

MAYOR & CABINET		
Report Title	Update: Response on outstanding scrutiny matters	
Key Decision	No	Item No.
Ward	n/a	
Contributors	Director of Planning	
Class	Part 1	Date: 5 June 2019

1. Summary

1.1 This report addresses a number of outstanding scrutiny matters and provides a response to Mayor and Cabinet on these. The report covers responses to the following:

- Comments of Sustainable Development Select Committee on Neighbourhood CIL – 16 January 2019
- Comments of Sustainable Development Select Committee on New Cross Framework and Station Opportunity – 27 March 2019
- Comments of Sustainable Development Select Committee on Planning Annual Monitoring Report – 27 March 2019

2. Update and Response to the Mayor

Neighbourhood CIL (NCIL)

- 2.1 On the 16 January 2019 a report was presented to Mayor and Cabinet of the comments and views of the Sustainable Development Select Committee, arising from discussions about proposals for spending Neighbourhood Community Infrastructure Levy funds.
- 2.2 This follows on from the 21 November 2018 Mayor & Cabinet where it was agreed that the report on NCIL before them be withdrawn to allow pre-decision scrutiny at the Overview & Scrutiny Business Panel and Sustainable Development Select Committee. Pre-decision scrutiny occurred at SDSC on 12 December 2018, and at OSBP on the 29 January 2019.
- 2.3 At the 12 December 2018 meeting the Sustainable Development Select Committee considered an officer report on proposals for Neighbourhood Community Infrastructure Levy (CIL). This followed on from a long-running engagement with SDSC on proposals around CIL and S106 including reporting to SDSC on the 29 Nov 2016 and the 14 Dec 2017 where an update on S106 and CIL was provided including a discussion on the strategy, proposed pilot, and principles of CIL spending.

Sustainable Development Select Committee views

2.4 On Wednesday 12 December, the Sustainable Development Select Committee considered an officer report on proposals for neighbourhood community infrastructure levy (CIL).

2.5 The Committee resolved to advise Mayor and Cabinet of the following:

- The Committee disagrees with the tight timescale that has been developed for the proposals. It believes that more time should be taken to assess the options and to develop robust proposals.
- The Committee believes that the process for allocating neighbourhood CIL should be as open, transparent and as fair as possible. However, it recognises that it is not possible to develop a process that will satisfy everyone.
- The Committee believes that the proposals should give greater recognition to the level of quantifiable change (such as a measurable increase in population) that occurs as a result of new development.
- The Committee believes that the proposals should give consideration to levels of demonstrable need across the whole borough. The Committee recognises that the primary purpose of CIL is to mitigate the impact of large scale development but it is also conscious that there are areas of borough, without major projects being planned, that have significant need for infrastructure spending.
- The Committee recommends that consideration be given to an assessment of deprivation that is more specific than the indices of multiple deprivation.
- The Committee recommends that a baseline sum of funding should be provided for all wards (and that consideration should be given to reducing the all ward pot or increasing the overall level of neighbourhood CIL to fund this).
- The Committee is concerned about the use of wards to allocate funding. It recommends that consideration should be given to other options for demarcating the areas in which funding can be used. This might include allocating spending to projects within a set distance from a development, rather than within a single ward. The Committee also noted the likely future changes in ward boundaries and it requested that the potential implications of these changes be considered by officers.
- The Committee recommends that further clarity be provided about the proposed role of councillors in the allocation of funding.
- The Committee requests that further information be made available about the types of projects that can be funded using neighbourhood CIL.
- The Committee notes the importance of minority communities, communities of interest and groups with protected characteristics under the Equality Act (2010). The Committee asks that the needs of all communities and groups be given consideration in the future development of proposals.

- The Committee recommends that thought should be given to the options for engaging as many residents as possible in decisions about neighbourhood CIL allocation. This might include the use of digital platforms, Commonplace and options for holding votes.

Update of issues raised

- 2.6 The Planning Team have presented the proposed NCIL strategy to SDSC most recently in December 2018 as well as to OSBP in January 2019. In addition to these formal processes, the Planning Team have provided two all member briefings on 21 January 2019 and 29 April 2019. There will be a further presentation of the revised report to SDSC on 4th June.
- 2.7 All of the comments received, including formal resolutions and recommendations from these committees have been reviewed and considered, and where relevant, have been addressed as part of the report before Mayor & Cabinet at this meeting.
- 2.8 In addition to the report currently before Mayor & Cabinet, the Planning Team have also produced and presented at the 29 April 2019 all member briefing, two draft guidance documents aimed at members and Lewisham residents. These guidance documents are intended to be published as part of the NCIL process, and seek to provide further clarification and guidance on the proposed process. They address many of the comments made by SDSC, as well as in relation to comments raised more generally by members during the process of engagement.

