



## Mayor and Cabinet

### **Lewisham Local Plan – Proposed Submission document (Regulation 19 stage)**

**Date:** 21 September 2022

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All

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

## Outline and recommendations

The Local Plan sets out the long-term development and investment strategy for the Borough. It forms part of the statutory Development Plan and is one of the Council's most important documents. It makes provision for new housing, employment and other development needs including the infrastructure needed to support growth and regeneration. It has a key role in implementing the spatial aspects of the Council's Corporate Strategy.

A new Local Plan is being prepared to respond to Lewisham's local requirements and to ensure the plan is up-to-date. This will ensure the plan responds to and remains consistent with national and regional planning policy, including the new London Plan. A new Local Plan is vital for the council to be in a strong position to maintain control of local planning decisions.

The purpose of this report is to provide Mayor and Cabinet with the information needed to consider the key outcomes sought by the new Lewisham Local Plan: and to endorse the Local Plan: Proposed Submission document for public consultation (Regulation 19 stage), subject to the approval of Full Council.

Mayor and Cabinet is recommended to:

- a. Approve the following 'proposed submission documents' for Regulation 19 statutory public consultation and to authorise officers to proceed to Regulation 22 (i.e. submit to Secretary of State and to notify the public of the submission), subject to no major modifications arising from the Reg 19 statutory public consultation (subject to (d) below):
  - i. Lewisham Local Plan: Proposed Submission document (Regulation 19 stage)
  - ii. Policies Map
  - iii. Integrated Impact Assessment (IIA), IIA Non-technical Summary and Habitats Regulations Assessment
  - iv. Consultation Statement (Regulation 18)
  - v. Duty to Cooperate Statement
- b. Note the contents of the Infrastructure Delivery Plan (IDP)
- c. Note the financial and legal implications set out in this report
- d. Recommend to Council that Council:
  - i. Approve the documents specified in (a)
  - ii. Use its powers to resolve to publicly consult on those documents that Council so approve
  - iii. Authorise officers to proceed to Regulation 22 (i.e. submit to Secretary of State and to notify the public of the submission), subject to no major modifications arising from the Reg 19 statutory public consultation.

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

Local Plan: Main Issues and Preferred Approaches (Regulation 18 stage) for Mayor and Cabinet approval on 11<sup>th</sup> March 2020 and Council approval 25<sup>th</sup> November 2020

Public consultation on the Local Plan: Main Issues and Preferred Approaches carried out 15<sup>th</sup> January to 11<sup>th</sup> April 2021

Local Plan: Proposed Submission document (Regulation 19 stage) for Mayor and approval Cabinet 14<sup>th</sup> September 2022

Local Plan: Proposed Submission document considered by Council 28<sup>th</sup> September 2022

Scheduled Regulation 19 stage public consultation Autumn 2022

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## 1. Summary

- 1.1. The Local Plan sets out the long-term development and investment strategy for the Borough. It forms part of the statutory Development Plan and is one of the council's most important documents. The Local Plan makes provision for new housing (giving priority to genuinely affordable housing), employment and other development needs including infrastructure to support growth and regeneration in an inclusive and sustainable way.
- 1.2. The Local Plan has a key role in implementing the spatial aspects of the council's Corporate Strategy. It is focussed on tackling the causes of deprivation and addressing the impacts of inequalities, as well as responding to the climate emergency. It seeks to address the opportunities and challenges facing the borough and its communities now and over the long-term. This includes challenges arising from Covid-19 as the plan will play an instrumental role in supporting the recovery from the pandemic.
- 1.3. A new Local Plan is being prepared to ensure there is an up-to-date plan in place for the borough. It must respond to and remain consistent with recent changes made to national and regional planning policies, including the new London Plan (2021). An up-to-date Local Plan is vital for the council to be in a strong position to maintain control of local planning decisions and to ensure these decisions are made in the best interests of Lewisham's neighbourhoods and communities, including the natural environment.
- 1.4. The Lewisham Local Plan: Main Issues and Preferred Approaches document ('draft Local Plan') was published for public consultation during January to April 2021. This was an early stage consultation in the plan-making process (the statutory Regulation 18 stage). The consultation provided the public with an opportunity to comment on the scope of the draft Local Plan and its direction of travel. Despite being carried out during Covid-19 restrictions it was a very successful consultation. More than 1,400 people responded with thousands of comments on the proposals. Feedback was received from a wide range of individuals and organisations including local residents, community and special interest groups, businesses, landowners, developers, infrastructure providers and government bodies.
- 1.5. Officers have made changes to the draft plan informed by this feedback. The changes are reflected in the Local Plan: Proposed Submission document, which must be published for a further round of public consultation (the statutory Regulation 19 stage). This is the Local Plan that the Council proposes to submit to the Secretary of State for Levelling Up, Housing and Communities for examination. Notably, this consultation is more limited in scope than at the Regulation 18 stage. The public will be invited to consider and comment only on matters of legal compliance (i.e. whether the Council has satisfied the legal requirements for plan-making) and the plan's soundness (i.e. key tests which are prescribed by the National Planning Policy Framework, paragraph 35).
- 1.6. As part of the Development Plan process the Lewisham Constitution requires the consultation documents to be approved by Mayor and Cabinet as well as full Council. The purpose of this report is to provide Mayor and Cabinet with the information needed to consider the key outcomes sought by the new Lewisham Local Plan; and to endorse the 'proposed submission documents' for Regulation 19 stage consultation, including the Lewisham Local Plan: Proposed

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Submission document.

## 2. Recommendations

- 2.1. Mayor and Cabinet is recommended to:
- a. Approve the following 'proposed submission documents' for Regulation 19 statutory public consultation and to authorise officers to proceed to Regulation 22 (i.e. submit to Secretary of State and to notify the public of the submission), subject to no major modifications arising from the Reg 19 statutory public consultation (subject to (d) below):
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  - b. Note the contents of the Infrastructure Delivery Plan (IDP)
  - c. Note the financial and legal implications set out in this report
  - d. Recommend to Council that Council:
    - i. Approve the documents specified in (a)
    - ii. Use its powers to resolve to publicly consult on those documents that Council so approve
    - iii. Authorise officers to proceed to Regulation 22 (i.e. submit to Secretary of State and to notify the public of the submission), subject to no major modifications arising from the Reg 19 statutory public consultation.

## 3. Policy Context

### Legislative framework

- 3.1. The Planning and Compulsory Purchase Act 2004 is primary legislation that provides the basis for the plan-led system in England. It is supported by secondary legislation, including the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This legislation sets out the main legal and procedural requirements that local authorities must meet when preparing local plans.

### National Planning Policy Framework (NPPF)

- 3.2. When local authorities prepare local plans the Government's [National Planning Policy Framework](#) (NPPF) (July 2021) must be taken into account. The NPPF sets out the Government's planning policies for England and how these are expected to be applied.

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- 3.3. Paragraphs 15-16 of the NPPF outline the expectations and requirements for local authorities in preparing local plans. Specifically, local authorities need to ensure that local plans are succinct and up-to-date, provide a positive vision for the future, and present a framework for addressing housing needs and other economic, social and environmental priorities. Local authorities also need to ensure that plans are prepared with the objective of contributing to the achievement of sustainable development, and are shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.
- 3.4. Paragraphs 24-27 of the NPPF further outline the requirements for local authorities to ensure that their plans address the relevant strategic matters that have broader spatial implications that cross administrative boundaries (“Duty to Cooperate”), and that effective and on-going joint working between strategic policy-making authorities and statutory bodies has taken place to inform the relevant strategic policies in the plan.
- 3.5. Local authorities are required to review their local plans at least once every five years, and updated as necessary (Paragraph 33), and ensure that the existing strategic policies can provide a sufficient supply of new homes over a minimum five year period (Paragraph 74-76).
- 3.6. Paragraph 35 of the NPPF sets out the ‘tests of soundness’ against which local plans are considered at their examination in public. A local plan can only be adopted if it is found sound. The tests are set out in Table 3.1 below.

<b>Table 3.1 Tests of soundness (NPPF, paragraph 35).</b>	
Positively prepared	Providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
Justified	An appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
Effective	Deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.
Consistent with national policy	Enabling the delivery of sustainable development in accordance with the policies in this Framework.

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## **Levelling Up and Regeneration Bill**

- 3.7. The Levelling Up and Regeneration Bill was introduced to Parliament in May 2022. It builds on the Levelling Up White Paper (February 2022) and also incorporates some of the proposals for planning reform outlined in the earlier Planning for the Future White Paper (August 2020). The Bill signals the potential for wide ranging reforms to the planning system. This includes measures to streamline the plan-making process, introduce a new National Development Management Policy, to overhaul the system of developer contributions through a new Infrastructure Levy and simplify the neighbourhood planning process.

## **The Environment Act**

- 3.8. The Environment Act was brought into force in November 2021. The main functions of the Act are to set the legal framework for environmental governance in the UK and to bring in measures for the improvement of the environment. These are wide ranging measures covering waste, resource efficiency, air quality, water, nature and biodiversity. The Act will be driven by binding environmental targets along with the establishment of a new Office for Environmental Protection. Whilst further details will be set out in future secondary legislation, the Act sets a clear direction of travel for environmental management which the Local Plan must respond to.

## **The London Plan**

- 3.9. The London Plan is the spatial development strategy for Greater London and forms part of Lewisham's statutory Development Plan. A new London Plan was published in March 2021 and now carries full force. The Local Plan must be in general conformity with the London Plan. The [London Plan](#) is available to view on the London Mayor's website.
- 3.10. The London Plan includes policies used for determining planning applications as well policies prescribing what London boroughs must do when preparing their local plans. One of the key aspects of the London Plan is its setting of a London-wide housing target which is then apportioned to each borough. For Lewisham the target is 1,667 net new housing units per year over the 10-year period 2019-2029. This is roughly a 20 per cent increase on the previous target. The Local Plan must set out a clear strategy for meeting the housing target along with addressing other provisions set out higher level policy.

