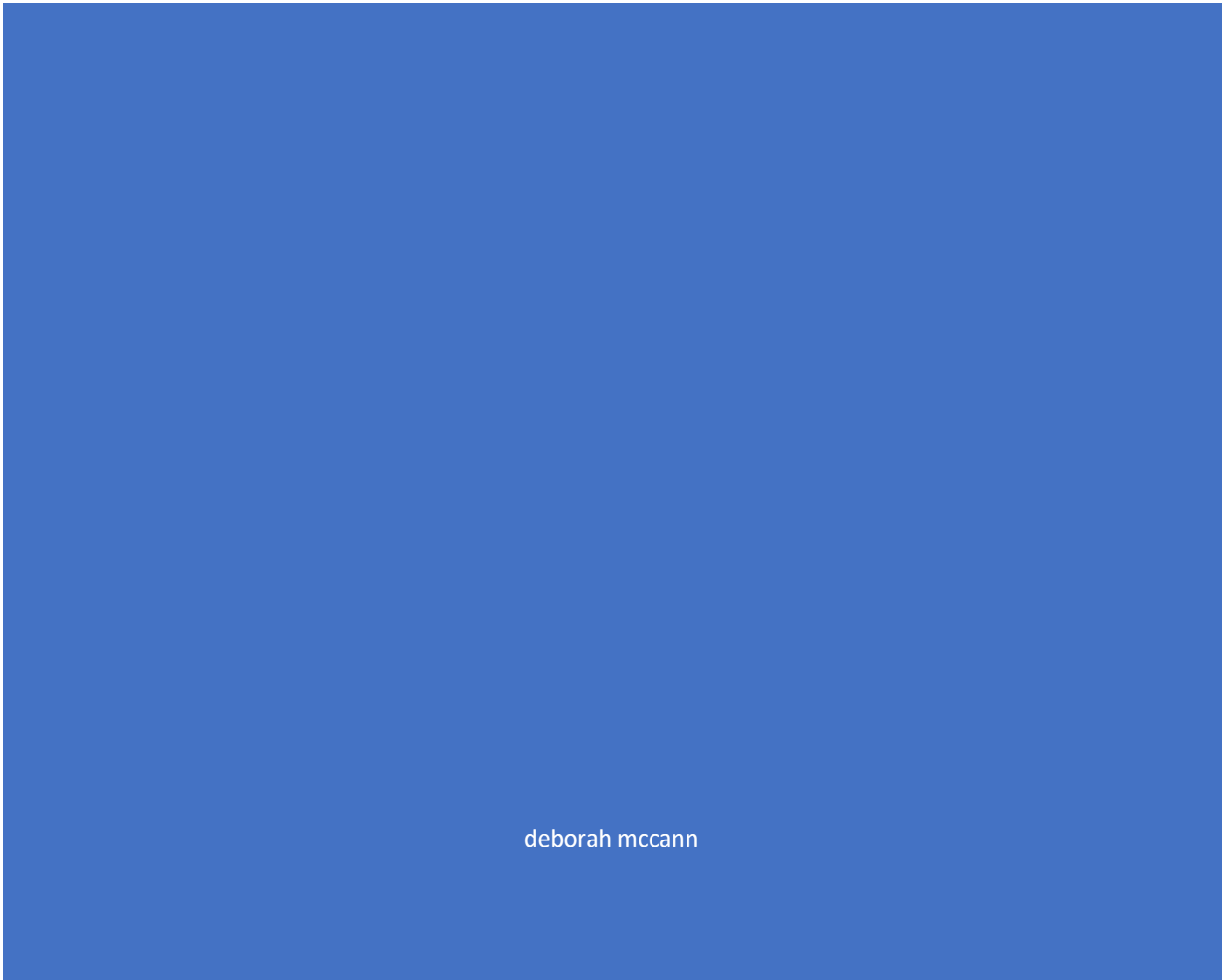




**INDEPENDENT EXAMINER'S REPORT OF THE CROFTON  
PARK AND HONOR OAK NEIGHBOURHOOD  
DEVELOPMENT PLAN**



deborah mccann

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## **SECTION 2**

### **Summary**

As the Independent Examiner appointed by London Borough of Lewisham to examine the Crofton Park and Honor Oak Neighbourhood Development Plan, I can summarise my findings as follows:

1. *I find the Crofton Park and Honor Oak Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
2. *I am satisfied that the Referendum Area should be the same as the Plan Area, should the Crofton Park and Honor Oak Neighbourhood Development Plan go to Referendum.*
3. *I have read the Crofton Park and Honor Oak Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
4. *I find that the Crofton Park and Honor Oak Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
5. *At the time of my examination the Development Plan comprised the adopted Lewisham LDF (core strategy and Development management plan) and the London Plan 2011(as revised 2016).*

## **SECTION 3**

### **3.Introduction**

#### **3.1. Neighbourhood Plan Examination.**

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Crofton Park and Honor Oak Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Crofton Park and Honor Oak Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Crofton Park and Honor Oak Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Crofton Park and Honor Oak Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the London Borough of Lewisham website and covered in my report within the relevant policy.

### **3.2. The Role of Examiner including the examination process and legislative background.**

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
  - i) specify the period to which it has effect;*
  - ii) not include provision about excluded development; and*
  - iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum
2. The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with

'Wider Community Aspirations'. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

### 3. The Plan does not meet the legal requirements and cannot proceed to Referendum

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Crofton Park and Honor Oak Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions,

which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development; and
- Is in general conformity with the strategic policies contained in the Development Plan for the area.

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

London Borough of Lewisham will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Unitary Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.





## **SECTION 4**

### **4.The Report**

#### **4.1. Appointment of the Independent examiner**

The London Borough of Lewisham appointed me as the Independent Examiner for the Crofton Park and Honor Oak Neighbourhood Development Plan with the agreement of Crofton Park and Honor Oak Neighbourhood Forum.

#### **4.2. Qualifying body**

Where there is no parish or town council who can lead on the creation of a neighbourhood plan, members of the community can form a neighbourhood forum to take forward the development of a Neighbourhood Plan or Order. A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum (a forum application). Those making a forum application must show how they have sought to comply with the conditions for neighbourhood forum designation. These are set out in section 61F (5) of the Town and Country Planning Act 1990 as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

To be designated a neighbourhood forum must have a membership that includes a minimum of 21 individuals who either:

- live in the neighbourhood area
- work there; and/or
- are elected members for a local authority that includes all or part of the neighbourhood area

Crofton Park and Honor Oak Neighbourhood Area and Forum was designated by Mayor and Cabinet on the 16<sup>th</sup> of July 2014 for a statutory 5 year period. The forum designation lapsed in July 2019. The Forum submitted a re-designation application to the London Borough of Lewisham on the 26<sup>th</sup> of June 2019 and a 14 week consultation was held between the 25 Oct 2019 and 24 January 2020 (there was an extension beyond the 6 weeks due to an initial low turnout and the Christmas break).

The decision on the re-designation was postponed due to the Covid-19 pandemic however the forum was formally re-designated on the 25th of Oct 2020.

The Crofton Park and Honor Oak Neighbourhood Forum (GPNF) are therefore the Qualifying Body for the purposes of neighbourhood planning, in accordance with the Localism Act (2011)4.

#### **4.3. Neighbourhood Plan Area**

Crofton Park and Honor Oak Neighbourhood Forum was designated as a Neighbourhood Plan area 22 October 2014 by the London Borough of Lewisham.

The Crofton Park and Honor Oak Neighbourhood Area covers the area shown on the map in Figure 1, page 10 of the Crofton Park and Honor Oak Neighbourhood Development Plan.

The Basic Conditions Statement submitted with the Crofton Park and Honor Oak Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Crofton Park and Honor Oak Neighbourhood Development Plan.