New Cross Framework and Station Opportunity Study

- 2.9 On the 27 March 2019 a report was presented to Mayor & Cabinet of the comments and views of the Sustainable Development Select Committee, arising from discussions about the New Cross area framework and station opportunity study.
- 2.10 On 4 March 2019, the Sustainable Development Select Committee considered the New Cross area framework and station opportunity. The report provides a summary of the New Cross Area Framework and Station Opportunity Study (NXAF + SOS) from inception to the final draft document being presented to SDSC.
- 2.11 The Select Committee is invited to note the findings of the NXAF + SOS, and comment on the final draft of the NXAF + SOS. Following this the NXAF + SOS will be reported to Mayor and Cabinet for approval, and if approved, will form part of the evidence base for the emerging LB Lewisham Local Plan.

Sustainable Development Select Committee views

- 2.12 On Monday 4 March, the Sustainable Development Select Committee considered the New Cross area framework and station opportunity.
- 2.13 The Committee resolved to advise Mayor and Cabinet of the following:

- The Committee commends the work that took place to develop this piece of work.
- The communications team should be tasked with publicising the study and making it accessible to residents.

Update of issues raised

- 2.14 The New Cross framework has been informed by a long process of public participation, and formal consultation occurred in 2018 in partnership with the GLA and TfL. Public consultation has been an integral part of the project, and has combined workshops, site visits, public drop-in events, presentations, exhibitions, library notices, and online consultations. More detailed information on the material presented and responses received through this process can be found in Chapter 7.2 of the study.
- 2.15 Planning officers and the Mayor's office will speak with the communications team on taking the recommendations from SDSC forward in relation to publicising the study as part of the ongoing work associated with this.

Annual Monitoring Report 2018/19

- 2.16 On the 27 March 2019 a report was presented to Mayor & Cabinet of the comments and views of the Sustainable Development Select Committee, arising from discussions about the planning service Annual Monitoring Report for the financial year 2018/2019.
- 2.17 On 4 March 2019, the Sustainable Development Select Committee considered an officer report on the planning services' Annual Monitoring Report for the monitoring period 1st April 2017 to 31st March 2018.

Sustainable Development Select Committee views

- 2.18 On Monday 4 March, the Sustainable Development Select Committee considered an officer report on the planning services' annual monitoring report.
- 2.19 The Committee resolved to advise Mayor and Cabinet of the following:
- The Committee would welcome a short, visual, two page summary of the annual monitoring report in future editions. It asks that this include key performance indicators for the service that can be widely understood.
 - The Committee believes that allocation for self-build sites should be included in the five year housing land supply.
 - The Committee requests that additional information be provided about the number of lawful development certificates issued by the Council, including a disaggregation by type.
 - The Committee also requests that further analysis and benchmarking (with other authorities) of enforcement notices and cases be carried out.
 - The Committee recommends that a review should be undertaken of the resources currently allocated to planning enforcement and building control.
 - The Committee also recommends that the relevant cabinet member should meet with building control, the planning service and planning enforcement to identify what changes to national definitions and regulations would be needed to improve the statutory powers of these teams in order to ensure better standards and compliance in future.

- The Committee is concerned about the loss of employment space in Lewisham and it urges the Council to consider the potential impact of the borough becoming a purely residential location.
- The Committee plans to scrutinise the implementation of the 'building the local economy' priority in the corporate strategy. It intends to invite the cabinet member to a future meeting to provide an update on progress.

Update of issues raised

- 2.20 The AMR 2018/19 contains an executive summary which outlines the key monitoring issues from the year. The Planning Team will look into the process for providing a more condensed summary during the production of the forthcoming AMR 2019/2020.
- 2.21 The council is statutorily required to keep a self-build register which includes a duty to have regard to the register. The new local plan will be looking at opportunities to make provision for self-build sites, in the context of contributing to the delivery of the borough's challenging housing targets. Where such a site is granted planning consent then it would form part of the five year housing land supply.
- 2.22 Planning officers will work with building control officers to prepare a short briefing note advising the Mayor of changes to national definitions and regulations needed to improve statutory powers.
- 2.23 As part of the work of the new Local Plan there is a renewed emphasis on the role of employment and industrial land in Lewisham. SDSC have been updated in 2019 on the findings of the evidence base related to employment land, and policies are being drafted to provide continued strong support for the protection and improved use of these sites, in addition to wider policies that seek to promote employment and economic development within the borough.
- 2.24 In terms of reporting on the additional items identified by the committee on lawful development certificates and enforcement, the Planning Team will review these and look into ways in which these can be taken forward as part of the next AMR.