



Mayor and Cabinet

Local Development Scheme Update

Date: 29 January 2025

Key decision: Yes

Class: Part 1

Ward(s) affected: All

Contributors: David Syme, Head of Strategic Planning

Outline and recommendations

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

The current LDS was adopted and brought into force in September 2022, effectively updating and replacing the 2020 version. That version has provided the project management milestones for the Pre-Submission Consultation; Submission; and much of the following Examination stages of the statutory plan-making process. However, it is no longer up-to-date and does not provide a satisfactory overview of the remaining plan-making processes. The independent Inspectors leading the examination have requested that it be updated. This will ensure the Council has an up-to-date LDS which appropriately reflects the scope of the emerging Local Plan review and the timetable for its production.

Mayor and Cabinet is recommended to:

- a) Note the revised content and timetable of the Local Development Scheme, as set out in Appendix 1, and approve the LDS (January 2025) for formal adoption and publication, taking effect on Feb 2025.

Timeline of engagement and decision-making

The current Local Development Scheme was adopted in September 2022.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

1. Summary

- 1.1. The Council is legally required to prepare and maintain a Local Development Scheme (LDS). This is a procedural document that sets out the timetable for the preparation and review of the Council's planning policy documents, along with the subject matter and geographical area to which these documents relate.
- 1.2. Lewisham's statutory Development Plan, which comprises the Local Plan together with the London Plan and any Neighbourhood Plans, contains the policies against which all planning applications are considered, unless material considerations indicate otherwise. At present the Council's adopted Development Plan Documents (DPDs) include the Core Strategy DPD, Site Allocations DPD, Development Management DPD and the Lewisham Town Centre Local Plan DPD. These are supported by a number of Supplementary Planning Documents (SPDs) and other supporting documents.
- 1.3. The new Lewisham Local Plan, which is a single document that will replace many of the aforementioned texts, is in an advanced state of production. It is currently in the latter stages of the independent examination process (Regulation 24). The independent Inspectors who are examining the new Local Plan have requested that the LDS be brought up to date to provide clear milestones for the remainder of the plan-making process.
- 1.4. The Planning and Compulsory Purchase Act initially required local planning authorities to submit their LDS to the Secretary of State. However this requirement was removed by the Localism Act 2011. Therefore, Lewisham Council can now adopt an LDS without approval by the Secretary of State.
- 1.5. The current LDS was adopted and brought into force in September 2022, effectively updating and replacing the LDS adopted in December 2020. That version has provided the project management milestones for the Pre-Submission Consultation; Submission; and much of the following Examination stages of the statutory plan-making process. However, it is no longer up-to-date and does not provide a satisfactory overview of the dates and milestones for the remaining plan-making processes.
- 1.6. The proposed update will ensure the Council has an up-to-date LDS which appropriately reflects the scope of the emerging Local Plan review and the timetable for its production.
- 1.7. This report sets out the details of the new LDS, including the documents that will form the new Local Plan and the timetable for their production.

2. Recommendations

- 2.1. Mayor and Cabinet is recommended to:
 - a) Note the revised content and timetable of the Local Development Scheme, as set out in Appendix 1, and approve the LDS (January 2025) for formal adoption and publication, taking effect Feb 2025.

3. Policy Context

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 3.1. The Planning and Compulsory Purchase Act (as amended by the Planning Act 2008, the Localism Act 2011 and the Housing and Planning Act 2016), requires local planning authorities to produce and maintain a LDS.
- 3.2. The LDS must specify the local development documents which are to be development plan documents; the subject matter and geographical area to which each document relates; and the timetable for the preparation and revision of these documents. It must be made publicly available and kept up-to-date as it is important that local communities and interested parties can keep track of progress. Any amendments made to the LDS must be published and made available to the public.
- 3.3. Lewisham's Local Plan must also be prepared in accordance with the programme set out in the LDS. This is a matter of legal compliance which will be tested at the plan's independent examination. Where this requirement is not satisfied, the Council will effectively fail this legal compliance test for plan production and be unable to adopt its Local Plan. It is highlighted that the independent Inspectors have requested that the LDS be brought up to date in order to ensure that the precise requirements for legal compliance are met.
- 3.4. The statutory requirements and guidance in respect of the LDS include those set out in:
 - Planning and Compulsory Purchase Act 2004 (as amended) ("the Act")
 - The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the Regulations")
 - National Planning Practice Guidance (NPPG).

