

 <small>www.croydon.gov.uk</small>	<b>Croydon Local Plan Review</b>  <b>2024</b>  <b>Publication Stage</b> <b>Representation Form</b>	<b>Ref:</b>    <b>(For official use only)</b>
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<b>Name of the Local Plan to which this representation relates:</b>	<b>Croydon Local Plan (2018)</b> <b>Revised 2024</b> <del>May - June</del> <del>June - July 2024</del> <b>1<sup>st</sup> July to 5:00 pm 12<sup>th</sup> August 2024</b>
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**Part A**

1. Personal Details*		2. Agent's Details (if applicable)	
Title	<b>I. Eng. M I E T.</b>		
First Name	<b>Derek</b>		
Last Name	<b>Ritson</b>		
Job Title	<b>Not Applicable</b>		
(where relevant)			
Organisation	<b>Monks Orchard Residents' Association</b>		
(where relevant)			
Address Line 1	[REDACTED]		
Line 2	<b>Shirley</b>		
Line 3	<b>Croydon</b>		
Post Code	[REDACTED]		
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## Part B – Please use a separate sheet for each representation

### Representation #17

Name or Organisation: **Monks Orchard Residents' Association (MORA)**

#### 3. To which part of the Local Plan does this representation relate?

<b>Section</b>	<b>Croydon Local Plan (2018) – Revised (March 2024). Applicable NPPF Versions and &amp; Compliance to Secretary of State Guidance - Reg 19<sup>1</sup> Section (2) (a).</b>
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<b>References</b>	<b>"NPPF"</b>	<b>Paragraph</b>	<b>General</b>	<b>Table</b>	<b>-</b>
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#### 4. Do you consider the Local Plan meets NPPF para 35:

Please tick as appropriate	Yes	No
<b>a) Positively Prepared</b>		✓
<b>b) Justified</b>		✓
<b>c) Effective</b>		✓
<b>d) Consistent with National Planning Policy</b>		✓

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

**The Croydon LDF Team and Residents' Association Meeting:**

**Date:** Tuesday 30th July 2024; 6.30pm to 8pm

The meeting agenda:

- Background to the Local Plan review.
- Scope of the Local Plan review.
- Changes to the Local Plan 2018/Mayor's Business Plan changes.
- Updated Evidence.
- How to respond to the consultation.

During this meeting **Question/Answer Session**, the following Question was put by **MORA** to the **LDF representatives**:

*"Why has **Croydon LPA** not given due consideration to the **"National Model Design Code & Guidance"** published by the Department for Levelling Up Communities and Housing, which was issued by the **Secretary of State**, as required by the **NPPF in 2021**"?*

**The response received:**

*"The LPA are using the **transitional arrangements** so **not** using the **2021 NPPF** and so this is an old-style plan. (i.e., to NPPF 2019). This topic has been discussed before (with MORA) and the MORA representations have been received such that it will be for the inspector to determine. The plan will again be revised at a later date to bring it line with the updated **NPPF**." (or words to that effect).*

**MORA Comment :**

*We have searched for the **"Transitional Arrangements"** and the **NPPF** directs to **Annex 1**. However, we do not appreciate how the interpretation of Annex 1 paragraphs 227 to 231 allows exceptional delays in Local Plan revisions or exclusion of recent guidance.*

Throughout the **Revised Croydon Local Plan (2018) March 2024 Document**, all 14 references to the **NPPF 'omit the actual version'** of the **NPPF** referenced. Any reader would therefore naturally **assume** that all the references were to the **latest current published version**, unless otherwise stated.

Also, **Planning Officers** should be working to the latest **Government and National Guidance** for determinations as a Developer or Applicant could probably appeal a refused determination based upon a requirement to comply to any inappropriate **outdated** or **revised National Policy or Guidance**.

The **LDF representatives** indicated that the **Revised** version of the **Croydon Local Plan** for **2024** only requires compliance with the **NPPF 2019 version** (*by default 'prior to the 2021' version*), which is now five years old, whereas the **Latest NPPF Version** is **December 2023**. This is NOT made clear to a reader.

The archived versions are :

- archived pdf version - September 2023
- archived pdf version - 2021
- **archived pdf version - 2019**
- archived pdf version - 2018
- archived pdf version - 2012
- archived web version – 2012

The new government has published a revised **NPPF 2024** for which consultation closes on **24<sup>th</sup> September 2024**.

If the **Croydon Local Plan 2024** does **NOT** define which **NPPF** version applies to a policy, how can a Developer or an Applicant be aware which **NPPF** version or guidance applies to their proposal, or which is being used to determine their application as each version of the **NPPF** updates and revises the guidance from the previous **NPPF** version? Otherwise, what would be the purpose of the revision?

### Examples & Evidence:

**Croydon Revised Local Plan (March 2024), Page 509 reference to NPPF para 158:** which states: *“up to date and relevant evidence about economic, social and environmental characteristics....*

Whereas the latest version at **para 158 states:**

*“158. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures<sup>56</sup>. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”*

This is completely different wording and probably a variation of interpretation.

