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David Spencer and Philip Mileham
The Planning Inspectorate

Date: 20 May 2020

BY EMAIL ONLY

Ref: New Southwark Plan Examination

Dear Mr Spencer and Mr Mileham,

NEW SOUTHWARK PLAN EXAMINATION

Thank you for your letter of 20 April 2020. We are grateful for the issues that you raise with regard to our plan and the opportunities that this provides for us to ensure that the plan is sound. After carefully considering the 2 options that you have suggested we have chosen to take the second option and to continue with the Examination in Public. In order to address your concerns we will carry out three actions:

1. Further consultation for 3 months on a consolidated version of the New Southwark Plan, incorporating the Amended Policies Version (APV) and additional tracked changes which were submitted to you and on any additional background documents;
2. Provide you with the evidence you require, which may involve the provision of links to existing examination documents which we consider to address the matters you raise, or the submission of additional or updated documents.
3. Move the capacity information on sites into the New Southwark Plan site allocations from the background paper.

We see no reason to withdraw our plan at this advanced stage. There are no policies which we consider to require substantive changes, and withdrawal may reduce the ability of the Council to negotiate the delivery of housing and affordable housing and affordable business space. Furthermore we consider that withdrawing the plan would disadvantage the many respondents who have actively engaged with the Council to progress the plan to submission stage.

We consider these three points in further detail below followed by a more detailed consideration of each point in your letter in Appendix A.

1. Further consultation for 3 months

You raised concerns with methods of consultation and the Submission version of the plan. Your main concerns were:

1. The 2017 PSV is now over 2 years old;
2. The 2019 PSV amended policies had not been subject to adequate consultation because we requested responses primarily through our electronic hub;
3. There is a PSV Examination Version 2020 with non substantive and factual legal changes as tracked changes for discussion at the EIP.

While we consider that we have followed the correct procedure for Regulation 19 and that proposing modifications for the document to be considered for examination in the form of track changes is a standard approach, we are content to carry out a further period of Regulation 19 publicity, to address your concerns.

Noting the numerous versions of the plan now available, we consider that it would be of benefit to all parties to:

1. Provide a single version of the plan which will be called the Consolidated New Southwark Plan Submission Version June 2020 and will include the PSV and the Amended Policies PSV and the tracked changes with non substantive amendments that we are proposing based on the Inspector's letter April 2020, consultation responses and updates to the London Plan or other legal matters. This will be called the Consolidated New Southwark Plan Submission Version June 2020 (Consolidated NSP SV 2020);
2. Carry out a further consultation on this submission version of the plan NSP 2020 for 12 weeks in line with our Statement of Community Involvement and updated or additional evidence documents. This will be signed off under delegated powers as agreed in the recommendation for the PSV and PSV amended policies at Council Assembly.

This would avoid any confusion on the version of the plan to be examined and give clarity for all parties who wish to be involved in the Hearing sessions. In addition, given the current uncertainties relating to the COVID-19 emergency we feel this course of action would be the most beneficial for all parties. We request that the Examination stays open rather than withdrawing the NSP PSV as this would enable you to consider the thousands of representations that have been made by the community, along with any responses to the Consolidated NSP SV 2020.

Given the current COVID-19 emergency and in line with our Statement of Community Involvement we believe a 12 week consultation would be necessary. Our Statement of Representations procedure would set out the following –

- The Examination of the New Southwark Plan remains open,
- A 12 week consultation will take place on the Submission version. This will be accompanied by a Schedule of Changes outlining where updates have been made from the Proposed Submission Version/Amended Policies Version and why,

- We will make clear all previous representations to the PSV/APV consultations remain valid and do not need to be repeated,
- We will make clear representations can be made on the whole plan but comments should be focused where possible on the changes since the PSV/APV,
- We will set out the tests of soundness considerations we have previously outlined on our Statement of Representations Procedure,
- We will encourage respondents to review our published responses to their previous representations and use the opportunity to raise points that they feel remain unresolved,
- We will include an option for respondents to specify if they wish to start working with us on a Statement of Common Ground which we will consider prior to Hearing sessions starting,
- We will point to the evidence base and materials available on the Examination website,
- We will update the website with any evidence that has been prepared as a response to this letter,
- As the office is closed, we will provide hard copies of the New Southwark Plan Submission Version to anyone who requests one but make clear we will need to get these specially printed and posted which may take some time,
- We will accept representations by email or on the consultation hub. We will provide a phone number and email address and if anyone wants to use the postal service to submit a representation we will provide an address post can be collected from instead of the office,
- Hearing sessions are currently unable to take place however the situation will be reviewed following the close of the consultation in light on COVID-19.

2. Provide you with the evidence you require in single documents, provide you with links to documents where we consider evidence is provided but may have been missed, and update evidence where requested;

You have raised some concerns about the clarity and scope of information in the supporting documents, including the Sustainability Appraisal and Integrated Impact Assessment. As you will be aware, considerable work has gone into the production of the submission documents over a number of years, not all of which found its way into the final versions that were submitted to the Inspectorate with the Submission Version of the Plan. That information is available and in some instances, has been consulted upon at earlier stages of the Plan's preparation. We are willing and able to update those documents to provide you with further clarity. As such we propose to make the following updates and provide as Examination documents. These documents will be made available for the Regulation 19 process and a period of three months will be allowed for representations to be made. We consider these updates to be minor clarifications that are resolvable while the Examination remains open.

1. Consolidated New Southwark Plan Submission Version June 2020 and to include a Key Diagram (update to NSP01 and NSP01A),
2. Schedule of Changes from the PSV/APV NSP,

3. Updated Consultation Report (NPS08),
4. Consultation Plan for the submission version consultation,
5. Statement of Representations Procedure for the submission version consultation,
6. Updated IIA and IIA Appendix 5 (per site and flood risk analysis) (NSP06 and NSP06A),
7. Site Allocations Methodology Paper update on sites deliverability (SA026),
8. Updated Habitats Regulation Assessment (NSP10),
9. Letter from Natural England saying an SOCG is not necessary,
10. Tall buildings background paper (NSP202),
11. Viability Appraisal Background Paper,
12. Statement of Conformity with the NPPF and London Plan,
13. Updated List of Supporting Documents (NSP05),
14. Gypsy and Traveller Needs Assessment
15. Updated Habitats Regulations Assessment,
16. Energy Background Paper.

