

<b>Sustainable Development Select Committee</b>			
<b>Title</b>	Lewisham Local Plan - Regulation 18 stage "preferred approaches" document	<b>Item No</b>	5
<b>Contributors</b>	Executive Director of Housing, Regeneration and Environment		
<b>Class</b>	Part 1 (open)	<b>Date</b>	21 January 2020

## **1. Purpose**

- 1.1. The Local Plan sets out the long-term development strategy for the Borough and is one of the Council's most important documents. It makes provision for new housing, employment and other development needs including the necessary infrastructure to support good growth. It has a key role in implementing the spatial aspects of the Council's Corporate Strategy.
- 1.2. A new local plan is being prepared to respond to Lewisham's local requirements and to reflect national and London Plan policy changes that have emerged in recent years.
- 1.3. The purpose of this report is to provide Sustainable Development Select Committee with the information needed to consider the Lewisham Local Plan - Regulation 18 stage "preferred approaches" document (Draft Local Plan) which is being recommended to Mayor and Cabinet on 11<sup>th</sup> March 2020 for public consultation.

## **2. Recommendation**

- 2.1. The Sustainable Development Select Committee is recommended to:
  - a. Note the contents of the Draft Local Plan
  - b. Advise Mayor and Cabinet of any matters it wishes to be taken into account with regard to the content of the draft Local Plan, prior to the commencement of public consultation
  - c. Note the next steps of the plan preparation process and the timetable changes
  - d. Note the financial and legal implications set out in this report

## **3. Background**

- 3.1. The Local Plan is the main development plan document for LB Lewisham, setting out a vision and strategy for future development of the borough, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure, as well as providing detailed policies for managing growth and change, safeguarding the environment, meeting the challenge of climate change, securing good design in developments, and identifying specific proposals for the use of land in the borough.

- 3.2. The Local Plan also has an important role in translating any corporate strategy into a spatial vision for the borough, along with guidance to assist in delivering that vision.

#### Reasons for a new Local Plan

- 3.3. The council has a statutory duty to review its Local Plan every 5 years. The current Local Plan has helped the council to secure and deliver significant investment in homes, jobs and infrastructure. Most of the key strategic sites identified by the Plan for development now have planning permission or have started/completed build out. A new overarching strategy is therefore required to ensure that current and future local needs, such as for housing and employment floorspace, can be accommodated in appropriate locations. For sustainable community development it is vital that such needs are met in a coordinated rather than piecemeal manner.
- 3.4. Furthermore, the Local Plan is required to be in line with national and regional planning policy. Crucially, there have been significant changes in this higher level policy landscape since the Plan was adopted. The new National Planning Policy Framework (NPPF) and its associated guidance were first published in July 2018 and revised in February 2019. Together these help give effect to the Government's proposals set out in the Housing White Paper ("Fixing our broken housing market").
- 3.5. In addition, the current London Plan, which came into force in March 2016, is in the process of being replaced. The Examination in Public (EiP) on the draft new London Plan was held between 15th January and 22nd May 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations on 8th October 2019.
- 3.6. On the 9th December 2019, the London Mayor issued to the Secretary of State his intension to publish the London Plan. The Secretary of State has 6 weeks to consider the plan and supporting documents.
- 3.7. Whilst there is still uncertainty on the exact figures, it is clear that Lewisham's strategic housing target will increase in the light of these higher level policies.
- 3.8. The new Local Plan provides a timely opportunity to reconsider the borough's overall development strategy in light of the aforementioned issues and policy changes, particularly in a manner that confidently aligns with the latest corporate strategy and key priorities across the council.

#### Risk management

- 3.9. In the absence of an up-to-date Local Plan that aligns with the latest NPPF and London Plan, it will become increasingly difficult to influence and determine development proposals which fail to deliver positive outcomes for Lewisham. The National Planning Policy Framework (NPPF) clearly states, at paragraph 11, that where there are no development plan policies, or the

policies which are most important for determining an application are out-of-date, the council must grant planning permission (unless very limited exceptional circumstances apply). By not updating its Local Plan, the council would effectively render a number of policies out-of-date and significantly compromise its ability to make planning decisions based on local circumstances.

- 3.10. Further compounding the above risk is the new Housing Delivery Test (HDT) introduced by the NPPF (2019). The HDT sets punitive measures for local authorities who are not meeting their housing targets, including the imposition of the 'presumption in favour of sustainable development' in line with NPPF, paragraph 11, discussed above. Furthermore, the 'presumption' will continue to apply where the council is unable to demonstrate a five year housing land supply (5YHLS) of deliverable sites against its housing target, at any given time. Developers are increasingly challenging authorities on the 5YHLS through the planning appeal process
- 3.11. In summary, in the absence of an up-to-date Local Plan (which provides a sufficient supply of development sites to ensure delivery against Lewisham's new higher housing targets), the council is at risk of having punitive measures imposed on it, and is more likely to experience 'planning by appeal' on a regular basis.