## **Lewisham Corporate Strategy 2018-2022**

- 3.11. The Local Plan sets out the long-term development strategy for the Borough and is one of the council's most important strategies. It makes provision for new housing, employment and other development needs including infrastructure. It has a key role in implementing the spatial aspects of the Council's Corporate Strategy including:

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- 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.
- 3.12. Following the Mayoral and local elections in Lewisham on 5<sup>th</sup> May 2022 it is anticipated that a new Corporate Strategy will be prepared. Given the current stage of the plan-making process there will be challenges with respect to fully aligning the Local Plan with the new Corporate Strategy. However depending on timing there may be opportunities to refer and reflect the latest strategy, for example, through non-material amendments to the plan following the next round of public consultation.

## 4. Background

### Lewisham's Development Plan

- 4.1. Lewisham's statutory Development Plan comprises the Local Plan together with the London Plan and adopted Neighbourhood Plans. Planning law provides that planning applications must be determined in accordance with policies contained in the Development Plan, 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 and 'consistent' with national planning policy. 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 adopted Local Plan consists of a portfolio of Development Plan Documents (DPDs). These are 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. These documents are available to view on the council's website at the [adopted Local Plan](#) page.
- 4.4. There are currently two 'made' Neighbourhood Plans in Lewisham that carry full weight for planning decisions. These are the Grove Park Neighbourhood Plan and Honor Oak and Crofton Park Neighbourhood Plan. There are also several Forums progressing with plans. Further information is available on the council's website at the [Neighbourhood Planning](#) page.

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## Reasons for a new Local Plan

- 4.5. The council has a statutory duty to review its Local Plan every five years in order to ensure it is up-to-date (i.e. consistent with the London Plan and national planning policy). Where the review finds that some or all of the policies are out of date the council may take action to amend the plan policies. Changes must be pursued through the formal plan process, which is prescribed by legislation and national planning policy.
- 4.6. There are significant risks to the council should it not have an up-to-date plan in place, as discussed under the 'Risk management' subheading below. Notwithstanding these risks however is the urgent need to tackle the causes of deprivation and address the impacts of inequality within the borough. The council's latest research shows that while progress has been made, many parts of the borough remain in the 20 per cent most deprived in the country. There is an acute and rising need for genuinely affordable housing and Lewisham's economy is one of London's smallest, limiting opportunities for jobs and training. Furthermore, there is now a growing body of evidence showing the adverse economic impacts of Covid-19 and that the pandemic is disproportionately affecting those in areas of deprivation, as well as Black, Asian and Minority Ethnic (BAME), and seldom heard groups. In addition, addressing the climate emergency is imperative as the greatest impacts of climate change will be on the most vulnerable and those least able to protect themselves. The new Local Plan is a timely opportunity to address these issues, including by supporting the wider corporate programme around the Covid-19 recovery.

## Risk management

- 4.7. In the absence of an up-to-date Local Plan that aligns with the latest NPPF and London Plan, it will become increasingly difficult to influence and determine development proposals which fail to deliver positive outcomes for Lewisham. The NPPF Paragraph 11 makes clear that where there are no development plan policies, or the policies which are most important for determining an application are out-of-date, the council must grant planning permission (unless very limited exceptional circumstances apply). By not updating its Local Plan, the council would effectively render a number of policies out-of-date and significantly compromise its ability to make planning decisions based on local circumstances.
- 4.8. Further compounding the above risk is the Housing Delivery Test (HDT) introduced by the NPPF in 2019. The HDT sets punitive measures for local authorities who are not meeting their housing targets, including the imposition of the 'presumption in favour of sustainable development' in line with NPPF, paragraph 11, discussed above. Furthermore, the 'presumption' will continue to apply where the council is unable to demonstrate a five year housing land supply (5YHLS) of deliverable sites against its housing target, at any given time. Developers are increasingly challenging authorities on the 5YHLS through the planning appeal process.
- 4.9. Finally, the scope of changes and measures set out in the Levelling Up and

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Regeneration Bill is also a concern. There are potential significant implications for the contents of local plans and processes for preparing them. Should any changes to legislation or national planning policy arising from the Bill come into force, the transitional arrangements for these will be critical, particularly in terms of the production of Lewisham's new local plan. There is a risk that elements of the Local Plan may need to be revisited if there are significant delays to the plan programme, or the Government introduces new legal or policy requirements expeditiously.

- 4.10. In summary, in the absence of an up-to-date Local Plan (which provides a sufficient supply of development sites to ensure delivery against Lewisham's new higher housing targets), the council is at risk of having punitive measures imposed on it, and is more likely to experience 'planning by appeal' on a regular basis.

## 5. How the plan has been prepared

### Key stages

- 5.1. There are a number of stages involved in the preparation of a local plan. In addition, there are procedural requirements that the council is required to comply with throughout. These stages and requirements are prescribed by legislation and national planning policy. This includes the undertaking of multiple rounds of public consultation before a local plan can be submitted to the Secretary of State for examination in public. A summary of the key stages is set out in Table 5.1 of this report.

### Timetable / Local Development Scheme

- 5.2. The timetable for preparing the Local Plan is set out in the council's adopted Local Development Scheme (LDS). This is a statutory document that the council is required to publish to ensure the public is made aware of the scope of emerging any Local Plan documents and the timescales for their preparation. The LDS is subject to periodic review and updating. The Local Plan must be prepared in accordance with the LDS and this is a key test of legal compliance assessed at the plan's examination. The adopted LDS is available to view on the council's website at [Local Development Scheme](#) page.
- 5.3. The LDS has been revised several times since 2015 with updates in 2018 and 2020 respectively. The updates were necessitated by a number of factors, which have resulted in significant delays to the local plan programme, including:
  - The referendum on the European Union (Brexit) in June 2016;
  - Changes introduced by the NPPF, including unexpected changes in February 2019 and June 2019;
  - General election in December 2019;
  - Delays during the preparation/examination of the new London Plan; and
  - Covid-19, including impacts on Planning Service resources.
- 5.4. The current LDS was approved by Mayor and Cabinet on 9<sup>th</sup> December 2020.

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An update to the LDS is now necessary. Alongside the Local Plan, officers are seeking approval for changes to the LDS at the meeting of Mayor and Cabinet on 14<sup>th</sup> September 2022. This is covered under a separate agenda item for the meeting.

### Local Plan review and progress to-date

- 5.5. The council committed to the review of its existing planning policies and the preparation of a new Local Plan through its LDS 2015. A Regulation 18 stage public consultation on the ‘Issues and Options’ and accompanying ‘Infrastructure Delivery Plan – Framework Document’ was carried out from 9<sup>th</sup> October to 20<sup>th</sup> November 2015. Following the consultation the council decided to temporarily halt the plan process.
- 5.6. Preparation of the Local Plan re-commenced in 2018 with officers compiling new evidence base documents as well as undertaking early-stage stakeholder engagement. This engagement included discussions with landowners to identify land that might be suitable for redevelopment for different types of land uses, and to understand timescales for the delivery of those larger sites with planning permission but which had not yet been delivered. As well, the wider public was consulted on a number of evidence base documents which would be used to inform the plan. These included the Lewisham Characterisation Study, New Cross Area Framework and Catford Town Centre Framework.
- 5.7. The Lewisham Local Plan: Main Issues and Preferred Approaches document (i.e. “draft Local Plan”), Infrastructure Delivery Plan update, and other supporting materials were subsequently published for public consultation. This Regulation 18 stage consultation was carried out from January 15<sup>th</sup> to April 11<sup>th</sup> 2021. Further details on the consultation process are set out in Section 7 of this report.
- 5.8. Since the public consultation in early 2021 officers have continued to progress the plan-making process. This work has included collating and responding to consultation feedback, commissioning and preparing further evidence base studies, and engaging with landowners and delivery partners. This work has informed a number of changes to the draft Local Plan. The changes are reflected in the Lewisham Local Plan: Proposed Submission document.

<b>Table 5.1 Key stages in the plan-making process</b>	
<b>Key stage</b>	<b>Timeline</b>
Consultation on the Main Issues ( <b>Regulation 18</b> )	October – November 2015
Pre-production, with community and stakeholder engagement	Up to October 2020.

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<ul style="list-style-type: none"> <li>Includes consultation on selected evidence base documents (e.g. Characterisation Study), 'Call for Sites' exercises, and landowner surveys</li> </ul>	
Consultation on the Local Plan: Main Issues and Preferred Approaches ( <b>Regulation 18</b> )	January to April 2021
Publication of the Local Plan: Proposed Submission document ( <b>Regulation 19</b> )	Autumn 2022
Submission to the Secretary of State and Examination in Public ( <b>Regulations 22-25</b> )	Winter 2022 – Spring 2023
Adoption by Council ( <b>Regulation 26</b> )	Summer – Autumn 2023

### Evidence base

- 5.9. Officers have compiled a suite of studies to help inform the preparation of the new Local Plan. These have been prepared by the council (alone or via commissions) and other organisations, including government bodies. Collectively these documents are known as the 'evidence base'. The evidence base helps to ensure that the approaches and policies in the Local Plan are appropriate and justified taking into account the latest available information.
- 5.10. The Local Plan evidence base comprises technical studies, research reports, site and area masterplans, an Integrated Impact Assessment and other information covering a variety of policy topic areas. These include: design and heritage, housing, economy, environment, transport and infrastructure. The studies and documents are available to view on the council's website at the Local Plan [evidence base](#) page.
- 5.11. Some studies have been completed but are not yet currently available online as they are in the process of being re-formatted to meet the Government's new accessibility standards for published material. All evidence base documents will be made available in time for the next round of public consultation.