4. Background

Lewisham's Development Plan

- 4.1. Lewisham's statutory Development Plan, which comprises the Local Plan together with the London Plan and any Neighbourhood Plans, contains the policies against which all planning applications are considered, unless material considerations indicate otherwise.
- 4.2. At present the Council's Local Plan consists of a portfolio of adopted Development Plan Documents (DPDs) including the Core Strategy DPD, Site Allocations DPD, Development Management DPD and the Lewisham Town Centre Local Plan DPD. These are supported by a number of Supplementary Planning Documents (SPDs), and other documents, that provide guidance to aid with the implementation of the Local Plan policies. The Borough's made/adopted neighbourhood plans also carry material weight in planning decisions.
- 4.3. The Council is now legally required to review its Local Plan every five-years in order to consider whether changes are necessary to bring it in line with the latest national and regional planning policies. The new Lewisham Local Plan is a single document that replaces many of the aforementioned texts is in an advanced state of production. It is currently in the latter stages of the independent examination process (Regulation 24).

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 4.4. Subject to the Mayor and Cabinet and Full Council agreeing to their release it is intended to consult on the proposed Modifications to the new Local Plan for a period of six weeks. A positive outcome will allow the new Local Plan to proceed towards adoption in a timely manner.

Local Development Scheme

Background

- 4.5. The main planning regulations that govern the procedures for plan preparation are the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This allows for different approaches to the overall structure of Local Plans, including a 'single-plan' approach with a fully integrated Local Plan as well as 'multiple-plan' approach comprising a suite of documents.
- 4.6. The Council's current LDS was adopted and brought into force during September 2022, effectively updating and replacing the LDS adopted in December 2020. The LDS sets out the Council's commitment to prepare, produce and adopt a new Local Plan; employing an integrated plan approach by consolidation of the following adopted DPDs:
- Lewisham Core Strategy (2011)
 - Site Allocations Local Plan (2013)
 - Development Management Local Plan (2014)
 - Lewisham Town Centre Local Plan (2014)
- 4.7. The LDS also sets out information regarding the preparation of Supplementary Planning Documents (SPDs) that will support implementation of the Local Plan policies. It is highlighted that SPDs do not include policies and therefore do not have 'Development Plan' status, but they are a material consideration in planning decisions. For clarification, SPD are daughter documents that provide further, supplementary information on the implementation of their parent policies that are/ will be contained within the (new) Local Plan.

Changed circumstances

- 4.8. Since adopting the current LDS during September 2022, the Council has successfully progressed the preparation and production of the new Lewisham Local Plan. This has included successfully meeting several key process milestones. These are:
- a) securing Full Council's agreement to progress public consultation on the Pre-Submission version of the new Local Plan (December 2022);
 - b) public consultation on the Pre-Submission version of the new Local Plan under Regulation 19 (March-April 2023);
 - c) Submission to the Secretary of State for the purpose of examination in public under Regulation 22 (3 November 2023); and
 - d) the commencement of the independent examination under Regulation (November 2023).

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 4.9. However, upon the commencement of the examination in public (under Regulation 24), it became apparent that the subsequent forthcoming milestone would not be met. This was in part due to the process no longer being in the Council's control – as the independent examination is led by the Secretary of State's Inspectors. It is also because the timelines for examinations in public are unpredictable, with their milestones being at risk of change. The Council was mindful of this inevitability and signalled the need to review the LDS to the Inspectors during January 2024; specifically seeking their instruction. Whilst the Inspectors acknowledged the need to maintain an up to date LDS, they were not immediately forthcoming in providing guidance on a reliable set of milestones and instructing the Council to undertake a review.
- 4.10. It is noted that the independent examination in public (Regulation 24) follows a sequential process that is typically comprised of the following stages/ milestones:
- a) Appointment of independent Inspectors
 - b) Inspectors' initial/ preliminary questions to the Council
 - c) Inspectors' Matters, Issues, and Questions (open to all participants)
 - d) Examination in public hearing sessions (in person)
 - e) Publication of the Inspectors' post hearing letter
 - f) Public consultation on the proposed modifications to the plan
 - g) Publication of the recommendations of the appointed person/ Inspectors' Final Report (Regulation 25); and
 - h) The adoption of the new Local Plan by the Council (incorporating any necessary modifications required for soundness).
- 4.11. As stated above, the timeline for examinations can be unpredictable and is vulnerable to delay from a variety of external forces. It is noteworthy that the Council, working closely with the Inspectors, has successfully managed and navigated the examination processes through the examination in public hearing sessions. This was achieved within eight months of submission.
- 4.12. Subsequently, the Inspectors have issued and published their post hearing letter, which sets out the process for the remainder of the examination, up to the publication of their recommendations. Notably, their letter also advises on the need for the Council to review the LDS, to ensure legal compliance.
- 4.13. Given that the Inspectors' letter provides greater certainty for the remaining stages of the examination, this is an opportune moment for the Council. In addition, it provides a chance to agree and fix milestones (for the remaining examination stages) that both the Council and the Inspectors can work towards. The Council has engaged with the Inspectors in the timing of preparing the new LDS, specifically in terms of how it aligns with the release of the proposed modifications for consultation. The new LDS has been prepared accordingly.