#### **4.4. Plan Period**

It is intended that the Crofton Park and Honor Oak Neighbourhood Development Plan will cover the period 2017-2027.

#### **4.5. London Borough of Lewisham initial assessment of the Plan (Regulation 15).**

Crofton Park and Honor Oak Neighbourhood Forum submitted the draft Crofton Park and Honor Oak Neighbourhood Plan to London Borough of Lewisham for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 on the 11<sup>th</sup> of July 2019. London Borough of Lewisham made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

#### **4.6 Site Visit**

Due to the exceptional circumstances of the Covid 19 pandemic restrictions it was agreed with the London Borough of Lewisham and the Crofton Park and Honor Oak Neighbourhood Forum that I would be provided with extensive photographic evidence of the neighbourhood plan area. The photographic evidence was provided by the forum. The areas covered by the photographs were selected by me, focusing in particular on policy areas and site allocations. I am satisfied that this evidence together with my own research provided me with the information necessary to complete my examination.

#### **4.7. The Consultation Process**

The Crofton Park and Honor Oak Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

#### **4.8. Regulation 16 consultation by London Borough of Lewisham and record of**

## **responses.**

The London Borough of Lewisham placed the Crofton Park and Honor Oak Neighbourhood Development Plan out for consultation under Regulation 16 for the statutory six-week period from 17th March to 3rd of May 2021.

A number of representations were received during the consultation period, and these were made available by London Borough of Lewisham as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

### **4.9. Compliance with the Basic Conditions**

A Basic Conditions Statement was produced for the Crofton Park and Honor Oak Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Crofton Park and Honor Oak Neighbourhood Development Plan:

1. Has regard to national policies and advice
2. Contributes to sustainable development
3. Is in general conformity with the strategic policies in the appropriate

Development Plan

4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.

5. Meets prescribed conditions in relation to the neighbourhood plan and

prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. (Prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act— The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.")

Documents brought to my attention by Lewisham BC for my examination include:

*(a) The Crofton Park and Honor Oak Neighbourhood Development Plan:*

This is the main document, which includes the policies developed by the community.

*(b) The Consultation Statement:*

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Crofton Park and Honor Oak Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

*(c) Basic Conditions Statement.*

This is a statement setting out how Crofton Park and Honor Oak Neighbourhood Development Plan Working Group considers that the Neighbourhood Development Plan meets the Basic Conditions.

*(d) Habitats Regulations Assessment*

*(e) Sustainability Appraisal*

**Comment on Documents submitted**

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Crofton Park and Honor Oak Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

**4.10 Planning Policy**

#### **4.10.1. National Planning Policy**

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) February 2021 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Crofton Park and Honor Oak Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Crofton Park and Honor Oak Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

#### **4.10.2. Local Planning Policy- The Development Plan**

6. Crofton Park and Honor Oak lies within the area covered by London Borough of Lewisham. The relevant development plan comprises the adopted Lewisham LDF (core strategy and Development management plan) and the London Plan 2011(as revised 2016).

4.10.3 To meet the Basic Conditions, the Crofton Park and Honor Oak Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2021(updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision<sup>12</sup> for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2021(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities 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.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.10.5 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act

2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.10.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.10.7 Planning Policy Guidance paragraph 076 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

*7. I have considered the Strategic policies of the Development Plan and the Policies of the Crofton Park and Honor Oak Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Lewisham LDF (core strategy and Development*



*management plan) and the London Plan 2011(as revised 2016).*

#### **4.11. Other Relevant Policy Considerations**

##### **4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations**

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

The London Borough of Lewisham undertook a screening assessment (January 2017) to determine whether a full Strategic Environmental Assessment (SEA) was required in accordance with European Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations (2004).

As a result of the assessment, Lewisham Council considered that the HopCroft Neighbourhood Plan is likely to have significant environmental effects by virtue of containing land allocation policies and policies that extend beyond the remit of the borough Development Plan and therefore have not already been subject to a Sustainability Appraisal or SEA and would require full SEA.

To meet this requirement, the HopCroft Plan has undergone a Sustainability Appraisal process which incorporates the requirements of the SEA Directive. This reflects the socio-economic issues which the Neighbourhood Plan seeks to address. It also reflects the desire of the Neighbourhood Forum to effectively consider health and equalities issues through the Neighbourhood Plan. AECOM carried out a Sustainability Appraisal in April 2018.

The SA concluded that:

“the current version of the HopCroft Plan is likely to lead to significant positive effects in relation to the ‘population and equalities’, and ‘health and wellbeing’ SA themes. These benefits largely relate to the HopCroft Neighbourhood Plan’s focus on enhancing the quality of life of residents and improving accessibility to high quality green infrastructure, including through the protection and enhancement of

neighbourhood centres, high streets, the pedestrian network, open spaces and green networks.”

“The Neighbourhood Plan is also expected to lead to significant positive effects in relation to the ‘transportation’ theme, through supporting the use of sustainable transport modes, reducing issues of congestion and improving road safety.”

“The current version of the HopCroft Neighbourhood Plan will initiate a number of beneficial approaches regarding the ‘landscape and historic environment’, ‘biodiversity’, ‘land, soil and water resources’ and ‘climate change’ sustainability themes. However, these are not considered to be significant in the context of the SA process given the scope of the Neighbourhood Plan and the scale of proposals.”

All statutory consultees were in agreement with the assessment.

### **HRA Screening**

The requirement to assess plans or projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the ‘Habitats Directive’). The Habitats Directive established a Europe-wide network of sites known as Natura 2000, which provides for the protection of sites that are of exceptional importance for rare, endangered or vulnerable natural habitats and species within the European Union. The Habitats Directive is now consolidated in law within the Conservation of Habitats and Species Regulations (2017)<sup>15</sup>.

A Habitats Regulations Assessment (HRA) Screening report was prepared by the London Borough of Lewisham in January 2017 for the draft Crofton Park and Honor Oak Park (HopCroft) NDP, in order to assess whether it would be likely to have a negative effect on protected European sites (habitats and species) listed in the annexes of the Directive.

The Screening Report was carried out in accordance with the requirements of the Habitats Directive and Regulations in order to ensure that the protection and integrity of the following European Sites:

- Lee Valley SAC and Ramsar
- Richmond Park SAC
- Wimbledon Common SAC
- Epping Forest SAC

The HRA screening concluded:

“Since there are no European Sites within the borough and those identified for the screening are within 15km of the borough boundary, the draft determination of the assessment was that none of the policies contained in the draft NDP has been found to have a likely significant effect on any designated European. In particular, the draft NDP either on its own or in combination with any other relevant plans and projects, are unlikely to result in significant effect on the primary reasons for the designation of the European Sites and there is therefore no need to undertake tasks two and three of the Habitats Regulation Assessment.”

Natural England were satisfied with this conclusion.

I am satisfied with this conclusion.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further Basic Condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied that this Basic Condition has been met.

#### **4.11.2 Sustainable development**

The Basic Conditions Statement sets out how the plan addresses achieving

sustainable development.

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Crofton Park and Honor Oak Neighbourhood Development Plan would, subject to the recommended modifications, would contribute to achieving sustainable development.

### **European Convention of Human Rights and to comply with the Human Rights Act 1998.**

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Basic Conditions Statement refers to how the development of the plan and its policies accord with EU Human Rights obligations:

“The Crofton Park and Honor Oak Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process on ensuring that it has reached all communities living and working in Crofton Park and Honor Oak, with no intentional isolation or exclusion from participating.”

I am satisfied with this conclusion.

I am satisfied that the Crofton Park and Honor Oak Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

#### **4.11.3 Excluded development**

I am satisfied that the Crofton Park and Honor Oak Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

#### **4.11.4 Development and use of land**

I am satisfied that the Crofton Park and Honor Oak Neighbourhood Development Plan covers development and land use matters.

