

# Statement of Common Ground between LB Southwark and the Environment Agency

**December 2019**

(first revision completed July 2020)



## Introduction

1. This Statement of Common Ground (SCG) has been prepared by Southwark Council in agreement with the Environment Agency.
2. The purpose of the SCG is to document the cross-boundary matters being addressed and progress in cooperating to address them.
3. This SCG ensures that the requirements set out in the National Planning Policy Framework (NPPF) have been met. The NPPF states, *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”*
4. Southwark Council engages with other boroughs and the City of London through regular meetings either between officers or elected members with formalised governance arrangements such as the London Councils Leaders’ Committee, Association of London Borough Planning Officers, the Cross River Partnership, and the South East London Duty to Cooperate Group. We also maintain correspondence between planning departments on a variety of issues and projects and organise additional meetings on strategic planning matters when needed.
5. This document was originally completed in December 2019. The New Southwark Plan was submitted for Examination in Public in January 2020. Subsequently the Inspectors appointed to examine the plan, Mr David Spencer and Mr Philip Mileham wrote to the Council on 20 April 2020 to request further information on the Council’s approach to flooding and the sequential test. The Council responded to the Inspectors on 20 May 2020 and a further consultation on the NSP will take place in summer 2020 while the Examination remains open. This SOCG has been updated in July 2020 to address the Inspector’s concerns.

## Involved Parties

### London Borough of Southwark

6. Southwark is a densely populated and diverse inner London borough set over almost 30km of land to the south of the River Thames. Home to over 314,000 people, the borough is a patchwork of communities set over 23 wards. Whilst the northern part of the borough already enjoys excellent transport links to the rest of London, the south is due to benefit from the extension of the Bakerloo Line, which will open up areas including the Old Kent Road to new growth
7. The New Southwark Plan (NSP) is due to be adopted in 2021 and sets out the council's ambitious plans for the borough. We have pledged to deliver at least 2,355 new homes every year, of which a minimum of 35% will be affordable, and to provide 11,000 new council homes by 2043. We are working hard to develop business, with an aim of creating 84,000 new jobs over the next 20 years and with 32 hectares of land designated as Strategic Protected Industrial Locations and a further 20 hectares of land as Locally Significant Industrial Sites. In line with recommendations by the Mayor of London, we have also ensured that the environment will remain protected, having put in place actions that will bring about Net Zero Carbon on all major new residential developments and preventing any Metropolitan or Borough Open Land being lost to development.
8. Southwark benefits from four Opportunity Areas (OA) which have significant capacity for development, growth, and potentially improved public transport access. The four OAs are:
  - Canada Water
  - Elephant and Castle
  - London Bridge, Borough and Bankside
  - Old Kent Road
9. Southwark also benefits from three Area Action Plans (AAP). These are for the following areas:
  - Canada Water
  - Peckham and Nunhead
  - Aylesbury.
10. Together our AAPs are planned to account for an additional 11,400 new homes and 32,000 jobs in the borough. An AAP for Old Kent Road is also being prepared.

### Environment Agency

11. The Environment Agency is a non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England.

## Strategic Matters

### Environmental Issues

12. Planning for environment issues at a strategic level is a necessity – open space is enjoyed by people across borders and energy supply is not a local issue. Perhaps the two greatest environmental issues facing Southwark over the next twenty years are air quality and waste management. Southwark acknowledges that not all of its apportionment is met on site in the borough, though a large proportion is combusted in the Integrated Waste Management Facility on the Old Kent Road. For this reason, Southwark is involved in the Joint South-East London Waste Partnership with London boroughs of Bromley, Bexley, Greenwich, Lewisham and the City of London Corporation where jointly we are able to meet apportionment targets, while maintaining safeguarded waste management sites. Air pollution is not contained by borough boundaries and must be tackled at a pan-London level to have real effect.

### Green infrastructure

13. The 'All London Green Grid partnership' is recognised by DEFRA as the Local Nature Partnership for London. The partnership does not yet have a governance structure that allows it to respond on matters of local plan consultations. Policies to protect and restore the natural environment in the NSP are in general conformity with the London Plan. We have engaged with the London Wildlife Trust and local wildlife groups through the Southwark Biodiversity Partnership throughout the preparation of the NSP.
14. The South East London Green Chain is a linked system of some 300 open spaces, in the London boroughs of Greenwich, Bromley, Bexley, Lewisham and Southwark. There are a variety of different open spaces in the Green Chain including parks; ancient woodlands; allotments and school playing fields. The network has been expanded to include a number of spaces within the south of the borough, including Dulwich Park, Sydenham Hill and Dulwich Woods and Nunhead Cemetery. Southwark officers attend the Green Chain Working Party to work with neighbouring boroughs on protecting and improving the Green Chain. There is potential for these links to be extended to other spaces in the borough.