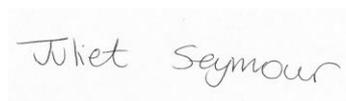
We will provide any subsequent representations received to the consultation with officer comments and progress on Statements of Common Ground with representors as they progress to the Inspectorate.

3. Move the capacity information on sites into the New Southwark Plan site allocations from the background paper.

You express the view that the site allocations should include the indicative capacities which are currently set out in the evidence base behind the Plan. Indicative capacities were included in previous versions of the draft Plan, which were subject to consultation, but were subsequently removed, in part as a response to representations received as part of that process. In order to address your concerns, we propose to move the capacity information on sites with the indicative targets into the Consolidated New Southwark Plan Submission Version June 2020 sites allocations from the background paper.

We would be grateful for your confirmation that this approach is acceptable as soon as possible.

Yours sincerely



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Appendix 1

Context

<p>1.3 The plan submitted to the Inspectorate for examination on 16 January 2020 was an amalgam of the 2017 Proposed Submission Version (the PSV), the 2019 Amended Policies Version¹ (the APV) and a subsequent set of amendments (illustrated by way of tracked changes). These latest tracked changes appear to be a response to the APV consultation, evidence base updates² (a number of which have not been available to accompany a Regulation 19 consultation) and the current situation with the emerging London Plan. We have not yet been advised that the necessary notifications of the submission of the plan have been carried out and therefore we consider it important that the direction of travel for the plan is resolved in order that participants can be advised of the next steps.</p>	<p>As explained above, we intend to consolidate the three versions of the draft Plan, namely the PSV 2017; the APV 2019 and the proposed track changes. This consolidated version will be subject to Regulation 19 publicity for a period of three months, in accordance with our Statement of Community Involvement.</p> <p>We understand the issue raised is that in the latest consultation on the New Southwark Plan (Amended Policies) we sought not to receive representations by email and instead directed respondents to use the consultation hub. This is an online portal which is now the one stop shop for all Southwark Council online consultations. It is intended as a more transparent and easy to use portal and staff at libraries are familiar with its format and are on hand to help residents to use it.</p>
<p>1.4 What is clear is that were the proposed 2019 APV content and the degree of tracked changes on submission proposed found to be necessary for</p>	<p>The move to digital methods has enabled us to reach more than 10,000 people with an increase from 2,000 in a year. Many of</p>

¹ Which amended 8 policies (c.10% of the plan), introduced 1 new policy on gypsies and travellers, amended Annex 4 on Borough Views, deleted 2 proposed site allocations, amended the boundaries of 6 proposed site allocations, amended 2 Strategic Protected Industrial Land boundaries and amended 1 town centre boundary.

² We note that since proposed submission in 2017 (and in some cases since the 2019 APV) there has been an update of the South East London SHMA, evidence on affordable workspace, evidence on workspace in the Old Kent Road, Southwark's 'Movement Plan', evidence on Health Inequalities and Hot Food Takeaways etc.

soundness, then the plan the Council intends to adopt would be appreciably different from the PSV it consulted on in late 2017. That is without any further potential main modifications we may identify through the examination process as being necessary for plan soundness. The scale of potential changes together with the wider issue of the degree of lag between consulting on the proposed submission version and submitting for examination (some 2 years later) give rise to a number of issues for the practical and smooth running of the examination. This is a recurring theme in this initial letter.

1.5 The Proposed Submission Version (PSV) was consulted on between December 2017 and February 2018. It is clear from the Statement of Representations Procedure for the PSV³, that the Council nonetheless enabled comment at the 2017/18 PSV stage either online, by email or via a freepost address for written representations. Without prejudice to any future findings, we find at this initial stage on the issue of consultation, that the 2017 Proposed Submission Version is a document we can examine.

1.6 The Amended Policies Version (APV) exercise was not a re-consultation on the whole submitted plan but a focused consultation on a small suite of policies and a small number of site allocations. The consultation was carried out between January and May 2019 and was notified as a Regulation 19 consultation. We are not aware of a separate Statement of Representations Procedure for the APV (it is not part of Appendix 2 of the consultation statement (the updated document

these 10,000 people would not have had access our planning email mailouts. The move to the hub enabled us to provide quicker updates on consultation so that we can provide the responses quickly on the website as the administration of cutting and pasting information into the hub takes considerable time and resources which we found with the Proposed Submission version consultation.

In order to respond to concerns raised that we were not accepting emails, we updated our guidance on our website approximately 6 weeks before consultation closed as follows:

Consultation update: We're currently consulting on the New Southwark Plan Proposed Submission Version: Amended Policies January 2019. The document was considered by Cabinet on 22 January and will be considered by Council Assembly on 27 March 2019. Formal consultation is taking place until 17 May 2019. A list of the questions from the Consultation Hub can be downloaded below for information.

Comments will only be accepted via the Consultation Hub. It can be accessed here or at any local libraries and service point computers within Southwark. You can seek help from our trained staff regarding the consultation hub if you have any difficulties using it. Libraries are open Monday to Friday 9am to 8pm, Saturday 9am to 5pm, Sunday 12pm to 4pm. To check specific opening times and locations, see here. Service points open Monday to Friday 9am to 5pm, please click here to check specific opening times and locations. Alternatively, you can email us at planningpolicy@southwark.gov.uk or call 0207 525 5471, if you need further assistance.

