



**Council**

**Lewisham Local Plan – Main Modifications Consultation (Regulation 24  
Independent Examination)**

**Date:** 11 February 2025

**Class:** Part 1

**Ward(s) affected:** All

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

## Outline and recommendations

Following public consultation during Spring 2023, the new Lewisham Local Plan was submitted to the Secretary of State for the purpose of examination in public on 3 November 2023. That process has included public hearing sessions that were held during Summer 2024. Following the close of the hearings the Inspectors have instructed the Council to propose modifications to the new Local Plan. The Report seeks Council's recommendation release of the modifications for public consultation.

Council is recommended to:

- a) Note the new Local Plan's positive and rapid progress through the statutory examination in public process; and
- b) Note and welcome the Inspectors' Post-Hearing Letter/ communication, particularly in respect of the scope and content of the necessary Main Modifications, and the anticipated timetable for the remainder of the examination process and the path towards adoption; and
- c) Agree that the proposed Main Modifications to the new Local Plan, and its accompanying Integrated Impact Assessment and Habitats Regulations Assessment be released for public consultation.

## Timeline of engagement and decision-making

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

- i) Local Plan: Main Issues and Preferred Approaches (Regulation 18 stage) for Mayor and Cabinet approval on 11th March 2020 and Council approval 25th November 2020
- ii) Public consultation on the Local Plan: Main Issues and Preferred Approaches carried out 15th January to 11th April 2021
- iii) Local Plan: Proposed Submission document (Regulation 19 stage) approved by Mayor and Cabinet on 7th December 2022
- iv) Local Plan: Proposed Submission document considered by Council on 18th January 2023
- v) Regulation 19 public consultation 1 March – 26 April 2023
- vi) Regulation 22 Submission to Secretary of State 3 November 2023
- vii) Regulation 24 Independent Examination by Inspectors representing the Secretary of State 3 November 2023 – on-going
- viii) Lewisham Local Examination Public Hearing Sessions June – July 2024
- ix) Inspectors' Post Hearing letter 8 November 2024
- x) Mayor and Cabinet 29 January 2025

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## 1. Summary

- 1.1. The Council, as the local planning authority, has a statutory duty to maintain an up-to-date local plan that covers the whole of Lewisham.
- 1.2. The new Lewisham Local Plan has been in preparation and production since 2018. It is the Council's primary statutory planning policy document, and as such an expression of its strategic objectives that is second only to its Corporate Plan.
- 1.3. The new Lewisham Local Plan sets out a forward-looking vision for Lewisham, along with a planning and investment framework for its delivery over a 20-year period (until 2040). Together with the London Plan and Neighbourhood Plans, it forms the statutory Development Plan for Lewisham, that guides decision-taking by the Council throughout its place-making activities. The new Local Plan has been subject to public consultation and engagement across its entire preparation and production.
- 1.4. Upon its eventual adoption by the Council, the new Lewisham Local Plan will replace the currently adopted documents as follows: Core Strategy (2011), Site Allocations (2013), Development Management (2014) and Lewisham Town Centre (2014) local plans.
- 1.5. During December 2022 the Council's Mayor & Cabinet, and subsequently Full Council considered a draft version of the new Local Plan. Following their consideration, that document became the Proposed Submission Local Plan, which was subject to public consultation during Spring 2023.
- 1.6. Following public consultation during Spring 2023, the new Lewisham Local Plan (Proposed Submission Document) was submitted to the Secretary of State for the purpose of examination in public on 3 November 2023. It was submitted for examination on the basis that the Council considered it sound and legally compliant. It has subsequently been the subject of an examination, led by independent Inspectors representing the Secretary of State, to establish its legal compliance and soundness. It is noted that the examination process seeks to identify and agree the changes to the new Local Plan that will be necessary to ensure that it is sound.
- 1.7. The examination in public process has included public hearing sessions held during Summer 2024. These have provided an opportunity for those with an interest in the plan-making process to engage and make representations on the legal compliance and soundness of the new Local Plan.
- 1.8. Following the close of the hearings the Inspectors instructed the Council to propose modifications to the new Local Plan. These are necessary to ensure that it can be found sound. These have been prepared, discussed, and agreed with the Inspectors. The modifications are now ready for publication and consultation, as required by the Town and Country Planning Regulations.
- 1.9. The Report seeks Council's recommendation for the release of the modifications for public consultation. Following that the Council should be in a favourable position to proceed towards the timely adoption of the Plan.

