

Examination of the Lewisham Local Plan 2020-2040

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8 November 2024

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By email via the Programme Officer

Dear Mr Fenwick,

Examination of the Lewisham Local Plan 2020-2040 Next Steps following the Hearing sessions.

At the Examination Hearing which closed on 18 July 2024 we discussed a number of issues on which the Council's planning policy team agreed to either clarify and update its evidence or provide draft Main Modifications (MMs) to address matters of soundness. These were set out in an action list that was updated after the close of the Hearing and published on the Examination website (LC39). Proposed MMs were also set out in the Schedule of Modifications to the Plan (PD11), although some of those will be updated through the Action Points (APs).

Throughout August, September and October, the Council has worked through the APs and has submitted a set of responses. We are grateful to everyone within the Council who has contributed to the responses.

Please note that we are still awaiting the following outstanding information which was requested at/following the Hearing sessions:

- Updated version of the Infrastructure Delivery Plan (IDP).
- Remaining Statements of Common Ground (SoCG), including the one with Network Rail.

This information is required to be submitted by 22 November 2024.

As indicated at the close of the Hearing, we are now writing to set out the next steps for the Examination. Our comments are based on all that we have read, heard and seen to date. However, we emphasise that the Examination is not yet concluded and consultation on proposed MMs is still to take place. Consequently, the comments set out in this letter are without prejudice to our final conclusions on the Plan and subject to receipt of the outstanding information.

Integrated Impact Assessment (IIA)/Sustainability Appraisal (SA)

The Council has provided some of the information required by AP3 in relation to the process by which spatial strategy options were discounted and selected (LP44A). The commentary set out in Annex A of LP44A in relation to the selection of the preferred option acknowledges that the reasons given in Section 7 of the IIA were brief. It also concludes that with hindsight Section 7 could have set out a more systematic response to the appraisal. However, despite this acknowledgement, the commentary fails to expand on the reasons for the selection of the preferred option or why the option of supporting higher growth at Catford was discounted. We, therefore, require greater detail to address these omissions. Once this has been provided to our satisfaction, the information should be incorporated into a revised IIA which will be consulted upon alongside the MMs.

Local Development Scheme (LDS)

The Council's LDS was published in December 2022 and is now out of date. Consequently, the Council should review the timetable for the preparation and consultation of the MMs and subsequent adoption of the Local Plan and update the LDS accordingly alongside the MMs.

Duty to Cooperate (DtC)

In response to the Inspectors' Preliminary Matters and Initial Questions (LC3), the Council has provided further information regarding meetings which had taken place during Plan preparation. This information should be appended to the DtC Statement (PD08).

Strategic Policies/Non-Strategic Policies

The Council has reviewed and updated the list of strategic and non-strategic policies in the response to AP7. We will liaise with the Council via the Programme Officer (PO) as to how these are to be addressed through the MMs in due course.

Further main modifications

In addition to the proposed MMs already identified, there are a number of matters where we consider that further amendments are necessary to ensure a sound Plan on adoption. We set these out below and advise that the full reasoning for them will be set out separately in our report.

Spatial Strategy - Policy OL1

As submitted, Policy OL1 does not set out the approach to development in areas outside of designated growth areas. In addition, the Plan fails to provide a clear definition of the various regeneration and growth areas. Policy OL1 is, therefore,

ineffective in this regard. The Inspectors will liaise with the Council, via the PO, with regards to MMs to remedy these and other matters identified in the APs in respect of Policy OL1 in due course.

Housing Requirement and Supply

The Council prepared several housing requirement scenarios and updated the housing trajectories to address the need to apply a 20% buffer to the five-year supply of housing land arising from the Housing Delivery Test (HDT) (Dec 2023).