³ Document PSV12 on the Previous Stages page of the examination website

<p>NSP08 following submission)). The notification for the APV consultation clearly states that it was an online consultation only and that emails would not be accepted. Separate communication from the Planning Policy team to staff at libraries and service points is clear in advising that emails and written representations would not be accepted.</p> <p>1.7 We acknowledge that the Council altered its position and accepted email submissions on the APV during the consultation. However, it remains unclear at what point in the consultation this change occurred and how people were notified that emails were acceptable. As far as we are aware some emails were submitted but no paper copy written submissions were received on the proposed APV content. The important point is that when notifying people of the consultation it was presented as an online only exercise and expressly said emails (and by inference paper copy written representations) would not be accepted.</p> <p>1.8 Consequently, there is the possibility that this approach had the potential to deter people and/or inhibit those unfamiliar with or uncomfortable with using computer technology, despite the Council's offer to assist people to use computers at their offices, libraries and service points. Whilst we acknowledge that digital engagement is important and there is no evidence that the Council has rejected any written representations at the APV stage, it nonetheless remains that Local Plan Regulations at Regulations 3(2) and 17 (second (e)) are unambiguous that any Statement of Representations Procedure must make clear that representations may be made in writing or by way of electronic communications.</p>	<p><i>If you find difficulties using the hub and you are a resident then you may email us your response.</i></p> <p>Our move to encourage everyone to use the hubs enables us to provide the information on the responses quickly as we do not need to copy emails into the hub.</p> <p>It was certainly not our intention to exclude anyone from our consultation. In fact we felt our methods were making the consultation process more accessible, and that by using the hub this would enable us to report back on consultation much more quickly to the benefit of our residents. We also accepted all representations received via email at the close of the consultation. Over the last 5 years we have sought to achieve much more than the statutory requirements of consultation on our local plan, which is evidenced in our NSP Consultation Report (NSP08).</p> <p>Nevertheless we would not want our procedures to have unfairly disadvantaged anyone in the consultation and therefore in combination with the explanation above regarding an additional consultation, we feel this would be the fairest course of action in the process of this Examination. We will update our Statement of Representations procedure as above to explain our method, which we hope addresses your concerns.</p>
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<p>1.9 Taking this all into account we are of the initial view that consultation on these amended policies has not complied with Regulations 3(2), 17 and 19. Therefore, if the APV content were to form part of the submitted plan for examination it would require remedial consultation to minimise the risk of legal compliance issues and provide for natural fairness.</p>	
<p>1.0 Consultation on the Submitted Plan</p>	
<p>1.10 On submission, the Council presented a January 2020 version of the plan containing a significant number of tracked changes to policies and accompanying text. These changes have not been consulted on and as such we cannot accept them as forming part of the submitted plan. The tracked changes would need to be presented into the examination by the Council as either potential main modifications (i.e. those necessary for soundness) or additional modifications (i.e. minor clarifications etc which do not materially affect the policies of the plan). We are pleased to hear the Council is dealing with this and is preparing to submit respective schedules accordingly. It will be essential that each proposed modification has its own reference to aid identification in any future correspondence/hearing discussion.</p>	<p>As explained above, we propose to consolidate the draft Local Plan to incorporate the PSV, the APV and our proposed tracked changes.</p> <p>We will prepare a Schedule of Changes which will be made public with the consultation of the tracked change modifications we have made and the reasons for them.</p>
<p>1.11 As you will be aware, we would need to consider whether or not any of these changes would be necessary for soundness or are capable of remedying a soundness issue in the form submitted. What is becoming apparent at this very early stage of</p>	<p>We have now agreed the Statement of Common Ground with the GLA which post-dates the Secretary of State Direction on the Intend to Publish London Plan. We have agreed with the GLA that no further changes will be required to ensure general conformity with the New London Plan.</p>

<p>examination is the degree of change from the original 2017 Proposed Submission Version which was consulted on in late 2017/early 2018. Linked to this is the additional evidence prepared in 2019 that the Council has provided on submission. Like the tracked changes, this evidence has not been available for consultation. Additionally, the London Plan may well trigger the need for further changes to the Southwark Plan to ensure conformity⁴. Cumulatively, this situation will create examination difficulties in terms of: (a) what is being examined; and (b) matters of fairness / natural justice in providing an opportunity for comment or to be heard for those where the proposed changes/latest evidence materially affect their interests.</p>	<p>We have addressed conformity with the adopted London Plan and the emerging London Plan as well as the NPPF within each of our policy specific background papers dated December 2019.</p> <p>We have prepared a general Statement of Conformity with the NPPF and London Plan as requested to make this clearer.</p>
<p>2.0 The Duty to Cooperate (DtC)</p>	
<p>2.1 The duty to cooperate (DtC) applies up to the point of submission. We note the submitted DtC statement (document DCS01) and a number of signed and dated statements of common ground (SoCG) with neighbouring authorities and statutory consultees as required by NPPF paragraph 27. A number of other intended statements of common ground are identified but yet to be submitted, including with the Greater London Authority (GLA) and Transport for London (TfL). We have informally requested these expected statements for some time and remain unclear on what may be causing a delay.</p>	<p>The only two outstanding Statements of Common Ground were the GLA and TFL. We submitted these signed statements to the Inspectorate on 17 April 2020</p> <p>We do not consider there are any Duty to Cooperate issues and we have submitted all other Statements of Common Ground. We would be grateful for clarity once you have reviewed the SOCGs with GLA and TFL</p> <p>We have received a letter from Natural England setting out that we do not need a Statement of Common Ground with Natural England and this is uploaded on the website.</p>

⁴ We are yet to locate/identify a request for general conformity with the London Plan as required by Section 24(4)(a) of the Planning & Compulsory Purchase Act 2004.