#### *Public consultation on evidence base documents*

- 5.12. The council is not legally required to consult on evidence base documents (apart from the Integrated Impact Assessment). However it has consulted on selected studies recognising these will inform the spatial approaches in the Local Plan and/or deal with matters where the public has expressed a particular interest. Evidence base documents that have been prepared through engagement with local residents, community groups and other stakeholders include the Lewisham Characterisation Study, New Cross Area Framework and Station Opportunity Study, Catford Town Centre Framework, and A21 Development Framework.
- 5.13. In response to feedback received on the Regulation 18 consultation of the draft

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Local Plan, officers have prepared and commissioned additional studies. These include the Tall Buildings Study Addendum and Open Space Review. These studies were published on the council's Citizen Space consultation hub for public comment on technical matters in May 2022. The draft and final studies have been used to inform the Local Plan: Proposed Submission document.

### **Integrated Impact Assessment**

- 5.14. The Integrated Impact Assessment (IIA) helps to inform the preparation of the Local Plan. It is a statutory requirement in the plan-making process. The IIA provides a detailed analysis of the likely environmental, social and economic effects of the plan policies. The IIA brings different types of assessment together into a single process, including:
- Strategic Environmental Assessment (SEA)
  - Sustainability Appraisal (SA)
  - Equalities Impact Assessment (EqIA)
  - Health Impact Assessment (HIA)
- 5.15. The IIA is undertaken as an iterative process during the plan's preparation. It includes assessments of preferred policy approaches and reasonable alternatives. Reports are published and consulted on at key stages in the plan process. The IIA helps to identify potential issues at an early stage so that measures to avoid or mitigate harm, and improve expected outcomes, can be incorporated into the plan.
- 5.16. An interim IIA was prepared alongside the draft Local Plan and published at the Regulation 18 stage of public consultation. The IIA has been updated to take account of changes made the draft plan, so that the Lewisham Local Plan: Proposed Submission document has been fully appraised. A Non-Technical Summary (NTS) of the IIA Report has been prepared. The IIA and IIA NTS are included as Appendices 3 and 4 respectively.
- 5.17. A separate Habitats Regulations Assessment (HRA) is also carried out to assess whether protected habitats and species may be adversely impacted by the plan's implementation. The HRA is included within Appendix 5.

### **Infrastructure Delivery Plan**

- 5.18. The Infrastructure Delivery Plan (IDP) is a companion document to the Local Plan. It sets out the different types of infrastructure required to support the levels of growth planned in Lewisham over the long-term. The council, its delivery partners and other stakeholders will use the document to ensure that infrastructure is secured in a timely manner as new development comes forward.
- 5.19. The IDP is an important tool for the council. It will be used to inform decisions on infrastructure delivery, for example, the allocation of CIL receipts to projects and the spending of developer contributions, including Section 106. The IDP can also be used as supporting evidence in bids for external funding and to support proposals for specific sites to be protected for use as community

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facilities (such as schools) or other infrastructure required throughout the plan period.

- 5.20. The infrastructure identified in the IDP should be deliverable within the plan period (2020-40). It includes details of key delivery partners, where funding for infrastructure will be sourced (if known) along with any funding gaps. The IDP has been informed through early and ongoing engagement with internal and external stakeholders. The latest working versions of the IDP have been published for consultation alongside the Local Plan at the Regulation 18 stages.
- 5.21. The IDP will be reviewed and updated on a regular basis. It is intended to be treated as a 'live' document that will evolve over time. It will respond to the latest available information from the Council and its delivery partners on project delivery, programming and financing. It will also reflect changes in the expected level of provision required for different types of infrastructure, where relevant.
- 5.22. The latest version of the IDP is included as Appendix 9. This was updated following the consultation on the draft Local Plan, where a number of respondents questioned whether the population and growth assumptions used for the IDP remained valid in the light of Brexit and the Covid-19 pandemic. The updated IDP draws on the Greater London Authority's latest population projections, which take into account the impacts of Brexit and Covid-19. It also responds to feedback from the council's Sustainable Development Select Committee at the meeting of 17<sup>th</sup> February 2022.

### **Member briefings**

- 5.23. Planning officers have engaged with the council's elected Members throughout the plan-making process. Members have been provided with opportunities to influence the scope and direction of the new Local Plan along with its detailed policies. Officers have engaged with Members formally through the key decision process and at committee meetings, and also informally for example, through Member queries or meetings.
- 5.24. During the early stages of the plan preparation process officers facilitated a series of All Member Briefing Sessions. These sessions focussed on different policy topic areas in order to ensure coverage of the policy areas addressed by the plan. An overview of the sessions is provided below:
  - Session 1 (July 2018). Introduction to the plan-making process and some of the key challenges and opportunities arising through the Local Plan review
  - Session 2 (July 2018). Discussion on the direction of travel for the new Local Plan and potential options for the spatial strategy for the Borough.
  - Session 3 (October 2018). Agreement of strategic objectives for the new Local Plan with Members and discussion around the emerging spatial strategy for the Borough.
  - Session 4 (July 2019). An overview of the draft development management policies and the draft site portfolio (i.e. potential site allocations). A package of information was circulated to all Members both before and after the

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session. Officers invited feedback from Members between 12<sup>th</sup> July and 18<sup>th</sup> December 2019.

- Session 5 (February 2020). Presentation and discussion on the proposed 'Vision for Lewisham' along with the supporting visions and key priorities for the Borough's five-character areas. Response from all the Members briefings informed the preparation of the new local plan.

5.25. In addition to the All Member Briefing Sessions officers have engaged with Members at committee and other meetings including:

- Sustainable Development Select Committee – Officers periodically attended Committee meetings throughout the plan preparation process. This included updates on the plan programme, discuss key priorities for the new Local Plan and to present findings of evidence base documents.
- Strategic Planning Committee - Officers facilitated an information session on 20<sup>th</sup> October 2021. This included updates on the local plan programme along with a presentation and discussion on policy proposals for key policy areas flagged by the Committee. These included affordable housing, development design, building heights and green infrastructure.
- Housing Retrofit Task and Finish Group – Officers met with Members of this group on 5<sup>th</sup> October 2021 to discuss how the Local Plan could better recognise and address opportunities around the sustainable retrofitting of buildings.

## 6. Local Plan contents

### Scope of the Local Plan

6.1. Lewisham's adopted Local Plan consists of a package of documents. These form the Council's statutory Development Plan alongside the London Plan and adopted Neighbourhood Plans. Currently, the Local Plan comprises:

- The Core Strategy (2011)
- Site Allocations (2013)
- Development Management policies (2014) and
- Lewisham Town Centre local plan (2014).

6.2. The new Local Plan brings these documents together into a consolidated and updated plan. In addition, it absorbs the single-issue Gypsy and Traveller Local Plan which was previously intended to be prepared separately.

### Structure of the Local Plan

6.3. The Local Plan is set out in five main parts that cover different policy areas. The plan must be read as a whole for planning decisions. The main parts are set out below.

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- **Part One: Planning for an Open Lewisham** – provides background information on the Local Plan before setting out the Vision for Lewisham and the plan’s strategic objectives. It also establishes the ‘spatial strategy’ for the Borough, the land-use priorities and overall pattern of development that the plan will seek to deliver.
- **Part Two: Managing development** – sets out the ‘development management’ policies that all planning applications will need to comply with. The policies, detailed requirements and guidance are organised across a number of topic areas. These policies will ensure that all proposals contribute to delivering sustainable development, consistent with the NPPF and the London Plan’s ‘Good Growth’ objectives.
- **Part Three: Lewisham’s neighbourhoods & places** – establishes character areas within the borough based around Lewisham’s distinctive neighbourhoods and places. A vision, key objective and strategic priorities (referred to as ‘place principles’) are set out for each of Lewisham’s character areas, along with site allocation policies for strategic development sites.
- **Part Four: Delivery and monitoring** – sets out the implementation framework for the Local Plan, as well as the arrangements for monitoring and outcomes over the plan period.
- **Part Five: Schedules and appendices** – includes additional technical information and guidance.

## 7. Public consultation

- 7.1. This section provides an overview of the public consultation undertaken during the preparation of the Local Plan. It focusses on the process of public consultation and outcomes in terms of the number of responses received and the breakdown of respondents. Section 8 of this report summarises the main issues raised during the consultation and how feedback was taken into account.

### Statement of Community Involvement

- 7.2. Lewisham’s Statement of Community Involvement (SCI) (2006) and Addendum (2020) provides information on how the Council will foster greater understanding of the planning process and ensure that the public has opportunities to engage in local planning decisions. The SCI sets out when, how and who the Council will consult during the plan making process and how consultation feedback will be considered. The adopted SCI can be viewed at the council’s website at the [Statement of Community Involvement](#) page.
- 7.3. The council seeks to ensure that effective and inclusive consultation with local residents, community groups and other stakeholders is undertaken. Whilst meeting its statutory obligations the council tailors public consultation using the tools available to it, taking into account:

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- The nature and scope of a policy or guidance document;
- The nature and scale of a development proposal;
- Who the consultation is aimed at; and
- Resources available.

7.4. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the minimum statutory requirements for public consultation during the plan-making process.

#### *Consultation during Covid-19*

7.5. The Covid-19 pandemic has introduced challenges to the plan-making process. This is particularly around the undertaking of public consultation, including when Government social distancing guidelines are in place. For example, restrictions have made it difficult for local authorities to carry out traditional methods of consultation such as face-to-face public meetings and drop-in events. However, national planning guidance and legislation have been updated during the pandemic in response to this situation.

7.6. The Government has made it clear that the preparation of local plans should not be unduly delayed by Covid-19. The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 were introduced in response to Covid-19. These regulations made changes to how documents were required to be made available to the public during the plan preparation and consultation process. Specifically, they temporarily removed the requirement for the Council to: make documents available for public inspection at its principal office and at other places it considers appropriate; and provide hard copies of specified documents.