#### **4.12.1 Crofton Park and Honor Oak Neighbourhood Development Plan Policies**

##### **General comments**

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Crofton Park and Honor Oak Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related

policies. My comments on policies are in blue with the modified policies in red.

**A revised version of the NPPF was brought into force on the 20th of July 2021 as a result any references in the Crofton Park and Honor Oak NDP should be revised to reflect the new paragraph numbers.**

## **12.The Neighbourhood Plan Vision, Strategic Aims and Policies**

### **THE VISION FOR HOPCROFT**

An inclusive neighbourhood nestled between the attractive green peaks of Hilly Fields, One Tree Hill and Blythe Hill. A well-connected residential area which benefits from leafy Victorian and Edwardian streets. High quality, attractive neighbourhood parades with independent shops, eating places and businesses linked to excellent community spaces. Education and entertainment facilities supporting a diverse range of social, cultural and arts activities.

A place that actively encourages a healthy lifestyle, a sense of community and new businesses to thrive, where everyone benefits from its positive qualities, facilities and friendliness.

- Healthy environment - new and improved green infrastructure, drainage of surface water, reduced flood risk and improved air quality
- Local economy - protection and enhancement of shopping streets and opportunities for small businesses
- Regeneration of southern part of Neighbourhood Plan Area - Brockley Rise (South) and Ewart Road Estate
- Protection of built environment - ensuring that new development is in keeping with and enhances the character of the area
- Quality of design - ensuring that new development is of a high design quality
- Protection and enhancement of community facilities - ensuring that existing community assets are protected and where possible enhanced

The vision has been developed into the following key themes:

- Sustainable Development (overarching theme)
- Housing
- Community Facilities
- Local Economy and Neighbourhood Centres
- Built Environment and Heritage
- Green Space
- Transport and Movement
- Health and Wellbeing

## **COMMENT**

**I am satisfied that the Crofton Park and Honor Oak NDP vision, and key themes were developed from the consultation process and that the policies within the plan reflect them.**

## **Crofton Park and Honor Oak Neighbourhood Plan (HOPCROFT) Policies**

### **G1 Promoting Sustainable Development**

The scale and type of development in the Crofton Park and Honor Oak Neighbourhood Plan area will respect the residential character of the area and provide living and working environments of good quality, supported by a network of local services and facilities. New development will be required to:

- i. protect and enhance existing assets;
- ii. protect and enhance the character of the built and natural heritage of the area;
- iii. protect and enhance open spaces and contribute to the greening of the Neighbourhood Area;

- iv. ensure the retention and protection of shopping areas and smaller local parades that contribute to local day-to-day retail needs and employment;
- v. support the retention of locally significant employment, including maintaining a Local Employment Location (LEL) at Malham Road;
- vi. seek to improve the walking and cycling environment to improve access to local services and public transport provision;
- vii. where possible contribute to the regeneration of the southern end of the Neighbourhood Plan area.

## **COMMENT**

**I have no comment on this policy.**

## **H1 Housing**

1. Residential development shall provide a range of housing types to meet local housing needs, as appropriate. This shall be achieved through:

- a. provision of affordable housing in line with the 50% target as set out in the Local Development Plan;
- b. provision of social and intermediate housing in line with the Development Plan;
- c. provision of a range of different sized units, including family housing (3+ bedrooms);
- d. appropriate provision of homes for the elderly and disabled, which promote accessibility;
- e. appropriate provision for necessary social infrastructure including education, health and community facilities.

2. All new residential development should reflect the character of the Neighbourhood Plan area and will be required to be of a high design quality in accordance with Policies BE1 and BE2.



3. Proposals for community-led self-build housing on appropriate sites will be supported.

## **COMMENT**

**Point 1. of this policy reads as if it is a statement rather than a policy. For clarity the policy should be modified as follows:**

**1. Residential development which provides a range of housing types to meet local housing needs, as appropriate will be supported where it:**

**a. provides affordable housing in line with the 50% target as set out in the Local Development Plan;**

**b. provides social and intermediate housing in line with the Development Plan;**

**c. provides a range of different sized units, including family housing (3+ bedrooms);**

**d. makes an appropriate provision of homes for the elderly and disabled, which promote accessibility;**

**e. makes an appropriate provision for necessary social infrastructure including education, health and community facilities.**

**2. All new residential development should reflect the character of the Neighbourhood Plan area and will be required to be of a high design quality in accordance with Policies BE1 and BE2.**

**3. Proposals for community-led self-build housing on appropriate sites will be supported.**

## **H2 Windfall Sites**

The development of sites which are not allocated for housing will be supported where the proposals satisfy the criteria set out in Policy H1 and provided that the proposed development is in accordance with other policies in the Neighbourhood

Plan.

Residential development will not be permitted where:

- a. the site is located within the Malham Road LEL;
- b. the site is in existing employment use and development would be contrary to Policy E2;
- c. development would result in the loss of existing community facilities contrary to Policies C1 and C2;
- d. the site is located within a local centre and development would adversely impact on the character and vitality of that centre contrary to Policies NC1 and NC2;
- e. development would result in the loss of green space;
- f. development would have an adverse impact on the biodiversity and ecological value of a Site of Importance for Nature Conservation (SINC), on the integrity of the SINC alongside the railway or on an existing or proposed Local Nature Reserve which is not capable of satisfactory mitigation.

Residential development within Neighbourhood Centres or Neighbourhood Parades should form part of mixed use development schemes in accordance with Policies NC1 and NC2.

Development proposals will be required to include a mix of housing, including family housing, and contribute towards the provision of necessary social infrastructure including health, education and community facilities, and of wider environmental improvements such as tree planting. Proposals for affordable housing and community-led self-build housing implemented by a Community Land Trust will be supported.

Development will be required to be of a high design quality in accordance with Policies BE1 and BE2 and to contribute to the greening of the Neighbourhood Area in accordance with Policy GS2.

## **COMMENT**

The determination of planning applications is the role of Local Planning Authorities not neighbourhood plans, therefore the use of “permitted” or “not permitted” is not appropriate. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

### **H2 Windfall Sites**

The development of sites which are not allocated for housing will be supported where the proposals satisfy the criteria set out in Policy H1 and provided that the proposed development is in accordance with other policies in the Neighbourhood Plan.

Residential development will not be supported where:

- a. the site is located within the Malham Road LEL;
- b. the site is in existing employment use and development would be contrary to Policy E2;
- c. development would result in the loss of existing community facilities contrary to Policies C1 and C2;
- d. the site is located within a local centre and development would adversely impact on the character and vitality of that centre contrary to Policies NC1 and NC2;
- e. development would result in the loss of green space;
- f. development would have an adverse impact on the biodiversity and ecological value of a Site of Importance for Nature Conservation (SINC), on the integrity of the SINC alongside the railway or on an existing or proposed Local Nature Reserve which is not capable of satisfactory mitigation.

**Residential development within Neighbourhood Centres or Neighbourhood**

**Parades should form part of mixed use development schemes in accordance with Policies NC1 and NC2.**

**Development proposals will be required to include a mix of housing, including family housing, and contribute towards the provision of necessary social infrastructure including health, education and community facilities, and of wider environmental improvements such as tree planting.**

**Proposals for affordable housing and community-led self-build housing implemented by a Community Land Trust will be supported.**

**Development will be required to be of a high design quality in accordance with Policies BE1 and BE2 and to contribute to the greening of the Neighbourhood Area in accordance with Policy GS2.**

### **SA1 Land at Whitbread Road**

Land at Whitbread Road is allocated for residential development.

a. Development proposals will be required to be of a high design quality in accordance with Policy BE1 and to make appropriate contributions towards necessary social infrastructure including education, health and community facilities.

b. Proposals will be developed in consultation with local residents and it will be necessary to demonstrate that the proposed development will not have an unacceptable impact on existing residential amenity and on parking or public open space provision.

c. Development will be required to provide a measure of biodiversity and an overall 'net gain' in biodiversity for the site.

