

Lambeth Site Allocations Development Plan Document Proposed Submission Version - January 2024

Regulation 19 Guidance and Privacy Notice

Please read this guidance note before completing the representation form or submitting your comments

Introduction

The London Borough of Lambeth' (LBL) has prepared the Lambeth Site Allocations Development Plan Document (SADPD).

This version of the SADPD, known as the Proposed Submission Version (PSV) has been published for consultation and invites representations (i.e. written comments) on whether the SADPD PSV complies with the necessary legislation, and complies with national planning policy (known as the soundness of the SADPD).

This publication is carried out in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Background

Lambeth Council previously published its Site Allocations DPD Proposed Submission Version between 8 March and 3 May 2024 and representations procedure pursuant to Regulation 19.

It has since come to light that due to a technical matter linked to sending email notifications, not everyone on our Planning Policy consultee database received this notification. We are therefore re-publishing the documents pursuant to Regulation 19 to ensure all the consultees on the database are notified of the publication.

The Regulation 19 representation period is open for eight weeks and runs from 18 June to 5pm on 13 August 2024.

Please note if you previously submitted representations, you do not need to write again as part of this process. Your representations have been recorded and will be considered and submitted to the Planning Inspectorate (as previously advised) as part of the Examination process.

Which documents have been published for consultation?

- Lambeth SADPD PSV (January 2024). This is the emerging SADPD for Lambeth.
- Policies Map. This is a map which shows sites that have been allocated for residential, employment, or other uses. It also shows Local Plan designations such as, environmental designations.
- Lambeth SADPD PSV: Sustainability Appraisal (SustA). This report assesses the effects that the SADPD PSV has on environmental, social and economic issues. It is a legal requirement.
- Lambeth SADPD PSV: Habitats Regulation Assessment (HRA). This report identifies and assesses any aspects of the SADPD PSV that would have an adverse effect on the integrity of European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), candidate Special Areas of Conservation (cSACs), potential Special Protection Areas (pSPAs) and Ramsar sites). It is a legal requirement.

A copy of each of these documents is available to view on our website and in public libraries from the start of the period for representations: [Site Allocations Development Plan Document | Lambeth Council](https://www.lambeth.gov.uk/planning-building-control/planning-policy-guidance/site-allocations-development-plan-document) (<https://www.lambeth.gov.uk/planning-building-control/planning-policy-guidance/site-allocations-development-plan-document>).

In addition to these key documents, you may also wish to view the SADPD: Evidence Base. This is a collection of documents that support the production of the SADPD. This is also available to view on: [Site Allocations Development Plan Document | Lambeth Council](https://www.lambeth.gov.uk/planning-building-control/planning-policy-guidance/site-allocations-development-plan-document) (<https://www.lambeth.gov.uk/planning-building-control/planning-policy-guidance/site-allocations-development-plan-document>).

When can I comment?

Representations on the consultation documents must be submitted during the eight-week period:

Starts: Tuesday 18 June 2024

Finishes: Tuesday 13 August 2024 at 5.00pm

Comments received outside of this period will not be accepted. The Council is unable to make exceptions or allowances for postal delays or external problems with electronic communications.

How can I have my say?

Once the Regulation 19 period starts, you can make representations via Survey Monkey which is hosted on the SADPD webpage. This is the best way to comment as it ensures that your comments are recorded accurately and are processed quickly.

You can access the online consultation portal by going to the SADPD PSV Regulation 19 website: [Site Allocations Development Plan Document | Lambeth Council](https://www.lambeth.gov.uk/planning-building-control/planning-policy-guidance/site-allocations-development-plan-document) (<https://www.lambeth.gov.uk/planning-building-control/planning-policy-guidance/site-allocations-development-plan-document>).

Other ways of responding

If you cannot reply to the consultation using the online consultation system, please complete an electronic Word version of the response form and email it to: sadpd@lambeth.gov.uk

Alternatively, you can print out a copy of the form to complete with a pen (using black ink), and then send to: Lambeth Council, Planning Policy and Place Shaping, PO Box 80771, London SW2 9QQ.

To ensure that the SADPD Inspector is clear on what each comment relates to, please fill in a separate 'Part B' form for each different part of the SADPD that you are commenting on.

PLEASE DO NOT SUBMIT MULTIPLE COPIES OF THE SAME RESPONSE (e.g. Online and email, or online and hardcopy).

What can I comment on?

The representation form will ask you a series of questions. These questions reflect the legal requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework (NPPF).

For each section of the SADPD PSV that you wish to respond on, you will be asked to state whether you think this part of the SADPD has met the necessary legal requirements placed upon the authority, or whether the SADPD is in accordance with national planning policy (or is 'sound')

A box will be provided where you can tick 'Yes' or 'No'. If you are objecting to the policy or section, you

must answer 'No' to at least one of these questions. If you are supporting the policy or paragraphs, you should answer all the questions with 'Yes'. You will then be asked to provide reasons as to why you do or do not support the SADPD PSV, and also suggest how the SADPD PSV might be changed to resolve any objection you may have.