#### **4. Policy context**

##### National Planning Policy Framework (NPPF)

- 4.1. The preparation of a new Local Plan must comply with the National Planning Policy Framework (NPPF) (revised February 2019). The NPPF sets out the Government's planning policies for England and how these are expected to be applied.
- 4.2. Paragraphs 15-16 of the NPPF outlines the expectations and requirements for local authorities in preparing a new Local Plan. Specifically, local authorities need to ensure that new plans are succinct and up-to-date, provide a positive vision for the future, and present a framework for addressing housing need and other economic, social and environmental priorities. Local authorities also need to ensure that plans be 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.
- 4.3. Paragraphs 24-27 of the NPPF further outlines the requirements for local planning authorities to ensure that their plan addresses the relevant strategic matters that have broader spatial implications that cross administrative boundaries ("duty to co-operate"), 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 new Plan.

- 4.4. Local plans are also required to be reviewed at least once every five years, and updated as necessary (Paragraph 33), and ensure that the existing strategic policies can provide a sufficient supply of new homes over a minimum five year period (Paragraph 73-76). Given that Lewisham's current Core Strategy was published in 2011, and sites allocated for development in the Strategy have largely been taken up or built out, Council is obliged at this time to prepare a new Local Plan to meet the requirements of Paragraph 33 and 73-76 of the NPPF.
- 4.5. Further, the new Local Plan needs to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the Regulations"). Regulation 18 outlines the first steps that must be undertaken in preparing a local plan, including who needs to be notified, and how a local authority should consider feedback received during public consultation when preparing a final draft Plan for submission to the Secretary of State.
- 4.6. The Planning Service has previously undertaken an early stage Regulation 18 consultation of the emerging draft Local Plan (Consultation of Main Issues) in October-November 2015. The feedback received during that consultation period has informed and shaped the spatial strategy draft policies of the 'Preferred Approach' document described in this report.

#### Lewisham's Corporate Strategy 2019

- 4.7. The Local Plan sets out the long-term development strategy for the Borough and is one of the Council's most important strategies. It makes provision for new housing, employment and other development needs including infrastructure. It has a key role in implementing the spatial aspects of the Council's Corporate Strategy including:
  - Open Lewisham - Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.
  - Tackling the housing crisis - Everyone has a decent home that is secure and affordable.
  - Building an inclusive local economy - Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
  - Making Lewisham greener - Everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.
  - Building safer communities - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

## 5. How the plan is being prepared

### Key stages

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

### Timetable / Local Development Scheme

- 5.2. The timetable for preparing the Local Plan is set out in the council's adopted Local Development Scheme (LDS). The latest LDS was approved by Mayor and Cabinet on 10<sup>th</sup> January 2018.
- 5.3. The approved LDS was prepared to ensure the council was in a position to respond to anticipated changes in the higher level policy framework including the NPPF and the draft London Plan. An unexpected revision to the NPPF in Feb 2019, delays in the preparation of the draft London Plan and a general election in December 2019 have resulted in a significant delay to the approved LDS timetable.

- 5.4. As such the Council is seeking to revise its LDS. The table below sets out the key stages of the plan making process, the anticipated programme and highlights the current stage of production.

<b>Milestone</b>	<b>Indicative Date</b>
First engagement and consultation (first local call for sites)	May – June 2015
Consultation on initial main issues (proposals not taken forward)	October – November 2015
GLA call for sites (SHLAA)	March – June 2016
Second engagement and consultation (second local call for sites)	September – November 2018
Preparing the Draft Local Plan / reviewing responses from call for sites and preparing technical evidence bases	Autumn 2018 – Spring 2020
Draft Local Plan (Regulation 18 consultation)	Spring/Summer 2020
Publication of the Local Plan for Submission (Regulation 19 consultation)	Winter 2020/2021
Submission to the Secretary of State (Regulation 22 submission)	Spring/Summer 2021
Examination by a Planning Inspector	Autumn/Winter 2021
Adoption by Full council	2022

### Evidence base

- 5.5. The Local Plan has to be underpinned by a robust evidence base to justify the policy approach. We have compiled a number of studies and supporting documents to help inform the preparation of the new Local Plan. These have been prepared both by the council and other organisations, including government bodies. Collectively, these documents are known as the 'evidence base'. The evidence base helps to ensure that the approaches and policies in the Local Plan are appropriate and justified, taking into account the latest available information.
- 5.6. Our evidence base comprises technical studies, research reports, site and area masterplans, an Integrated Impact Assessment and other information covering a variety of topic areas and local issues, including: design, housing, economy, environment, transport and infrastructure. The evidence base documents have been made publically available on the council's website and form part of the Local Plan library.

