

Lewisham Local Plan 2020-2040

Examination

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INSPECTORS' PRELIMINARY MATTERS AND INITIAL QUESTIONS

Introduction

As you are aware, we have been appointed by the Secretary of State to hold an independent examination of the Lewisham Local Plan (the Plan). We look forward to working with the Council, representors, and the Programme Officer to progress the Examination.

We have commenced our preparation which has involved an initial read through of the plan, the submitted evidence, and the representations. From this, some preliminary matters and initial questions have arisen for which we seek some early clarification from the Council.

The Council's response will help to determine how best the Examination should proceed, inform the Matters, Issues and Questions (MIQs) on the legal compliance and soundness of the Plan, and work towards establishing the examination timetable and format.

The Submission Plan

The Council has submitted the Lewisham Local Plan: Submission Version January 2023 (PD01). This is the Plan to be examined.

Legal Compliance – the Duty to Cooperate

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out a list of prescribed bodies that the Duty to Cooperate (DtC) applies to and are reproduced in the Council's The Duty to Cooperate Statement (PD08) at paragraph 3.3.

Paragraphs 24-27 of the National Planning Policy Framework (NPPF) identify the requirements for maintaining effective cooperation.

Paragraph 27 requires effective and on-going joint working to be demonstrated through the preparation of one or more Statements of Common Ground (SoCG) to be produced and made publicly available through the plan making process. The Planning Practice Guidance (PPG) clearly sets out the scope of SoCG and identifies when they should be produced and what they should document.

The DtC Statement (PD08) dated November 2023 was submitted for examination with the Plan; however, the information contained therein is not sufficient to assess whether the DtC has been met.

The DtC Statement identifies various organisations as strategic partners for each related strategic planning issue. Appendix 1 sets out a summary of the various meetings and section 5 sets out the strategic issues discussed and how the Council worked with prescribed bodies to resolve any outstanding issues.

Inspectors' Question (IQ) 1 Whilst Appendix 1 provides some information of engagement with DtC bodies, is there a record of the meetings/workshops/discussions held in terms of minutes, notes or summaries including who attended, the strategic matter affected and the outcome or actions arising from the meeting?

Specifically, Appendix 1 identifies a number of organisations where meetings have either not been held or who have not responded to requests for meetings.

IQ2 Can the Council please provide robust evidence of how it has attempted to engage those organisations in the process. It should also set out which strategic matter is affected; whether the organisation has made formal representations to the Plan; and whether there are any unresolved issues.

We suggest that any additional information provided by the Council could be an addendum to the DtC Statement.

Nine strategic planning matters are set out in section 5 of the Council's Duty to Cooperate Statement (PD08). **IQ3** Can the Council please clarify how and when these strategic matters were identified.

The submission documents list indicates 9 Statements of Common Ground (SOCG01-SOCG09). The Council's Duty to Cooperate Statement (PD08) in paragraph 6.2 indicates SoCG will be produced with selected bodies. **IQ4** Could the Council confirm how and why those chosen were selected?

The entry for SOCG09 -Network Rail states 'to be confirmed'. **IQ5** Can the Council provide an indication as to whether or not this will be completed and submitted and if so, when is this likely to be.

The DtC Statement refers to other SoCGs which will be produced with selected bodies. **IQ6** Can the Council set out which SoCG will be prepared and a timetable for doing so.

The Council's submission letter refers to the issues of non-conformity raised by the Greater London Authority (GLA) in relation to industrial and employment land and the potential for a SoCG between the Council and the GLA to address this. It would be helpful if the SoCG also identified any other outstanding differences/issues previously raised by the GLA and whether or not these have been resolved. **IQ7** Can the Council please

provide an indication of when the SoCG is likely be completed and submitted.

Paragraph 5.7 of the DtC Statement highlights that the Borough's Local Housing Need (LHN) Figure is significantly higher than the London Plan Housing Target. It goes onto say that the GLA objected to the inclusion of the LHN figure in an earlier version of the Plan. The housing requirement contained in the Plan reflects the London Plan housing target for the Borough; however, this only relates to the first 10 years of the Plan. The Plan rolls forward the London Plan target for the remaining years of the Plan which we address further below. **IQ8** Is there a record of discussions with the GLA of the options discussed in relation to the housing target beyond the 10 years and how it was decided that rolling forward the current annual target would be the best option?

IQ9 Furthermore, have any discussions taken place with adjoining authorities about meeting any unmet housing need arising from the potentially higher LHN figure?

Spatial Strategy

The Integrated Assessment (IA) sets out a range of 'reasonable growth scenarios' which were assessed in terms of their social, economic and environmental effects. These were based around different scenarios for the Bakerloo Line Extension (BLE) including: No BLE; BLE Phase 1 and BLE Phase 2. It would appear from the Council's response to the IA consultants that its preferred option is Scenario 1, on the basis that there is uncertainty surrounding the BLE. It goes onto say that there is also a need for flexibility in respect of the BLE ensuring that a framework is in place to support higher density development close to any future BLE stations.