Proposals for affordable housing and community-led self-build housing implemented by a Community Land Trust will be supported.

### **COMMENT**

**I have no comment on this policy.**

## **C1 Protection and Enhancement of Community Facilities**

The following sites and buildings are identified as community facilities:

1. Jenner Health Centre, Stanstead Road
2. Crofton Park Library, Brockley Road
3. Ackroyd Community Centre, Ackroyd Road
4. Royal British Legion Club, Eddystone Road
5. Ewart Road Clubroom, Wastdale Road
6. St Hilda's Church and Church Hall, Courtrai Road
7. St Saviour's Church and Church Hall, Brockley Rise
8. Scout Hut building and adjoining land, Courtrai Road
9. St William of York Catholic Church and Church Hall, Brockley Park
10. Malham Christian Centre, Malham Road
12. Rivoli Ballroom, Brockley Road
13. Brockley Adult Education Learning Centre, Brockley Rise
14. Brockley Jack PH and Studio Theatre, Brockley Road
15. Honor Oak PH, St German's Road
16. General Napier PH, Bovill Road
17. Chandos PH, Brockley Rise
18. Blythe Hill Tavern, Stanstead Road

Development proposing the change of use/loss of an existing community facility,

whether land or premises, currently or last used as a community facility, will not be permitted unless it can be demonstrated that:

- i. The use no longer serves the needs of the community in which it is located;
- ii. There is adequate alternative provision within the Neighbourhood Area which has the capacity to meet the needs of the community which the facility previously served; and
- iii. The applicant has been unable to secure in consultation with the local community an appropriate alternative community use and it can be demonstrated that the use of the building or land as a community facility is no longer viable.

Proposals for the shared use of community facilities will be supported.

## **COMMENT**

**As previously stated, the determination of planning applications lies with the LPA. For clarity and to meet the Basic Conditions the phrase “not be permitted” should be replaced with “not be supported”.**

## **C2 Redevelopment of Sites in Existing Community Use**

Redevelopment or intensification of sites in existing community use may be permitted subject to development proposals making appropriate on-site provision for community facilities and where this would be in compliance with other policies. The following criteria will be applied:

- i. In exceptional circumstances, off-site provision of community facilities within the vicinity of the existing site may be acceptable where it can be demonstrated that consultation has been undertaken with the local community and this would result in improved facilities which would be accessible to and meet the needs of the community served.
- ii. Development will be required to be of a high design quality in accordance with Policies BE1 and BE2.

iii. In the event of proposals coming forward within the plan period for redevelopment of the Jenner Health Centre site, a Development Brief will be agreed with the local planning authority prior to the submission of any planning application which includes the re-provision of existing health and community facilities.

iv. Proposals will be required to satisfy the criteria set out in Policy C1.

## COMMENT

**The determination of planning applications is the role of Local Planning Authorities not neighbourhood plans. For clarity and to meet the Basic Conditions the phrase “may be permitted” should be replaced with “may be supported”.**

### E1 Employment Sites and Enterprise

1. The Malham Road Local Employment Location (LEL) will be protected for employment uses within Classes B1, B2 and B8, and complementary uses and development proposals will be supported which enhance employment opportunities and provide a range of accommodation including smaller units for micro-businesses and studio space. Where the redevelopment of existing employment space is proposed within the Malham Road LEL, development proposals will be required to demonstrate that:

i. The level of employment floorspace will be maintained or increased;

ii Opportunities will be secured for local employment;

iii. Measures will be taken to mitigate any impacts arising from the development in terms of traffic, parking, servicing, air quality, noise and residential amenity.

Residential uses will not be permitted within the Malham Road LEL

2. Where the redevelopment of other land or buildings in existing employment use is proposed outside the Malham Road LEL, development proposals will be required to demonstrate that:

- i. The existing level and types of employment floorspace will be maintained;
  - ii. Opportunities will be secured for local employment;
  - iii. There would be no unacceptable impact on residential amenity and measures will be taken to address any impacts arising from the development in terms of traffic, parking, servicing, air quality and noise.
3. Residential use may be supported where this comprises live-work units with ground floor workspace as part of an employment-led development scheme. There will be a presumption against the change of use to non- employment uses unless it can be demonstrated that the site has been unsuccessfully marketed for employment use and its continued use for employment is no longer viable.
4. Proposals for the conversion of vacant lock-up garages to employment uses within Class B1 will be supported where this would not impact on residential amenity and subject to an appropriate design and layout, parking provision and access arrangements.
5. Proposals for redevelopment of employment sites will be required to be in accordance with Policies BE1 and BE2.

## **COMMENT**

**The NPPF 2021 (as updated) states that:**

**122. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:**

**a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and**



**b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.**

**In order to have regard for National Policy as required by the Basic Conditions neighbourhood plan policies should be worded to ensure that there is an element of flexibility to allow for applications for a change of use of employment land should there be a proven lack of demand in the longer term.**

**The Town and Country Planning (Use Classes) Order 1987 (as amended) was revised as of the 1st of September 2020. There is now a new Use Class E. Class E (g) replaces B1.**

**The determination of planning applications is the role of Local Planning Authorities not neighbourhood plans. For clarity and to meet the Basic Conditions the policy should be modified as follows:**

### **E1 Employment Sites and Enterprise**

**1. The Malham Road Local Employment Location (LEL) will be protected for employment uses within Classes E(g), B2 and B8, and complementary uses and development proposals will be supported which enhance employment opportunities and provide a range of accommodation including smaller units for micro-businesses and studio space until such time it is considered that there is no reasonable prospect of an applications coming forward for the use allocated in a plan . Where the redevelopment of existing employment space is proposed within the Malham Road LEL, development proposals will be required to demonstrate that:**

**i. The level of employment floorspace will be maintained or increased;**

**ii Opportunities for local employment will be promoted;**

**iii. Measures will be taken to mitigate any impacts arising from the development in terms of traffic, parking, servicing, air quality, noise and residential amenity. Residential uses will not be supported within the Malham**

## **Road LEL**

**2. Where the redevelopment of other land or buildings in existing employment use is proposed outside the Malham Road LEL, development proposals will be required to demonstrate that:**

**i. The existing level and types of employment floorspace will be maintained;**

**ii. Opportunities for local employment will be promoted;**

**iii. There would be no unacceptable impact on residential amenity and measures will be taken to address any impacts arising from the development in terms of traffic, parking, servicing, air quality and noise.**

**3. Residential use may be supported where this comprises live-work units with ground floor workspace as part of an employment-led development scheme. There will be a presumption against the change of use to non-employment uses unless it can be demonstrated that the site has been unsuccessfully marketed for employment use and its continued use for employment is no longer viable.**

**4. Proposals for the conversion of vacant lock-up garages to employment uses within Class B1 will be supported where this would not impact on residential amenity and subject to an appropriate design and layout, parking provision and access arrangements.**

**5. Proposals for redevelopment of employment sites will be required to be in accordance with Policies BE1 and BE2.**

## **E2 Malham Road Employment Regeneration Area**

The Malham Road LEL is identified as an Employment Regeneration Area and the location for an enterprise hub.

Proposals for the regeneration of the Malham Road Local Employment Location (LEL) for employment uses in Classes B1b/c and B2 to provide a range of

employment space (Office/ Research and Development/Light Industry) will be supported subject to: appropriate design and layout, impact on amenity of adjacent residential properties, parking provision, access arrangements and streetscape improvements and management. Any proposals involving the intensification of employment uses will be required to include measures to mitigate impacts on residential amenity and to improve the environmental quality of the area.

Proposals for redevelopment of the Malham Road LEL will be required to form part of an overall masterplan for the area and to be in accordance with policies BE1 and BE2.

