission” in Autumn-Winter 2022.

## **Local Development Scheme**

### Background

- 4.8. 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.
- 4.9. The Council’s current LDS was adopted and brought into force on 21<sup>st</sup> December 2020, effectively updating and replacing the LDS adopted on 10<sup>th</sup> January 2018. 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 of the following adopted DPDs:
  - Lewisham Core Strategy (2011)
  - Site Allocations Local Plan (2013)
  - Development Management Local Plan (2014)
  - Lewisham Town Centre Local Plan (2014)
- 4.10. The 2020 LDS set out the Council’s intention of stopping the production of a standalone, single-issue Gypsy and Travellers Local Plan and to incorporate this issue fully into the preparation of the new Local Plan. This continues to be the Council’s preferred approach.
- 4.11. The LDS also 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.

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### Changing circumstances

- 4.12. Since the LDS December 2020 was adopted there have been changes to the legislative and policy framework for plan-making. This includes an update to the National Planning Policy Framework (NPPF) in July 2021 from the previous update in June 2019.
- 4.13. Furthermore, the new London Plan was significantly delayed through the examination process with direct intervention from the Secretary of State to amend certain policies. The new London Plan was finally adopted in January 2021.
- 4.14. These changes have necessitated that emerging Local Plan proposals be revisited and additional evidence base carry out.
- 4.15. The Regulation 18 consultation was very successful with more than 1,400 responses representing one of the most successful Local Plan consultations in London. However the significant volume of consultation responses received, additional time and resources required to collate, review and respond to those has delayed the programme. Officers also made the decision to do additional, targeted, in-person, consultation work after the COVID-19 restrictions had been lifted to try to plug some gaps within the demographics of responses that had been received. This again stretched the programme.
- 4.16. In addition, significant delays have been incurred during the preparation of the Local Plan due to Coronavirus (COVID-19) and further delays have been incurred due to Local and Mayoral elections.

### Main changes proposed

- 4.17. In light of the changing circumstances set out above, it is considered necessary to update the LDS. Revisions to the LDS 2020 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.
- 4.18. It is proposed that the new LDS (Sep 2022) will update and replace the current LDS 2020. 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 2023 subject to it being found ‘sound’ at independent examination.
  - **Update on Supplementary Planning Documents (SPDs)** – The LDS updates information about SPDs that have been prepared, as well as

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those which the council is committed to preparing along with broad timescales for their production.

- **Update on Neighbourhood Planning** – This is a factual update to reflect the adoption of Crofton Park & Honor Oak (May 2022) and Grove Park (August 2021) Neighbourhood Plans, the designation of neighbourhood area at Bell Green, as well as the de-designation of the Corbett Estate Forum (lapsed) and the refusal to re-designate Deptford Neighbourhood Action Forum. It should be noted that in accordance with Neighbourhood Planning Legislation a designated area cannot lapse and remains designated even though there may be no active Forum.
- **Update on Statement of Community Involvement (SCI)** – This is a factual update to reflect that the Council has adopted in 2020 an Addendum to the 2006 SCI (focussed principally on the plan-making process) and an update in 2022 focused on the Design Review Panel as well as to inform the public about the Council's intention to undertake a more comprehensive review of the Development Management sections of the SCI in the future, in line with the outcomes of the council's democracy review.

## 5. Financial implications

5.1. There is no direct financial implications.

## 6. Legal implications

6.1. Many of the legal implications are set out in the body of the report, including the requirements comprised within Section 15 of the Planning and Compulsory Purchase Act 2004 regarding what a LDS should specify. That Section also requires that a local planning authority must revise their local development scheme—

- (a) at such time as they consider appropriate;
- (b) when directed to do so by the Secretary of State [or the Mayor of London

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.

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- 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
  - 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

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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.

## 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 (2020)

<https://lewisham.gov.uk/my services/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, Corporate Resources.  
[Shola.Ojo@lewisham.gov.uk](mailto:Shola.Ojo@lewisham.gov.uk)

## **15. Comments for and on behalf of the Director of Law, Governance and HR**

- 15.1. Paula Young, Senior Planning Lawyer [paula.young@lewisham.gov.uk](mailto:paula.young@lewisham.gov.uk)

## **16. Appendices**

Appendix 1 – Local Development Scheme (Sep 2022)

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