

Statement regarding Matter 1 – Procedural / legal requirements, including the duty to co-operate

Introduction

I am Mark Brearley, following through with representations on the NSP made on behalf of the Vital OKR business association.

I am the proprietor of the 74 year old Peckham manufacturing business Kaymet that employs 12 people and holds a Royal Warrant, and last year received a Queen's Award for Enterprise in recognition of fast export growth. I was one of the initiators of the Vital OKR business association. I am also Professor of Urbanism at London Metropolitan University, where I help to coordinate the Cities research and teaching unit in the School of Architecture, Art and Design. I have expertise in the urban economy, with particular focus on high streets and industrial activity. In 2019 I held the BSI-Citydev Inter-university Chair (Brussels) with a chosen concentration on the theme *A good city has everything*. Ongoing since 2015 I have been Ateliermeester for the *Atelier Brussels Productive Metropolis* initiative, on behalf of the state governments of Flanders and Brussels. I am a member of the recently established Commission on the Future of Industrial Land in London. I worked for the Mayor of London from 2001, leading the Design for London team for the 5 years until 2013, a role that included initiating the Mayor's high street focused research and project work, area economy audits, and the London-wide mapping of industrial activity.

Vital OKR is an association, with somewhat over 300 members, that has emerged in recent years to give a stronger voice to the businesses in the Old Kent Road area of Southwark, and has increasingly spoken up for the interests of the wider industrial economy of Southwark. In the Old Kent Road area we have strong industrial enterprises, most of them focused on serving inner and central London's just-in-time supply, servicing and production needs, we have a fast expanding cluster of creative enterprises, niche and craft producers, many builders merchants, vehicle repair and hire garages, diverse retail, several thriving high street settings and a dynamic faith community.

Matter 1 – Procedural and legal requirements including the Duty to Co-operate

Issue 1

Whether the Council has complied with relevant procedural and legal requirements.

Questions

Plan preparation

1.1, 1.2, 1.3, 1.4

When preparing our representations a decision was taken not to attempt challenge of the plan on the basis of failure to meet community involvement and consultation requirements, since we repeatedly heard that it is extremely difficult to trip up a plan on these grounds.

Nevertheless, I ask that it be noted that my experience, and that of many from business communities that I hear from, of the plan preparation process, is that it was devoid of meaningful dialogue with the people who are the economy of the borough. There have been no significant efforts made to communicate and discuss options with the diverse enterprises across Southwark. I have been part of repeated efforts to open up a constructive discussion, but at every stage Southwark has only focused on procedural matters and rebuttal. Not once has there been any indication that comments and suggestions were welcome, nor that they were even being noticed.

In the Old Kent Road area the problems have been extreme, with detailed policy being formed behind closed doors, assisted by consultants commission by Southwark working in dialogue only with local government officers, major land owners and developers. No significant alternative options, such as might avoid sweeping expulsion of the existing economy and dramatic reductions to the quantum of accommodation suitable for it, have ever been seriously considered. We have put forward numerous constructive suggestions, but it has proved impossible to draw Southwark into a discussion about any of them. Meanwhile development schemes that are flagrantly at odds with the adopted development plan have been worked up, submitted for planning, and then approved (25 major contempt of plan schemes to date), effectively forcing into place many elements of a future scenario that Southwark favours but that remains highly contested.

It is fair to say that engagement with the plan preparation and planning decisions process over many years has been a deeply frustrating and humiliating experience, all the while being aware of the threat to the survival of a rich economy that provides thousands of people with a livelihood, but of which the Council seem to have little understanding or respect, not do they indicate any interest in attempting to meet the needs of.

Integrated Impact Assessment & Site Selection Methodology

1.5

Having regard to the updated Equalities Impact Assessment July 2020 [Document EIP76], in what way does the Plan seek to ensure that due regard is had to the three aims expressed in Section 149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

There appears to have been no coherent investigation of the likely disproportionate impacts of severe under-supply of business accommodation, such as the plan would allow (and in part promote), on less advantaged, BAME, and others with 'protected' characteristics. This is a fundamental omission. The preparers of the plan appear to have been oblivious to the grim effects of the business accommodation shortages already evident in the borough, nor aware of how much worse the plan would allow those problems to become. It is shocking that Southwark seem to be unaware that the plan makes likely, for example, a shrinkage of industrial accommodation in Southwark to less than half the quantum that GLA recommend as necessary, and that they have not given proper consideration to the equalities as well as the economic implication of such a failure to plan.