## **COMMENT**

**The Town and Country Planning (Use Classes) Order 1987 (as amended) was revised as of the 1st of September 2020. There is now a new Use Class E. Class E (g) replaces B1. Whilst a masterplan approach to redevelopment is best practice it cannot be a requirement in this policy. For clarity and to meet the Basic Conditions, the policy should be modified as follows:**

### **E2 Malham Road Employment Regeneration Area**

**The Malham Road LEL is identified as an Employment Regeneration Area and the location for an enterprise hub.**

**Proposals for the regeneration of the Malham Road Local Employment Location (LEL) for employment uses in Classes E (g) and B2 to provide a range of employment space (Office/ Research and Development/Light Industry) will be supported subject to compliance with policies BE1 and BE2 and:**

- i. Appropriate design and layout, including access arrangements and streetscape improvements and**
- ii. Measures to mitigate any impacts arising from the development in terms of traffic, parking, servicing, air quality, noise and residential amenity, access arrangements and streetscape improvements and management.**

**iii. Any proposals involving the intensification of employment uses will be required to include measures to mitigate impacts on residential amenity and to improve the environmental quality of the area.**

**The development of a masterplan is strongly encouraged for any proposals for the redevelopment of the Malham Road LEL.**

### **SA2 Beecroft Mews Neighbourhood Employment Site**

Beecroft Mews is allocated as a Neighbourhood Employment Site. Development proposals affecting Beecroft Mews will be subject to Policies E1, BE1 and BE2.

#### **COMMENT**

**I have no comment on this policy.**

### **NC1 Protection and Enhancement of Crofton Park and Honor Oak Park Neighbourhood Centres**

1. The change of use of retail units within Crofton Park and Honor Oak Park Neighbourhood Centres (as defined in Figure 6) will not be permitted unless it can be demonstrated that the unit has been vacant for a significant period and has been unsuccessfully marketed for retail use, and retail use within Class A1, A2 and A3 is unviable.

2. Where it can be demonstrated that continued retail use within Class A1, A2 and A3 is unviable, proposals for the change of use of vacant retail units to provide co-working space for small start-up businesses will be supported subject to an appropriate shop front design and the retention of an active building frontage. Change of use of ground floor retail premises to residential will not normally be permitted.

3. The redevelopment of inappropriate uses in the neighbourhood centres which are not identified as main town centre uses in the NPPF (annex 2) and have a negative impact on amenity will be supported. Development should include an active town centre use at ground floor with residential or office use on upper floors.

4. Development will be required to preserve or enhance the character of the Local Neighbourhood Centres as mixed retail areas with a diverse range of shops and businesses. This will be achieved by:

- i. The control of signage, adverts and forecourt developments to respect and be sympathetic to the character of the area;
- ii. Increasing the range of retail outlets, food/drink outlets and commercial premises;
- iii. Contributions to public realm improvements which enhance the character of the Centre.

Development proposals should be of high-quality design in accordance with Policies BE1, BE2 and BE3 and improve the appearance of the neighbourhood centres. Shop fronts, shutters and signs for shop fronts should be well designed and at a suitable scale, taking into account the Lewisham Shopfront Design Guide.

## **COMMENT**

**The Town and Country Planning (Use Classes) Order 1987 (as amended) was revised as of the 1<sup>st</sup> of September 2020. There is now a new Use Class E which covers**

**“Class E - Commercial, Business and Service**

**In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and ‘indoor sport’ from D2(e):**

**E(a) Display or retail sale of goods, other than hot food**

**E(b) Sale of food and drink for consumption (mostly) on the premises**

**E(c) Provision of:**

**E(c)(i) Financial services,**

**E(c)(ii) Professional services (other than health or medical services), or**

**E(c)(iii) Other appropriate services in a commercial, business or service locality**

**E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)**

**E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)**

**E(f) Creche, day nursery or day centre (not including a residential use)**

**E(g) Uses which can be carried out in a residential area without detriment to its amenity:**

**E(g)(i) Offices to carry out any operational or administrative functions,**

**E(g)(ii) Research and development of products or processes**

**E(g)(iii) Industrial processes”**

**The determination of planning applications is the role of Local Planning Authorities not neighbourhood plans. For clarity and to meet the Basic Conditions the policy should be modified as follows:**

### **NC1 Protection and Enhancement of Crofton Park and Honor Oak Park Neighbourhood Centres**

**1. The change of use of retail units within Crofton Park and Honor Oak Park Neighbourhood Centres (as defined in Figure 6) will not be supported unless it can be demonstrated that the unit has been unsuccessfully marketed for a period of 12 months, and a use within Class E (a), E(b) or E(c) is unviable.**

**2. Where it can be demonstrated that continued use within Class E (a), (b), (c) is unviable, proposals for the change of use of vacant retail units to provide co-working space for small start-up businesses will be supported subject to an appropriate shop front design and the retention of an active building frontage.**

**Where planning permission is required the change of use of ground floor retail premises to residential use will not normally be supported.**

**3. The redevelopment of inappropriate uses in the neighbourhood centres which are not identified as main town centre uses in the NPPF (annex 2) and have a negative impact on amenity will be supported. Development should include an active town centre use at ground floor with residential or office use on upper floors.**

**4. Development proposals should preserve or enhance the character of the Local Neighbourhood Centres as mixed retail areas with a diverse range of shops and businesses and will be supported where:**

**i. signage, adverts and forecourt developments respect and are sympathetic to the character of the area;**

**ii. they increase the range of retail outlets, food/drink outlets and commercial premises;**

**iii. they include public realm improvements which enhance the character of the Centre.**

**Development proposals should be of high-quality design in accordance with Policies BE1, BE2 and BE3 and improve the appearance of the neighbourhood centres. Shop fronts, shutters and signs for shop fronts should be well designed and at a suitable scale, taking into account the Lewisham Shopfront Design Guide.**

## **NC2 Protection and Enhancement of Local Neighbourhood Parades**

Planning permission for change use of retail units within Local Neighbourhood Parades (as defined in Figure 6) will not be permitted if the change of use would result in a reduction in the percentage of units falling within Class A1, A2 and A3 across the whole parade, unless the unit is vacant and has been unsuccessfully marketed for retail use. Proposals for a change of use of a vacant retail unit to provide co-working space for small start-up businesses within Class B1a or

community uses within Class D1 may be permitted. Changes of use of ground floor premises to residential use will only be permitted in exceptional circumstances where it is not possible to find a suitable commercial or business use for the retail unit and it has been demonstrated that the preferred uses are unviable, and where the development will be of a high design quality which will not adversely impact on the character of the frontage.

The amalgamation of adjacent units to form larger retail units will generally be discouraged unless it can be demonstrated that the proposed use will meet local priorities and add to the vitality of the local parade.

The redevelopment of sites in inappropriate uses along shopping parades which are not identified as main town centre uses in the NPPF (annex 2) and have a negative impact on amenity will be supported. Mixed use development will be permitted comprising retail, business, and community uses at the ground floor and residential uses on the upper floors. Development will be required to incorporate active frontages and improvements to the public realm on Stondon Park and Brockley Rise.

Development proposals should be of a high quality design in accordance with Policies BE1 and BE2 and improve the appearance of the Local Neighbourhood Parades. Shop fronts, shutters and signs for shop fronts should be well designed and at a suitable scale taking into account the Lewisham Shopfront Design Guide.

## **COMMENT**

**The determination of planning applications is the role of Local Planning Authorities not neighbourhood plans. Please see my comments on Policy NC1 regarding the changes to the Use Class order.**

**For clarity and to meet the Basic Conditions the policy should be modified as follows:**

### **NC2 Protection and Enhancement of Local Neighbourhood Parades**

**Planning permission for change use of retail units within Local Neighbourhood Parades (as defined in Figure 6) will not be supported if the change of use**



would result in a reduction in the percentage of units falling within Class E(a), E(b) and E(c) across the whole parade, unless the unit is vacant and has been unsuccessfully marketed for retail use.