We would like the Council to prepare a Spatial Strategy Topic Paper setting out in more detail the Council's reasoning for selecting the

preferred spatial option (Scenario 1) and conversely rejecting the other scenarios. In particular we would like the paper to address the following:

- How the spatial options developed/evolved through the stages of plan preparation.
- The reasons for selecting the preferred spatial option and discounting the other spatial options and how the IA influenced this decision.
- The degree to which the spatial strategy in the Plan (OL1) and area-based policies are consistent with scenario 1.
- Whether the housing, employment and town centre allocations reflect Scenario 1 in terms of the parameters discussed within the IA (% uplifts; total housing uplift etc) both at a Plan level and an area-based level.
- Scenario 1 does not include the BLE Extension; however, there are many references throughout the Plan to the extension. What is the current estimate for bringing forward the BLE Extension?
- How does the Plan provide the flexibility to support higher density development close to BLE stations?
- The Housing Trajectory at Appendix 6 of the Plan refers to additional uplift from the Bell Green Sites, in the region of around 2,474 new homes, if a higher growth scenario was adopted. Are those sites actually allocated in the Plan? If so, is it intended to phase those sites to ensure that the appropriate infrastructure is in place to support higher densities and growth?
- Overall, whether the spatial strategy is in general conformity with the London Plan.

Housing Target

Policy HO1 sets out the housing target up to 2037/38; however, the housing target should reflect the Plan period which runs to 2040.

As discussed above the Plan reflects the London Housing Target for the first 10 years; however, the London Plan does not set housing targets beyond this period. Paragraph 4.1.11 of the London Plan states that “if a target is needed beyond the 10 year period (2019/20 to 2028/29), boroughs should draw on the 2017 SHLAA findings and any local evidence of identified capacity, in consultation with the GLA, and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements, and roll forward the housing capacity assumptions applied in the London Plan for small sites”.

Paragraph 7.2 of the Plan states that “in light of this direction and local evidence on land availability it is considered appropriate to roll forward the borough’s London Plan annual housing target”. However, there is limited evidence before us to explain the Council’s reasoning/justification for this approach. As such, we would like the Council to prepare a Housing Target Topic Paper which sets out the following:

- How the LHN housing requirement compares to the London Plan target;
- The rationale for deciding to take forward the London Plan annual target for the remainder of the Local Plan period including:
- The housing target options assessed in the SA/IA and why the preferred option was chosen.
- The evidence in the SHLAA/local evidence in terms of housing land capacity and how this influenced the preferred option of rolling forward the London Plan target.
- The ability to meet the Local Plan targets in the submission draft.
- Whether there would be sufficient capacity to meet the LHN and the rationale for discounting the LHN figure.

Neighbourhood Plans

IQ10 What is the current position of neighbourhood planning within the Borough?

IQ11 Are there any Neighbourhood Areas currently designated?

IQ12 Are there any Neighbourhood Plans (NP) in preparation within the Borough? If so, what stage have they reached?

IQ13 Have any NPs been formally made?

IQ14 Are there any instances of duplication of NP policies?

IQ15 How do the policies in the Local Plan take into account any made NPs?

IQ16 Are any of the NP policies intended to be superseded by the policies in the Plan?

IQ17 Does the Local Plan make appropriate reference to the policies and proposals in the made NPs?

National Policy

A revised version of the NPPF was published on 19 December 2023. The examination of the Local Plan, having regard to transitional arrangements, will be assessed for consistency in relation to the September 2023 version of the NPPF. However, in the interests of future proofing it is appropriate to consider whether any national policy changes might necessitate modifications to any emerging Plan such as reference to NPPF paragraph numbers etc. **IQ18** Consequently, will there be a need for any potential modifications in this regard?

Strategic and Non-Strategic Policies

Paragraph 21 of the NPPF (Sept 2023) requires that Local Plans should make explicit which policies are strategic policies. Footnote 14 states “where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies.”

Although Table 20.2 of Appendix 3 of the Plan lists the non-strategic policies, there is no corresponding table to technically provide the list of

strategic policies. Overall, the Plan does not presently provide a single list of all policies.

Many plans, often within an introductory section, set out a full list of policies and within the list identify which are strategic policies. Some plans, go further and choose to insert the word 'strategic' before the policy number for those which are strategic policies.

In any event, Appendix 3 is incorrect and appears not have been updated for the publication version of the Plan as some of the policies listed (QD8 and QD9) do not appear to exist and other policy references (QD12, QD13 and GR5) are incorrect.

The current approach identifies 97 out of 105 policies to be strategic, leaving only 8 policies (after removing the 2 policies that no longer appear to exist) deemed to be non-strategic. At face value, this would appear to be an unusual proportion of strategic policies. This is within the context that paragraph 28 of the Framework establishes that non-strategic policies should be used by local planning authorities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies. **IQ19** Could the Council please provide an explanation of the rationale of how the policies in the Plan were determined to be strategic and non-strategic?

