

Examination of Lewisham Site Allocations Plan

Inspector's initial comments and queries

Having reviewed the main documents I would find it very helpful if the Council can respond to these queries by 16 November. If some of points 1-6 below cannot be responded to by that date, please let me know the timeframe that would be required.

1 S20(7B & 7C) of the Planning and Compulsory Purchase Act 2004, as amended

The Act requires that a Local Planning Authority formally requests an Inspector to recommend modifications if he/she concludes that the plan contains soundness defects capable of being appropriately modified. Assuming that the Council wishes me to act in accordance with S20(7C) a formal request to that effect will be required.

2 Duty to co-operate

It will be necessary for LBL to demonstrate that it has fulfilled its duty to co-operate under S33A of the PCPC Act 2004, as amended, including with those other Local Planning Authorities on 'strategic matters' and the other bodies set out in Regulation 4 of the Town & Country Planning (Local Planning) (England) Regulations 2012. Failure to comply with the duty is incapable of modification at examination so, in the case of any such failure, the Inspector would have no choice but to recommend non-adoption.

The Council is therefore asked to produce a short paper evidencing compliance with the duty to co-operate by way of an explanation and audit trail.

3 'Positive preparation'

The Council also needs to be able to demonstrate that the plan has been 'positively prepared' (para 182 of the National Planning Policy Framework – NPPF) ie that it 'seeks to meet objectively assessed development and infrastructure requirements including meeting the unmet needs of neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development'. It would be helpful if the Council can prepare a brief paper addressing the way in which the plan has been 'positively prepared'.

4 Demonstrated audit trail for the consideration of 'reasonable alternatives'

NPPF para 182 requires that a plan should be 'the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence'.

It would be helpful if the Council can prepare a brief paper outlining the evolution of the options conceived and considered at the various stages of the plan's development and the reasons for selecting the submitted plan and rejecting the other options that were considered. Bearing in mind the legal cases requiring this narrative to be clearly

explained and evidenced in the strategic environment assessments/sustainability appraisals (SEA/SA) undertaken at various stages, the paper could be in the form of a guide to the most relevant passages within the SEA/SA reports.

5 LBL's advertised suggestions for 'Major Modifications' (MMs)

MMs should only address matters of unsoundness or legal non-compliance that need to be rectified to make the plan adoptable (see S20(7C) of the Act, as amended). It is not within the Inspector's power to impose an MM merely to 'improve' a plan unless, in doing so, the required change also remedies a soundness/legal defect.

Looking at SALP 1.7, the entries in the 'Officer's response' column in LBL's comments on the representations to the submitted plan are expressed in terms which tend to suggest that some of the recommended MMs are not necessary for reasons confined to those in the paragraph above, eg 'Officers do not agree that the SALP is unsound but it is recommended that reference to x, y or z is included'. Likewise, the 'Reason for change' column of LBL's schedule of MMs (SALP 1.8) does not refer to the need to remedy unsoundness. Commonly the reason given is 'in response to xx's concerns or comments'. It is therefore not always clear whether some of the MMs may be in the nature of 'additional modifications' which it is within the power of LBL to make itself on adoption without the need to be examined. Such changes would be ones which, with such MMs as may be made, do not materially affect the soundness of the plan's policies and would not need to be the subject of consultation or revised SA. Since the Council's schedule has already been advertised it may be advisable to wait until the advertisement period has expired before reaching any conclusions on this matter, but it would be helpful if the Council gives it some preliminary consideration.

6 National Policy in relation to gypsies and travellers

National 'Planning Policy for Traveller Sites' (March 2012) expects Local Plans to set pitch targets addressing the accommodation needs of gypsies, travellers and travelling showpeople in their area (para 8). It also (para 9) expects local plans to identify a supply of specific deliverable sites sufficient to provide 5 years worth of sites against those targets, and a supply of specific developable sites or broad locations for years 6-10 and, where possible years 11-15.

Lewisham Core Strategy (CS) states (policy 2) that a suitable site will be identified through the SALP to meet the immediate need arising from the redevelopment of the present site at Thurston Road as part of the Lewisham Gateway strategic allocation. Para 7.18 of the CS also states that the replacement site should be capable of accommodating additional pitches as may be required by the London Plan.

Although the SALP further options report (SALP 2.5) identified a site for 5 pitches (SA52) in replacement for the Thurston Road site, this site was not included in the submitted SALP and no site was identified to accommodate any additional requirements stemming from the London Plan.

On the face of it, the SALP therefore may be inconsistent with both national policy and the CS. This could be a strong potential indicator of unsoundness. LBL's self

assessment of compatibility with national planning policy for traveller sites (SALP1.15) gives an account of the unsuccessful search for a site through the Lewisham LDF process, concluding by stating that work on the matter is on-going and that a site will be identified in 'due course'. SALP1.15 considers it unreasonable to delay progress on the plan because it is necessary to complete the many site identifications and safeguards required to implement the CS.

While the planning process certainly needs to be moved forward as quickly as possible, national (and CS) policies plainly see the local plan process as the means of resolving the issue of provision for travellers. It will therefore be helpful to receive LBL's comments. What is the timetable for completing this work? Is it then proposed to take that work forward in a specific Travellers' Site(s) Local Plan committed to via a firm revision of the Local Development Scheme? Alternatively, would suspension of the SALP examination for a given period of time be the mechanism for identifying an appropriate site(s) alongside consultation/sustainability appraisal, so permitting the SALP to be 'consistent with national policy'?

Roy Foster
Inspector

31 October 2012