Proposals for a change of use of a vacant retail unit to provide co-working space for small start-up businesses within Class E (g) (i) or community uses within Class F2 (b) may be supported.

Where planning permission is required, the change of use of ground floor premises to residential use will only be supported in exceptional circumstances where it is not possible to find a suitable commercial or business use for the retail unit and it has been demonstrated that the preferred uses are unviable, and where the development will be of a high design quality which will not adversely impact on the character of the frontage.

The amalgamation of adjacent units to form larger retail units will generally be discouraged unless it can be demonstrated that the proposed use will meet local priorities and add to the vitality of the local parade.

The redevelopment of sites in inappropriate uses along shopping parades which are not identified as main town centre uses in the NPPF (annex 2) and have a negative impact on amenity will be supported. Mixed use development comprising retail, business, and community uses at the ground floor and residential uses on the upper floors will be supported. Development will be required to incorporate active frontages and improvements to the public realm on Stondon Park and Brockley Rise.

Development proposals should be of a high quality design in accordance with Policies BE1 and BE2 and improve the appearance of the Local Neighbourhood Parades. Shop fronts, shutters and signs for shop fronts should be well designed and at a suitable scale taking into account the Lewisham Shopfront Design Guide.

### **NC3 Brockley Rise/Stanstead Road Local Improvement Area**

Brockley Rise/ Stanstead Road is identified as a Local Improvement Area. Development proposals will be supported which promote the regeneration and improvement of the Brockley Rise/Stanstead Road Local Neighbourhood Parade including the use of vacant premises for appropriate 'meanwhile' or temporary uses and improvements to shopfronts, shutters, signage and fascias.

Development proposals will be subject to Policy NC2. Development proposals should be of a high quality design in accordance with Policies BE1 and BE2 and improve the appearance of the Local Improvement Area. Shop fronts, shutters and signs for shop fronts should be well designed and at a suitable scale taking into account the Lewisham Shopfront Design Guide.

## COMMENT

**I have no comment on this policy.**

### **Policy BE1 Design of New Development**

All new development will be required to be of a high quality of design which complements and enhances the local character and identity of the Neighbourhood Area.

This shall be achieved by:

- a. Development which positively interfaces with the street and streetscape in which it is located;
- b. Development which reinforces local distinctiveness and enhances local social, cultural and heritage assets;
- c. Development which may include high quality contemporary architectural design should have regard to the form, function, structure and heritage of its context – including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces;
- d. Development which promotes principles of healthy and sustainable design with a

high level of resource efficiency and resilience to climate change. Consideration should be given to the incorporation of features such as Electric Vehicle charging points, living roofs, green walls, rainwater harvesting, passive solar design and zero carbon buildings;

e. A presumption in favour of a colour and material palette which is in harmony with the materials characteristic of its context;

f. Incorporation of internal and external spaces that are adaptable and flexible and which function well;

g. The use of attractive, durable, high quality materials and high standards of craftsmanship;

h. New buildings that respect and are sensitive to the height and proportions of existing buildings in their vicinity and setting;

i. Protection and enhancement of significant views as defined in the Neighbourhood Plan as well as the provision of associated high quality public realm, landscaping and tree planting and where appropriate, public art;

j. Design of lighting in new development that limits the impact of light pollution from artificial light on nature conservation and local amenity and avoids sky wash.

Where a development proposal is accompanied by a Design and Access Statement, this should demonstrate how it will contribute to sustainable development, including preserving and enhancing high quality local character.

Where development is proposed adjacent to designated and non-designated heritage assets or within Areas of Special Local Character, any new building should be sensitively designed in accordance with the principles set out in Policy BE3 to ensure that it restores and reinforces the regularity of the street form and the unity and coherence of townscape with historic or architectural features of merit.

## **COMMENT**

**I have no comment on this policy.**

### **Policy BE2 Extensions and Alterations to Existing Buildings**

Development proposals for alterations and extensions to existing residential and commercial properties, including roof extensions, should be of a high, site-specific and sensitive design quality, complementing the form, setting, period, architectural characteristics, and detailing of the original buildings and context, including external features such as chimneys and porches.

This shall be achieved by:

- i. A presumption in favour of a colour and material palate which is in harmony with the materials of its context;
- ii. The use of good quality materials;
- iii. The original built fabric, particularly Victorian, Edwardian and Arts & Crafts buildings and their boundary features being repaired or restored rather than replaced, wherever feasible, where this would protect and enhance local character;
- iv. Extensions, infill development and alterations that respect and are sensitive to the height, form and proportions of adjoining properties and existing buildings in their vicinity and setting;
- v. Sensitive design and location of bin enclosures within front gardens. Stores in front gardens should be avoided and if required they should be less than 1.2 metres tall and screened from the street;
- vi. Extensions, alterations and infill development being encouraged to remedy previous alterations to existing buildings which have weakened the coherence of the urban form through inappropriate boundary treatments, loss of front gardens, the introduction of inappropriate doors and window patterns, and poorly designed additions and alterations.

### **COMMENT**

**I have no comment on this policy.**

### **Policy BE3 Areas of Special Local Character**

Nine areas are identified as Areas of Special Character (ASLC): Honor Oak Park, Crofton Park, Brockley Hill, Blythe Hill Fields, Brockley Hall Estate, Ewart Road Estate, Brockley Park Estate, Montem Road Estate, Segal Close (as shown in Figure 7 on page 57 and described in detail in Appendix B).

Development within an ASLC will be required to protect and enhance the characteristics that contribute to its special local landscape, architectural and townscape distinctiveness.

This shall be achieved by the following requirements:

- i. Development should respect and creatively respond to the features and context of the ASLC, based on an understanding of each site including its context and the surrounding townscape and landform;
- ii. The design of all new development should respond creatively to, and enhance, its context. Development will be required to incorporate exemplary standards of high quality design befitting each ASLC's diverse and locally distinctive built and landscape setting and its public realm context;
- iii. New development should protect and enhance important local social, cultural and heritage assets, including the distinctive landscape character of Buckthorne Cutting, and significant local views as defined in Figure 7;
- iv. Demolition of a principal building frontage facing the public realm will be resisted where the frontage is of architectural and townscape merit and contributes to the distinctiveness of the area;
- v. The existing built fabric and building features should be carefully repaired/restored with matching materials, details and workmanship. Where this is not feasible, these should be carefully replaced with matching features. Materials should be reused on site wherever possible;

vi. Development will be required to demonstrate that opportunities have been taken to improve the character and quality of the ASLC and the way it functions.

vii. Development proposals should be accompanied by a statement in proportion to the significance of the proposed development which justifies any proposed changes to the ASLC and demonstrates how it will preserve and enhance the area's character and distinctiveness.

## COMMENT

**Whilst the identification of Areas of Special Local Character within the plan provides a very important tool in shaping future development within the neighbourhood plan area, they do not carry the statutory weight that designated and non-designated heritage assets or conservation areas do and as such the requirements in paragraph iv. are not appropriate.**

**In January 2021 a conservation charity 'The Fourth Reserve' submitted a report to Natural England for the designation of a section of the Buckthorne Cutting as grid referenced above to be designated as Ancient Woodland. The definition of ancient woodland is an area which has been continuously wooded since at least 1600AD. Natural England are currently in the process of adding the site to their Ancient Woodland Inventory.**

**For clarity and to meet the Basic Conditions, paragraph iv. of the policy should be modified as follows:**

**vii. Development proposals within the Areas of Special Local Character should demonstrate how the proposed development will protect the area's character and distinctiveness.**

### **Policy GS1 Protecting Green Space and Local Green Space**

Development which results in the loss of a local green space or in any harm to its character, setting, accessibility, appearance or amenity value will not be permitted. Small structures which are ancillary to and will enhance the use of these sites as local green space may be permitted.