7.7. In response to changes in legislation along with national planning policy and guidance, the council amended its SCI in December 2020 by way of an Addendum. The changes to the SCI better enabled the Council to progress the preparation of the local plan during the pandemic with greater flexibility for the use of consultation tools.

#### **Consultation on the Main Issues (October – November 2015)**

7.8. During the initial stages of the Local Plan review, the council carried out a Regulation 18 consultation from 9<sup>th</sup> October 2015 to 20<sup>th</sup> November 2015. Several documents were published for consultation, as follows: Local Plan Main Issues, Sustainability Appraisal Scoping Report and Infrastructure Delivery Plan (IDP) – Framework document.

7.9. In terms of feedback there were 29 questionnaires completed and returned, with a further 41 written representations made on the Local Plan: Main Issues document. There were 4 responses received in relation to the Sustainability Appraisal Scoping Report and 7 responses to the IDP Framework document.

7.10. Full details of consultation activities and outcomes from this initial public consultation are set out in the Regulation 18 Consultation Statement (dated

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March 2020). This Consultation Statement was considered by Mayor and Cabinet and full Council when officers sought approval to consult on the Local Plan: Main Issues and Preferred Approaches document. The Consultation Statement is included as Appendix 6.

### **Consultation on the Local Plan: Main Issues and Preferred Approaches document (January - April 2021)**

- 7.11. The Council's SCI provides information on the different tools that can be used to support public consultation on local plan documents. Table 7.1 below provides a summary of the tools and those that were used for the Regulation 18 consultation on the Local Plan: Main Issues and Preferred Approaches document and supporting materials.
- 7.12. The public consultation was open from 15<sup>th</sup> January to 11<sup>th</sup> April 2021. This was roughly twice the length of statutory minimum period of consultation for this stage, which is 6-weeks. The vast majority of representations were duly submitted on time. Some late representations were made, which officers accepted and have fully considered.

<b>Table 7.1 Regulation 18 consultation on draft Local Plan – tools used</b>		
<b>Statement of Community Involvement – tools available</b>	<b>Tools used</b>	<b>Reasons for tools not used</b>
Physical copies of documents	No	To comply with Covid-19 social distancing guidelines
Lewisham Council Website	Yes	-
Social media platforms	Yes	-
Posters and leaflets	Yes	-
Public notices / press releases	Yes	-
Email and post correspondence	Yes	-
Public meetings (on-site)	No	To comply with Covid-19 social distancing guidelines
Public exhibitions and drop-ins (on-site)	No	To comply with Covid-19 social distancing guidelines
Internal consultation with	Yes	-

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elected Members/Service Areas		
Other digital tools and telephone	Yes	-
Online consultation and engagement platforms	Yes	-

- 7.13. Further details on each of the tools used is included in the Regulation 18 Consultation Statement (Sep 2022), which is included as Appendix A. Details on some of the key consultation tools are set out below.

#### *Commonplace webpage*

- 7.14. A dedicated online consultation hub was set up using the ‘Commonplace’ platform. Commonplace is hosted externally and does not comprise part of the Council’s own website. However, the council’s planning and consultation webpages provided links to the Commonplace site and encouraged the public to visit it.
- 7.15. Commonplace was employed because of its functionality and ease of use, whether by mobile device, laptop or desktop computer. It is graphically engaging and allows users to navigate through consultation materials and submit responses. It also features a ‘latest news’ function which enables the council to notify registered users of updates, for example, of consultation events. In addition, the council had successfully hosted public consultations using Commonplace prior to the Local Plan consultation (for example, Neighbourhood Community Infrastructure Levy).
- 7.16. The Local Plan: Main Issues and Preferred Approaches document and supporting materials were all made available on the Commonplace site throughout the consultation. The website also provided supporting information such as links to the Local Plan evidence base webpage and details of online information sessions.

#### *Online information sessions*

- 7.17. Due to Covid-19 social distancing guidelines officers were unable to arrange for face-to-face meetings and drop-in events. As an alternative, officers facilitated a series of online information sessions using the ‘Zoom’ video conferencing platform. These were held in February and March 2021 during the consultation period. The sessions were open to all members of the public with registration set up via the council’s main consultation webpage (Citizen Space).
- 7.18. There were 16 sessions in total covering different policy areas in the Local Plan. In response to the significant amount of interest in the ‘character areas’ there were 2 sessions held for each sub-area. Overall, the sessions were attended by 492 participants. The sessions were recorded and uploaded to a Local Plan YouTube channel.
- 7.19. Each session included a ‘Question and Answer’ period. Due to time constraints

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or need for clarifications, not all questions could not be answered at the sessions. However, in the interests of openness and fairness officers provided written responses to all unanswered questions. These responses were uploaded to the Commonplace site following the sessions.

### Consultation outcomes

- 7.20. The Regulation 18 consultation was successful in generating a significant amount of interest in the Local Plan and a large number of responses. Overall, feedback was received from more than 1,400 respondents resulting in thousands of comments on specific policy topic areas. This included comments submitted by local residents, community and special interest groups, businesses, landowners, developers, infrastructure providers, neighbouring boroughs and other government bodies. The number of respondents compares favourably to Regulation 18 consultations carried out by other London boroughs.
- 7.21. The breakdown of responses received is set out in Table 7.2 below.
- 7.22. It should be noted for the written responses, where a petition was received this was tabulated as 1 response. However, the signatories are counted in the overall figure for respondents to the consultation. This format for counting did not prejudice or otherwise influence how petitions were treated by officers.

<b>Table 7.2 Regulation 18 consultation outcomes</b>	
<b>Commonplace main site</b>	
Visitors	13,001
Respondents	937
Agreements with comments	2,307
<b>Commonplace interactive map</b>	
Visitors	1,870
Comments	577
Agreements with comments	2,061
<b>Written responses (email and post)</b>	
Responses	450

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<b>Online information sessions (Zoom)</b>	
Attendees	492

### **Respondent profile**

- 7.23. Information on the profile of people who responded to the formal Regulation 18 public consultation is available from those who submitted representations through the Commonplace hub. Information is not available for those who submitted written representations.
- 7.24. In terms of age profile, there was good representation across all age groups, albeit the response was comparatively low for those aged 29 and younger and those aged 70 and older.
- 7.25. In terms of ethnicity, the vast majority of respondents identified themselves as being white (97%) with the remaining respondents identifying as Black, Asian, Mixed or other.

### **Black, Asian and Minority Ethnic, and seldom heard groups**

- 7.26. To support the consultation on the draft Local Plan council officers employed a targeted engagement strategy for 'seldom heard' groups, including Black, Asian and Minority Ethnic (BAME), and seldom heard groups. A contact list of over 200 stakeholder organisations within the Borough was compiled. Officers reached out to these organisations to request their assistance with promoting the consultation, as well as to invite representatives to attend meetings and/or comment on the plan proposals. Organisations were sent a package of information and promotional material along with details about how to participate in the consultation.
- 7.27. Despite this engagement strategy there was unfortunately a very limited response from BAME and other seldom heard groups.

#### *Additional targeted engagement*

- 7.28. In response to comparatively low response rate from BAME and other seldom heard groups, the council commissioned consultants to undertake an additional programme of targeted engagement following the formal Regulation 18 consultation. The project team facilitated 10 consultation events. These were held in places of interest around the Borough as identified by representatives of the stakeholder groups. There was also one event held online.
- 7.29. Aided by the relaxation of Covid-19 social distancing guidelines, the team was able to speak with 200 individuals face-to-face. Notes of discussions were recorded and over 90 survey responses were also completed. Further information on the process and outcomes of this engagement is set out in the Regulation 18 Consultation Statement (Sep 2022), which is included as Appendix 1.
- 7.30. The additional engagement with seldom heard groups was successful in

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reaching a broader representation of the community. Of those people who engaged in the consultation:

- **Ethnic diversity** - 58% of consultees were from a Black Caribbean, Black African, mixed or multiple ethnic background or any other White background.
- **People with disabilities** - 19% of consultees considered themselves to have a disability, with 38% of these describing it as cognitive or learning disability or difficulty.
- **LGBTQ+ voices** - Almost 15% of respondents identified as LGBTQ+.
- **A younger response** - 65% of the consultees were under 40s, with 30% under 29 years old, including those under 18, and 35% within 30 and 39 years old.

7.31. Feedback from this engagement echoed many of the key themes conveyed by respondents to the Regulation 18 consultation, particularly local residents and community groups. For example, respondents reflected on the need for more genuinely affordable housing, the importance of high quality living environments (including fit-for-purpose housing along with access to parks and open spaces) and issues around public transport access and frequency of services. The engagement also helped to draw attention to key areas of interest and/or concern amongst the respondents. These included community cohesion, security and perceptions of safety, and design of the built environment especially the public realm.

#### *Voices for Lewisham review*

7.32. Whilst it cannot be considered as part of the statutory consultation process of the Local Plan, officers are acutely aware of the importance of the feedback from the Voices of Lewisham work undertaken by the Council during the COVID-19 Pandemic. A key thread from this work was economic recovery, the creation and investment in new local jobs, community space and housing. Officers are continuing to review this work and strengthening the plan where appropriate.

#### **Duty to Cooperate**

7.33. Under the Localism Act 2011 and the NPPF the council has a legal 'Duty to Cooperate' with prescribed bodies on strategic planning matters. These bodies include neighbouring local planning authorities, public bodies and other organisations. The Duty to Cooperate helps to ensure coordination in planning across administrative boundaries. It supports partnership working to address key issues through the plan-making process.

7.34. To maximise effective working on strategic matters during the preparation of local plans, Section 33A of the Planning and Compulsory Purchase Act 2004 requires the Council to engage "constructively, actively and on an ongoing basis" with relevant policy makers and bodies.