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## 2. Recommendations

- 2.1 The recommendation to Council is made within the following context. Namely, the new Lewisham Local Plan submitted for examination in public was, prior to its submission, the subject of reports to both the Council's Mayor and Cabinet and Full Council, who determined that it was sound and legally compliant, and on that basis should be subject to public consultation (under Regulation 19) and then submission for the purpose of examination (under Regulation 22). The subsequent examination in public has identified those parts of the new Local Plan that require change and amendment in order to secure its soundness. The Inspectors have instructed Officers, who are acting on behalf of the Council, to prepare proposed modifications that address the matters of soundness. The proposed modifications have been subject to discussion with the Inspectors who acknowledge that they can be published for consultation. The process does not allow for further changes to the modifications – as further amendments are unnecessary to secure soundness.
- 2.2 Council is recommended to:
- a) Note the new Local Plan's positive and rapid progress through the statutory independent examination in public process; and
  - b) Note and welcome the Inspectors' Post-Hearing Letter/ communication, particularly in respect of the scope and content of the necessary Main Modifications, and the anticipated timetable for the remainder of the examination process and the path towards adoption; and
  - c) Agree that the proposed Main Modifications to the new Local Plan, and its accompanying Integrated Impact Assessment and Habitats Regulations Assessment be released for public consultation.

## 3. Policy Context

- 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 and Wales) Regulations 2012 (as amended). This legislation sets out the main legal and procedural requirements that local authorities must meet when preparing local plans.
- 3.2. When local authorities prepare local plans the Government's National Planning Policy Framework (NPPF) must be considered. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It is highlighted that a revised version of the NPPF was published during December 2023, following the Council's submission of the new Local Plan. The transitional arrangements contained within the latest version of the NPPF clearly state that local plans at advanced stages of production will be examined under the published version of national planning policy current at the point of submission. In Lewisham's case this is the NPPF (September 2023). Consequently, all (paragraph) references to national planning policy made throughout the examination process are to the NPPF (September 2023).

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- 3.3. The NPPF outlines 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. The NPPF further outlines the legal 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 update as necessary, and ensure that the existing strategic policies can provide a sufficient supply of new homes over a minimum five-year period.
- 3.6. The NPPF Paragraph 35<sup>1</sup> 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.

**Table 3.1 Tests of soundness**

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, considering 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.

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<sup>1</sup> This reference is specifically to the NPPF (September 2023), which is the version that was current at the time of the new Lewisham Local Plan’s Submission. This is the version that the Plan is being examined under, as per the transitional arrangements set out in the subsequent new NPPF (December 2023).

Consistent with national policy	Enabling the delivery of sustainable development in accordance with the policies in this Framework.
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## The London Plan

- 3.7. The London Plan is the spatial development strategy for Greater London and forms part of Lewisham's statutory Development Plan. The Local Plan must be in general conformity with the London Plan.
- 3.8. 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. The Local Plan must set out a clear strategy for meeting the housing target along with addressing other provisions set out in higher level policy.
- 3.9. Notably, the London Plan also sets out policies that seek to manage and ensure that the Capital's needs for employment and commercial uses are met. This emerged as an issue for the new Local Plan during the public consultation on the Proposed Submission Document (Regulation 19). This matter has been resolved, and an agreement between the Council and the Mayor of London (represented by the Greater London Authority) was secured through the signing of a Statement of Common Ground between the two partners. It was agreed that the Council prepare and propose main modifications to the new Local Plan that clarified how new industrial employment capacity will be secured during its life. This matter is covered further detail below.

## Lewisham Corporate Strategy 2022-2026

- 3.10. The new 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.

