

Appendix 5 – Overview of the history of the production of the draft SoWN NDP

Date	Milestone	Comments raised about the content of the emerging NDP
26 April 2016	Lambeth and Southwark officers met with SoWN to discuss the emerging NDP.	None as draft documents were not made available ahead of this meeting.
10 May 2016	Officers provided comments on a working draft NDP.	The comments identified potential issues of general conformity with Local Plan policies and set out that non-planning policy aspirations needing to be clearly separate from the main planning-related policies. Officers noted that the projects list was intended as an indication of the sort of projects that could be funded through the neighbourhood element of CIL.
16 May 2016	SoWN attended Planning and Development Cabinet Advisory Plan to receive informal member feedback on the emerging NDP.	Members commented that whilst the neighbourhood planning process was valuable and involved positive engagement with the local community, many of the proposed policies could have been advanced through suggested alterations to the Local Plan. Members acknowledged the detail of the neighbourhood plan and noted that the council's formal response would need to clearly illustrate the inevitable trade-offs that would result from the implementation of its proposed policies. Some Members also stated that it was likely to prove difficult to translate the aspirations of the neighbourhood plan into implementable planning policy. Officers noted that the CIL project list was a useful part of the plan but that further work was required to contextualise the list and assess what projects were already being pursued via the Local Plan. The meeting also discussed the neighbourhood element of CIL and SoWN's desire to agree a mechanism with the Council for the defrayal of these funds. Representatives from SoWN requested further guidance from the Council regarding the development of a Community Local Investment Plan (this being the mechanism that the Council's Cabinet had previously agreed should be brought forward to capture local priorities for the allocation of neighbourhood CIL receipts).
26 May and 2 June 2016	Lambeth officers attended a "policy writing" session with SoWN, organised by Southwark.	The workshop on 26 May focussed on retail and housing. The workshop on 2 June focussed on air quality, open space, streets and transport.
16 November 2016 to 20 January 2017	SoWN undertook formal pre-submission consultation on their draft NDP under Regulation 14 of the	See below.

	Neighbourhood Planning (General) Regulations 2012.	
17 January 2017	Pre-submission consultation response	<p>Lambeth's representation in response to SoWN's Regulation 14 consultation provided a detailed set of comments for each of the draft NDP policies and advice on whether each policy was considered to be in general conformity with the strategic policies. At this time the draft NDP contained Policy P18 that stated "the neighbourhood element of CIL generated in the area must be used to fund the projects set out in section 9 of the neighbourhood plan and any other projects as determined by the neighbourhood forum over the life of the plan". The representation advised that the list of projects identified in the draft NDP was helpful and would inform the Community Local Infrastructure Plan to be developed by the Council. However, it concluded that the proposed policy as drafted would not be in general conformity with the Local Plan and that it is not appropriate for a NDP policy to require that NCIL can only be spent on the projects it identifies.</p> <p>SoWN proposed entering into a Memorandum of Understanding with both Lambeth and Southwark. As part of the representation, officers advised that they would not be entering in a MoU for the local defrayal of CIL and the delivery of NCIL projects. Lambeth officers advised that each NCIL-funded project would be considered on a case by case basis and the Council (as the body responsible for decision-making regarding CIL) would be bound by its procurement rules.</p>
12 June 2017	Lambeth officers attended a meeting organised by SoWN specifically to discuss their emerging NDP policy on air quality.	The discussion only related to the question of policy on air quality.
29 August 2017	SoWN provided draft submission documents prior to formal submission. This included a draft NDP, a draft Basics Condition Statement and a draft Consultation Report. Whilst the assessment of draft documents is not a requirement, officers consider that this is good practice to help ensure a neighbourhood forum is well placed to submit	Officers reviewed the draft submission and provided feedback to SoWN in an email on 20 October 2017. Officers advised that there continued to be an issue with the inclusion of draft policy P20 (formerly P18) as this gave rise to potential conflict over the intended status of the schedule of projects contained in section 9. SoWN were advised to give consideration to how Section 38B(3) of the 2004 Act may impact on the draft NDP. Officers also provided advice on the contents of the draft Basic Conditions Statement and advised that the draft Consultation Report did not fully meet the applicable requirements. The