<p>2.2 For the examination to progress we need to be assured that the Council has adequately discharged any duty imposed on it by the Duty to Cooperate. The Duty is not necessarily a duty to agree and there may well be matters of difference which are ultimately soundness matters rather than legal compliance on cooperation. Nevertheless, we are in a position where the Council’s examination website refers to five anticipated SoCGs in respect of the Duty. You will appreciate that until we have seen these or have been further appraised of any residual matters of agreement / disagreement, we are not in a position to reach important initial views as to whether or not the duty is likely to have been met.</p>	
<p>3.0 Habitats Regulation Assessment (HRA)</p>	
<p>3.1 The submitted HRA dated January 2020 (document NSP10) deploys a methodology that pre-dates latest case law⁵ in that mitigation measures (which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and not an earlier screening stage. We note that there are four qualifying sites partially within 10km of the Borough and that recreational pressure and air quality are described as the likely “threats” to the qualifying interest / conservation objectives. The HRA applies the coding from the 2006 Natural England advice on Regional Spatial Strategies and most policies and sites are screened out in Section 7.1 of the HRA on the basis of, amongst other things, code 4 [“Concentration of</p>	<p>The letter from Natural England May 2020 sets out that they do not consider there to be any issues and that they do not consider a Statement of Common Ground to be necessary.</p> <p>In order to address your concerns about the cumulative/in-combination effects, we will update the HRA. Given the distance of the relevant European sites from Southwark and the position of Natural England, we do not anticipate that this will affect the conclusions of the HRA.</p>

⁵ People over Wind, Peter Sweetman v Coillte Teoranta

development in urban areas will not affect European Site and will help to steer development and land use change away from a European Site and associated sensitive areas.”].

3.2. It is not clear from the HRA whether there is any specific evidence in relation to the SAC and SPA sites about relationships between growth in Southwark and travel patterns (air quality) and visitor numbers (recreational pressure), adding to that undertaken as part of the HRA of the latest London Plan. We note the conclusion at section 8 of no likely significant effect for any of the plan’s policies or proposals (it is not clear whether that is alone and or in combination with other plans/projects) and therefore there was not a need to progress to AA. We are not aware of any correspondence from Natural England on the approach of the HRA applied to the Southwark Plan. Accordingly, we raise the following initial observations:

- Whether Natural England has been engaged on the HRA and if so, what comments have they provided and in particular have they agreed the 10km buffer and would they support the general over-arching conclusion that Southwark is too far from the Natura 2000 sites identified in the HRA?
- Clarification that the screening accords with the latest case law on when to take mitigation into account.
- Whether the descriptions and conservation objectives for the Natura 2000 sites identified are up-to-date? (the HRA describes them as largely being taken from the 2009 London Plan HRA screening)
- The validity of the broad-brush screening against the

<p>2006 coding and whether some policies required detailed screening in relation to habitat degradation from air pollution or habitat degradation or disturbance from recreational activity? We will require further reassurance that there are no identifiable impact pathways linking the policies and proposals in the NSP with the European Sites or that there will be no foreseeable adverse impact on European sites through Policy implementation.</p> <ul style="list-style-type: none"> • Is the submitted HRA justified in not considering whether or not there are any in-combination effects with other plans and projects (as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017)? 	
<p>4.0 Approach to the Spatial Strategy, Key Diagram and Housing Trajectory</p>	
<p>4.1 The Plan identifies 16 area visions for the Borough addressing distinct places and neighbourhoods. Whilst the Plan indicates that development proposals are required to demonstrate how they contribute towards the strategic vision for a particular area, it is unclear as to whether the Council intends these area visions to be policies or are simply background text. Paragraph 20 of the NPPF indicates that Strategic Policies should set out an overall strategy for the pattern, scale and quality of development. The submitted plan does not contain either a single strategic spatial policy or collection of policies that set out the vision for the area as a whole and in broad locations. We recognise that the emerging London</p>	<p>In order to address your concerns about the spatial strategy, key diagram and housing trajectory, the Council proposes the following:</p> <p>An overarching vision for Southwark will be set out in the introductory section of the Plan, drawing on the targets and Area Visions.</p> <p>The key statistics section of the Plan will be converted to policy targets and included in the strategic policies of the Plan.</p> <p>A key diagram for the Borough will be included in addition to the key diagrams for each of the vision areas.</p> <p>The Council can also confirm that it intends the Area Visions to</p>