## 4. Background

### Lewisham's Development Plan

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

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

- 4.3. At present the Council's Local Plan consists of a portfolio of adopted Development Plan Documents (DPDs) including the Core Strategy DPD, Site Allocations DPD, Development Management DPD and the Lewisham Town Centre Local Plan DPD. These are supported by a number of Supplementary Planning Documents (SPDs), and other documents, that provide guidance to aid with the implementation of the Local Plan policies. There are currently three adopted Neighbourhood Plans in Lewisham at Lee (Feb 2024), Crofton Park & Honor Oak (May 2022) and Grove Park (August 2021) meaning that they have progressed to the stage where they carry material weight in planning decisions.
- 4.4. The Council is legally required to review its Local Plan every five-years in order to consider whether changes are necessary to bring it in line with the latest national and regional planning policies. The Council committed to the review of its existing policies and the preparation of Local Plan through its Local Development Scheme (2015). That work proceeded in earnest with the publication of the Main Issues and Preferred Approaches (Regulation 18 stage) during March 2020. This was followed by further public consultation on Main Issues and Preferred Approaches (Regulation 18 stage) during Q1 2021.
- 4.5. The outputs from the Main Issues and Preferred Approaches (Regulation 18) informed the preparation and production of the Council's Proposed Submission document, which was approved, for the purpose of consultation and submission, by Mayor and Cabinet on 7 December 2022. Subsequently, the Proposed Submission document was published for public consultation (Regulation 19 stage) between March – April 2023. In parallel, the Council prepared and published a new Local Development Scheme that sought to anticipate the milestones for pre-submission consultation; submission for the purpose of examination; the examination; and finally, adoption.
- 4.6. Following the close of the Proposed Submission document consultation (Regulation 19), the Council collated and prepared responses to the submitted representations. It is noted that representations made under the Regulation 19 are not primarily for the Council's benefit. Representations at this point in the process should have focused on the soundness of the plan and the measures (modifications) necessary to address any shortcomings. Progress through to Submission and the subsequent early stages of the examination process was made in accordance with the timetable identified in the Council's Local Development Scheme. However, as the examination unfolded it became clear that the milestones identified in the Local Development Scheme would effectively be superseded by events. Consequently, there is a need for the Council to consider a new revised Local Development Scheme, which takes account of the new Local Plan's milestones as they are now understood. This is the subject of a related report to Mayor and Cabinet.

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## Examination in Public

- 4.7. The new Lewisham Local Plan (the Proposed Submission Document), its technical evidence base and supporting documents (including the Integrated Impact Assessment and Habitat Regulations Assessment), and the Regulation 19 consultation responses were submitted by the Council to the Secretary of State for the purpose of examination in public on 3 November 2023. It was submitted for examination on the basis that the Council considered it sound and legally compliant. The new Local Plan has subsequently been subject to independent examination in public (under Regulation 24). The examination is on-going.
- 4.8. For clarification, the purpose of the examination is to assess a local plan's soundness and legal compliance. Plans are submitted to examination on the basis that they are sound and legally compliant. However, in circumstances where plans are deemed unsound, or fail to meet legal requirements, Inspectors will recommend to submitting councils that they be withdrawn from the process. More frequently, Inspectors will work with the submitting council (and where necessary other participants) to identify and agree modifications to the plan to secure soundness.
- 4.9. The examination process has to date comprised several sequential stages, namely:
- a) the appointment of independent Inspectors that represent the Secretary of State; initial questions (January 2024);
  - b) Inspectors' Matters, Issues & Questions (April 2024);
  - c) Public Hearing Sessions (June-July 2024); and
  - d) post-Hearing Actions for the Council (August-October 2024).
- 4.10. On Wednesday 6 November 2024, the Council received a draft letter from the Inspectors. A copy is enclosed as Appendix 1. The Inspectors' post hearing letter broadly speaks to three points. The first is a request for further technical information. Officers have responded accordingly. The second is that the Council prepare two separate schedules of modifications (see below). Finally, they provide an overview of the next stages of the on-going examination process.
- 4.11. The principal headline messages from the Inspectors' post-hearing letter are positive. These indicate that the examination continues to move forward; that the Inspectors' do not anticipate a need to re-open the hearing sessions; and that subject to the Council providing some further information and negotiating (with the Inspectors) necessary modifications, progress can be made towards consultation (on main modifications) and then towards the adoption of the Plan.
- 4.12. It is noteworthy that the new Lewisham Local Plan has progressed through this process in an extremely timely manner. Experience from elsewhere suggests that similar scale local plans can take anything from eighteen to twenty-four months to progress through the examination from submission, via hearings to the consideration of modifications. There are examples of similar plans taking longer to reach the same point that Lewisham finds itself. The timely progress