### **Agreements:**

15. **Southwark and the Environment Agency agree** that the continued maintenance and expansion of the Green Chain represents a positive commitment to protecting the environment across the south east of London.

### Flooding and drainage

16. Much of Southwark is at risk to flooding. The main source of risk is tidal and river flooding from the River Thames. The Thames Barrier currently offers protection from this risk. Areas at risk of flooding from the Thames include the neighbourhoods in the north of the borough, which will also potentially impact on the surrounding neighbourhoods in Lambeth and Lewisham.

17. The Environment Agency's Thames Estuary Plan 2100 sets out the measures that will be required to be implemented to maintain adequate flood risk protection from the River Thames by the year 2100. The plan advises that by 2065, the existing flood defences of the river wall running from Bankside to Rotherhithe will need to be raised by 0.5m and a further 0.5m by 2100. This will block the eye level views from the current Thames path. By setting development back from the river frontage there are significant opportunities to enhance the Thames Path when new development comes forward. By requiring flood defences and flood risk minimisation strategies on these sites to incorporate measures which improve the amenity and biodiversity value of the Thames Path, we can offset the negative amenity impacts of raising the river wall.
18. Southwark plans to mitigate surface flooding risk by mimicking natural drainage patterns by reducing hard surfaces and increasing absorbent surfaces through soil and planting. Policy P67 in the NSP states that development must not increase flood risk on- or off-site, by ensuring that major developments reduces surface water run-off to green field run-off rates. This must be through the application of water sensitive urban design and Sustainable Urban Drainage Systems (SUDS).
19. The draft London Plan requires the incorporation of SuDS to alleviate and manage surface water flood risk. Thames Water has suggested that the relevant policy (or a supporting SPD) should also make reference to potential future updates to the network in response to growth.
20. In April 2020 the Inspectors made the following comment on the New Southwark Plan:

*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. 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 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.*

21. The purpose of this update with the Environment Agency is to address this response.
22. In May 2020, Southwark submitted its Strategic Flood Risk Assessment (SFRA) Part 1 Appendices (including flood maps) and SFRA Part 2 which comprised the sequential test of the site allocations completed by Aecom in 2018 to the Examination.
23. The SFRA was updated in July 2020 to undertake analysis of some NSP sites which had been updated or not included in the study. The study demonstrates that a sequential, risk based approach to the location of development in the borough had been undertaken and that all sites identified for development had been assessed for flood risk. The Environment Agency was requested to share its Thames Tidal Upriver Breach Inundation Modelling (2017) data

with Southwark to ensure that the findings of the assessment was up to date and accurate. The relevant flooding maps have also been included as map layers on the NSP Proposed Policies Map.

24. Southwark's approach to the sequential test (and exception test if required) has been applied with further analysis for each site allocation in the sustainability appraisal of the New Southwark Plan Integrated Impact Assessment.

#### **Agreements:**

25. **Southwark and the Environment Agency agree** that the New Southwark Plan should reflect the TE2100 Plan riverside strategy concept and promote an integrated approach to riverside development that takes full account of future flood risk requirements and opportunities to provide wider environmental enhancements.
26. Whilst the Environment Agency shares Southwark's sentiment of using tall buildings to provide more homes, they have advised that Southwark remain mindful of the flood risks when designing these residential buildings.
27. The Environment Agency also would like to highlight how important it is to ensure developers understand their responsibilities or their client's future responsibilities as riparian owners if building on the riverside/near a river.
28. **The Environment Agency agrees that Southwark's** most recent Strategic Flood Risk Assessment (SFRA) July 2020 is comprehensive and accurate. The council is able to demonstrate through evidence that it has considered a range of options in the site allocation process, using the SFRA to apply the Sequential Test and the Exception Test where necessary. The Environment Agency provided the council with expert advice on the likelihood, scale and impacts of fluvial and tidal flooding which the council needs to make informed planning decisions. The council is able to demonstrate that the SFRA informed Integrated Impact Assessment for the New Southwark Plan, so that flood risk is fully taken into account when considering allocation options and in the preparation of plan policies, including policies for flood risk management to ensure that flood risk is not increased.
29. The Environment Agency notes that it is the responsibility of councils to apply the Sequential Test. The application of the Sequential Test requires an in-depth understanding of a variety of issues, many of which fall outside the remit of the Environment Agency.

#### **District Heating**

30. South East London Combined Heat & Power (SELCHP) has been providing heat and hot water from waste from December 2013 to many of Southwark's homes. This way of providing heat to communal heating and hot water systems reduces carbon emissions by delivering hot water through a network of underground hot water pipes to the boiler houses. This removes the reliance on gas which is currently burned in the boilers of the affected estates. Combined heat and power (CHP) is an efficient means of energy generation and use, it reduces environmental impacts, in particular CO<sub>2</sub> and nitrous oxides emissions, reduces

local pollution and it supports national and regional policies on sustainability and climate change.

