

Matter 1 – Legal Requirements, Scope of the Plan and Duty to Co-operate

1.1 Legal Requirements:

Does the Local Plan meet all its legal requirements (e.g. in relation to the Local Development Scheme; Statement of Community Involvement; and Local Development Regulations 2012)? Are there any other legal compliance issues?

Information about compliance with legal requirements in relation to the Local Development Scheme, Statement of Community Involvement and Local Development Regulations 2012 is set out in the Council's Regulation 22 Consultation Statement ([PD06](#)). In the view of the Council there are no legal compliance issues arising from the preparation and submission of the Plan.

1.2 Scope of the Local Plan

(i) Does the scope of the Local Plan accord with Section 3 of the NPPF (the Framework) (2019 version) (Plan-making) and the Intend to Publish version of the London Plan?

Yes, the scope of the Local Plan accords with Section 3 of the NPPF 2019. In relation to paragraphs 15 and 16 of the Framework, it provides a framework for addressing housing needs and other economic, social and environmental priorities, with the objective of contributing to the achievement of sustainable development. It is positively prepared with an emphasis on deliverability and has been shaped by early, proportionate and effective engagement as set out in the Regulation 22 Consultation Statement ([PD06](#)). A specific effort has been made to avoid duplication with London Plan policies and those in the Framework: cross-references are used where relevant. Once adopted, the Plan and Policies Map will be made accessible using the digital tools available to the Council at the time.

In response to paragraphs 17 to 19 of the Framework, the Plan includes strategic policies to address the Council's priorities for the development and use of land in its area, designed to be in general conformity with and be implemented alongside the strategic policies in the Mayor's London Plan. The Plan also includes policies for non-strategic matters, which will be implemented alongside the non-strategic policies in made neighbourhood development plans (currently only the Southbank and Waterloo Neighbours neighbourhood plan – [SD05](#)).

In response to paragraph 20 of the Framework, the strategic policies set out an overall strategy for the pattern, scale and quality of development (Section 3) and address housing, including affordable housing (Section 5), employment, retail, leisure and other commercial development (Section 6), infrastructure for transport and telecommunications (Section 8), security (policy Q3 in Section 10), waste management, water supply, wastewater, flood risk and the provision of energy, and (Section 9), community facilities and other social infrastructure

(Section 7), conservation and enhancement of the natural environment, landscapes and green infrastructure, and planning measure to address climate change mitigation and adaption (Sections 9 and 10), and conservation and enhancement of the built and historic environment (Section 10).

As required by paragraph 21 of the Framework, Annex 12 of the Local Plan identifies which of its policies are strategic and which are non-strategic.

In accordance with paragraph 22, the Plan looks ahead for fifteen years (as is made clear in Section 3) and seeks where possible to anticipate and respond to long-term requirements and opportunities. Examples of this are in the identification of strategic needs and priorities in Section 3 of the Plan; in the vision and policy for each place and neighbourhood in the PN policies in Section 11 of the Plan; and in the Infrastructure Delivery Plan ([EB99](#)) that supports the Plan, which addresses the fifteen year plan period.

As required by paragraph 23 of the Framework, broad locations for development are indicated on a key diagram on page 58 in Section 3 of the Plan; and land use designations and allocations are identified on the adopted Policies Map 2015, which is proposed to be updated as set out in the Proposed Changes to the Policies Map January 2020 ([PD02](#)). In the view of the Council, the Plan does provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This will be addressed further in Matters 3 and 4. The Plan carries forward the majority of the site allocation policies from the Local Plan 2015 and the Council has made clear its intention – both in the Plan and in the Local Development Scheme ([SD06](#)) – to prepare a subsequent Site Allocations Development Plan Document that will update some of the existing allocations and include new allocations to enable delivery of the strategic priorities for the area.

The requirements of paragraphs 24 to 27 of the Framework will be addressed in the response to question 1.3 below.

The requirements of paragraphs 28 to 30 of the Framework are addressed in the response to (ii) below.

Paragraph 31 of the Framework requires policies to be underpinned by relevant and up-to-date evidence. The evidence base for the Plan is listed in Annex 1 and is made available on-line in the examination library. In the view of the Council this evidence is adequate and proportionate and takes account of relevant market signals. Further information about the evidence justifying the policies will be provided in responses to other Matters.

The preparation of the Local Plan has been informed by a sustainability appraisal that meets the relevant legal requirements, as required by paragraph 32 of the Framework. See also the response to Matter 2.2.

This partial review of the Lambeth Local Plan 2015 has been undertaken in order to address directly the requirements of paragraph 33 of the Framework in relation to five yearly reviews.