Based on this additional evidence, the Council should apply the Liverpool method to meeting the backlog, but over the remainder of the Plan period, in order to ensure a five-year supply of housing land on adoption. Furthermore, the trajectory should be rolled forward by one year to ensure a 15-year supply of housing land at the point of adoption. This would enable flexibility, should any unexpected delays occur prior to adoption, in order to comply with paragraph 22 of the National Planning Policy Framework (Sept 2023). This approach aligns with Scenario E and E.2 of the housing requirement scenarios identified in LC34B. We note the additional windfall site identified at the former Lewisham College site at Deptford Bridge which could contribute around 450 dwellings which is subject to pre-application consultation. If this site were to come forward it would provide greater flexibility in terms of the housing land supply. The Inspectors will liaise with the Council, via the PO, with regards to MMs to reflect these changes in due course.

Housing Allocations/Trajectory

Following the Hearing sessions revised trajectories have been prepared for each site allocation reflecting discussions regarding the timing, delivery and, in some cases, capacity of the site. These are set out in document LC34B. MMs will need to be made to the housing trajectory in Appendix 6 of the Plan together with any consequential MMs to site allocations and other policies to reflect these revisions.

Gypsy and Traveller Accommodation

The Lewisham Gypsy and Traveller Accommodation Assessment (GTAA) (2016) identifies a need for 6 pitches up to 2031. It is expected that this need will be met through the provision of a site allocation 'Land at Pool Court'. The GTAA does not cover the Plan period; however, a London-wide GTAA is at an advanced stage and will inform the review of the Plan. Consequently, the Plan is justified in identifying relevant needs only to 2031. Policy HO10 will need to be reviewed in due course to reflect the outcome of the London-wide GTAA.

Community Infrastructure

Clarification should be provided in Part B of Policy CI1 as to when off-site contributions towards the provision of community infrastructure would be sought in addition to the matters identified in APs 95 and 96.

Policy CI3 Sports, Recreation and Play should set out the Council's overall approach to meeting the need for such provision, including through the provision of new development in addition to the matters identified in APs 98-102.

Policy TR4 Parking

Part I of Policy TR4 requires that a minimum of 20 per cent of total car parking spaces provided on site must have active provision of charging points for electric or Ultra-Low Emission vehicles. However, this matter is covered by part S of the Building Regulations and should not, therefore, be repeated in the Plan. Consequently, Part I of the Policy should be deleted.

Employment land

AP44 related to the need to understand the jobs growth for B2 and B8 use classes. The Council's response reiterated the narrative of the Plan and also directed us to the Lewisham Industrial Employment Land Study 2023 (LC1/EB22) whereby tables 3.2 and 3.3 set out employment projections by sector in Lewisham. We have also been referred to the 2019 Employment Land Study (EB26) in paragraphs 6.15 and 6.17 on sectoral jobs' growth forecasts.

However, we need clarity regarding what these forecasts specifically indicate in terms of jobs growth or losses in the B2 and B8 use classes? How have the broader sectoral jobs growth forecasts been converted into jobs growth forecasts for B2 and B8 uses. Is there a paragraph/table or section within the employment evidence base that sets these two points out clearly? If not, could the Council indicate a date by which this could be done and submitted please.

From our recollection, AP58 related to the degree to which London Plan E3 was used in decision making on individual applications within Lewisham. Policy EC4 requires the inclusion of a cross reference to London Plan Policy E3 to be effective. The general reference to the London Plan in paragraph 8.23 is not sufficiently precise. This can be actioned through the MMs and the Inspectors will liaise with the Council, via the PO, in due course.

Policy EC10, criterion C refers to financial contributions from major developments being used to support the Council's local labour scheme. This requirement lacks cogent local evidence to be effective and justified. The Council's response to AP65 provides some further detail and a table illustrating recent performance. However, whilst the average percentage of local labour is provided for 2022-2023 there is no figure for 2023-2024. As such this data is very limited. Can the Council confirm when this figure will be available?

Retail/Town Centres

It is noted that the household survey had not been updated within EB24 Lewisham Retail Impact Assessment and Town Centre Trends Study (2021), relying instead on the 2015 survey. As such it is not clear as to how the study responds to more recent trends, such as the increase in online shopping and more recent patterns in household expenditure.