7.35. Throughout the plan-making process officers have cooperated with the

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prescribed bodies, both formally during statutory Regulation 18 consultations and informally through ongoing engagement and meetings. Examples of this consultation and engagement include:

- Participation in the South East London Boroughs Duty to Cooperate group and South East London Boroughs Joint Waste Planning Group.
- Collaboration in the review and preparation of Lewisham’s Infrastructure Delivery Plan.
- Collaboration in the review and preparation of evidence base studies. Examples include Environment Agency and Thames Water sitting on the project Steering Group for the Strategic Flood Risk Assessment (SFRA) and Mayor of London / Transport for London involved in feasibility studies for transport infrastructure, such as the Bakerloo line extension and South Circular re-alignment at Catford.
- Early stage review and feedback of draft Local Plan policies.

7.36. Full details of how the council has fulfilled its statutory obligations are set out in the Duty to Cooperate Statement, which is included as Appendix 8.

## 8. Consultation feedback and changes to the draft Local Plan

- 8.1. This section provides a summary of the main issues raised during the Regulation 18 stage consultation on the Lewisham Local Plan: Main Issues and Preferred Approaches document and supporting materials. It also sets out how council officers considered these responses. The section helps to illustrate how feedback was used to inform the Regulation 19 Lewisham Local Plan: Proposed Submission document.
- 8.2. The main issues raised through the consultation are set out in the tables below. These are broadly organised around each of the main parts and sections of the draft Local Plan. The tables focus on policy areas or matters where there were significant concerns or issues raised with the scope of the draft Local Plan and its preferred policy approaches. The tables are not intended to cover areas where there was general agreement or support for the policy proposals.
- 8.3. The tables do not capture all of the issues raised or changes made in response to representations. For example, feedback and responses on specific site allocation policies are not included in the tables. Full details of the representations and officer responses to those are set out in the Regulation 18 Consultation Statement (Sep 2022), which is included as Appendix 7.

### General comments

Main Issues	Response
<b>Public consultation</b>	
View that the public	The Council carried out the public consultation in

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consultation was inadequate and not sufficiently advertised.	accordance with its adopted Statement of Community Involvement. The consultation was advertised in a variety of ways including notices in local newspapers and Lewisham Life magazine, site notices, promotion on the Council's website and social media accounts. The consultation ran from 15 <sup>th</sup> January to 11 <sup>th</sup> April 2021, a period which is well in excess of the statutory minimum 6-weeks.
View that the public consultation should not have been carried out during Covid-19 as it limited opportunities for engagement.	The Government has set a deadline for all local authorities to have an up-to-date local plan in place by 2023. It is important that plan preparation is not unduly delayed. The Government has also introduced new legislation and guidance to ensure that local authorities can continue preparing plans effectively during the pandemic. Whilst recognising that the Government's social distancing guidelines introduced challenges, the consultation was a successful one both in terms of the number of responses received and the wide range of stakeholders submitting representations.
<b>Local Plan format</b>	
The draft Local Plan is too long and repetitive in parts.	The Local Plan will consolidate 4 documents into a single plan. To support the consultation, a short-format Summary Document was prepared. The plan has been professionally desktop published in a user-friendly format, with navigation aided by embedded links to different sections of the plan. Following the Regulation 18 consultation, the Local Plan has been comprehensively reviewed to make it shorter and more concise, for example, by removing repetition of policies or supporting text.
The draft Local Plan language is too vague (e.g. development proposals should..., or must seek to..., etc.) and could compromise the Council's decision making powers.	The Local Plan has been amended to provide more authoritative language where appropriate (e.g. development proposals must..., will be required to..., etc.)
<b>Implementation</b>	
More needs to be done about planning enforcement.	Planning enforcement, whilst a function of Lewisham council's Planning Service, is outside the scope of the Local Plan.
Question as to whether the	The Council is not solely responsible for delivering

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Local Plan (including its vision and objectives are realistic and deliverable) given the limited resources available to the Council and public sector stakeholders, especially as a result of Covid-19.	the Local Plan. A wide range of public and private sector stakeholders will support the implementation of the plan, both through the delivery of new development and directing investment, for example, to provide new and improved infrastructure and services.
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## Part One: Planning for an Open Lewisham

Main Issues	Response
<b>Vision and objectives</b>	
The vision is too vague.	The vision is an overarching statement about the type of place Lewisham is and should become in the future. It provides a direction for the Local Plan, which the objectives and policies help give effect to. The Council considers the vision is proportionate given the wide range of policy topic matters covered by the plan.
Suggestions for new strategic objectives to be included.	The draft Local Plan strategic objectives were set and agreed by elected Members through All Member workshops. Requests for modifications to the objectives have been considered and additions have been made in response. For example, a new objective around support for green industries in supporting the transition to a low carbon, circular economy.
<b>Spatial strategy</b>	
Question as to whether the growth assumptions underpinning the plan are valid, recognising it was largely prepared prior to the peak of Covid-19.	Additional evidence base documents have been prepared and used to inform the next stages of plan preparation. This evidence includes updated population projections, a new town centre study, and Strategic Housing Market Assessment.
View that Lewisham should note be accommodating additional growth and development, especially the levels set out in the plan.	The NPPF requires the Council to plan positively to meet objectively assessed needs. Evidence base studies have been commissioned and prepared to identify needs such as for housing, business space, open space and infrastructure. The London Plan also sets a housing target for Lewisham that the Local Plan must deliver.

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Clarity sought on what happens if the Bakerloo line extension is delayed or is not delivered within the plan period.	The Local Plan has been amended to make clear that the spatial strategy is not dependent on the BLE. However, the plan will continue to make provisions to secure and not preclude its future delivery, as well as to maximise development opportunities associated with the BLE.
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## Part Two: Managing Development

Main Issues	Response
<b>High quality design</b>	
Concerns about the impact of development in terms of harm to or loss of local character.	The Local Plan has been informed by the Lewisham Characterisation Study. The draft plan makes clear that all new development must respond positively to local character by following the design-led approach. The plan has been amended to provide clarifications around the need for proposals to address the character of a site and its wider context. The Local Plan is a strategic document and site specific considerations for local character will invariably be considered through the planning application and development approvals process.
View that the plan does not adequately recognise that character of an area can evolve over time, as set out in the London Plan.	The Local Plan has been amended to reflect that development proposals should respond positively to local character, recognising that the character of some localities may evolve over time in line with the spatial strategy.
View that the plan needs stronger policies to ensure healthy living environments.	The Local Plan has been amended to include a new policy on Health Impact Assessments, which will be required for certain types of development proposals, including major developments. The policies on amenity have also been reviewed and strengthened, with links to good practice guidance, such as that prepared by Sport England.
Concerns about approach to building heights. Opposition to tower blocks along with requests for the plan to set limits on heights. Many comments focussed on specific locations, such as Lewisham and Leigate town centres. View that	The London Plan makes clear that tall buildings will play a part addressing housing needs across London. It directs Local Plans to identify locations that may be suitable for tall buildings and to set parameters for building heights. Following the Regulation 18 consultation, a Tall Buildings Study Addendum was prepared and issued for public consultation. The Local Plan buildings heights policy has been amended taking into account the

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Local Plan must provide further details about areas which are suitable for tall buildings and acceptable building heights.	study findings.
Concerns about the loss of garden land.	The draft Local Plan clearly sets out that garden land will be protected from inappropriate development. However there are permitted development rights which enable residential extensions of a certain size. The policy on 'infill and backland sites, garden land and amenity areas' has been updated to include a reference to the Council's adopted Small Sites SPD, which will support policy implementation.
Suggestion for additional local views to be designated.	The Local Plan is considered to be in conformity with the London Plan's London View Management Framework. Local Views were reviewed through the preparation of the Lewisham Characterisation Study, which was subject to public consultation.
View that the plan needs to provide more detail around inclusive design.	The Local Plan has been amended to refer to the National Design Code along with additional requirements around tenure integration and tenure neutral design. A new requirement for proposals to submit an Inclusive Design Statement has also been included.
<b>Heritage</b>	
Concerns about the impact of development in terms of harm to or loss of heritage and heritage assets.	The Local Plan has been informed by the Lewisham Characterisation Study, Conservation Area Appraisals and other evidence base documents. The draft Local Plan is considered to be consistent with the NPPF policies on heritage and conservation. Policies have been amended to provide more authoritative language to help ensure developments preserve and enhance the significance of heritage assets and their setting. In addition, following the Regulation 18 consultation a Heritage Assessment has been undertaken on selected major development sites (Deptford and New Cross areas) and findings have been used to inform changes to relevant site allocation policies.
Requests for additional Areas of Special Local Character to be designated or recognised.	Areas of Special Local Character (ASLC) are non-designated heritage assets. The Local Plan included policies to deal with non-designated heritage assets. The plan been amended to make

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	clear how future ASLC will be identified.
Concerns about the de-designation of the Sydenham Hill Ridge Area of Special Character.	The draft Local Plan proposed to de-designate the Sydenham Hill Ridge as an Area of Special Character and to instead recognise it as an Area of Special Local Character (non-designated heritage asset). It is considered that this recognition in combination with other policies, such as view management, will ensure protection for the distinctive character of this area.
View that the policy on enabling development is inappropriate, as enabling development is by definition contrary to the development plan.	The standalone policy on enabling development has been deleted from the Local Plan. However a policy criterion has been retained to ensure clarity for the public about how relevant proposals will be considered, with links to Historic England guidance.
<b>Housing</b>	
Housing target - references to the Local Housing Need (LHN) figure should be removed.	Following the Regulation 18 consultation, the London Plan has come into force. This provides an up-to-date housing target for Lewisham. The Local Plan has been amended to remove references to the Government's LHN figure and makes clear the London Plan housing target for Lewisham is the strategic housing requirement.
General support for affordable housing policies and 50% target. However doubts that new housing will be affordable to local people – monitoring shows current 50% target not being met.	The draft Local Plan set out an approach for genuinely affordable housing, with affordability linked to local incomes. Following the Regulation 18 consultation an update to the Local Plan Viability Assessment has been undertaken, which demonstrates that the approach is viable. It is noted that the London Plan includes a Viability Tested Route to affordable housing, where a 35% threshold is sufficient to satisfy the policy requirements.
View that development viability approach, particularly for affordable housing, should be amended.	The draft Local Plan approach to securing affordable housing aligns with the London Plan. In terms of development viability it is acknowledged that some fine tuning is required. Accordingly, the draft Local Plan has been amended to refer to the 'Existing Use Value Premium' approach as a benchmark for establishing the existing use value of land, in line with regional and national planning policy.
View that more family homes are needed not 1	The draft Local Plan seeks to make provision for family homes. The plan states that development