### Integrated Impact Assessment

- 5.7. An Integrated Impact Assessment (IIA) helps to inform the preparation of the Local Plan. It is a detailed analysis of the potential environmental, social and economic effects of the plan. The IIA brings different types of assessment together into a single process, including:
- Strategic Environmental Assessment (SEA)
  - Sustainability Appraisal (SA)
  - Equalities Impact Assessment (EqIA)
  - Health Impact Assessment (HIA)
- 5.8. The IIA is undertaken as an iterative process during the plan's preparation. It includes assessments of preferred policy approaches and reasonable alternatives. Reports are published and consulted on at key stages in the plan process, often alongside draft Local Plan documents. The IIA helps to identify potential issues at an early stage so that measures to avoid or mitigate harm, and improve expected outcomes, can be incorporated into the plan.
- 5.9. A separate Habitats Regulations Assessment (HRA) is also carried out to assess whether protected habitats and species may be adversely impacted by the plan's implementation.

### Tests of soundness

- 5.10. The Local Plan sets out an ambitious programme to help facilitate investment in our neighbourhoods and sustainably manage growth over the long-term. To realise the plan's vision and to secure the new homes, jobs and infrastructure required for Lewisham, the plan must be demonstrated to be deliverable. The NPPF sets out 'tests of soundness' that help to ensure deliverability. The soundness of the plan is assessed at the examination stage.

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

### Member briefings

- 5.11. In order to ensure that Members have been engaged throughout the plan process and have had the opportunity to influence its direction, the Strategic Planning Team has facilitated a series of All Members Briefings. To-date, 4 sessions have been held, two held in July 2018, one held in October 2018 and the most recent one taking place in July 2019.
- 5.12. The first session (July 2018) focused on the plan making process and some of the key challenges and opportunities arising through the plan review.
- 5.13. The second sessions (July 2018) set out the 'direction of travel' on the new plan and potential broad strategic options for the spatial strategy.
- 5.14. The third session (Oct 2018) agreed the 'strategic objectives' for the new Local Plan with members and outlined the emerging spatial strategy for the borough. The 'strategic objectives' will frame the strategy and detailed policies for the plan, and will ultimately help to ensure that the plan helps give effect to the new corporate strategy.
- 5.15. At the most recent session on 15<sup>th</sup> July 2019, officers presented an overview of the draft development management policies and the draft site portfolio:
- The Development Management policies cover the detailed requirements and standards we would expect all new development to comply with. These policies cover a wide range of topic areas including housing, employment land, town centres, open space and climate change resilience.
  - The draft site portfolio contains the emerging portfolio of strategic development sites. These sites are being considered for inclusion as

site allocation policies in the new plan. The sites will help us to meet our future housing, employment, and town centre/retail targets, along with other local needs, and safeguard land for strategic infrastructure, such as for transport.

- 5.16. A package of Local Plan documents covering the above was circulated to all members before and after the session in July 2019 for comments, feedback and/or clarifications. This member's consultation period ran between 12<sup>th</sup> July 2019 until the 18<sup>th</sup> December 2019.
- 5.17. Officers expect to continue engaging with Members throughout the course of the Local Plan's production, both through briefings and more formally through the Key Decision process.

## 6. Draft Local Plan Contents

### Scope of the Draft Local Plan

- 6.1. Lewisham's current, adopted Local Plan consists of a package of documents. These form the council's statutory development plan, alongside the London Plan and any future neighbourhood plans prepared by community groups. Currently, the Local Plan includes:
- The Core Strategy (2011)
  - Site Allocations (2013)
  - Development Management policies (2014) and
  - Lewisham Town Centre local plan (2014).
- 6.2. The Draft Local Plan brings these documents into a single, updated plan.

### Structure of the Draft Local Plan

- 6.3. For legibility the Local Plan is set out in main parts and sub-sections that cover a number of policy areas however it must be read as a whole, particularly for the purpose of planning and investment decisions.
- 6.4. The Local Plan is organised into five main parts:
- **Part One: Setting the scene and the spatial strategy** – provides background information on the Local Plan before setting out the Vision for Lewisham and the plan's strategic objectives. It also establishes the 'spatial strategy' for the Borough, the land-use priorities and overall pattern of development that the plan will seek to deliver.
  - **Part Two: Managing development** – sets out the 'development management' policies that all planning applications will need to comply with. The policies, detailed requirements and guidance are organised across a number of topic areas. These policies will ensure that all proposals contribute to delivering sustainable development, consistent with the NPPF and the London Plan's 'Good Growth' objectives.