<p>Plan identifies a number of the building blocks of a spatial strategy for the Borough by setting out Opportunity Areas, Central Activity Zone and Strategic Industrial Land with their accompanying indicative capacity targets (such as those found at tables 2.1 and 4.1 of the emerging London Plan). However, the submitted NSP does not successfully articulate how the Council has translated these into its own strategy for the area as the London Plan policies leave significant scope for local interpretation.</p> <p>4.2 Furthermore, paragraph 23 of the Framework requires broad locations for development to be shown on a key diagram, but the submitted does not include such a diagram. This approach provides little assurance that the subsequent policies in the plan are capable of delivering the Council’s intended vision, and as a result, whether the plan sets out an appropriate strategy for the development of the area. If this were an isolated part of the strategy that is unsound, it would be capable of being made sound through Main Modifications to the plan. However, there are a number of further interrelated concerns that indicate that the scale of Main Modifications may be significant and that a sound Plan could be very different from that which the Council submitted.</p> <p>4.3 The absence of an identified spatial strategy policy(ies) gives rise to a further soundness concern in that the plan has not identified the overall scale of development that is being planned for. Whilst we recognise that the Plan’s housing numbers are derived from the draft London Plan, which identifies a housing target lower than the previous iteration, there</p>	<p>constitute policy, rather than background text.</p> <p>These changes will be included in the NSP Consolidated Version June 202 and subject to consultation as part of the Regulation 19 process.</p> <p>The plan has set out the overall quantum of development in a number of places and documents. There are Key statistics in the plan which set out our targets,</p> <ul style="list-style-type: none"> - 47,000 new office jobs - 460,000sqm new office space in CAZ - 52 ha retained SPIL and LSIS - 10% affordable workspace - Enliven 800 new railway arches <p>SP1 explains that our site allocations enough land to build 23,550 net additional homes by 2028/29 to meet our target.</p> <p>There are also strategic targets in SP4</p> <ul style="list-style-type: none"> - Deliver 500 new affordable business units <p>There are also strategic targets in P29</p> <ul style="list-style-type: none"> - 84,000 new jobs overall between 2014 and 2036 <p>The retail strategic growth targets are set out in the Retail background paper and in the Rotherhithe area vision – 35,000sqm new retail space, AAP, E&C SPD, CW AAP and the Peckham AAP.</p> <p>These changes will be included in the NSP Consolidated Version June 2020 and will be part of the Regulation 19 consultation.</p>
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<p>is no policy that indicates what the overall quantum of housing and employment is being planned for and crucially, from a strategy perspective, where in the Borough it is proposed to be provided.</p>	
<p>4.4 We recognise that as the London Plan is not yet adopted there may be some uncertainty as to the final housing figure required to provided. However, the Statements of Common Ground with neighbouring authorities have been prepared on the basis of the draft London Plan. Due to the absence of a strategic housing figures policy, it is currently unclear whether the Council is intending to provide additional homes beyond its requirement. Furthermore, of significant concern is that the plan does not currently include a housing trajectory to indicate what the expected rate of housing delivery is proposed to be across the plan period. Whilst we recognise that some information is included in the Council's Housing Land Supply statement, this has not been embedded into the plan itself. As a result, the plan does not comply with Paragraph 67 of the Framework. Although this is a matter that could be addressed during the examination, further work is required and it is unclear whether there may be further modifications required should the outcome of that work identify any further issues such as shortfalls or delay to housing delivery.</p>	<p>The Statements of Common Ground have considered the New London Plan where Boroughs have suggested this may be an issue. The Statement of Common Ground with the GLA also addresses the draft New London Plan and does not identify any further changes required to ensure general conformity with that Plan.</p> <p>The Council's housing trajectory is currently set out in the evidence documents that sit behind the Plan. However, to address your concerns, the Council is content to include the trajectory in an annex to the Plan itself.</p> <p>The IIA will be updated to assess the constraints of the individual sites.</p>
<p>4.5 In addition, we also have significant concerns in respect of the delivery of the proposed site allocations for their intended uses, with particular reference to those that are being relied on to provide net new housing development during the plan period.</p>	<p>We have considered and assessed the deliverability of sites in preparing the 5 and 15 year housing land supply report.</p> <p>However, in order to address this concern, we propose to update the IIA and Site Allocations Methodology Paper to identify, on a site</p>

<p>The supporting evidence base does not adequately identify on a site-by-site basis any constraints to delivery, including but not limited to, the extent of land ownerships, the resultant need for any land assembly or the reliance on utilities infrastructure upgrades. Paragraph 60 of the Planning Practice Guidance indicates that strategic policy-making authorities will need to demonstrate they have engaged with infrastructure providers, ensuring that they are aware of the nature and scale of such proposals. It is also noted that the statement of common ground with Thames Water is still outstanding.</p>	<p>by site basis, any constraints to delivery.</p> <p>The Statement of Common Ground with Thames Water (SCG12) was submitted as an Examination document a few months ago and is on our website. Thames Water does not identify any strategic barriers to growth on the basis of wastewater or surface water infrastructure and have recommended developers on specific sites to engage early to deliver any reinforcements.</p> <p>We also prepared an Infrastructure Background Paper (SP201) setting out the plan's approach to education, social, health and utilities infrastructure.</p>
<p>4.6 Furthermore, we have identified a number of additional concerns as to the soundness of the site allocation policies. In order for the plan to be sound, it must also be effective. Paragraph 61-60-20190315 of the PPG indicates that <i>'in order to demonstrate that there is a reasonable prospect that large scale developments can come forward, strategic policy-making authorities are expected to make a realistic assessment about the prospect of sites being developed (and associated delivery rates)'</i>. In respect of sites which are allocated to provide housing, the site allocation policies contained within the submitted plan do not provide sufficient indication as to what the minimum number of dwellings that are expected to come forward on the site would be.</p>	<p>As explained above, in order to address your concern, we intend to include the indicative site capacities from the background papers into the Plan itself.</p> <p>The estimated capacity of the site allocations is included in the Site Allocations Methodology Report (SA026) by all types of floorspace (residential, community use, employment use, etc). This has been used to calculate the estimated number of dwellings which would come forward on the site and has fed into the housing trajectory in the 5 and 15 year housing land supply document (SP105). We consider this document is robust.</p> <p>Area Action Plans exist for key growth areas and/or Opportunity Areas within the borough. These provide further guidance for development in these areas and on particular sites, master planning has been carried out. Where this has been carried out, it includes site capacity within the Area Action Plans.</p>
<p>4.7 The plan is also unclear on the extent to which the</p>	<p>As explained above, in order to address your concern, we propose</p>

<p>approach to new housing is dependent on tall buildings and whereabouts in the Borough these might be acceptable. This matter has been raised by Historic England, but also goes to the heart of the plan's strategic approach to housing delivery. The forthcoming Tall Buildings Background Paper (document SP02) may assist and we are mindful that in an urban location, it may be more challenging for the Council to identify a precise quantum of housing that will come forward on each site without a site-by-site design-led capacity approach. However, other approaches to establishing site capacity are capable of being sound and as such, we consider that the absence of any minimum numbers of new housing or ranges of housing that are to be provided on each site in the plan is insufficient to enable a meaningful examination of the soundness of the allocations.</p>	<p>to move the indicative number from the background paper into the Plan itself.</p> <p>The tall buildings background paper (SP202) is now available on the website and will be subject to the further period of Regulation 19 publicity.</p> <p>The Plan policy on tall buildings set out where tall buildings are appropriate and a set of criteria for consideration of tall buildings.</p> <p>We have considered the capacity for each of our 85 site allocations; the methodology we have undertaken is set out in the Site Allocations Methodology Report (SA026), which we propose to update to address the concerns you have raised.</p> <p>We have set out in each of the site allocations where we consider tall buildings may be appropriate. In the development management process, proposals for tall buildings would be assessed against the site allocations, the tall buildings policy and the context of the surroundings to secure high quality development. In some areas where we expect there to be more tall buildings, further guidance is provided in AAP's or SPD's, for example the Old Kent Road AAP, Canada Water AAP, Aylesbury AAP, Peckham and Nunhead AAP and the Elephant and Castle SPD.</p>
<p>4.8 This approach to the site allocations provides little assurance to consultees as to the extent of development proposed in their areas, nor a level of information that would allow strategic infrastructure providers to adequately plan their own investment strategies to deliver any essential improvements. Therefore, we are not persuaded that the plan is positively prepared as currently submitted as it is</p>	<p>Information on indicative site capacities is contained in the background documents underlying the Plan which have themselves been made available for consultation. Earlier iterations of the draft Plan did include indicative capacities and were subject to consultation.</p> <p>However, in order to address your concerns, we intend to move the indicative site capacities from the background papers into the Plan</p>