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experienced by the new Lewisham Local Plan bodes well for its legal compliance, soundness, and ability to progress to the end of examination and adoption.

## 5. Modifications

- 5.1. Following the close of the examination hearing sessions, Officers agreed with the Inspectors to prepare a schedule of proposed modifications to the new Local Plan. Modifications are proposed to address any potential shortcomings to the new Local Plan – primarily in terms of securing its soundness against the four tests set out in national planning policy. It is important to note that modifications to the new Local Plan were inevitable and anticipated. For clarification, the Inspectors have instructed Officers, acting on behalf of the Council, to consider modifications to specific parts of the new Local Plan (in order to ensure its soundness). It is unknown for a submitted plan to pass through examination without being subject to modification (in order to secure its soundness).
- 5.2. The proposed modifications fall into two categories. The first of these are defined as “Main Modifications”. These are substantive amendments to the new Local Plan that have an impact on how its spatial strategy, planning policies, and site allocations will be applied through decision-taking. These are the modifications that the Inspectors and participants will have the greatest interest.
- 5.3. The second category is defined as “Additional Modifications”. These are sometimes referred to as minor modifications, as they have a lesser impact on the plan. These modifications are essentially comprised of corrections – including to spelling, grammar, formatting, or factual data.
- 5.4. Both types of modification have been identified and prepared across the entire examination process. Officers had initially identified modifications (principally corrections or additional modifications) at the Submission (Regulation 22). These were subsequently followed by modifications proposed in response to the Inspectors’ Initial Questions; their Matters, Issues and Questions; and those agreed with partners as part of agreeing Statements of Common Ground. Modifications also arose and were agreed through the discussions that took place during the examination hearing sessions. Finally, officers agreed, with the Inspectors, to consider further modifications as actions that followed the conclusion of the hearings.
- 5.5. At the conclusion of the above, the Council was tasked, by the Inspectors through their letter, with preparing two separate schedules for the proposed Main and Additional Modifications. Officers have submitted these proposed modifications to the Inspectors, who have confirmed that subject to their application the new Local Plan will be legally compliant and sound. The modifications are set out, in the order that they appear within the Plan, under Annex 2 and 3 respectively.

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## The Main Modifications

- 5.6. As set out above, the examination process has progressed positively. This is manifest not only through its timely advancement but also in terms of the scope and extent of the proposed modifications that are necessary to secure soundness. The Council was able to provide robust and full responses to the Inspectors' Matters, Issues and Questions; and as part of the subsequent discussions that took place during the hearing sessions.
- 5.7. It is noteworthy that the Inspectors considered it unnecessary to consider substantive modifications to many key parts of the new Local Plan. This notably includes the scale and development within Opportunity Areas; affordable housing requirements including contributions from small sites; affordable workspace; the target for specialist accommodation (inclusive of Gypsy & Traveller accommodation); viability for self-build schemes; design quality; the overall approach to pawn shops and betting shops; registered assets of community value; biodiversity net gain; infrastructure provision; and climate change. Equally, the proposed modifications do not substantively alter the spatial strategy and the majority of its associated site allocations. Critically, the Inspectors are not seeking modifications to introduce any additional site allocations.
- 5.8. Nevertheless, the main modifications make several noteworthy amendments to the new Local Plan. In order to provide Members with a full understanding of the key proposed modifications a schedule is set out under Table 4.1 below.