The following existing sites are designated as Local Green Spaces (see Figure 10):

- a. Crofton Park Station Community Garden
- b. Ewart Road Estate Green
- c. Dalmain Wildlife Garden, Grove Close
- d. Duncombe Hill Green

The importance of green spaces in the Neighbourhood Plan area is demonstrated clearly by the content of the ten Projects listed and described on pages 72-73 and in Appendix A (pages 81-89).

## **COMMENT**

**Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.**

**The NPPF 2021 states:**

**“101. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.**

**102. The Local Green Space designation should only be used where the green space is:**

- a) in reasonably close proximity to the community it serves;**
- b) demonstrably special to a local community and holds a particular local**

significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

103. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

I have carefully considered the evidence put before me for the designation proposed and I am satisfied that the proposed Local Green Spaces do meet the NPPF requirements. For clarity and to meet the Basic Conditions, the policy should be modified to reflect the requirements of the NPPF 2021 (as updated) and recent caselaw (see Court of Appeal Judgement in the care of The Queen (on the application of Lochailort Investments Limited) and Mendip District Council Norton St Phillip Parish Council 2nd October 2020) which clearly states that Local Green Space policies in neighbourhood plans should not deviate from the policy requirements of the NPPF:

### **Policy GS1 Protecting Green Space and Local Green Space**

**The following sites are designated as Local Green Spaces (see Figure 10):**

**a. Crofton Park Station Community Garden**

**b. Ewart Road Estate Green**

**c. Dalmain Wildlife Garden, Grove Close**

**d. Duncombe Hill Green**



**Inappropriate development on any of the Local Green Spaces designated in this policy will only be supported in very special circumstances.**

### **Policy GS2 Greening the Neighbourhood**

New development should seek to ensure the quantity of open space is sufficient to meet local needs and contribute, where possible, to the network of green infrastructure, with particular emphasis on improving the linkages between identified sites and the overall greening of the environment. Open space should be designed to anticipate future climate change. Development will be required to provide a measure of biodiversity and an overall 'net gain' in biodiversity for the site.

Development shall make provision for new tree planting and landscaping and protect trees in good health that contribute to the character of the Area, individual streetscapes and green spaces. This shall be achieved by development that:

- i. Makes provision for the appropriate planting of additional trees and landscaping, relative to the size of the development;
- ii. Protects existing trees, including their roots, groundwater and canopies, and provides for their maintenance, especially during construction;
- iii. Makes provision for the planting, establishment and maintenance of equivalent numbers and species of new trees where trees are removed from any location within the HopCroft Area, within the period of this plan;
- iv. Makes appropriate provision for the planting and maintenance of new street trees particularly along the main road connections of the Brockley Corridor and Honor Oak Park and along the local Three Peaks Green Chain Walk (as shown on Figure 8 page 61);
- v. Gives consideration to the incorporation of features such as living roofs and green walls in new developments in accordance with policy BE1. The paving over of front gardens with impermeable materials will be discouraged and will not be permitted where planning permission is required under policy HW1.

## COMMENT

I have no comment on this policy.

### **Policy GS3 Designation of the Three Peaks Green Walk**

The designation of a local green walk (the Three Peaks Green Walk) (as shown on Figure 8 on page 61) will create a green link between the hilly parks of One Tree Hill, Blythe Hill Fields and Hilly Fields, which all sit within or just outside the boundary of the HopCroft area, and improve links with the South East London Green Chain Walk.

Streetscape and public realm improvements will be promoted along connecting streets with improved pedestrian crossings, wayfinding, tree planting and the promotion of the features of interest and views. Opportunities should be taken to improve access to green spaces and key places on the route, such as Eddystone Road footbridge.

The Three Peaks Green Walk will improve accessibility to green spaces and connect features of interest.

## COMMENT

**Neighbourhood Plans have the power to designate Local Green Spaces under the provisions of the NPF 2021 (as updated), but they do not have the power to make designations of this type. For clarity and to meet the Basic Conditions, the policy should be modified as follows:**

### **Policy GS3 The Three Peaks Green Walk**

**A local green walk (the Three Peaks Green Walk) (as shown on Figure 8 on page 61) has been identified to create a green link between the hilly parks of One Tree Hill, Blythe Hill Fields and Hilly Fields, which all sit within or just outside the boundary of the HopCroft area, and improve links with the South East London Green Chain Walk.**

**Streetscape and public realm improvements will be promoted along**

**connecting streets with improved pedestrian crossings, wayfinding, tree planting and the promotion of the features of interest and views. Opportunities should be taken to improve access to green spaces and key places on the route, such as Eddystone Road footbridge.**

**The Three Peaks Green Walk will improve accessibility to green spaces and connect features of interest.**

#### **Policy GS4 Protection of Sites of Importance for Nature Conservation**

Development that would adversely impact (either directly or indirectly) on a designated or proposed Site of Importance for Nature Conservation (SINC), Nature Reserve or Wildlife Garden (as shown on Figure 9 page 63) will not be permitted.

The 'New Cross to Forest Hill' Metropolitan SINC is identified as a Nature Improvement Area and development will not be permitted which would damage the integrity of the corridor or impact on its nature conservation designation. Measures will be supported which would protect and enhance the distinct landscape character it affords and deliver a biodiversity 'net gain', improved public access to nature and better ecological management.

#### **COMMENT**

**The NPPF 2021 sets out in paragraph 180.**

**"When determining planning applications, local planning authorities should apply the following principles:**

**a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;" but it also recognises in paragraph 175:**

**"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic**

**approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."**

**The NPPF is clear that not all areas of wildlife and biodiversity importance are afforded the same level of policy protection. For clarity and to meet the Basic Conditions the policy should be modified as follows:**

#### **Policy GS4 Protection of Sites of Importance for Nature Conservation**

**Development proposals that would result in significant harm to biodiversity on a designated or proposed Site of Importance for Nature Conservation (SINC), Nature Reserve or Wildlife Garden (as shown on Figure 9 page 63) which cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, will be refused.**

**The 'New Cross to Forest Hill' Metropolitan SINC is identified as a Nature Improvement Area and development will not be supported which would damage the integrity of the corridor or impact on its nature conservation designation. Measures will be supported which would protect and enhance the distinct landscape character it affords and deliver a biodiversity 'net gain', improved public access to nature and better ecological management.**

#### **Policy T1 Enhancement of Brockley Corridor**

A coordinated scheme will be developed and implemented for the Brockley Road Corridor which will:

- i. Create a sense of place throughout the corridor;
- ii. Improve pedestrian/cycling safety and movement;
- iii. Improve connections with nearby cycle routes;
- iv. Enhance public realm through green infrastructure-led improvements;

- v. Improve air quality along the Corridor;
- vi. Reduce the dominance of motor vehicles;
- vii. Encourage use of sustainable public transport;
- viii. Reduce traffic speeds through the creative planting and placement of green infrastructure, speed cameras and raised plateaux to create a sense of arrival in the higher footfall areas. Ease bus movements and simplify road layouts;
- ix. Ease traffic congestion;
- x. Provide new and safer pedestrian crossings;
- xi. Achieve improvements to the pedestrian environment, including increasing the amount of space for pedestrians around public transport facilities and in local neighbourhood centres and parades;
- xii. Substantial greening of the corridor, including boulevard planting at 7-10m intervals of medium to large street trees which are in keeping with the scale of the roadway and pavement between buildings;
- xiii. Create attractive 'gateways' into the Neighbourhood Plan area at Crofton Park and Brockley Rise/Stanstead Road;
- xiv. Provide parking bays in appropriate locations, with provision for car clubs and electric charging points;
- xv. Involve Transport for London and the London Borough of Lewisham with the local community in developing proposals;
- xvi. Require new development in the Brockley Corridor to incorporate improvements to the streetscape and make an appropriate financial contribution to the implementation of improvements in accordance with Policy T1.