<p>unclear how the allocations individually and collectively contribute to the delivery of the Council's housing target. The absence of such information would make the examination of the site allocations unnecessarily lengthy and difficult. Therefore, in order to enable the examination of the site allocations to proceed, we would require information on the proposed dwelling capacity and the timing of each site's anticipated delivery, which should be set out against a housing trajectory.</p>	<p>itself.</p> <p>As highlighted above, we will include the housing trajectory as an Annex of the plan.</p>
<p>4.9 As we have indicated above, we have identified significant issues regarding the soundness of the site allocations policies. Having made an initial examination of the representations received at the pre-submission publication stage, it is clear that there are some sites where significant doubts have been raised about the timing of a site's delivery including from utilities providers or landowners (such as site NSP03). There is a general lack of evidence either through individual site delivery information or through Statements of Common Ground with landowners that a number of site allocations are deliverable or developable.</p>	<p>The reference to NSP03 we are assuming is the response from Thames Water which advises there may need to be updates to the water capacity network. Whilst this is stated in many of the site allocations, the SOCG has not identified any significant strategic issues with regard to infrastructure upgrades that would significantly impede delivery of the site allocations.</p> <p>The water issues for the site allocations are local and are considered on a site by site basis rather than being strategic in nature.</p>
<p>4.10 We have concerns that due to the absence of suitably detailed delivery evidence that the plan may be reliant on the delivery of a significant quantum of housing or employment space that may not come forward when envisaged or indeed at all. There are numerous examples of this, but as one illustration of</p>	<p>As explained above, we propose to update the IIA and Site Allocations Methodology Report to provide further clarity about the deliverability of the allocated sites.</p> <p>Your letter suggests that the Bricklayers Arms site has been selected as an example of 'one of many' in terms of delivery</p>

<p>our concerns site NSP53 Bricklayers Arms appears to be dependent on the reconfiguration or potential removal of a flyover. There does not appear to be any evidence from the relevant strategic transport authority that there are any proposals to alter or remove this infrastructure during the plan period. Furthermore, there is no indication that the proposed highway works are viable, nor is there any appraisal in the IIA/SA as to the social, economic or environmental effects of this element of the proposed allocation. This level of information would need to be provided and made available for our consideration in order to allow the examination to consider whether there is a reasonable prospect of the site coming forward as envisaged. Without such further information being provided and potentially subject to consultation prior to the oral hearing sessions, the examination of the site allocations as submitted would be unlikely to be productive.</p>	<p>concerns however the circumstances of this particular site are quite unique. Furthermore, it is important to note that the Council does not rely on this site to meet its housing or other development targets over the Plan period.</p> <p>The site is part of the draft Old Kent Road AAP in terms of envisaging significant change to the Opportunity Area over the next 20 years. The flyover is part of the TFL strategic road network and at the moment funding for the project has yet to be identified. The capacity of the site is therefore more uncertain and it has not been included in the calculations for growth in either the NSP or OKR AAP site allocations capacity figures. It is not relied upon in either our 5 or 15 year supply calculations. Nevertheless we consider its inclusion as a site allocation necessary to achieve place-making objectives of the Old Kent Road and its role as a Healthy Street. The inclusion of the allocation stresses the importance of securing funding for the project in future and also is transparent about the potential future plans for the site.</p>
<p>4.11 There are also parallel considerations in relation to employment provision both in terms of safeguarding strategically protected industrial land but also securing (intensified) employment through mixed-use schemes. A number of proposed allocations are existing employment sites and again there is a combined lack of specificity about the employment floorspace (job densities) and number of homes on these mixed-use sites. We note the representations of the GLA and others that the Plan should be clearer on the total of all industrial and employment land including floorspace that is proposed for release and any additional provision that the plan is making.</p>	<p>This is all set out clearly and specified in the Site Allocations Methodology Paper (SA026) and the Industrial Background Paper (SP401).</p> <p>The concerns about employment provision both in terms of safeguarding strategically protected industrial land but also securing (intensified) employment through mixed-use schemes have been addressed through an update to the Site Allocations Methodology Paper (SA026) and the Industrial Background Paper. Indicative capacities will be included in the proposed allocations for existing employment sites. This provides specifics about the employment floorspace (job densities) and number of homes on these mixed-use sites.</p>