Additional information on the increase in expenditure in locations within Lewisham has been presented in paragraph 4.2 of the Council's response to AP50, which cross refers to paragraph 3.8 of the 2021 Study. However, this relates to the Experian national expenditure data which has been applied to forecast overall expenditure in the Borough. Whilst this data reflects recent national trends, without updating the household survey it is not clear how changes to shopping and leisure patterns (i.e. the

distribution of the overall forecast expenditure at locations and stores across the Borough) have been taken into account. The information presented at paragraph 4.2 of the response to AP50 appears to have been drawn from a different study and does not answer the question set out in AP50. Can the Council clarify its response?

Given that the household survey was not updated, this should be a priority for an update of the 2021 Study in order to inform the review of the Plan.

In addition, the 2021 Study only covers the period to 2035 and not the entire Plan period. We acknowledge the dynamic nature of the retail sector and that it is difficult to predict retail expenditure in the longer term. However, an update of the 2021 Study should be a priority to inform the future review of the Plan.

High Quality Design

Policy QD4 as submitted does not set out other considerations, such as the presence of trees, that might be needed for flexibility when assessing building heights. The Inspectors will liaise with the Council, via the PO, with regards to MMs to remedy this in due course.

Policy QD5 refers to strategic views and local views, however, the accompanying Local Plan Figure 5.11 also refers to 'workshop views.' As the 'workshop views' are not underpinned by clear evidence they are not justified and should be deleted.

Given the previously acknowledged mislabelling of views, it is very important to ensure consistency between the evidence base and the Plan. Can the Council ensure that the labels and the views are correct on a revised Figure 5.11?

Paragraph 5.3 of the Council's response (LC54) refers to a new important local view having been identified. Where is the evidence to support this and is it within the existing evidence base? Is the Council seeking to incorporate this within the Plan?

Paragraph 5.5 indicates that 'there are other design policies that require identification of undesignated important Local Views.' Are these supported by evidence and could the Council identify which policies/policy criterion have this requirement?

Policy GR2 Open Space

As submitted this policy does not set out how new open space provision will be secured through new development and as such it is ineffective in this respect. The Inspectors will liaise with the Council, via the PO, with regards to MMs to remedy this in due course.

Sustainable design and infrastructure

The supporting text to Policy SD3 (minimising greenhouse gas emissions) in paragraph 11.12 refers to the threshold of at least 35%. To be effective this percentage threshold should be within the policy. The Policy should also specifically cross reference London Plan Policy S2 to ensure general conformity with London Plan Policy S2 which includes the threshold in criterion Ba.

Policy SD3, criterion F includes a Table 11.1 which sets out the targets for energy use intensity by building type. These targets are drawn from the Climate Change Design Guide produced by the London Energy Transformation Initiative. However, the

supporting text in paragraph 11.15 refers to the targets as being non-binding and should be used as a guide. As such there is conflict between the policy and the supporting text. Consequently, in relation to AP114, Table 11.1 should be removed from Policy SD4 criterion F and inserted into the supporting text. This will require an MM to remove the table and also amend the wording of criterion F. The Inspectors will liaise with the Council, via the PO, with regards to MMs to remedy this in due course.

Matter 13 Green Infrastructure and Matter 17 LCA SA20 South Circular

The map has now been received from Transport for London showing the revised extent of the realignment of the South Circular Road. The boundaries of the Metropolitan Open Land at St Dunstan's/Jubilee Playing Field and site allocation LCA SA20 need to be revised accordingly as part of changes to the Policies Map (AP106 and AP137 respectively).

Site Selection Process

It is common for the development management process to address contamination. However, where contamination is already known or reasonably suspected then the development requirements for the relevant site allocations will need to include the requirement to address the condition of the land. This should be included within the MMs schedule (AP221).

North Area Allocations

AP161 required an indication of when the temporary waste facility will cease and relocate. The Council's response is that it is "imminent." Could the timescale be clarified?