- **Part Three: Lewisham's neighbourhoods & places** – establishes character areas within the borough based around Lewisham's distinctive neighbourhoods and places. A vision and strategic priorities (referred to as 'place principles') are set out for each of Lewisham's character areas, along with site allocation policies for strategic development sites. These policies, which must be read alongside those in Part Two, are necessary to support delivery of the spatial strategy for the Borough, and to help manage change and investment in a coordinated way.
- **Part Four: Delivery and monitoring** – sets out the implementation framework for the Local Plan, as well as the arrangements for monitoring and outcomes over the plan period.
- **Part Five: Schedules and appendices** – includes additional technical information and guidance.

## 7. Public consultation

- 7.1. The consultation process for planning policy documents such as the Local Plan is set out in the Statement of Community Involvement adopted in 2006. This sets out the minimum requirements (at each stage of plan preparation process) for engaging with a wide range of stakeholders including the general public.
- 7.2. This set out that at Regulation 18 stage the Council will:
- consult (by mail-out) with:
    - Specific Consultation Bodies
    - General Consultation Bodies the Council consulted in Stage 1 consultation participants
    - Other Consultees (to the extent that the Council considers appropriate).

This above consultation may take the form of an article in the Planning Newsletter providing an introduction to/summary of the Preferred Options Report.

- ensure that written material produced to support consultation on the preferred options will be accessible on the Lewisham website, at the Planning Information Office and at all libraries
- give notice by local advertisement.

The consultation period will be six weeks.

In addition to the above, and depending on the type of Development Plan Document which is being prepared, the Council will consider using methods from the consultation tools to consult as broadly as possible with the community on the preferred options.

- 7.3. The preparation of the Local Plan, and its successful implementation, will require Lewisham council to take a positive and proactive approach to working alongside a wide range of stakeholders. We recognise the importance of engaging with local residents, community groups, businesses, infrastructure providers, landowners, neighbouring local authorities and other stakeholders. Meaningful dialogue, including through formal public consultation, helps to ensure that the Local Plan reflects the aspirations of the wider community and that it is deliverable.
- 7.4. As such we will ensure that this statutory public consultation goes beyond the minimum outlined within our Statement of Community Involvement.
- 7.5. Further detail will be included within the emerging consultation strategy for consideration at Mayor and Cabinet on 11<sup>th</sup> March 2020.

## **8. Financial implications**

- 8.1. There are no direct financial implications from noting the contents of this report.

## **9. Legal implications**

- 9.1. The Planning and Compulsory Purchase 2004 (as amended) (“the 2004 Act”) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (“the 2012 Regulations”) set out the requirements and the statutory procedure for the preparation of a Local Plan.
- 9.2. Regulation 18 of the 2012 Regulations requires the local planning authority to notify and invite representations on the content of the draft plan to: (i) such specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan; (ii) such of the general consultation bodies as the local planning authority consider appropriate; and (iii) such residents or other persons carrying on business in the local planning authority’s area as the local planning authority consider appropriate.
- 9.3. The next stage, after this consultation, is for the local planning authority to prepare a submission draft of the local plan. All representations received during this consultation stage must be taken into account when preparing this submission draft. The submission draft will then return to Cabinet for further consideration.

## **10. Crime and disorder implications**

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

## **11. Equalities implications**

- 11.1. The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 11.2. The preparation of the Local Plan is being informed by An Integrated Impact Assessment which includes an Equalities Impact Assessment.
- 11.3. Publishing the draft Local Plan at this stage will allow stakeholder/resident views on the content of the document and any likely adverse impacts of policies and proposals on equality groups to be identified and carefully considered prior to the preparation of the final plan document. The proposed submission version of the plan (at Regulation 19 stage) will be supported by an Equalities Impact Assessment (EqIA), which will test at a detailed level all policies and proposals of the plan for equality impacts.
- 11.4. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.5. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 11.6. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 11.5 above.
- 11.7. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 11.8. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals

particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

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

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

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

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

- <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## **12. Conclusion**

12.1. The Sustainable Development Select Committee is recommended to:

- a. To note the contents of the Draft Local Plan
- b. Advise Mayor and Cabinet of any matters it wishes to be taken into account with regard to the content of the draft Local Plan, prior to the commencement of public consultation
- c. Note the next steps of the plan preparation process and the timetable changes
- d. Note the financial and legal implications set out in this report

12.2. If you have any questions about this report please contact David Syme, Strategic Planning Manager [david.syme@lewisham.gov.uk](mailto:david.syme@lewisham.gov.uk)