**Table 4.1 Schedule Summarising Key Proposed Modifications**

Ref	Policy Modification	Commentary
1	Modification to all policies to identify their status as either a strategic or non-strategic policy.	This modification was specified by the Inspectors at the examination and responds to the national planning policy requirement that local plan policies identify themselves as either strategic or non-strategic. The proposed modifications provide a clear link from each policy back to the strategic objectives set out at the start of the Plan.
2	Modification to Policy QD1 Delivering high quality design in Lewisham to provide a clear cross-reference to the National Design Guide.	This modification was specified by the Inspectors at the examination. It seeks to clarify the relationship between the new Local Plan and national planning policy guidance on securing quality design.
3	Modification to Policy QD4 Building heights to provide further clarity for decision taking.	This was proposed by the Inspectors at the hearing sessions. Whilst it clarifies the matter of the other possible considerations/ factors that may inform decision-taking on the height of tall new buildings, it does not fundamentally alter the new Local Plan's approach. Proposals will still be expected to include robust design justifications for the heights proposed, including testing in key views.

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4	Amendments to tall building suitability zone	These are fairly minor changes to the extent of the tall building suitability zone agreed through the hearings with the Culverley Green Residents Association.
5	Modifications to Policy QD5 View management	A series of modifications that clarify how view management will be considered through the Council's decision-taking. These modifications were informed by comments from a number of local community groups. The modifications are noteworthy as they suggest that the Council could undertake further work, following adoption, to identify and confirm the status of other locally significant views.
6	Modifications to Policy HO 01 Meeting Lewisham's housing needs; and subsequent supporting text and related tables.	These comprise a comprehensive series of modifications that amend and raise the new Local Plan's housing target, providing further detail in respect of the scale of housing backlog that will be addressed and delivered; and the accommodation of the 20% buffer (on the five-year housing supply) introduced in response to poor housing delivery.
7	Modifications to Policy EC 02 Protecting employment land and delivering new workspace. Associated changes to Policies EC5 Strategic Industrial Locations (SIL); EC6 Locally Significant Industrial Sites (LSIS); and EC7 Mixed-use Employment Locations (MEL).	A comprehensive series of modifications to the policy and its associated supporting text in response to concerns raised by the Mayor of London/ GLA. These modifications focus upon how the new Local Plan will implement, deliver, and manage the provision of industrial employment land and capacity.
8	Policy EC 04 – Low-cost and affordable workspace	The Inspectors advised the Council to prepare a modification that clarified how contributions towards low-cost and affordable workspace would be secured from B2 and B8 developments. They encouraged the Council to engage with those participants who had submitted representations on this matter.
9	Modifications to Policy EC17 Concentration of Uses, its associated supporting text and mapping	To clarify how the Council will apply the policy approach in its decision-taking; specifically in relation to proposals for new hot-food takeaway uses. This suite of relative minor modifications were proposed by the Inspectors to clarify how the policy would be applied.
10	Policy CI1 Safeguarding and securing community infrastructure; and Policy CI2 High quality community infrastructure and its supporting text	A series of modifications that clarify how the policy approach will consider proposals involving existing community uses, and how development viability will be considered during decision-taking.
11	Policy CI3 - Sports, recreation, and play; and Policy GR2 Open space, and its associated supporting text.	A series of modifications across two interrelated policy areas/ approaches that were suggested by the Inspectors in direct response to representations made by the Downham Dividend Society. These seek to make it clear that new provision will be publicly accessible and inclusive; and will secure health, wellbeing, and community cohesiveness improvements for residents.