Gypsies and Travellers

IQ20 Are there any implications for the content of the Plan and/or the evidence base arising from the revised Planning Policy for Travellers Sites published in December 2023? In particular, in relation to the revised definition of Gypsies and Travellers following the Court of Appeal judgment in the case of Smith v SSLUHC & Ors [2022] EWCA Civ 1391?

Employment Land

Policy EC2 sets out a forecast need for employment floorspace up to 2038; however, the policy should address need which reflects the Plan period which runs to 2040.

There were a number of representations on employment from the GLA. This included concerns relating to the evidence base pre-dating the 2020 London Industrial Land Supply Study. We note that the Council has subsequently produced the Lewisham Industrial Employment Land Report (EB22), dated October 2023.

Consequently, we would like the Council to prepare an Employment Requirement Topic Paper to summarise the latest position on the employment land requirement in terms of the floorspace for employment and industrial uses over the plan period. The topic paper should also include how the additional evidence base responds to the representations from the GLA. It would also be useful, if either within the topic paper or associated Statement of Common Ground, if it could be agreed with the GLA as to what, if any, differences there are for the Examination to explore.

Within the Topic Paper, please also explain and provide any necessary justification as to where the approach proposed for Lewisham might differ from the approach contained within the London Plan.

The Topic Paper should also address 2 very specific points raised by the GLA. Firstly, the proposed downgrading of 3 areas of Strategic Industrial Land (SIL) to Locally Significant Industrial Sites (LSIS) which requires some further explanation and justification. This should explain the rationale that underpins the selection of the proposed new SIL of Bermondsey Dive Under (BDU) site as a suitable and adequate replacement to the 3 sites being downgraded.

Secondly, Policy EC2 does not break down the forecast need for additional employment floorspace by Use Class. Would it be possible, from the

evidence base, for the topic paper to set out need broken down into respective B2, B8 and other light industrial uses as the GLA suggested in their representation? If not, would additional work be feasible and practical, and what timescale would this involve?

Town centres – retail

Policy EC12 criterion F includes a figure for additional 8,400 gross square metres of retail floorspace up to 2035; however, the policy should address need which reflects the Plan period which runs to 2040.

In the Schedule of Proposed Changes to the adopted policies map December 2022 (PD03), in paragraph 4.3 reference is made to a 'Local Centres Topic Paper'. **IQ21** Where can we find a copy of this document?

Infrastructure Delivery Plan

The submitted Infrastructure Delivery Plan 2023 (IDP) (PD07) was updated in October 2023. Whilst it is acknowledged that this a 'live' document which will be updated annually; from the various tables within each of the infrastructure asset classes, there a number of matters which are still to be confirmed, some of the unknowns are within the early years of the plan period. **IQ22** Could the Council give an indication of when further detail will be available to help us to assess whether the infrastructure requirements of the Plan are deliverable.

Within the IDP there is a hyperlink to the Infrastructure Funding Statement (IFS) which is for the financial year of 2022/2023. **IQ23** Can the Council please give an indication as to when the IFS for 2023/2024 will be available?

The main output from the IDP is an updated Infrastructure Delivery Schedule (IDS). **IQ24** Has this been prepared and, if so, where can we find it please?

Modifications

The submission documents list includes a Schedule of Modifications (PD11). **IQ25** Can the Council confirm that these have not been subject to any consultation to date? If that is the case, the Examination will be based upon the Submission version of the Plan, with due regard given to the Council's proposed schedule as a supporting document. If there has been some public consultation, please confirm the dates of the consultation.

The starting point for the Examination is that the Council have submitted a Plan which they consider to be sound, legally compliant and ready for examination. Nevertheless, we will also consider any changes that have subsequently been suggested by the Council, along with those changes put forward by other parties seeking to amend the Plan.

For us to be able to recommend any Main Modifications, to make the Plan sound/legally compliant, if necessary, the Council must invite us to do so in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).

Main Modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Main Modifications must be subject to consultation and in some cases further Sustainability Appraisal and Habitat Regulations Assessments might also be required.

In addition to Main Modifications, there could be Additional Modifications which are changes which do not materially affect the policies in the Plan. We do not recommend Additional Modifications; the Council is accountable for such changes, and they fall outside the scope of the Examination.

Next Steps

We would appreciate the Council's response to the questions within this letter by no later than **Tuesday 27 February 2024**. As we have also requested the Council prepare the topic papers and a SoCG with the GLA,

we appreciate that these aspects may need a little more time. As such, please could the Council provide the Programme Officer with an indication of the date when we can expect to receive these other aspects.

When we have considered the Council's responses at this preliminary stage, we will then be able to continue our preparation for the MIQs and working towards establishing the Examination timetable.

In the meantime, if the Council requires any clarification on any of the above matters, please contact us through the Programme Officer.

A copy of this letter will be added to the Examination website. However, at this stage we are not inviting or proposing to accept any comments on this letter from any other parties.

Caroline Mulloy and Rachael Bust

Inspectors

30 January 2024