	documents that meet the statutory requirements.	<p>comments noted that many of the comments made in Lambeth's representation at Regulation 14 had not been addressed.</p> <p>Officers offered a meeting with SoWN to discuss the comments in more detail.</p>
9 October 2017	Lambeth officers met with SoWN to discuss the Lambeth Local Plan Review. This meeting covered its relationship with the NDP.	SoWN advised that the draft neighbourhood plan acted as their response to the Local Plan Issues consultation. No discussion took place about the content of the draft NDP.
24 January 2018	SoWN formally submitted their draft NDP to Lambeth and Southwark.	The submitted version of P20 stated that "the neighbourhood element of CIL generated in the area must be used to fund the projects set out in Section 9 of the neighbourhood plan and any other projects as determined by the neighbourhood forum over the life of the plan, that support the development of the local area". Officers offered SoWN a meeting to discuss their initial feedback on the submitted documents, including the inclusion of draft policy P20 and the content of the consultation report.
12 March 2018	Lambeth and Southwark officers met with SoWN.	A meeting was held to offer feedback to SoWN on whether the submitted documents were legally compliant. This included advice on draft policy P20 and the content of the consultation report. Lambeth and Southwark officers made suggestions about ways in which the concerns over legal compliance could be addressed. SoWN questioned the advice given by Lambeth and Southwark officers and questioned that a formal decision about legal compliance needed to be made. Officers sent an email to SoWN on 14 March 2018 references to the relevant parts of the legislation.
April - June 2018	Officers provided on-going feedback on three alternative versions of policy P20 provided by SoWN.	On 16 April 2018 SoWN advised that they were proposing to amend the policy to state "the neighbourhood element of CIL generated in the area should where feasible be used to fund the projects set out in section 9 of the neighbourhood plan and future projects should be agreed in consultation with SoWN". Officers advised that the policy was still a policy about the mechanism for spending NCIL and deciding what NCIL should be spent on and included terms that were not clearly defined, such as 'where feasible' and 'future projects should be agreed in consultation'. SoWN were advised to move wording about the spending of the neighbourhood element of CIL into supporting text, remove unclear terminology and draw upon language in the Planning Practice Guidance and provide another draft policy. Officers

		<p>advised that it was possible for the NDP to make reference to the neighbourhood element of CIL and to include proposed infrastructure priorities but that a land use policy cannot determine how neighbourhood NCIL is allocated or how spending decisions are arrived at.</p> <p>On 27 April 2018 SoWN advised that they were amending policy P20 to make it less prescriptive and provided examples of 'made' neighbourhood plans that contained similar policies, including Fortune Green NDP and Thame NDP. Officers advised that the Fortune Green NDP policy simply refers to a list of projects which are the plan's priorities for the use of NCIL. Officers also advised that the Thame NDP policy was not concerned with the spending of CIL and when that NDP was made there was no CIL in place in the local planning authority area and so it was not comparable to the proposed SoWN policy.</p> <p>On 15 May 2018 SoWN proposed a revised version of policy P20 that stated: "Section 9 sets out the projects and schemes which are the Neighbourhood Plan priorities for the use of Community Infrastructure Levy, or, if applicable, S106 funding, and/or other such schemes, in the Neighbourhood Area". This is the same wording as has been included in the Fortune Green NDP in London Borough of Camden. Officers advised that the inclusion of this policy would overcome previous concerns about the policy.</p> <p>On 25 May 2018, SoWN advised Lambeth and Southwark officers they did not wish the authorities to determine the legal compliance of the draft NDP they had submitted, because they wished to seek further advice on the wording of Policy P20 before submitted a final version.</p> <p>SoWN suggested another version of policy P20 on 11 June 2018. This stated that "Section 9 contains a list of projects which the neighbourhood believes should be the priority for the neighbourhood element of CIL generated in the area. The Planning Authorities should consult with SoWN on the defrayal of CIL generated within the South Bank and Waterloo area". Officers advised this draft was not be a policy related to the development and use of land. SoWN advised that if the suggested policy was not acceptable it would be likely that they</p>
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19 June 2018	SoWN formally re-submitted their draft NDP.	Following on-going feedback, SoWN resubmitted the draft NDP to both Lambeth and Southwark. This version of the NDP contains a version of policy P20 that states "the neighbourhood element of CIL generated in the area should where feasible be used to fund the projects set out in section 9 of the neighbourhood plan or other projects in consultation with SoWN". The consultation report had been amended to meet all of the requirements.