



Mayor and Cabinet

Response to Sustainable Development Select Committee – Local Plan

Date: 9th March 2022

Key decision: No

Class: Part 1

Ward(s) affected: all

Contributors: David Syme, Head of Strategic Planning

Outline and recommendations

This report addresses a number of outstanding scrutiny matters and provides a response to Mayor and Cabinet. The report covers officer's responses to comments made by Sustainable Development Select Committee on the Local Plan at its meeting of 15th September 2021.

Timeline of engagement and decision-making

21 st January 2020	Lewisham Local Plan - Regulation 18 stage “main issues and preferred approaches” presented to Sustainable Development select Committee.
11 th March 2020	Lewisham Local Plan - Regulation 18 stage “main issues and preferred approaches” presented to Mayor and Cabinet and approved for public consultation.
25 th November 2020	Lewisham Local Plan - Regulation 18 stage “main issues and preferred approaches” presented to Council and approved for public consultation.
Jan/Apr 2021	Regulation 18 stage “main issues and preferred approaches” consultation
23 rd November 2022	Lewisham Local Plan - Regulation 19 stage “proposed submission” presented to Sustainable Development select Committee.

1. Summary

- 1.1. This report addresses a number of outstanding scrutiny matters and provides a response to Mayor and Cabinet. The report covers officer’s responses to comments made by Sustainable Development Select Committee on the Local Plan at its meeting of 23rd November 2021.

2. Recommendations

- 2.1. Mayor and Cabinet is recommended to approve the officers’ response and report to the Sustainable Development Select Committee (SDSC).

3. Sustainable Development Select Committee referral

- 3.1. At its meeting of 23rd November the SDSC resolved that the Committee would refer its views to Mayor and Cabinet as follows:
 - a) The Committee welcomes the updates to the Local Plan and it congratulates the planning team for its efforts in engaging with residents – particularly in the context of the difficulties posed by the global pandemic. The Committee believes that the benefits of the online engagement carried out should be captured, the valuable lessons learned and that the good practice identified should be disseminated across the Council. Members also note and welcome the work to ensure seldom heard voices are given further opportunity to feed into this key place making document.

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- b) The Committee notes the motion of full Council supporting the creation of an integrated district park in Grove Park as an essential part of the borough's green infrastructure.
- c) The Committee recommends that the Grove Park District Park should be specifically named and included in the Lewisham Local Plan as well as the updated Infrastructure Delivery Plan (which supports the Local Plan).
- d) The Committee also recommends that the Grove Park District Park should be included in Lewisham's strategic infrastructure list of green infrastructure.
- e) Furthermore, the Committee believes that all of the borough's sites of importance for nature conservation (SINCs) should be individually named.

4. Officers response

- 4.1. Officers have considered the SDSC referral and the response to each point is set out below:
 - a) Noted. A consultation statement will be prepared as part of the Regulation 19 "proposed submission" stage of the Local Plan. This can be disseminated across the Council.
 - b) Noted.
 - c) At its meeting on the 21st July 2021 Council passed a motion on Grove Park District Park to support the creation of an integrated district park. The Local Plan and the Infrastructure Delivery Plan (IDP) will reference this ambition.
 - d) Officers will include reference to the District Park within the strategic infrastructure list in the latest iteration of the IDP.
 - e) A schedule of all the borough's Sites of Importance for Nature Conservation (SINCs) is included within the appendix of the draft Local Plan and will be revised where necessary for the Regulation 19 stage.

5. Financial implications

- 5.1. There are no direct financial implications arising from this report.
- 5.2. It should be noted that Council funding to realise the ambition of the Grove Park District Park is yet to be identified.

6. Legal implications

- 6.1. There are no direct legal implications arising from this report.
- 6.2. 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. Details of the particular requirements are set out in the body of the report.
- 6.3. The approval of proposals for public consultation in connection with the production, alteration or withdrawal of development plan documents which includes the Local Plan is a matter reserved to full Council.
- 6.4. Regulation 19 of the 2012 Regulations states that Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and (b) ensure that a statement of the representations procedure

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and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).

- 6.5. 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.
- 6.6. 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.
- 6.7. 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.
- 6.8. 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.
- 6.9. 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>
- 6.10. The Equality and Human Rights Commission (EHRC) has previously issued five

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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

6.11. 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>

7. Equalities implications

7.1. 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.

7.2. There are no direct equalities implications arising from this report.

7.3. The preparation of the Local Plan is being informed by an Integrated Impact Assessment which includes an Equalities Impact Assessment.

8. Climate change and environmental implication

8.1. There are no direct environmental impacts arising from this report.

9. Crime and disorder implications

9.1. There are no direct implications relating to crime and disorder issues.

10. Health and wellbeing implications

10.1. There are no direct implications relating to health and wellbeing issues.

11. Background papers

11.1. Report to Mayor and Cabinet 11th March 2020.

<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MIId=5696&Ver=4>

11.2. Report to Council 25th November 2020.

<https://councilmeetings.lewisham.gov.uk/documents/s76130/Approval%20of%20the%20draft%20Local%20Plan%20for%20public%20consultation.pdf>

11.3. Lewisham's existing adopted Local Development Framework.

<https://lewisham.gov.uk/myservices/planning/policy/ldf> Which includes:

- Core Strategy 2011
- Development Management Local Plan 2014

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- Site Allocations Local Plan 2013
- Lewisham Town Centre Local Plan 2014

- 11.4. Lewisham adopted IDP.
<https://lewisham.gov.uk/myserVICES/planning/policy/planning/lewisham-infrastructure-delivery-plan--idp---framework-document>
- 11.5. The current adopted London Plan 2021. <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>
- 11.6. The intend to publish London Plan 2019. <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/intend-publish-london-plan-2019>
- 11.7. National Planning Policy Framework 2019.
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 11.8. Lewisham Local Plan Regulation 18 Stage “main issues and preferred approaches” document.
<https://lewisham.gov.uk/myserVICES/planning/policy/planning/about-the-lewisham-local-plan>
- 11.9. Lewisham draft Local Plan website including access to all evidence base documents. [https://lewisham.gov.uk/myserVICES/planning/policy/adopted-local-plan/evidence-base`](https://lewisham.gov.uk/myserVICES/planning/policy/adopted-local-plan/evidence-base)

12. Report author and contact

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

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

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