

Appendix 5 - Assessment of whether the South Bank and Waterloo neighbourhood development plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004

Requirement	What the requirement involves	Provisions made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004	Complied with?	Officer comment
Body proposing a NDP	Needs to be a designated neighbourhood forum for a designated neighbourhood area.	<p>Planning and Compulsory Purchase Act 2004 S38A(1)</p> <p>Town and Country Planning Act 1990 Schedule 4B paragraph 6(2)(a) and (b)</p> <p>[Town and Country Planning Act 1990 S61F: designation requirements for neighbourhood forum; S61G: designation requirements for neighbourhood area]</p>	Yes.	The South Bank and Waterloo Neighbours were designated as a neighbourhood forum by Lambeth on 10 February 2014. The neighbourhood forum was re-designated by Lambeth on 19 February 2019.
Definition of a neighbourhood development plan (NDP)	A NDP is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular area specified in the plan.	<p>Planning and Compulsory Purchase Act 2004 S38A(2)</p> <p>[Town and Country Planning Act 1990 Schedule 4B paragraph 6(3) applies the requirements in Planning and Compulsory Purchase Act 2004 SS38A-B to neighbourhood development plans; S38C modifies the application of Town and Country Planning Act 1990 in relation to neighbourhood development plans]</p>	Yes.	The modification to delete policy P20 from the draft NDP removes a policy that is not in relation to the development and use of land. The NDP as proposed to be modified therefore meets the definition of a NDP and contains policies in relation to the development and use of land.

Scope of NDP provisions	The NDP specifies the period for which it is to have effect	Planning and Compulsory Purchase Act 2004 S38B(1) and (2)	Yes.	The draft NDP as proposed to be modified specifies the period for which it is to have effect: 2017 to 2032.
Scope of NDP provisions	The NDP does not include provision for development that is excluded development. Section 61K of the 1990 Act defines the meaning of excluded development and is essentially is minerals, waste development, Annex 1 EIA projects and nationally significant infrastructure.	Planning and Compulsory Purchase Act 2004 S38B(1) and (2) [Town and Country Planning Act 1990 S61K: definition of 'excluded development']	Yes.	The draft NDP as proposed to be modified does not contain any provision for excluded development.
Scope of NDP provisions	The NDP may not relate to more than one neighbourhood area.	Planning and Compulsory Purchase Act 2004 S38B(1) and (2)	Yes.	The draft NDP as proposed to be modified relates only to the South Bank and Waterloo neighbourhood area.
Scope of NDP provisions	There can be only one NDP for each neighbourhood area.	Planning and Compulsory Purchase Act 2004 S38B(1) and (2)	Yes.	There is no other NDP for the South Bank and Waterloo neighbourhood area.