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and 2 bedroom flats.	proposals must make provision for an appropriate mix of housing types. It also includes policies to prevent the loss of family homes through residential conversions. The Local Plan has been amended to include a target housing size mix for affordable housing, which will clarify expectations for the delivery of affordable family units on new developments.
Local plan must set a 10-year target for gypsy and traveller accommodation as per London Plan. Some opposition to proposed new gypsy and traveller site at Poole Court.	The Local Plan has been amended to include a 10-year housing target for gypsy and traveller accommodation, informed by local evidence. The Council must plan positively to meet local housing needs. It has undertaken assessments of sites through previous work on the Gypsy and Traveller Site Local Plan (which has now been redacted in accordance with the Local Development Scheme), and the preferred site is included in the Local Plan.
The Local Plan is silent on Build to Rent products.	The Local Plan has been amended to include a new policy on Build to Rent.
Concerns about overconcentration of Houses in Multiple Occupation (HMO).	The draft Local Plan included a policy to address the harmful overconcentration of HMOs. The policy has been amended to provide criteria against which overconcentration will be assessed, which will aid policy implementation. The Council is currently reviewing HMO accommodation and may in the future extend the area of the Article 4 Direction which removes Permitted Development rights for HMOs, however the making of such Directions is outside the scope of the Local Plan.
<b>Economy and culture</b>	
The Local Plan needs to respond to new planning legislation, including changes to the Use Classes Order.	The Local Plan section on economy and culture has been comprehensively reviewed to reflect and respond to changes in planning legislation, including the amended Use Classes Order.
The Local Plan does not reflect Lewisham's role for London's Central Activity Zone (CAZ). This includes the need to support distribution and related logistics land uses, including warehousing.	The Local Plan has been amended to provide support and clearer direction around appropriate locations for warehousing, distribution and logistics. This is in the context of the borough's identified main need for land and space for light industrial uses.

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Further clarification required on approach to managing Strategic Industrial Land.	The Local Plan has been amended to provide further details on the approach to the re-configuration of Surrey Canal Road SIL to enable the co-location of employment and other uses
Request for specific land or sites to be identified as suitable for co-location of industrial and other uses.	Where industrial sites have been allocated in the Local Plan for co-location of employment and other uses, these have been based on recommendations set out in the employment land study.
Clarification around industrial capacity and how this is defined -	The Local Plan has been amended to set a clear definition of industrial capacity, in line with the London Plan. This includes the removal of the 'benchmark plot ratio' proposed to calculate industrial capacity.
Question as to whether affordable workspace policies are viable and deliverable.	The requirements for affordable workspace have been reviewed and tested through the Local Plan viability assessment, and updated where appropriate. The Local Plan has also been amended to provide more clarity around where and how affordable workspace will be secured.
Questions about the robustness of retail floorspace needs figures, given impact of Covid-19 and Brexit and acceleration of online shopping.	Following the Regulation 18 consultation, a Town Centre Trends report was prepared which included an updated retail needs assessment and revised floorspace needs. The Local Plan has been amended informed by findings of the report.
Cultural quarters and night-time economy hubs broadly supported however some concerns about impact on local amenity, particularly in the evening and night-time.	The Local Plan includes policies on amenity which will ensure developments and uses do not have an unreasonable adverse impact on local amenity.
Some objections to approach to manage overconcentration of hot food takeaways.	The Local Plan approach to managing hot food takeaways is considered to be in conformity with the London Plan.
<b>Community infrastructure</b>	
Question as to whether sufficient provision is made for community infrastructure required to support growth	The Local Plan has been informed by the Infrastructure Delivery Plan (IDP). The IDP has been prepared in collaboration with service providers and delivery partners. Following the Regulation 18 consultation, the IDP was updated to take account of the Greater London Authority's

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	latest population projections, and the Council engaged with stakeholders to review and update the IDP in light of this information. The Local Plan includes development management policies and site allocation requirements to ensure that new developments contribute to and/or are appropriately supported by community infrastructure.
Policies to deal with proposals involving loss of sports facilities and land are not in accordance with the London Plan	The Local Plan has been amended with new policies on sports and recreation to ensure conformity with higher level policies.
<b>Green infrastructure</b>	
View that stronger protections are needed for open space. Clarifications required to distinguish between open and green spaces and the level of protection given to each.	Following the Regulation 18 consultation additional studies have been prepared on green infrastructure. They include the Open Spaces Review, MOL Review Update and SINC Surveys. Informed by this evidence, the Local Plan has been amended to set out a hierarchy of open spaces with policies to protect open space commensurate with their place in the hierarchy. This includes a clear distinction between green and open spaces.
Requests for open spaces and nature sites to be designated or de-designated.	Following the Regulation 18 consultation additional studies have been prepared on green infrastructure. They include the Open Spaces Review, MOL Review Update and SINC Surveys. This evidence has informed the setting of land use designations, which will be reflected on the Policies Map. This includes changes made to the Regulation 18 draft Local Plan.
The plan does not adequately respond to the Environment Act 2021 especially provisions around Biodiversity Net Gain.	The Local Plan has been amended in response to the Environment Act. This includes policies which set the strategic framework for Local Nature Recovery Networks and more detailed requirements for development proposals to deliver Biodiversity Net Gain.
Request for geodiversity sites to be designated.	The Local Plan has been amended to designate additional geodiversity sites, informed by evidence prepared by the London Mayor and London Geodiversity Partnership.
<b>Sustainable design and infrastructure</b>	
View that Local Plan does	The draft Local Plan policies set out approaches to

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<p>not go far enough in responding to climate emergency, including design standards for reducing carbon emissions.</p>	<p>carbon management and achieving net carbon neutrality, which align with the London Plan. Where more stringent requirements are set locally it must be demonstrated that these will not adversely impact on development viability. The Local Plan Viability Assessment sets out that the approach to carbon management is appropriate and will enable other elements of the plan to be deliverable, such as requirements on affordable housing. In response to feedback, additional policies have been included on non-regulated carbon emissions (i.e. those not captured within Building Regulations / embodied carbon).</p>
<p>Differing views on sustainable retrofitting. Some suggest the policies are too onerous and do not provide sufficient consideration of feasibility. Others consider that more detail should be included on this design aspect.</p>	<p>The Local Plan has been amended to provide further details on retrofitting of the existing building stock. Where policies require that certain design ratings are satisfied (e.g. BREEAM), flexibility has been introduced to allow consideration of feasibility on a case-by-case basis. The policy approaches have been tested through the Local Plan Viability Assessment.</p>
<p>View that air quality policies should be strengthened.</p>	<p>The Local Plan has been amended to strengthen policies on air quality, with a requirement that all development proposals must be at least air quality neutral. The plan has also been updated to take account of and better align with the Council's latest Air Quality Management Plan.</p>
<p>Opportunities should be taken to strengthen water and flood risk management policies. This includes clearer links to wider sub-regional key plans and strategies.</p>	<p>The water management section has been comprehensively reviewed and updated, particularly in response to feedback provided by statutory consultees such as Environment Agency, Thames Water and Port of London Authority.</p>
<p>Clarification is required on approaches to safeguarding waste sites.</p>	<p>The draft Local Plan identified strategic waste sites to be safeguarded in order to meet the borough's London Plan waste apportionment. It is acknowledged there are other waste sites with licenced capacity (i.e. with Environment Agency permits). The Local Plan has been amended to make clear the protection afforded to all such sites, in line with the London Plan.</p>
<p><b>Transport and connectivity</b></p>	

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Clarification required around the approach to safeguarding land for the Bakerloo line extension.	The Local Plan has been amended to make clear the formal Safeguarding Directions for the BLE issued by the Secretary of State. Clarifications have also been provided around approaches to ensuring development does not prejudice the delivery of the BLE, particularly around Phase 2 where Directions have not been set.
The plan does not adequately respond to the fact that parts of the Borough are poorly served by public transport, and some people rely on cars for access.	The Local Plan helps give effect to the London Mayor's objective for 90% of journeys in inner-London to be made by walking, cycling or public transport. It sets out strategic priorities for securing new and improved transport infrastructure to address local needs. Where development proposals come forward, the policies seek to ensure that the nature, scale and density of development responds to public transport access, and where necessary, is appropriately phased or makes provision for transport improvements.
Varied views on Low Traffic Neighbourhoods.	The Low Traffic Neighbourhoods (LTN) is a scheme that Lewisham and other London Councils are piloting to support liveable, healthier neighbourhoods by encouraging modal shift and reducing car use. Whilst the Local Plan sets out similar objectives, the LTN scheme itself is outside the scope of the Local Plan, and its future will be considered independently of the plan-process by Council's Transport service.
General support for Healthy Streets Approach but more details needed to support and enable walking and cycling.	The Local Plan includes new policies on public realm and the Lewisham Links, which will support the delivery of a network of high quality cycleways and walking routes. The Local Plan has been amended to ensure development proposals comply with the London Cycle Design standards. The details around specific investments or improvements will be set out in the Infrastructure Delivery Plan, Local Implementation Plan (Transport Strategy) and on a case-by-case basis as new development comes forward.
Approaches to car parking are not in conformity with the London Plan.	The Local Plan parking policies have been comprehensively reviewed and updated to ensure conformity with the London Plan, including on car-free and car-lite development.

