



Mayor and Cabinet

Grove Park Neighbourhood Plan, recommendations by independent examiner and permission to proceed to referendum.

Date: 14/07/2021

Key decision: Yes

Class: Part 1

Ward(s) affected: Grove Park

Contributors: Kevin Sheehan, Executive Director of Housing Regeneration and Public Realm

David Syme, Strategic Planning Manager

Christopher Frazer, Planning Policy Officer

Outline and recommendations

This report outlines the process of the independent examination of the Grove Park Neighbourhood Plan and the modifications proposed.

It is recommended that Mayor and Cabinet

Accept the modifications made to the policy text as outlined in the examiner's report and approve the examiners recommendation that the plan should proceed to a public referendum.

Timeline of engagement and decision-making

22nd October 2014 – Grove Park Neighbourhood Forum and Area formally designated

11th July 2019 – Grove Park Neighbourhood Plan Regulation 15 submitted to Council

1st Nov 2019 to 20th Dec 2019 – Regulation 16 public consultation held

7th October 2020 – Re-designation of Grove Park forum approved

Dec 2020 to April 2021 – Independent Examination held

20th April 2021 – Final examiners report submitted to council

1. Summary

- 1.1. Grove Park Neighbourhood forum(the Forum) are a community organisation based in the Grove Park ward of London Borough of Lewisham who have been formally designated as the qualifying body for the purposes of Neighbourhood Planning.
- 1.2. The Forum was formally designated by Mayor and Cabinet for a 5 year period on 22nd October 2014 in accordance with;
 - section 65F (5) of the Town and Country Planning Act 1990 as applied to section 38A of the Planning and Compulsory Purchase Act 2004,
 - Localism Act (2011)
 - Neighbourhood Planning Regulations (2012) “the Regs”
- 1.3. The Grove Park Neighbourhood Area was formally designated by Mayor and Cabinet on 22nd October 2014. The forum would hereby act as the qualifying body for the purposes of Neighbourhood Planning that fall within the designated area.
- 1.4. As the 5 year designation of the forum lapsed in October 2019, the forum was formally re-designated in accordance with the statutory requirements highlighted in 1.2. Due to the council's updated constitution regarding Neighbourhood Planning matters, the approval for the re-designation was made through an executive decision made by Emma Talbot, Director of Planning, on the 7th October 2020. The re-designation will again last for a period of 5 years.
- 1.5. In December 2020 Lewisham council appointed Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD as the independent examiner for the Grove Park Neighbourhood Development Plan with the agreement of the Grove Park Neighbourhood Forum.
- 1.6. The independent examiners report outlining her recommendations was submitted to the council on 20th April 2021. Council officers along with the Neighbourhood Forum have agreed to accept the modifications and recommendations to the Grove Park Neighbourhood Development Plan made in the examiner's report.

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2. Recommendations

- 2.1. It is recommended that Mayor and Cabinet:
- Accept the modifications made to the policy text outlined in the examiner's report and approve the examiners recommendation that the plan should proceed to a public referendum.

3. Policy Context

Planning

- 3.1. The Forum were designated by the Council as the qualifying body to lead the neighbourhood planning process, including the drafting of a neighbourhood development plan as set out in 61F(5) of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act
- 3.2. The neighbourhood development plan is required to be consistent with national, regional and local planning policy to meet basic conditions while drafting policies that relate to the development and use of land within a designated neighbourhood area.
- 3.3. National planning policies required to meet basic conditions :
- Paragraph 8(2)(g) of Schedule 4B to the Town and Country Planning Act 1990
 - Section 38A of the Planning and Compulsory Purchase Act 2004
 - Section 38B of the Planning and Compulsory Purchase Act 2004
 - Localism Act 2011
 - Neighbourhood Planning(General) Regulations 2012
 - Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
- 3.4. The draft Neighbourhood Development Plan must also be in general conformity with the strategic policies of Lewisham Local Development Framework adopted 2011 and the London Plan 2011 (as revised 2016). The adopted plan at the time of the examination.

Corporate strategy

- 3.5. The Council's Corporate Strategy (2018-2022) outlines the Council's vision to deliver for residents over the next four years. Building on Lewisham's historic values of fairness, equality and putting our community at the heart of everything we do, the Council will create deliverable policies underpinned by a desire to promote vibrant communities, champion local diversity and promote social, economic and environmental sustainability.
- 3.6. Neighbourhood planning contributes to the following corporate priorities:
- **Open Lewisham** – Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us
 - **Tackling the Housing Crisis** – Providing a decent and secure home for everyone;
 - **Building an Inclusive Economy** – Ensuring every resident can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy; and
 - **Making Lewisham greener**- Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.