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12	Policy TR 01 - Sustainable transport and movement, and supporting text and tables	A series of modifications that clarify how new development will deliver necessary transport infrastructure improvements. Importantly, the modifications revisit and relocate the improvement schemes that had previously been identified at submission. There is an associated requirement that the Council update and maintain its Infrastructure Delivery Plan to ensure that improvements are clearly identified, prioritised, and linked to planned-for growth.
13	Policy TR 02 - Bakerloo line extension and supporting text	Modifications that clarify how the policy approach will legally ensure that the route alignment is safeguarded in accordance with the status afforded by the Secretary of State and emerging work from TfL and other BLE partners.
14	Lewisham's Neighbourhoods and Places Table 13.1	Consequential modification to reflect the uplift in housing supply work carried out by the Council and to align with the final proposed housing trajectory. See 6 above.
15	Policy LCA 3 - Catford major centre and surrounds	Modification to include more explicit reference to the re-alignment of the South Circular Road and the need to de-designate Metropolitan Open Land – this is a requirement under national planning policy.
16	Lewisham Central Area site allocations subject to increases – Policy LCA SA 2 – Lewisham Shopping Centre; Policy LCA SA 5 - Land at Conington Road and Lewisham Road (Tesco); Policy LCA SA 15 - Land at Nightingale Grove and Maythorne Cottages; and Policy LCA SA 22 - Ravensbourne Retail Park	Consequential modifications to site allocations to reflect the uplift in housing supply work carried out by the Council and to align with the final proposed housing trajectory. See 6 above.
17	Lewisham North Area site allocations subject to increases - Policy LNA SA 3 – Evelyn Court Locally Significant Industrial Site; Policy LNA SA 5 – Surrey Canal Road and Trundleys Road Locally Significant Industrial Site; Policy LNA SA 6 – Apollo Business Centre Locally Significant Industrial Site; Policy LNA SA 9 – Surrey Canal Triangle Mixed-Use Employment Location; and Policy LNA SA 17 – Lower Creekside Locally Significant Industrial Site	Consequential modifications to site allocations to reflect the uplift in housing supply work carried out by the Council and to align with the final proposed housing trajectory. See 6 above.
18	Lewisham East Area site allocations subject to increases - Policy LEA SA 3 – Leegate Shopping Centre; Policy LEA SA 4 - Sainsbury's Lee Green; and	Consequential modifications to site allocations to reflect the uplift in housing supply work carried out by the Council and to align with the final proposed housing trajectory. See 6 above.

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	Policy LEA SA 7 – Mayfields Hostel, Burnt Ash Hill	
19	Lewisham South Area site allocations subject to increases - Policy LSA SA 1- Former Bell Green Holders and Livesey Memorial Hall; Policy LSA SA 5 - Sydenham Green Group Practice; Policy LSA SA 8 Land at Pool Court, and Policy LSA SA 9 – Catford Police Station	Consequential modifications to site allocations to reflect the uplift in housing supply work carried out by the Council and to align with the final proposed housing trajectory. See 6 above.
20	Lewisham West Area site allocations subject to increases - Policy LWA SA 2 - 6 Mantle Road; Policy LWA SA 3 – Jenner Health Centre; Policy LWA SA 9 – Willow Way Locally Significant Industrial Site (LSIS)	Consequential modifications to site allocations to reflect the uplift in housing supply work carried out by the Council and to align with the final proposed housing trajectory. See 6 above.
21	Policy DM3 Masterplans and comprehensive development	Modifications to clarify the expectations on development industry partners positively engaging with other relevant land owners during the master planning process in order to bring forward site allocations comprehensively. The Inspectors encouraged the Council to engage with a specific participant (Lewisham House) to identify a possible modification.
22	Policy DM4 Land assembly	Modification to clarify the expectations on development industry partners in bringing forward sites in a comprehensive manner. The proposed modification drew upon comments from Landsec.
23	Policy DM7 Monitoring and review and Table 19.1	Modification to the content of the performance monitoring indicators contained within Table 19.1. This modification was proposed by the Inspectors.

- 5.9. Perhaps the most significant being the suite of changes that directly respond to the penalties imposed upon the Council by the previous Government following the outcomes of last year’s (December 2023) Housing Delivery Test. Specifically, the introduction of a 20% buffer (increase) on the Borough’s housing requirement for the first five years of the Plan period. This penalty seeks to increase on-the-ground delivery by bringing forward housing that had been projected for later in the plan period. As implied it results in an effective increase in the housing requirement. As a consequence, the Council is proposing to amend the overall housing requirement (to include the higher buffer and the backlog); amend the trajectory; and where it is appropriate (and possible) intensify supply. The latter being facilitated by a review of all of site allocations, which assessed their ability to accommodate and delivering high intensities of development. This was not an easy exercise – particularly, as on-the-ground delivery remains a key objective. After much discussion with the Inspectors, within and outside of the hearings, the Council was able to demonstrate that the 20% buffer penalty could be engrossed within the new Local Plan’s spatial strategy and existing site allocations. This was a significant achievement. This exercise clearly demonstrates that there is no further

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capacity for delivery growth present across Lewisham (that can be reliably projected through the housing trajectory as being deliverable). For clarification, the Council has to accommodate these modifications; without them the new Local Plan would be found unsound. If the Council were commencing work on a new Local Plan now (January 2025), they would have to accommodate the higher housing requirement as a starting point.