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## Part Three: Lewisham's neighbourhoods and places

Main Issues	Response
<b>General</b>	
<p>Disagreement over boundaries of neighbourhood areas included in Part 3 of the Local Plan.</p>	<p>The draft Local Plan establishes five neighbourhood character areas. This has been done as a means to provide a neighbourhood level focus for managing development and directing investment in the Borough. The sub-areas were informed by the Lewisham Characterisation Study which was prepared by the Council working with community groups. Whilst acknowledging that there may be disagreements over the geography of these areas, the Local Plan must be read as a whole and it is considered that the sub-area policies will be beneficial in supporting the delivery of the spatial strategy for the borough.</p>
<p>A significant number of responses dealing with matters such as local and historic character development density, building heights, open and green spaces, nature sites, transport and connectivity.</p>	<p>Many of the matters raised concern local issues which have been addressed through changes to the Borough-wide policies, including the Part 2 Managing Development section of the Local Plan. The Part 2 responses above should therefore be referred.</p>
<p>Site allocations. A significant number of responses dealing with indicative site development capacities, development principles and guidelines for specific sites.</p>	<p>The site allocations have been reviewed and amended where considered necessary. This includes the removal of or changes to site boundaries, amendments to indicative capacities, development requirements and guidelines for specific sites. As part of the review, officers have updated the Site Allocations Background Paper, which includes a methodology for setting the indicative site development capacities. Full details of representations and officer responses are set out in an Appendix to the Consultation Statement, which should be referred for further information.</p>
<p>Site allocations. Call for sites submissions.</p>	<p>The Council invited to the public to submit additional sites for consideration as part of the Regulation 18 consultation. However it has been decided that additional sites will not be considered for inclusion as site allocations. This is because the public would not have an opportunity to appropriately comment on the proposals for those sites at the Regulation 19 stage. Also, that the Council considers that the</p>

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	existing site portfolio is sufficient to meet identified needs, including for housing and business space. The site submissions will be considered in any subsequent Local Plan review, which the NPPF requires to be undertaken every 5 years.
<b>Lewisham's Central Area (excluding site allocations)</b>	
Varied perspectives between local communities and landowners/developers on development opportunities, scale and level of growth planned within and around Lewisham and Catford major centres.	Lewisham and Catford are the borough's principal town centres, which are located within a London Plan Opportunity Area, and are therefore considered appropriate locations for directing growth and investment, consistent with the spatial strategy. The Lewisham Town Centre Local Plan, which will be reviewed and replaced by the new Local Plan, has set a strategic framework for the centre and a significant amount of development has been consented and delivered in accordance with it. The Catford Town Centre Framework, which has been prepared through extensive consultation with the community, is an evidence base document which has informed the Local Plan. Site allocations have been updated and prepared to ensure clarity over development within the centres.
View that the plan does not adequately address Hither Green, particularly the area west of the railway.	The Local Plan has been amended to address this area in greater detail. This includes a new spatial objective and the designation of Hither Green Lane as a new Local Centre.
<b>North area (excluding site allocations)</b>	
Request for a 'community-led' masterplan to guide development and regeneration in the area.	The Local Plan sets the strategic development framework for managing growth and regeneration in the area. This includes site allocation policies for major development sites, many of which have now gained planning consent and development parameters have therefore been established. The Local Plan makes clear that development proposals must be delivered through a master-plan process, which must be prepared through consultation with local communities. The Council has prepared a New Cross Area Framework through consultation with the local community and this has helped to inform the Local Plan.
Local Plan should do more to address polluting industry and lorry movements in area.	This part of the Borough contains designated Strategic Industrial Locations and waste management sites which the London Plan directs the Local Plan to safeguard for commercial and

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	<p>industrial uses. The Local Plan includes new policies on Deliveries, Servicing and Construction and Amenity to help manage impacts arising from activities associated with these uses.</p>
<p>Request that SELCHP (waste management facility) is redeveloped for alternative uses owing to pollution and inappropriate use in residential area.</p>	<p>The London Plan sets the strategic approach to achieve net waste self-sufficiency (i.e. the equivalent of 100 per cent of London's waste should be managed within London by 2026). It directs the Local Plan to safeguards waste sites/facilities in order to meet the borough's apportioned tonnage of waste. SELCHP plays an important role in helping the borough to meet its London Plan waste apportionment figure. For the time being, the Local Plan must therefore continue to safeguard the site for waste management uses. However the Local Plan has been amended to include a new policy which seeks to improve the environmental performance of existing waste management facilities.</p>
<p>Concerns over amount of and access to green space in area planned to accommodate significant amount of growth</p>	<p>The Local Plan site allocations for the North area make provision for significant new publicly accessible open space to be delivered, including at Surrey Canal Triangle and Convoys Wharf. This includes new riverside spaces linking to the Thames Path and Surrey Canal Linear Walk and other components of the Lewisham Links network of cycleways and walking routes.</p>
<p>The plan does not acknowledge or make adequate provision for the housing needs of the boat community at Deptford Creekside.</p>	<p>The Local Plan has been amended with new policy requirements to help address the housing needs of the boat community at Deptford Creekside.</p>
<p><b>East area (excluding site allocations)</b></p>	
<p>Varied perspectives between local communities and landowners/developers on development opportunities, scale and level of growth planned within and around Lee Green district centre</p>	<p>Lee Green is a district centre and identified in the spatial strategy as a Growth Node. It is therefore considered an appropriate location for directing new development, growth and investment. This is particularly to enable and support the revitalisation of the town centre. Site allocations have been updated and prepared to ensure clarity over development within the centre. In addition, the draft Local Plan has been amended to provide more clarity on matters such as density and building heights.</p>

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<p>The Local Plan needs greater recognition and support for the network of Green Infrastructure, including the Railway Children Urban National Park.</p>	<p>The draft Local Plan includes policies dealing with the distinctive ‘linear network of green infrastructure’ in the East area. Following the Regulation 18 consultation additional studies have been prepared on green infrastructure They include the Open Spaces Review, MOL Review Update and SINC Surveys. Informed by this evidence, the Local Plan has been amended to set out a hierarchy of open spaces with policies to protect open space commensurate with their place in the hierarchy. An Urban National Park is not a formally recognised planning designation, however the Local Plan has been amended to make reference to the aspiration for a District Park which reflects the Railway Children heritage. The Infrastructure Delivery Plan has also been updated to include this green infrastructure in the priority list of projects.</p>
<p>Concerns about designation of Blackheath Village as night-time economy hub, particularly in terms of impact on local character and amenity.</p>	<p>The recognition of Blackheath district centre as a night-time economy hub of ‘more than local significance’ is established by the London Plan. This is given effect through the Local Plan by way of a designation and the main intention is to support the centre’s long-term vitality and viability by building on its unique attributes. All development proposals will need to demonstrate that they will respond positively to local and historic character and not result in an unreasonable adverse impact on local amenity.</p>
<p><b>South area (excluding site allocations)</b></p>	
<p>General support for regeneration at Bell Green and Lower Sydenham, including redevelopment of retail parks. Request for a ‘community-led’ masterplan to guide this process. Concerns about loss of local jobs by redevelopment of Sainsbury’s and other retailers.</p>	<p>The London Plan directs that boroughs should consider opportunities to enable the redevelopment of out-of-centre retail parks for a wider range of uses, including housing. The Local Plan makes provision for the reconfiguration and redevelopment of the retail park(s) for a new mixed-used neighbourhood. This will support a future local centre, which will continue to make provision for businesses and jobs. The Local Plan sets the strategic development framework for this, including site allocations. It also makes clear that development proposals must be delivered through a master-plan process, which must be prepared through consultation with local communities.</p>
<p>The Local Plan lacks detail about Downham and the future objectives for this</p>	<p>Downham forms part of the Strategic Area for Regeneration identified in the draft Local Plan. The plan includes policies to direct new investment</p>

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area.	within this area including Downham district centre. The area comprises largely of established residential neighbourhoods. Owing to its distinctive cottage estate character there are limited major or large site redevelopment opportunities and therefore few site allocations in Downham.
The Local Plan lacks detail about Perry Hill and Perry Vale and the future objectives for this area.	The Perry Hill and Perry Vale area comprise largely of established residential neighbourhoods where sensitive intensification will be supported to deliver new homes and other area improvements. For clarity, the Local Plan has been amended with additional key spatial objectives for this part of the sub-area.
Reassurances required about protection of Livesey Memorial Hall and Gardens.	The draft Local Plan policies make clear that heritage assets must be conserved and enhanced. The Local Plan has been updated to bring the Livesey Memorial Hall and Gardens within the site allocation for the former Bell Green Gasholders. This will ensure that any future development proposals for the gasholders site address the Livesey Memorial Hall and Gardens as well as its wider setting through the masterplan process.
More needs to be done to improve walking and cycling environment, such as car dominance at Southend Land, the gyratory, etc.	The draft Local Plan provides the spatial planning framework for investment in transport within this area. The key spatial objectives for the sub-area make clear that the Healthy Streets Approach will be used to enable and enhance movement by walking and cycling. Specific measures will be considered on a case-by-case basis, having regard also to the Council's Local Implementation Plan (LIP). In addition, the long-term objective is for the BLE Phase 2 to be delivered within the area, which will enable transformational improvements in public transport.
<b>West area (excluding site allocations)</b>	
General support for revitalisation of Forest Hill district centre. Request for a 'community-led' masterplan to guide this process.	The Local Plan sets the strategic development framework for managing growth and revitalisation of the area. This includes site allocation policies for major development sites and the area around the station approach. The Local Plan makes clear that development proposals must be delivered through a master-plan process, which must be prepared through consultation with local communities. Officers have considered the proposals included in a previously prepared community-led masterplan

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	and efforts have been made to reflect this in the Local Plan. However, there are some limitations around the feasibility of some aspects of the community masterplan, such as works to Transport for London Roads (e.g. South Circular) and other parts of the public realm, and these have not therefore been included in the plan.
Concerns and objections raised about proposals for employment land at Willow Way and Upper Kirkdale local centre.	Following the Regulation 18 consultation the Council has held landowner meetings. Informed by these discussions the site allocation for the Willow Way employment site has been amended to provide more certainty over the masterplan process and outcomes sought. This includes protections for the MOT centre and the amenity of the neighbouring public house.
The Local Plan lacks detail about Ladywell the future objectives for this area.	The Ladywell area comprises largely of an established residential neighbourhood where sensitive intensification will be supported to deliver new homes and other area improvements. Owing to its distinctive historic character there are limited major or large site redevelopment opportunities and therefore few site allocations in Ladywell.
View that the area around Drakefell and Gellatly Roads is overlooked and that more details are required given this is a prominent movement corridor.	The Local Plan has been amended to provide further details for this area, particularly in terms of supporting the Healthy Streets Approach along the corridor.