LNA SA 19 - mixed employment land allocation. We understand that a planning application was resolved to be approved in November 2020 subject to the section 106 agreement being signed and conditions to be discharged. The Council's response to AP162 does not provide any further indication as to the reasons for the delay or a timetable for bringing the site forward. Can the Council provide some clarification on this matter?

Monitoring and Implementation

As discussed in the Hearing session, Table 19.1 Monitoring Table requires amendment to ensure that the indicators, targets/objectives are more specific and measurable in the interests of effectiveness. The Council's response to AP219 indicates that this will form part of the MMs. As such the Inspectors will liaise with the Council, via the PO, regarding this in due course.

Concluding Comments and Next Steps

Overall, at this stage of the Examination, we consider that, subject to MMs, the Plan is likely to be capable of being found legally compliant and sound. Our final conclusions on this and all of the main issues covered in the Matters, Issues and Questions will be set out in our report, which will be published following consultation on the proposed MMs, taking into account any representations on them.

The next step in the Examination is for the Council to prepare a consolidated schedule of all the potential MMs identified prior to, and during, the Hearing sessions, as set out in the SoCG, as arising from action points and matters within this letter. The Council

should also consider the need for any consequential changes that might be required in connection with any potential MMs. A first draft of the MMs was submitted on 25 October, and we will liaise with the Council on these in due course.

The schedule of MMs should be presented in Plan order. The proposed additional (minor) modifications (AMs) should be set out in a separate schedule. For clarity and to avoid an excessive number of MMs, it is best to group all the changes to a single policy together as one MM, setting out the full policy with additions shown underlined and deletions shown as ~~struck through~~. The schedule of MMs should be submitted in Microsoft word format.

There are a number of proposed MMs which would generate changes to the submitted Policies Map. Additionally, the Council has identified a number of areas where the Policies Map needs to be updated and amended for factual and other reasons. It is important that the Schedule of Proposed Changes to the Policies Map accompanies the consultation on the proposed MMs for transparency.

The proposed Policies Map changes and any AMs being proposed by the Council should be published alongside the MMs for completeness, albeit these are outside the scope of the Examination.

The MMs will need to be the subject of Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA), insofar as this is necessary, to be undertaken by the Council prior to consultation and published alongside the proposed MMs.

With regards to the evidence provided by the Council at our request during and after the Hearing sessions, the consultation should make it clear that interested parties can comment on the documents submitted where this relates to their representation on a proposed MM.

Advice on MMs and SA, including the consultation process is set out in the Planning Inspectorate's Procedure Guide for Local Plan Examinations 2024 (in particular, paragraphs 6.1 to 6.12). Amongst other things, this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed MMs and not about other aspects of the Plan and that the MMs are put forward without prejudice to the Inspectors' final conclusions.

We will need to review the schedule of proposed MMs as we may have comments on it. We will also need to agree the final version of the schedule before it is made available for public consultation for a minimum of 6 weeks. The draft SA and HRA should also be sent to us for consideration before they are published alongside the proposed MMs.

If, following the MMs consultation, we consider that a further Hearing is necessary to discuss matters raised in representations, we will advise the Council at that stage. However, currently we do not anticipate a further Hearing will be required.

We would be pleased to receive supplementary responses to the matters we have set out above **by no later than 22 November 2024**.

Following the receipt (and our review) of the supplementary responses we would then be in a position to receive and review the draft Schedule of Main Modifications

accompanied by the updated Sustainability Appraisal (IIA) and the Habitats Regulations Assessment.

We would like to take this opportunity to remind the Council of the consequences of any delays to the provision of this information for the Examination timetable.

A copy of this letter should be published on the Examination website. However, we are not inviting or proposing to accept comments on this letter from any Examination participants. The consultation on the proposed MMs will provide the opportunity for any further representations on whether they adequately address any outstanding issues of soundness and legal compliance with the Plan.

If clarification on the contents of this letter is required, please contact us through the PO.

Yours sincerely,

Caroline Mulloy and *Rachael Bust*
Inspectors