**Agreements:**

31. **Southwark and the Environment Agency agree** that the South East London Combined Heat & Power network is effective in reducing carbon emissions in the area.

Climate Change

32. In April 2019 Southwark Council joined the international Climate Change Campaign and declared a Climate Change Emergency. Southwark is a low-lying borough next to the tidal Thames, and so is particularly vulnerable to the impact of the rising sea levels and flooding. Already we have cut emissions by 37% since 2010, but we are hoping to achieve carbon neutrality by 2030. An Integrated Impact Assessment is currently being produced for Southwark which will become part of the New Southwark Plan.
33. Lambeth, Tower Hamlets, Greenwich and Croydon have also announced Climate Emergencies, indicating that they are taking action to reduce carbon emissions within their boroughs. There is scope for neighbouring boroughs to work together to reduce emissions.

**Agreements:**

34. **Southwark and the Environment Agency agree** that declaring a Climate Emergency is an appropriate response to the threat posed to the borough and Greater London by climate change.

## Governance Arrangements

35. This statement has been informed by on-going engagement between Southwark and the Environment Agency.

Timetable for agreement, review and update

36. This SCG will be a live document and will be reviewed on a regular basis, informed by continued communication between the parties through one to one meetings, group meetings (such as Association of London Borough Planning Officers), consultation events at key plan making stages, and electronic communication.
37. The New Southwark Plan was submitted in January 2020 and is due to be adopted in 2021.
38. The London Plan Inspector's report has been published, the Secretary of State has made some Directions to the London Plan which the Mayor will be responding to, and the plan is expected to be adopted in late 2020.

## Preparation of this SOCG

39. This is part of the first set of SOCG to be prepared to support a local plan in Southwark. The timeline of its creation is set out below:

- First draft prepared in September 2019 by Southwark Council.
- Draft shared with other parties for comment during late September and early October 2019.
- Sign off process instigated in late October 2019.
- Submitted as part of the New Southwark Plan in January 2020.
- Update during the Examination July 2020

## Sign-off Process

40. Those responsible for the management and sign off of this document are:

<b>Organisation</b>	<b>Officer lead</b>	<b>Senior or political approval of the SOCG</b>	<b>Sign off</b>
London Borough of Southwark	Planning Policy Manager	Director of Planning	Director of Planning – Simon Bevan
Environment Agency	Charles Muriithi		Charles Muriithi

Table 1: Sign-off details.

## Signatories

We agree that this statement is an accurate representation of matters discussed and issues agreed upon.

It is agreed that these discussions will inform both the New Southwark Plan and other Local Plans and all authorities will continue to work together collaboratively in order to meet the duty to cooperate.



Signed: \_\_\_\_\_

Name: Simon Bevan  
Position: Director of Planning

***London Borough of Southwark***



Signed: CMuriithi

Name: Charles Muriithi  
Position: Planning Specialist

***Environment Agency***

# Appendix 1

## Schedule of meetings.

Organisation	Dates
<p><b>Cross-River Partnership</b> includes the central London boroughs along with business groups and other key stakeholders such as Network Rail, Groundwork London, London &amp; Partners, Transport for London and the GLA. Its key focus is on economic growth, sustainable employment, carbon reduction and place-making.</p>	<p>Twice yearly board meetings</p>
<p><b>Association of London Borough Planning Officers</b></p>	<p>2013 – 30 April, 25 June, 10 September 2014 – 14 January, 4 March, 24 June, 9 September 2015 – 3 February, 31 March, 19 May, 29 September, 24 November 2016 – 21 January, 21 June, 27 July, 13 October 2017 – 14 March, 22 March, 16 May, 7 September, 7 December</p>
<p><b>London Councils</b> London Councils represents London’s 32 boroughs and the City of London. It is a cross-party organisation that works on behalf of all of its member authorities regardless of political persuasion. The strategic direction of London Councils is set by the Leaders’ Committee. Our Leaders’ Committee comprises the Leaders of all of London’s local authorities. There is also a cross-party Executive, which guides the organisation’s day-to-day work. The London Fire and Emergency Planning Authority and the Mayor’s Office for Policing and Crime are also in membership.</p>	<p>2013 – 12 February, 12 March, 14 May, 11 June, 9 July, 8 October, 12 November, 10 December 2014 – 11 February, 11 March, 9 April, 15 July, 14 October, 9 December 2015 – 10 February, 24 March, 2 June, 14 July, 13 October, 8 December 2016 – 9 February, 22 March, 7 June, 12 July, 16 October, 6 December 2017 – 7 February, 21 March, 11 July, 10 October, 5 December</p>

Table 2: Schedule of meetings.

### Local Plan consultation

The Environment Agency provided comments on the New Southwark Plan Proposed Submission Version on 27 February 2018.