### NPPF (2019) Para 2 States:

2. Planning law requires that applications for planning permission be determined in accordance with the **development plan**, unless material considerations indicate otherwise. The **National Planning Policy Framework must be taken into account in preparing the development plan** and is a material consideration in **planning decisions**. Planning policies and decisions must also **reflect relevant international obligations and statutory requirements**.

This paragraph 2 wording is **unchanged in 2021 since the 2019 version**.

### Preparing and Reviewing Plans (NPPF 2021 onward)

- ~~31~~32. **The preparation and review of all policies** should be underpinned by relevant and **up-to-date evidence**. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
- ~~32~~33. Local plans and spatial development strategies should be informed **throughout their preparation** by a **sustainability appraisal** that meets the relevant legal requirements<sup>18</sup>. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).
- ~~33~~34. Policies in local plans and spatial development strategies should be **reviewed to assess whether they need updating at least once every five years**, and should then be updated as necessary<sup>19</sup>. Reviews should be completed **no later than five years** from the adoption date of a plan, **and should take into account changing circumstances** affecting the area, **or any relevant changes in national policy**. Relevant strategic policies will **need updating at least once every five years** if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

<sup>19</sup> Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

The **Croydon Local Plan** was adopted in **2018** therefore the revised version should capture **all guidance published up to 2023 as a minimum**.

**The government are proposing changes to the NPPF:**

1. *The **National Planning Policy Framework** sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans can provide for ~~sufficient~~ housing and other development in a sustainable manner. Preparing and maintaining **up-to-date plans should be seen as a priority** in meeting this objective.*
12. *We intend to support this by focusing on ensuring development plans support the efficient use of land at appropriate densities. Rather than **district-wide design coding**, we want to **focus local planning authority efforts** on the preparation of **localised design codes**, masterplans and guides for areas of most change and most potential – including regeneration sites, areas of intensification, urban extensions and the development of large new communities.*

~~58.~~59. Where **up-to-date policies** have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the **plan-making stage**, should **reflect** the recommended approach in **national planning guidance**, including standardised inputs, and should be made **publicly available**.

**NPPF 2023 paras 133 & 134 to be retained and renumbered 130 & 131.**

~~133.~~130. To provide maximum clarity about design expectations at an early stage, **all local planning authorities** should prepare **design guides or codes** consistent with the principles set out in the **National Design Guide and National Model Design Code**, and which reflect local character and design preferences. **Design guides** and **codes** provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place and should allow a suitable degree of variety.

~~134.~~131. **Design guides** and **codes** can be prepared at an **area-wide, neighbourhood** or **site-specific scale**, and to carry weight in decision-making should be produced either as **part of a plan** or as **supplementary planning documents**. Landowners and developers may contribute to these exercises but may also choose to prepare **design codes** in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the **National Design Guide** and the **National Model Design Code**. **These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.**

**Note: This is the identical exact same wording as stated in NPPF 2021 at paras 128 & 129 and all subsequent (but re-numbered) versions.**

224. The policies in **this Framework** are **material considerations** which **should be taken into account** in dealing with applications **from the day of its publication**. **(not when the council decides to adopt them)**. Plans may also **need to be revised to reflect policy changes which this Framework** has made.

**In addition:**

**Regulation 19<sup>2</sup> states: ...**

- (2) In preparing a local development document the local planning authority **must** have regard to —
- (a) **national policies** and advice contained in **guidance** issued by the **Secretary of State**;

Our interpretation of the Planning and Compulsory Purchase Act 2004 **Regulation 19** Part (2) (a): is that the LPA **MUST** have regard to the **“Secretary of State Guidance”**, but the legislation does **NOT** specify which guidance or within what time limits any guidance was published.

As the current **Croydon Local Plan (2018)** has been the subject of revision since **2018, (6 years ago)** it seems **inconceivable** that the **Secretary of State guidance<sup>3</sup>** published in **2021** (3 years ago) would not be included within the scope of this **Revised Local Plan for 2024-25 as required in the NPPF (from 2021 to 2023) to ensure the Local Plan reflects the up to date Secretary of States Guidance, and is not 3 years out-of-date on publication.**

**Examining plans: NPPF Para 35**

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the areas objectively assessed needs<sup>19</sup>; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

**Not Positively prepared** - As the applicable version of the **NPPF** throughout the **Revised Croydon Local Plan** document is undefined. Any Developer or Applicant would therefore assume the reference is to the latest published version whereas the LPA is only meeting **NPPF 2019** guidance.

- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

**Not Justified** - As all the **NPPF** versions are all identified in the Archived history on the Government Website and Guidance published in **2021** within the period 2018 - 2024 for revision of the **Croydon Local Plan, these updates have been available for reference and guidance during the whole Local Plan Revision period.**

- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

<sup>3</sup> **“National Model Design Code & Guidance”** published by the Department for Levelling Up Communities and Housing, which was issued by the Secretary of State as required by the **NPPF in 2021”**

**Not effective** – as the lack of information and recognition is unhelpful to Applicants and Developers to meet **current Secretary of State guidance Policies**, (as the new SoS has not changed the Guidance/Policies applicable).

And;

- d) Consistent with National Policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

**Definitely Not Consistent with the latest NPPF or National Guidance & Policy since 2021; thus, the Croydon Local Plan (2018) Revised would be providing confusing Policy and Guidance on publication in 2025.**

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

No Comment

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.