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4. Background

- 4.1. The Plan was submitted to the council by the forum for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 on the 11th July 2019. The suite of documents submitted are listed as:
 - The Grove Park Neighbourhood Plan 2018-2033
 - The Grove Park Neighbourhood Plan Basic Conditions
 - The Grove Park Neighbourhood Plan Consultation statement
- 4.2. An initial assessment of the plan was undertaken by council officers. This assessment determined that the plan met the appropriate requirements and could be progressed to the next stage.
- 4.3. The council then held a Regulation 16 public consultation which ran for a 6 week period from 1st November 2019 – 20th December 2019. The council received a total of 17 representations from members of the public and statutory consultees. The council also submitted a formal representation at this stage. All responses made during the Regulation 16 public consultation were made available on the council website
- 4.4. Due to the Covid-19 pandemic all neighbourhood planning activities were paused from March – Aug 2020 due to council officers being redeployed to support the council's Covid-19 response.
- 4.5. Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD known as the “examiner” was appointed as the independent examiner by the council in agreement with the Forum in December 2020
- 4.6. The examination period ran from December 2020 until April 2021 with the examiner's report being formally submitted to the council on 20th April 2021.

5. Examiners report

- 5.1. The Examiner's report independently scrutinises the process of drafting a neighbourhood development plan from forum and area designation to examination. The examiner also scrutinises whether the plan meets the basic conditions and therefore be recommended to proceed to a public referendum.
- 5.2. The examiner is required to make one of the following recommendations based on the examination of the plan:
 - The Plan can proceed to a Referendum
 - The Plan with the recommended modifications can proceed to Referendum
 - The Plan does not meet the legal requirements and cannot proceed to Referendum.
- 5.3. The examiner is also required to recommend whether the referendum area should be different from the Plan Area defined by the designation of the Grove Park Neighbourhood Area approved by Mayor and Cabinet, 22nd October 2014.
- 5.4. The examiner's intention when examining the plan must focus on its compliance with the basic conditions. The examiner is permitted to modify the policy text in order to achieve this.
- 5.5. The examiner may also modify policy text or delete a policy or parts of its text if the policy has elements which either seeks to enforce controls that fall outside of the scope of neighbourhood planning or introduce requirements which are indiscriminate in terms

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of the size of development or are overly onerous and would not meet the Basic Conditions.

- 5.6. In the examiner's report it states that although modifications may be made, the examiner has a duty to ensure, where possible, that the intention and spirit of the plan is retained so that the plan, when modified still reflects the communities intent in producing their neighbourhood plan.
- 5.7. All modifications to policy text made by the examiner as a result of the examination can be found in examiners report (appendix1) and table 1 of the decision notice (appendix 2).

6. Recommendations and conclusions made by the examiner

- 6.1. The recommendations and conclusions made by the examiner as set out in the examiner's report are:
 - *I find the Grove Park Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
 - *I am satisfied that the Referendum Area should be the same as the Plan Area, should the Grove Park Neighbourhood Development Plan go to Referendum.*
 - *I have read the Grove Park Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
 - *I find that the Grove Park Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
 - *At the time of my examination the Development Plan comprised the adopted Lewisham LDF (Core Strategy and Development Management Plan) and the London Plan 2011(as revised 2016).*

7. Conclusions

- 7.1. The Grove Park Neighbourhood Plan was prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012 (as amended)
- 7.2. Subject to the recommended modifications made by the examiner the plan would contribute to achieving sustainable development, have regard to national policy and guidance and generally conform to the strategic policies of Lewisham Local Development Framework and the London Plan 2011 therefore meeting the basic conditions.
- 7.3. Council officers and the Grove Park Neighbourhood Forum have accepted the modifications to the plan recommended by the examiner as they are not deemed to have changed the intention or spirit of the plan and still reflect the communities' intent.

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8. Financial implications

- 8.1. The Council has a statutory duty to support the preparation of neighbourhood plans through the neighbourhood plan making process. As part of this statutory function the Council is responsible for facilitating a public referendum. The Council receives £20k Government funding to cover the costs of advertising and facilitating a referendum on the plan once it has been prepared.
- 8.2. The Council's Electoral Services team has provided an estimated cost of undertaking a referendum. This was costed at approximately £30k.
- 8.3. A budget of £70k was allocated in the 2021/22 budget process to cover the cost of neighbourhood planning support. This will be used to cover any costs over and above Government funding. No further Council funding is required to meet the recommendations of this report.

9. Legal implications

- 9.1 The Localism Act 2011 and The Neighbourhood Planning (General) Regulations 2012 set out the power and duties considered in this report.

It is a statutory requirement to support the preparation of neighbourhood plans and for this Council to adopt them, if supported by a referendum. Once adopted, neighbourhood plans will carry full statutory weight as part of the development plan for the area, and due regard must be had to them when making decisions on planning applications.

The decision to proceed to referendum is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Neighbourhood Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.

10. Equalities implications

- 10.1 Public participation must inform a Neighbourhood Plan's production and consultation undertaken in line with the appropriate statutory regulations.

11. Climate change and environmental implications

- 11.1. There are no direct climate change and environmental implications of this report

12. Crime and disorder implications

- 12.1. There are no direct crime and disorder implications of this report

13. Health and wellbeing implications

- 13.1. There are no direct health and wellbeing implications of this report

14. Background papers

- 14.1. Appendix 1 Examiners Report (April 2021)

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- 14.2. Appendix 2 Decision Notice
- 14.3. Appendix 3 The Grove Park Neighbourhood Plan (Regulation 16 version)

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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