<p>The approach to Sustainability Appraisal (SA) / Integrated Impact Assessment (IIA), Site selection and Flood Risk</p>	
<p>5.1 The Council's approach to site assessment and Sustainability Appraisal (SA) are set out in the Integrated Impact Assessment (IIA). From our initial examination of the document we are concerned with the robustness of the approach taken towards the assessment of the site allocations. In particular, the IIA appears to assess site allocations in groupings based on the area visions rather than individually (notwithstanding those instances where only one site is proposed to be allocated in an area). This approach does not allow the consideration of an individual site's performance against the Council's appraisal objectives nor enable the consideration of any potential mitigation measures required. Furthermore, although the site selection methodology background paper identifies, documents and subsequently discounts further sites that were considered to be unreasonable for allocation, it is unclear whether any other reasonable sites that are not otherwise allocated have been considered and subject to SA (i.e. reasonable alternative options).</p> <p>5.2 Through our initial examination of the IIA, we have identified that the document has appraised some alternative options. However, we have significant concerns that this has been carried out on a plan wide basis against a 'business as usual' approach, and a second 'Place Shaping and Place making'</p>	<p>As explained above, we propose to update the IIA to provide assessments for each individual site and to include the list of sites that were previously considered and discounted. This work has already been undertaken as part of the earlier stages of Plan preparation and informed the submitted IIA. However, in order to provide further assistance and clarification, the IIA will be updated to provide an assessment of each individual site.</p> <p>All reasonable sites have been identified as allocations in the draft Plan.</p> <p>As anticipated in your letter, previous iterations of the Sustainability Appraisal, Sites Methodology Paper and IIA which informed the Plan preparation also considered other alternative options, including higher development targets, which were subsequently discounted. That information will be presented in the updated IIA.</p>

option. This approach does not appear to set out what other reasonable alternative options might have been considered on a policy by policy basis. Whilst this may have been carried out at previous stages, the SA should not be a 'paper chase' relying on material only provided at previous rounds of consultation and would need to be incorporated into the NSPs IIA. The absence of a dedicated spatial strategy and strategic housing requirement policy(ies) also means that no reasonable alternative options for the overall strategic approach to development in the Borough have been considered in the appraisal; nor is there a clear and justified statement that there are no reasonable alternatives in this respect. The approach appears to consider the appropriateness of allocating sites from the London Plan SHLAA and from calls for sites, or the alternative options of a 'place making and place shaping strategy' which looks for sites that could accommodate additional regeneration or sustainability objectives. As a result, we have significant concerns that genuinely reasonable alternative options for the spatial distribution of the plan's growth aspirations have not been considered.

5.3 In light of the above, we are concerned that the accompanying IIA as currently prepared is not robust and therefore does not enable us to properly consider whether the plan is justified and represents an appropriate strategy as Paragraph 35(b) of the Framework requires. Legally this would be capable of being rectified during the examination, however, we are mindful that this will undoubtedly require

<p>significant further work on the Council's part and providing such information is likely to result in a significant delay to the examination. It is also of crucial importance that such work is carried out with an open mind and does not seek to simply retro-fit a justification to the plan as it currently stands. This of course could result in the need for significant changes to the plan.</p>	
<p>5.4 The Council has identified that the Borough is at risk of flooding from a number of sources including from the River Thames as well as from ground and surface water flooding. The submitted Strategic Flood Risk Assessment (SFRA) confirms that there appear to be large parts of the Borough are in Flood Zone 3a with a high probability of flooding, albeit our initial examination has not been aided by the crucial flood risk maps not being viewable in SFRA.</p> <p>Notwithstanding this, no evidence appears to have been provided that a sequential, risk based approach to the location of development as required by paragraph 157 of the Framework has been carried out. The consequence of this is that it is unclear</p>	<p>The Site Specific Flood Risk Assessment was not included in the submission documents as a result of an oversight, for which we apologise. They have now been submitted and uploaded to the examination website/</p> <p>The flood risk assessments were prepared in 2018 and were taken into account in the Sequential Test and site selection. We have updated the website with the information and also the IIA to make this clearer.</p> <p>We have recommended all available sites for development in lower risk flood zones in line with the Sequential Test. However the north of the borough contains all of the Borough's Opportunity Areas which represent the main opportunities for growth. Many of these sites are crucial to delivering the growth required and therefore</p>

whether a sequential approach to site selection has been followed, but in addition, there is insufficient information to establish whether the application of the exceptions test is required and whether this has been carried out. Whilst the Council has agreed a statement of common ground with the Environment Agency, the statement does not comment on or confirm the Agency's position on the adequacy of the sequential approach to site selection or the need for any particular mitigation requirements to be set out in the site allocations policies.

cannot reasonably be substituted for sites in lower risk flood areas (and there are no other alternative sites to substitute).

Our SFRA recommends that our policy options instead place greater emphasis on floodplain management, in addition to flood defence. This may include more appropriate use of the floodplain, making space for water, improved flood awareness and flood-readiness and enhanced emergency planning and response measures.

The SFRA recommends that in Flood Zone 3 no basements dwellings should be permitted. This guidance is followed in practice and we require Basement Impact Assessments for any applications or site allocations in this flood zone.

The SFRA carried out detailed site-specific modelling for the areas of Herne Hill, Camberwell and Peckham Rye. This modelling has been undertaken for the purpose of several ongoing and completed flood alleviation schemes, to reduce the surface water flood risk in these areas.

The SFRA also recommends Integrated Water Management Strategies are prepared. We have also taken this advice and prepared a strategy for the Old Kent Road Opportunity Area.

Further clarification will be given in the updated IIA to confirm what Flood Risk Zone each of the site allocations are in and how the Sequential Test has been complied with. This will also form part of the update to Appendix 5 of the IIA (NSP06A).