#### Part Four: Delivery and monitoring

Main Issues	Response
<b>Delivery</b>	
Suggestion that the Planning Obligations guidance should be reviewed and updated in tandem with the Local Plan.	The Council will prepare a future update to the SPD. The Local Plan Viability Assessment has informed the setting of any formulaic approaches to calculating contributions, so to ensure these have been viability tested.
<b>Monitoring</b>	
Monitoring framework is	The monitoring framework is considered

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limited and should be expanded.	proportionate to the Local Plan and focuses on the key objectives set out in Part 1. The Council's key plans and strategies also include monitoring frameworks to support their delivery. However it is acknowledged that the framework could benefit from additional indicators and it has therefore been supplemented.
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## Part Five: Appendices and schedules

Main Issues	Response
<b>Schedules</b>	
Comments regarding land-use designations and requests for changes to these. This is particularly in respect to designations for open spaces, nature sites and town centres.	Following the Regulation 18 consultation the Council has undertaken additional evidence base studies. Informed by these studies the Local Plan has been amended with changes to some designations set out in the Regulation 18 draft Local Plan. The majority of the changes relate to the section on green infrastructure.

## Supporting documents and materials

Main Issues	Response
<b>Integrated Impact Assessment (IIA) / Habitats Regulations Assessment</b>	
Comments on the scope of the Sustainability Appraisal Framework and assessments included in the Interim IIA Report.	Representations on the interim IIA and HRA Reports have been considered and used to inform the Final IIA Reports.
Recommendations for improving or strengthening the Local Plan policies, such as for approaches to river restoration and biodiversity.	The Local Plan policies on Green Infrastructure and Sustainable Design and Infrastructure have been reviewed and amended, taking into account this feedback.
<b>Infrastructure Delivery Plan</b>	
The population projections included in the IDP are out of date and do not adequately account for the	Population projections included in the draft IDP have been reviewed and updated, taking into account the latest borough-level population forecasts prepared by the Greater London

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impacts of Covid-19 and Brexit.	Authority. The IDP has been re-circulated to internal and external stakeholders for their consideration, and updated where appropriate.
New information provided on infrastructure needs and projects, delivery timescales and funding gaps.	The draft IDP has been updated with the latest available information.

## 9. Next steps

- 9.1. Subject to the approval of Mayor and Cabinet and full Council, officers will carry out a Regulation 19 stage public consultation on the Lewisham Local Plan: Proposed Submission document and supporting materials, which are the prescribed 'submission documents'. The statutory minimum period for the consultation is 6-weeks. The LDS update that is due to be considered by Mayor and Cabinet on 14<sup>th</sup> September 2022 programmes this consultation to take place in early autumn 2022.
- 9.2. The Regulation 19 consultation is substantively different from the Regulation 18 stage. The Regulation 18 consultation provides the public with the opportunity to comment on the overall scope of the Local Plan, to help to shape the plan's direction and its detailed policy proposals. The Regulation 19 consultation is much more limited in scope. The public will be invited to comment only on matters of legal compliance (i.e. has the council correctly followed the legal requirements and procedures in preparing the local plan) and soundness (e.g. have the NPPF paragraph 35 tests of soundness been met).
- 9.3. Representations received on the Regulation 19 consultation will be collated and considered by officers. If officers consider that there are no major or 'material' changes required to be made to the plan, then the plan and required supporting documents will be submitted to the Secretary of State for Levelling Up, Communities and Housing for independent examination, as set out in this report's recommendations. Officers may make minor or 'non-material' amendments in advance of this (e.g. formatting, factual corrections, spelling errors, etc.).
- 9.4. Where officers consider that major or material changes are required to ensure the Local Plan is sound, then the plan will need to be amended accordingly with another round of Regulation 19 stage consultation. This would result in a significant delay to the plan process.

## 10. Financial implications

- 10.1. There are no direct financial implications arising from approving the consultation and noting the documents relating to it.
- 10.2. The costs involved in the consultation process, as well as the costs to proceed the Local Plan through the Regulation 19 stage to the end of this financial year will be contained within existing budgets.

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## 11. Legal implications

- 11.1. The Planning and Compulsory Purchase 2004 (as amended) (“the 2004 Act”) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (“the 2012 Regulations”) set out the requirements and the statutory procedure for the preparation of a Local Plan. Details of the particular requirements are set out in the body of the report.
- 11.2. The approval of proposals for public consultation in connection with the production, alteration or withdrawal of development plan documents which includes the Local Plan is a matter reserved to full Council.
- 11.3. Regulation 19 of the 2012 Regulations states that Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).
- 11.4. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.5. In summary, the Council must, in the exercise of its functions, 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 those who do not.
- 11.6. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 11.5 above.
- 11.7. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 11.8. 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”.

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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/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

11.9. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty: A guide for public authorities
- Objectives and the equality duty. A guide for public authorities
- Equality Information and the Equality Duty: A Guide for Public Authorities

11.10. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

## **12. Equalities implications**

12.1. The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.

12.2. The preparation of the Local Plan is being informed by an Integrated Impact Assessment which includes an Equalities Impact Assessment

12.3. Publishing the draft Local Plan at this stage will allow stakeholder/resident views on the content of the document and any likely adverse impacts of policies and proposals on equality groups to be identified and carefully considered prior to the preparation of the final plan document. The proposed submission version of the plan (at Regulation 19 stage) will be supported by an Equalities Impact Assessment (EqIA), which will test at a detailed level all policies and proposals of the plan for equality impacts.

12.4. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following 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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- 12.5. In summary, the Council must, in the exercise of its functions, 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 those who do not.
- 12.6. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 11.5 above.
- 12.7. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances
- 12.8. 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/advice-and-guidance/equality-act-codes-practice>
  - <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 12.9. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
  - Meeting the equality duty in policy and decision-making
  - Engagement and the equality duty: A guide for public authorities
  - Objectives and the equality duty. A guide for public authorities
  - Equality Information and the Equality Duty: A Guide for Public Authorities
- 12.10. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four

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documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

- <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

### **13. Climate change and environmental implications**

- 13.1. Lewisham council is one of the first local authorities in the UK to declare a climate emergency. This declaration has been made recognising that a changing climate will have severe and enduring social, economic and environmental implications, and that tackling climate change is an issue of inequality as the greatest impact will be on the most vulnerable and those least able to protect themselves. A strategic and coordinated approach to addressing climate change is necessary. Collaborative action will need to be pursued by authorities at different levels and across administrative boundaries – in London, the UK and beyond – in order to realise significant positive gains in carbon reduction and to limit global warming. At the same time it is imperative that Lewisham’s communities are made more resilient to the on-going effects of climate change. We are committed to accelerating action on climate change understanding that locally specific responses are urgently needed to help address this global issue in a meaningful way, and that local authorities will need to show more leadership in this regard.
- 13.2. The Local Plan will play an important role in helping the Borough respond to the climate emergency. It provides the strategic framework for climate change mitigation and adaption in respect of the future use and management of land within Lewisham. It also sets out policies to ensure that new development is designed, constructed and operated in a sustainable way. These policies cut across a number of topic areas and reflect the complexity of matters that must be taken into account when planning positively for climate change resilience.

### **14. Crime and disorder implications**

- 14.1. There are no direct crime and disorder implications arising from this report.

### **15. Health and wellbeing implications**

- 15.1. The production of the Local Plan documents 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.

### **16. Background papers**

- 16.1. Lewisham Local Development Scheme (2020)
- 16.2. Lewisham Statement of Community Involvement
- 16.3. Lewisham Local Plan: Main Issues and Preferred Approaches document

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## 17. Glossary

Term	Definition
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.

## 18. Report author and contact

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

19.1. Shola Ojo Principal Accountant, Corporate Resources

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

20.1. Joy Ukadike, Senior Planning Lawyer [Joy.Ukadike@lewisham.gov.uk](mailto:Joy.Ukadike@lewisham.gov.uk)

## 21. Appendices

- Appendix 1a Lewisham Local Plan: Proposed Submission Document – Track change version
- Appendix 1b Lewisham Local Plan: Proposed Submission Document – Clean version
- Appendix 2a Schedule of Proposed Changes to adopted Policies Map
- Appendix 2b Proposed Policy Map
- Appendix 3 Integrated Impact Assessment Final Report
- Appendix 4 Integrated Impact Assessment Non-Technical Summary
- Appendix 5 Habitats Regulations Assessment
- Appendix 6 Local Plan Regulation 18 Consultation Statement on Main Issues and Preferred Approaches (Sep 2022)
- Appendix 7 Local Plan Regulation 18 Consultation Statement on Main Issues (March 2020)
- Appendix 8 Duty to Cooperate Statement (Sep 2020)
- Appendix 9 Infrastructure Delivery Plan (Sep 2020)

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