Legal Compliance

There are various legal requirements that the Council must comply with when preparing a SADPD. You should consider the following before making a representation on legal compliance:

- The SADPD PSV and associated PCPM should be included in Lambeth's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the documents it proposes to produce. It will set out the key stages in the production of any Development Plan Document which Lambeth Council proposes to bring forward for examination. If the SADPD PSV and associated PCPM is not in the current LDS it should not have been published for representations. The LDS should be on Lambeth's website and available at its main offices.
- The process of community involvement for the SADPD in question should be in general accordance with the Lambeth's Statement of Community Involvement 2020 [SCI]. The SCI sets out Lambeth's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- Lambeth Council is required to provide a Sustainability Appraisal (SustA) report when it publishes a draft plan. This should identify the process by which SustA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SustA is a tool for assessing the extent to which the draft plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- Whether the SADPD meets other legislative requirements such as the Conservation of Habitats and Species Regulations 2017 (to which the Habitat Regulations Assessment relates).
- In London, the SADPD PSV and associated PCPM should be in general conformity with the London Plan 2021.
- The SADPD PSV and associated PCPM should comply with all other relevant requirements of Planning and Compulsory Purchase Act (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended (the 'Regulations').

Is it 'sound'? (i.e. does it meet the tests of soundness?)

SADPD must be prepared in accordance with the NPPF. This states that a Plan is 'sound' if it meets the following tests:

- 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; and
- Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

If you do not consider the SADPD has been prepared in accordance with these requirements, you will need to identify which of these criteria have not been met and why.

If you think the content of the SADPD PSV or associated PCPM is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy or the London Plan?
- Is the issue with which you are concerned already covered by another policy in the Lambeth Local Plan 2021 or associated policies map?
- Is the issue with which you are concerned already covered by another policy in the SADPD PSV or associated PCPM?
- If the policy is not covered elsewhere, in what way is the SADPD PSV or associated PCPM unsound without the policy?
- If the SADPD PSV or associated PCPM is unsound without the policy, what should the policy say?

Duty to Co-operate

You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires Lambeth Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. Evidence of this activity is provided in the Statements of Common Ground published on the council website
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

General advice

If you wish to make a representation seeking a modification to the SADPD PSV or associated PCPM, you should set out clearly in what way you consider the SADPD PSV or associated PCPM or part of either is legally non-compliant or unsound, having regard as appropriate to the soundness criteria above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the SADPD should be modified.

You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the SADPD PSV and associated PCPM have been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

Where groups or individuals share a common view on the SADPD PSV and associated PCPM, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

All comments received will be reviewed to ensure that they have been made in the proper way as outlined in this note. (We call these comments 'duly made'.) These representations will be published online.

Responses which are submitted online or via email will receive an acknowledgement once your representation has been processed. This will contain your personal reference numbers corresponding to your representation(s). These reference numbers must be given on any future correspondence about your representations.

Unfortunately, we are unable to acknowledge representations sent by post, as our online portal does

not generate postal acknowledgement letters.

Can my representation be rejected?

It is very rare that comments are not accepted. However, we cannot accept representations which:

- Except for your own and/or client's details (which are put into Part A), divulge any personal information such as someone's home address, email address or phone number.
- Include any photos or images of people's faces, or of anything that might allow people to be identified (e.g., car registration plates, or house names or numbers on front doors).
- Use any expletive (swearing), discriminatory or offensive language.
- Make any statements that could be seen as defamatory (that is, do not attack or question any individual's personal reputation).
- Make any statements that may be libelous (that is, do not make comments about an individual or organisation that may be challenged as untruthful).
- Are anonymous.

Can I comment anonymously?

No.

All representations submitted will be considered as part of a formal examination of the SADPD. This is, by law, a public examination, so no formal representation can be made anonymously. The Inspector and others will need to know who has made representations to enable a fair and effective examination.

What will happen to my representation?

All comments received will be reviewed to ensure that they have been made in the proper way as outlined in this note. (We call these comments 'duly made'.) These representations will be published online.

We expect to receive a high volume of representations, which officers will review and read. To undertake this task thoroughly is a time-consuming process. This means there may be a delay of a few weeks between when you send in your response to it being reviewed and published. We thank you in advance for your patience in this matter.

Examination

The form will ask you whether you would like to attend the future examination of the SADPD, which will be held by an independent Local Plan inspector. To assist the planning inspector in organising the examination we ask that you briefly set out your reasons for wishing to attend.

Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s).

Only representors who are seeking a change to the SADPD PSV have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

There is no requirement for you to attend the examination if you do not wish to. The Planning

Inspectorate make clear that all representations submitted as part of the Regulation 19 process will be considered by the inspectors and have equal weight to those made in person at the Examination.

What happens next?

Once the representation period has finished, and all the representations have been processed, the SADPD PSV will be submitted to the Secretary of State for Levelling Up, Housing and Communities, together with all the Regulation 19 representations and the background evidence base documents.

At this point, an Inspector (or possibly two Inspectors) will be appointed on behalf of the Government, who will undertake an independent examination of the SADPD and then make recommendations on what happens next with the SADPD.

Further information about this will be made available on the Council's website in due course.

Privacy notice

Whilst comments cannot be made anonymously, no other personal details (i.e., personal (home) addresses, phone numbers, email addresses etc.) will be made public.

Lambeth Council's privacy notice can be found at

<https://www.lambeth.gov.uk/about-council/privacy-data-protection/privacy-notice>

and its planning service privacy notice is here:

<https://www.lambeth.gov.uk/elections-and-council/privacy/planning-transport-and-development-service-privacy-notice>.

Representations received will be sent to the Planning Inspector. The Planning Inspectorate privacy notice is available at

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices/customer-privacy-notice>.

It is very important that you read and consider these notices carefully because they explain how your personal information will be used and stored.