## **COMMENT**

**As currently worded Policy T1 Enhancement of Brockley Corridor is a statement and not a neighbourhood plan policy. For clarity the policy should be modified as follows:**

**Policy T1 Enhancement of Brockley Corridor**

**Proposals to improve the Brockley Corridor will be supported where they:**

- i. Create a sense of place throughout the corridor;**
- ii. Improve pedestrian/cycling safety and movement;**
- iii. Improve connections with nearby cycle routes;**
- iv. Enhance public realm through green infrastructure-led improvements;**
- v. Improve air quality along the Corridor;**
- vi. Reduce the dominance of motor vehicles;**
- vii. Encourage use of sustainable public transport;**
- viii. Reduce traffic speeds through the creative planting and placement of green infrastructure, speed cameras and raised plateaux to create a sense of arrival in the higher footfall areas. Ease bus movements and simplify road layouts;**
- ix. Ease traffic congestion;**
- x. Provide new and safer pedestrian crossings;**
- xi. Achieve improvements to the pedestrian environment, including increasing the amount of space for pedestrians around public transport facilities and in local neighbourhood centres and parades;**
- xii. would result in a substantial greening of the corridor, including where possible boulevard planting at 7-10m intervals of medium to large street trees**

**which are in keeping with the scale of the roadway and pavement between buildings;**

**xiii. Create attractive 'gateways' into the Neighbourhood Plan area at Crofton Park and Brockley Rise/Stanstead Road;**

**xiv. Provide parking bays in appropriate locations, with provision for car clubs and electric charging points;**

**The Involvement of Transport for London and the London Borough of Lewisham together with the local community in developing proposals is encouraged.**

### **Policy T2 Pedestrians**

**Development will be required to improve pedestrian access in the Neighbourhood Plan area. Schemes will be required to:**

- i. Provide safe pavements, giving the maximum possible space to pedestrians. This may require buildings to be set back from the back edge of pavement to allow for pavement widening in appropriate locations;**
- ii. Contribute to new and improved pedestrian crossings on the Brockley Corridor and other principal roads, with safer sightlines at junctions;**
- iii. Improve accessibility for disabled people and those with push chairs;**
- iv. Increase the amount of space for pedestrians around public transport facilities;**
- v. Improve the existing network of footpaths in the area and wayfinding signs;**
- vi. Contribute to the provision of new walking routes such as the Three Peaks Green Walk.**

### **COMMENT**

The requirements of this policy will not be appropriate for all developments and the wording is unclear and could be misinterpreted. For clarity and to meet the Basic Conditions, the first paragraph of the policy should be modified as follows:

**Where appropriate, development will be required to improve pedestrian access in the Neighbourhood Plan area. Proposals will be supported where they:**

### **Policy T3 Cyclists**

Development will be required to promote improved provision for cycling throughout the Neighbourhood Area and to encourage cycling. In order to achieve this, new development will be required to:

- i. Contribute to the improvement of existing cycle lanes and paths, including the Brockley Corridor, with safer surfaces and sightlines;
- ii. Contribute to the provision of safe and well-designated cycle routes and signage;
- iii. Contribute to the provision of new bicycle stands in the local neighbourhood centres and parades and at stations;
- iv. Provide appropriate bicycle storage and facilities for cyclists in residential and commercial development.

### **COMMENT**

The requirements of this policy will not be appropriate for all developments and planning obligations must be directly relevant to the proposed development. The wording of this policy is unclear and could be misinterpreted. For clarity and to meet the Basic Conditions, the first paragraph of the policy should be modified as follows:

**Where appropriate, development will be required to promote improved provision for cycling throughout the Neighbourhood Area and to encourage**



**cycling. In order to achieve this, development proposals will be supported where they:**

#### **Policy T4 Public Transport**

Proposals to improve the capacity, quality and accessibility of public transport facilities in the Plan area will be supported at the following locations:

- i. Crofton Park Station, including improvements to entrances, information boards, accessibility and signage;
- ii. Honor Oak Park Station, including improvements to access and signage;
- iii. Brockley Rise/ Honor Oak Park bus stands;
- iv. Brockley Corridor bus stops.

#### **COMMENT**

**I have no comment on this policy.**

#### **Policy HW1 Managing Flood Risk**

Developments in or adjacent to areas at risk of surface water flooding must demonstrate that they will not increase flood risk and will be required to contribute to surface water flood risk mitigation in the area. This will need to be reflected through the inclusion of a positive statement within the Flood Risk Assessment (FRA) for the site that sets out how this will be delivered.

Where required, new developments should incorporate sustainable urban drainage systems (SuDs) unless there are practical or viability reasons for not doing so. SuDs will be required to provide habitat, amenity and water quality benefits in addition to attenuation of flow, and information will be required to be submitted in outline and full planning applications to demonstrate that SuDs can be accommodated within the proposed development. Parking spaces and driveways associated with new development will be required to have permeable surfaces. The paving over of front

gardens with impermeable materials will be discouraged and will not be permitted where planning permission is required.

## **COMMENT**

**Paragraphs 159- 169 of the NPPF 2021 (as updated) set out the policy framework for how the planning system should manage flood risk. The current wording of the policy implies that an FRA will be required for sites adjacent to flood risk areas, which is not always the case. For clarity and to meet the Basic Conditions the first paragraph of the policy should be modified as follows:**

**Proposals should demonstrate that they will not worsen flood risk on or off site. Where required a site-specific Flood Risk Assessment (FRA) should be provided in accordance with national policy which demonstrates that the proposal is protected from flooding and that there is no increase in risk for any third parties over the lifetime of the development (include an allowance for climate change).**

## **Policy HW2 Improving Air Quality**

Any proposals for works or development on the Brockley Corridor or Stanstead Road will be required to incorporate measures to improve air quality, such as green walls and tree planting. Larger developments will be required to make provision for air quality monitoring.

Measures will be supported to promote walking, cycling and use of public transport, in order to reduce car journeys in the area in accordance with Policies T1-T4.

Provision for car clubs and electric vehicle charging points will be encouraged in new developments.

## **COMMENT**

**I have no comment on this policy.**

## **Policy D1 Community Infrastructure Levy Priorities**

The Neighbourhood Plan identifies the following main priority areas for the use of Community Infrastructure Levy and if applicable Section 106 funding in the Neighbourhood Area:

- i. Enhancement of community facilities
- ii. Improved educational facilities in the area, including nurseries
- iii. Support for local businesses and enterprise
- iv. Improvements to the Neighbourhood Local Centres and Parades including street furniture, signs and pavements
- v. Schemes providing improved facilities for pedestrians and cyclists
- vi. Improvements to existing pedestrian and cycle routes including improvement to bridges over railway lines
- vii. Improvements to existing parks and green spaces and provision of new public green spaces and nature reserves
- viii. Additional tree planting and measures to green the area

## **COMMENT**

**Whilst identifying CIL priorities is an important issue to address in a neighbourhood plan it cannot form part of the policy section. It should either be included in the main text of the plan or in the community aspirations/projects part of the plan.**

## SECTION 5

### Conclusion and Recommendations

- 1. I find that the Crofton Park and Honor Oak Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012. (as amended)*
- 2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 3. The Crofton Park and Honor Oak Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 4. The Strategic Environmental and Habitats Regulations Assessment screening and SA meet the EU Obligation.*
- 5. The policies and plans in the Crofton Park and Honor Oak Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the development plan which comprises of the adopted Lewisham LDF (core strategy and Development management plan) and the London Plan 2011(as revised 2016).*
- 6. I therefore consider that the Crofton Park and Honor Oak Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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17<sup>th</sup> December 2021