Main changes proposed

- 4.14. In light of the changed circumstances set out above, it is now necessary for the purpose of legal compliance to update the LDS. The revised LDS 2025 will

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

clarify the Council's programme of plan-making activities. In particularly the possible opportunities for those with an interest in plan-making within Lewisham to engage in the process.

4.15. It is proposed that the revised LDS (January 2022) will update and replace the current LDS 2022. The key changes are summarised as follows:

- **Revised timescales for Local Plan production** – The LDS revises the milestones for progressing the new Local Plan through remainder of the on-going examination process; the anticipated consultation on the Council's proposed modifications; the Inspectors' recommendations; and adoption. It is anticipated that the new Local Plan could, subject to consultation on the modifications and the Inspectors' recommendations, be in a position to be adopted by the Council during late Summer/Autumn 2025.
- **Supplementary Planning Documents (SPDs)** – The LDS updates information about the Council's existing and proposed suite of SPDs. Specifically, it considers how existing adopted SPDs will be revised following the adoption of the new Local Plan. The revised LDS identifies potential methodologies that would allow the Council to expedite the review of existing SPDs, to align with the new Local Plan, where this is possible. The revised LDS seeks to identify the SPDs that will be prioritised through this exercise. It also identifies new SPDs that will be brought forward following the adoption of the new Local Plan.
- **Update on Neighbourhood Planning** – This is a factual update to reflect that there are currently three adopted Neighbourhood Plans in Lewisham at Lee (Feb 2024), Crofton Park & Honor Oak (May 2022) and Grove Park (August 2021). The revised also identifies the status of neighbourhood areas (in the Borough) that have yet to progress in their plan-making. It should be noted that in accordance with Neighbourhood Planning Legislation a designated area cannot lapse and remains designated even though there may be no active Forum.

5. Financial implications

5.1. There is no direct financial implications.

6. Legal implications

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

(a) at such time as they consider appropriate;

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

(b) when directed to do so by the Secretary of State [or the Mayor of London
In the context of this report, the requirements of Section 15 are satisfied through the proposed modifications and their release for consultation.

- 6.2. Section 9D of the Local Government Act 2000 states that any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local authorities (Functions and Responsibilities (England) Regulations 2000 specifies that certain functions relating to Development Plan documents are by law the responsibility of the Council. No specific reference is made to the preparation of the Local Development Scheme in the Regulations and as it is not a Development Plan Document it is therefore an executive function. Consequently, Mayor & Cabinet are empowered to recommend consultation without requiring full council approval at this stage.
- 6.3. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.4. In summary, the council must, in the exercise of its function, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and persons who do not share it
- 6.5. In the preparation and proposed release of the modifications, due regard has been given to these statutory obligations to ensure that the needs of protected groups are considered.
- 6.6. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.7. 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

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

guidance can be found at:

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

- 6.8. The proposed public consultation complies with statutory requirements for engagement as outlined in the Planning and Compulsory Purchase Act 2004 and associated regulations.

7. Equalities implications

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

8. Climate change and environmental implications

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

9. Crime and disorder implications

- 9.1. There are no crime and disorder implications.

10. Health and wellbeing implications

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

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

11. Background papers

11.1. Lewisham Local Development Scheme (2022)

[Lewisham Council - Local development scheme](#)

12. Glossary

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

13. Report author and contact

13.1. David Syme, Strategic Planning Manager david.syme@lewisham.gov.uk

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

14.1. Shola Ojo Principal Accountant, Corporate Resources. Shola.Ojo@lewisham.gov.uk

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

15.1. Ruby Anugwom, Senior Planning Lawyer (Locum) Ruby.anugwom@lewisham.gov.uk

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

16. Appendices

Appendix 1 – Local Development Scheme (Jan 2025)

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>