1.6
Is the approach to site selection in the New Southwark Plan justified, including the evidence in the Sites Methodology Paper [EIP82] and consistent with national policy and in general conformity with the London Plan?

Review of the Sites Allocation Methodology Report reveals that there have been no coherent attempt to meet the needs of industrial accommodation across Southwark. The aggregated figures for the overall indicative quantum of development that could be achieved across the borough for different land uses fails to differentiate between B class uses (as they were before the introduction of E Class), only showing a single total for B Class of 512,518 sqm across the borough excluding the Old Kent Road area, and for the Old Kent Road area also there is no differentiation between B class uses. In paragraphs 3.13 and 3.14, regarding 'Employment and town centre services' no mention is made of industrial use needs. In Appendix 2 the Site Allocations indicative development capacities do not differentiate between B class uses. In fact there has been breath-taking disregard for the elsewhere well evidenced needs of the industrial economy, and hence we suggest that the plan is fundamentally flawed, is unsound, in relation to national policy and the London Plan.

I point to fuller evidence of this in my representations, and in my statement on other Matters, most notably regarding Matter 5.

General conformity with the London Plan

1.8
Does the Statement of Common Ground with the Greater London Authority (the Mayor) (Document SCG13, May 2020) confirm that the submitted New Southwark Plan would be in general conformity with the London Plan?

The Statement of Common Ground does not confirm general conformity, and general conformity has clearly not been achieved. The most notable failure, that we are highlighting, is regarding industrial accommodation, on which matter the plan strikingly fails. I ask you to refer to my Appendix VOKR3 that is a review of the industrial land situation across Southwark at end December 2020, and the potential consequences of the plan.

1.9
Are any modifications proposed, either on submission in January 2020, or subsequently, to address any issues of general conformity with the London Plan, in particular the strategy for the Old Kent Road Opportunity Area, the approach to Strategic Industrial Land (SIL) and the intensification of land currently in employment use?

The plan remains fundamentally flawed and hence unsound in relation to the London Plan as it dramatically fails to meet the well defined, and strongly evidenced, need for industrial accommodation, such as to allow shrinkage of industrial land by more than 80 ha, close to four times the loss assessed as acceptable by the GLA, hence a reduction exceeding policy guidance by somewhat more than the area of Burgess Park (the largest park in the borough).

The London Plan had advocated no net loss of industrial accommodation from the Old Kent Road area. While that requirement was struck out by the Secretary of State we suggest that it remains valid as it was robustly evidenced as was supported through the plan preparation process including by the inspectors. Southwark themselves seem to recognise validity of the no net loss objective, yet the plan woefully fails to aim for such an objective, indeed it would likely result in significantly more than a 50% loss of accommodation. I ask that you refer to my Appendix VOKR9, a 2017 assessment of the 2017 draft OKR AAP (that in most details corresponds with the plan's Site Allocations).

Issue 2
Whether the Council has complied with the duty to co-operate in the preparation of the new Southwark Plan.

Questions

1.11
Overall, has the NSP been prepared in accordance with the duty to cooperate as required by Section 33A of the Planning and Compulsory Purchase Act 2004?

We draw attention to the lack of evidence of significant cooperation with the neighbouring boroughs of Bromley, Croydon, Lewisham and Lambeth, and lack of dialogue with Greenwich and Bexley as would also have been appropriate, on the matter of industrial accommodation. Since Southwark's plan would allow the loss of industrial since 2011 totalling 90 ha in excess of the maximum the GLA has advised is acceptable (and since it seems that the borough has already lost 19 ha more than the total recommend acceptable release for the period up to 2041), it is reasonable to expect that extensive cooperation would have taken place to discover whether the worst effects of an industrial accommodation crisis could be avoided by considering potential across a 7 borough area. It seems that no such cooperation has taken place.

1.14
In relation to the Old Kent Road Opportunity Area and wider growth along the Bakerloo Line Extension route has there been appropriate dialogue and agreed outcomes as part of the NSP process with the London Borough of Lewisham and GLA/TfL to ensure coordinated sustainable cross-boundary growth in this part of south-east London including potential cross-boundary options to support intensification of employment uses (for example in the Bermondsey area, including the "Dive-Under" project)?

It is notable and surprising that even the Dive-Under area exploration of industrial intensification potential was carried out only covering the Southwark part of that area, and no evidence of corresponding work investigating the Lewisham part of that area has been shown. There appears to have only been modest cooperation, a remarkable failure given the significance of the challenges that straddle the borough boundary.

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