Paragraph 34 of the Framework requires plans to set out the contributions expected from development including the levels and types of affordable housing required, along with infrastructure. It states that such policies should not undermine the deliverability of the plan. These requirements are addressed in the Plan at policies D3, D4 and H2 and throughout the topic- and place-specific policies where relevant and appropriate. The supporting evidence is within the Infrastructure Delivery Plan 2020 ([EB99](#)), the Lambeth Strategic Housing Market Assessment 2017 ([EB09](#)) and the Local Plan and CIL Viability Review 2019 ([EB97](#)). The latter assesses the cumulative impact of the policies in the Plan, along with those in the London Plan, plus the developer contributions required, to demonstrate the Plan's deliverability.

In accordance with Section 24(4)(a) of the Planning and Compulsory Purchase Act 2004 and Regulation 21 of the 2012 Regulations, on 31 January 2020 (the first day of pre-submission publication) Lambeth requested the opinion in writing of the Mayor of London as to the general conformity of the Draft Revised Lambeth Local Plan Proposed Submission Version and associated Proposed Changes to the Policies Map (January 2020) with the Mayor's London Plan, which is the spatial development strategy for London. The Mayor responded on 13 March 2020 to confirm that the DRLLP PSV was in general conformity with the London Plan (considered in relation to the Draft London Plan Intend to Publish version December 2019), but he made a number of comments on wording (including detailed comments from Transport for London) ([R054](#)). These comments were subsequently discussed with the Mayor's officials and proposed amendments to the wording of the Plan were agreed, as set out in the Statement of Common Ground between the Council and Mayor dated May 2020 ([SCG01](#)).

(ii) Does the Local Plan keep within its remit in relation to the 'made' and emerging Neighbourhood Plans within the Plan Area?

There is currently one 'made' neighbourhood plan in Lambeth covering the Southbank and Waterloo area of the borough (SoWN NDP - [SD05](#)) (as well as part of neighbouring Southwark), and a small number of emerging neighbourhood plans, the most advanced of which cover the Kennington, Oval, Vauxhall area and West Norwood, although neither has reached submission. The Plan fully acknowledges the role of neighbourhood planning in the borough – see paragraphs 1.21, 1.22, 1.28, in the Vision on page 54, in Policy D1(c) and in Section 11 at paragraphs 11.2 on page 331 and 11.3 on page 332, 11.21, 11.96, 11.114, 11.124, and 11.148. Annex 12 sets out which of the Plan's policies are strategic and non-strategic. The Plan does not seek to duplicate or contradict the policies in the made SoWN NDP: Policy PN1 Waterloo and Southbank aims to complement it. None of the Regulation 19/20 representations raises a concern with the Plan's remit or scope in relation to made or emerging neighbourhood plans in the borough.

1.3 **Duty to Cooperate (DTC):**

- (i) Given that the legal responsibility for the Duty to Cooperate (DTC) rests with the individual London Boroughs, and also given the London-wide housing shortfall of 140,000 homes over the ten years from 2019/20 to 2028/29 (based on paragraph 6 of the Secretary of State's letter dated 13 March 2020), should the Council be addressing this shortfall in this Plan in cooperation with its neighbouring LPAs?*

Please see the Council's response to this question on pages 6-10 of [LBL01](#).

- (ii) Where does the Council consider the balance to lie between the London Plan (Intend to Publish version) and the individual Boroughs and Development Corporations in addressing the London-wide housing shortfall?*

Please see the Council's response to this question on page 10 of [LBL01](#).

- (iii) Apart from housing, does the Plan satisfy the DTC in relation to planning for the longer-term growth of neighbouring areas, the plans of utilities and service providers and any other strategic, cross-boundary planning considerations?*

The Council's approach to the Duty to Cooperate is set out in its Duty to Cooperate Statement of Compliance May 2020 ([PD07](#)). This addresses engagement since 2016 with each of the prescribed bodies, each of the neighbouring boroughs and with waste planning authorities.

The Council has also agreed Statements of Common Ground (SCG) with the Mayor – which covers Transport for London - with all neighbouring boroughs, with waste planning authorities that receive waste from or export waste to Lambeth, and with Sport England (SCG01 to SCG25).

The neighbouring borough SCGs cover the full range of potential cross-border strategic planning issues including: neighbourhood planning; housing provision; gypsies and travellers; employment, retail, leisure and commercial development; social infrastructure; transport; air quality; flood risk and critical drainage areas; waste management; water supply and wastewater; the provision of energy; green infrastructure; strategic and local views; and heritage, design and conservation.

Engagement with infrastructure providers has taken place through the preparation of and consultation on the Infrastructure Delivery Plan ([EB99](#)), which covers a range of types of infrastructure including utilities. Engagement also took place with Thames Water Utilities Ltd to discuss and agree their preferred approach to planning for water and wastewater infrastructure, with agreed wording included in paragraphs 9.60 and 9.61 of the Plan. Thames Water's support is confirmed in their Regulation 20 response ([R016](#)). The support of the National Grid is confirmed in their response ([R005](#)).