- 5.10. As stated above, the Council received comments from the Mayor of London at Regulation 19 stage that stated that the Submission version of the new Local Plan was not in conformity with his London Plan. This matter specifically relates to how the new Local Plan seeks to manage the provision and capacity of industrial employment land provision. Subsequent discussions with the Mayor of London (via the Greater London Authority) provided a solution to this matter, through main modifications, which was formally agreed through the signing of a Statement of Common Ground. The latter identifying a series of inter-related main modifications to the new Local Plan's employment policies. Whilst these modifications are extensive, they do not fundamentally alter the approach towards industrial employment land provision being taken by the new Local Plan. The proposed modifications resolve this matter and the risk of non-conformity with the London Plan is now low.
- 5.11. The Council has also sought to positively respond, through the submission of modifications, to specific comments made by local community groups. These include modifications that respond to the Culverley Green Residents' Association; the Blackheath Society; the Sydenham Ridge Society; and the Downham Dividend Society.

## **6. Next Steps and Consultation**

- 6.1. The next stage of the examination process will be for the Council to release the proposed modifications for public consultation for a period of six weeks. That consultation process will focus solely upon the modifications. Participants will only be able to comment on the soundness of the identified proposed modifications, its accompanying Integrated Impact Assessment and Habitats Regulations Assessment, and nothing else. All submitted comments will be considered by the Inspectors, who will either ask the Council to consider preparing further modifications or recommend that the Council proceed with the modifications (as proposed), which would allow for the adoption of the Plan.
- 6.2. The proposed modifications that have been identified through the examination process and agreed with the Inspectors are necessary to secure the soundness of the new Local Plan. They are a direct outcome of the examination process. Unlike previous stages of the plan-making process, specifically those prior to submission and examination, there is no opportunity for the Council to unilaterally amend the modifications – as these specific changes are necessary to ensure the new Local Plan's soundness. Consequently, the Report recommends that Council agree that they be released for public consultation.

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- 6.3. The Council can be confident that the remainder of the Plan, that is not subject to any modification, will remain “untouched” by the examination through to formal adoption.
- 6.4. It remains, in the interests of sustainable place-making and decision-taking, for the Council to proceed towards consultation on the modifications in a timely manner. It is reiterated that Lewisham’s new Local Plan has arrived at this point in good time. Other similar plans, elsewhere in England, are taking longer. The Inspectors have shown that they are keen to move forward in a timely manner, and it is in the Council’s interests to do the same. As stated above, as the modifications are fundamental to the overall soundness of the new Local Plan there is no opportunity to adjust them further. Consequently, the recommendation to Council is that the modifications be approved for release for the purpose of consultation with minimal delay.
- 6.5. On that basis, consultation on the modifications will commence subject to Mayor and Cabinet and Full Council agreement and run for six weeks. Those who have participated in the examination will be notified and will have an opportunity to comment on the proposed modifications. The process is open to others, with an interest in the new Local Plan, to respond, albeit that any comments will be entirely limited to the modifications. Upon the conclusion of the consultation, all comments received will be passed to the Inspectors for their consideration. The Council will manage the consultation process in accordance with its adopted Statement of Community Involvement.
- 6.6. It is anticipated that the Inspectors may respond in the following manner. They will (ideally) find that the comments raise no substantive issues of soundness (in relation to the modifications) and thereby clear the way for their final report and recommendation that the Council formally modifies the Plan (in accordance with the proposed modifications). This would allow the Council, subject to Mayor and Cabinet and Council approval to adopt the modified Plan. This could be possible by Summer/Autumn 2025. Alternatively, the Inspectors may find that the comments raise further questions, to which the Council will need to respond. This may generate further modifications, which themselves will require further consultation, with associated impacts on the remaining examination timeline. Whilst this outcome appears unlikely, it is possible. By proceeding to consultation on the current proposed modifications in a timely manner, the Council will be reducing the risk associated with any possible delay that may be generated by the need for further modifications.
- 6.7. In parallel to the above, it is highlighted that the Lewisham Local Development Scheme, which maps the programme for delivering the new Local Plan, is now out-of-date. It is a statutory requirement upon the Council to maintain this document. The Inspectors have highlighted this matter. Following discussion, the Council has agreed with the Inspectors that the Local Development Scheme be updated in parallel with the release of the proposed modifications for consultation. That approach allows the setting of milestones with greater certainty – as the dates for the consultation will be known, and subsequent stages of the remaining process will be more predictable. The revised Local Development Scheme is the subject of a separate related report to Mayor & Cabinet, which recommends its adoption.