6.0 Plan-wide viability

<p>6.1 Our initial assessment of the plan has found that there are a number of policies⁶ that contain requirements for either the provision of land or developer contributions towards affordable housing other infrastructure or maintenance contributions that are not otherwise covered by the Mayoral CIL or the Council's own CIL. Although the submitted Small Site Viability Study Testing report and Housing and Affordable Workspace Viability Update provide further viability testing, it is difficult to identify where the appraisal has taken account of the cumulative costs of all of the policy requirements in the plan along with both of the CILs that qualifying development in the Borough are subject to.</p> <p>In addition, due to, amongst other things the lack of information on Flood Risk and the sequential test, it is unclear whether there are any other requirements for flood risk mitigation or any other mitigation measures that the plan requires that would cumulatively impact on the achievement of the plan's policy aims or the deliverability of the site allocations.</p>	<p>Viability appraisals were carried out by BNP Paribas in 2015, 2017 and 2019. A separate viability study for the Old Kent Road Study Area was also carried out in 2016. The 2019 Study is a core document, there was a technical issue where the 2017 study no longer appears as a Core Document which will be addressed immediately. The 2015 and 2016 reports are on our website but will be added as Core Documents for clarity. These studies have been considered within the housing background paper and the offices background paper.</p> <p>The studies provide a complete picture of the viability of the plan. The 2019 Housing and Affordable Workspace Viability Study by BNP (SP109) builds upon the 2015, 2016 and 2017 studies and considers the policy requirements of the draft Plan as well as Mayor CIL and the Council CIL.</p> <p>It should be noted that the policy requirements in the NSP are broadly in line with the current requirements contained in the Southwark Plan saved policies (2007); the Core Strategy (2011) and the S106 and CIL SPD (2015), apart from a minor amendment to draft policy P1, which proposes a different housing tenure split and a new requirement for affordable workspace.</p> <p>Evidence reveals that the existing policy requirements, which are proposed to be carried forward into the NSP, have not adversely affected the deliverability of sites within the borough, and will not undermine the viability of the NSP.</p> <p>For clarity and to assist the examination, the Council has set out the evidence base for viability in a background paper. That</p>
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⁶ including, amongst others, P1: Social Rented and Intermediate Housing, P2: New Family Homes, P4: Private Rented Homes, P24: Student Housing and P28: Affordable Workspace, P58: Green Infrastructure; P14: Residential design and the requirement for outdoor space in the OKR Opportunity Area

	document will be uploaded to the Council's website and subject to the Regulation 19 procedure.
6.2 Paragraph 34 of the Framework states that plans should set out the contributions expected from development and goes on to state that such policies should not undermine the deliverability of the plan. As such, in order to ensure that the cumulative burden of policy requirements does not undermine the deliverability of the plan, further evidence that provides the examination with a robust assessment of the viability of the whole plan's policy requirements should be considered. Again, we recognise that producing such evidence will not be a swift process and are mindful of the inherent risk of further changes that may be necessary to the plan in light of such further evidence.	<p>As set out above, the viability of the plan has been tested within the Viability Studies referenced above.</p> <p>These studies have informed the policies set out within the plan and therefore the contributions expected from development do not undermine the deliverability of the plan.</p> <p>To assist, a viability background paper has been prepared as part of the evidence base.</p>
7.0 Gypsies and Travellers and wider caravan/houseboat needs	
7.1 The 2017 PSV plan was silent on the matter of pitch provision for those that meet the planning definition of gypsy and travellers in the Planning Policy on Traveller Sites (2015). The APV sought (in part) to address this but we would need to consider carefully what should be done as part of this plan to achieve consistency with national policy (PPTS) and conformity with the London Plan. We note from the SoCGs that the Council is currently in the process of completing a Needs Assessment with regards to Gypsies and Travellers within the borough of	<p>The New Southwark Plan safeguards the 4 existing sites for Gypsy and Traveller pitches where there is an identified need and identifies new sites for additional accommodation to meet the needs of Gypsies and Travellers.</p> <p>The Council has completed the Gypsy and Traveller Needs Assessment which will be subject to the Regulation 19 procedure mentioned above.</p> <p>The GTNA identifies a need for 0 pitches in Southwark to meet the needs of gypsies and travellers, as defined in the Planning Policy</p>

<p>Southwark which is due to be released in Spring 2020. The Council's intended approach appears to be that the needs assessment will become part of the evidence base for an updated Gypsy and Traveller policy as part of a rolling plan review.</p>	<p>for Traveller Sites.</p> <p>The Council notes that the Mayor intended to provide a different definition in the draft New London Plan, but that the Secretary of State directed the Mayor to revert to the PPTS definition in his letter dated 13 March 2020.</p> <p>As such, the Council considers that it is appropriate to use the definition in national policy, with which the NSP is required to be consistent.</p> <p>No pitch provision is proposed as part the Consolidated New Southwark Plan Submission Version June 2020. This is supported by the GTNA which identifies that there is no need for such provision to meet Southwark's needs.</p>
<p>7.2 The examination would need to look carefully at Policy A of the PPTS in terms of the evidence base and degree of engagement with gypsy and traveller communities (noting Southwark has 4 existing permanent sites, accounting for 7% of London's provision). Policy B of the PPTS is clear that pitch targets should be set and that plans should identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets and identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15.</p>	<p>The Council considers that the GTNA complies with relevant guidance and presents a robust assessment of G&T needs within Southwark. In light of the findings of that study, there is no requirement for additional pitches to be provided in Southwark over the plan period.</p>
<p>7.3 In the absence of the Council's forthcoming GTAA, the London Plan provides a figure of 15 pitches for Southwark in the context of requiring a 10 year pitch</p>	<p>The Council has now completed the GTNA which identifies no need for G&T provision in Southwark over the plan period.</p>

<p>target to be set in Borough plans. This should comprise the starting point and we will require clear and persuasive evidence from the Council as to why the submitted NSP cannot set a pitch target and/or make specific pitch provision where there is an identified need for those who meet the planning definition. This is an area where the PSED applies. Again, whilst these are in theory matters which are capable of being resolved during the examination they add significantly to the overall amount and scope of work needed on the plan.</p>	
<p>7.4 Furthermore, in addition to those who meet the planning definition, Section 124 of the Housing and Planning Act 2016 requires a wider assessment of those who seek caravan or houseboat accommodation. We cannot see that the 2019 SEL SHMA has addressed this and it is important that these wider needs simply do not “slip through the net”. We would welcome further information on whether the Council has undertaken this work, is working on such a wider assessment either alone or in partnership or whether there is a programme to carry out a S124 assessment?</p>	<p>Section 124 of the Housing and Planning Act 2016 requires local housing authorities to consider the needs of people in their district residing in or resorting to caravan sites or houseboats.</p> <p>The GTNA considers both the needs of those satisfying the PPTS definition of G&T and those who fall out with the definition and therefore considers the needs of those within the borough residing in or resorting to caravans and houseboats.</p>