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## 7. Financial implications

- 7.1. There is no direct financial implications.
- 7.2. The costs involved in the consultation process, as well as the costs to proceed the Local Plan through to the conclusion of the examination, and onto adoption, will be contained within existing budgets for the following Financial Year (2025-26).

## 8. Legal implications

- 8.1. The preparation of the new Local Plan, including any modifications, must comply with the statutory requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 18 outlines the duty to consult during preparation, while Regulation 19 sets out requirements for pre-submission consultation and publication. Regulation 20 governs the submission of representations, and Regulation 22 relates to the submission of the plan to the Secretary of State. The report confirms compliance with these requirements, ensuring that the Plan can proceed to adoption.
- 8.2. Section 20(5) of the Planning and Compulsory Purchase Act 2004 requires the independent examination of the Plan to assess whether it is legally compliant and sound. The modifications address any issues raised during the examination process that could prevent the plan from being adopted. By consulting on these modifications, the Council ensures procedural compliance and gives stakeholders the opportunity to comment solely on the changes, as required by Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 8.3. Section 9D of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 define the functions that are the responsibility of the Council or the Executive. The Secretary of State has the power to make regulations specifying which functions are not to be the responsibility of an executive, which may be the responsibility of an executive, or which are to be the responsibility of an executive to a certain extent. This report appropriately seeks Council's recommendation, aligning with the statutory framework.
- 8.4. The six-week consultation process provides an opportunity for those who have participated in the examination, as well as other interested parties, to comment on the proposed modifications. Procedural fairness and transparency require that this consultation is conducted in line with statutory regulations. The scope of comments is limited to the modifications, ensuring that no new matters outside the Inspectors' recommendations are introduced at this stage.

## 9. Equalities implications

- 9.1. Under section 149 of the **Equality Act 2010**, the Council has a duty to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different groups. The preparation and consultation processes for the new Local Plan must demonstrate compliance with the PSED. This has been considered and there

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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.

- 9.2. The preparation of the Local Plan has been informed by an Integrated Impact Assessment which includes an Equalities Impact Assessment. The consultation on the proposed modifications will be supported by an updated version of Integrated Impact Assessment that considers the main changes to the new Local Plan. The revised Integrated Impact Assessment will form part of that consultation.

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

- 10.1. 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.
- 10.2. 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.

## **11. Crime and disorder implications**

- 11.1. There are no crime and disorder implications.

## **12. Health and wellbeing implications**

- 12.1. The production of the Local Plan documents have health and wellbeing implications. These are considered through the plan-making process for Local Plan documents. This is principally 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.

## **13. Background papers**

- 13.1. See Local Plan website [Lewisham Local Plan Examination](#)

## **14. Glossary**

<b>Term</b>	<b>Definition</b>
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

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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.

## 15. Report author and contact

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

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

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## 18. Appendices

- A) Inspectors' Post-Hearing Letter (8 November 2024)
- B) Proposed Main Modifications
- C) Proposed Additional Modifications
- D) Schedule of policy map changes
- E) IIA addendum
- F) HRA statement
- G) Lewisham Local Plan: Track change version at Modifications Stage (January 2025)

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