

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.

1.1 Has the NSP been prepared in accordance with the Council's Statement of Community Involvement and relevant 'consultation plans' and met the minimum consultation requirements in the Regulations?

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?

Relevant policies / evidence:

- Historic England Advice Note 3, The Historic Environment and Site Allocations in Local Plans: in particular 1.1 (evidence base), 1.2 (characterisation work), 2.1 (criteria), 2.2 and table 5 (methodology).
- NPPF 16, 91, 92, 121, 124, 126, 127, 129, 151, 152, 154, 157
- Publication London Plan 2020,
 - GG1 Building strong and inclusive communities: A, G
 - GG2 Making the best use of land: D, E, F, H
 - Policy GG5 Growing a Good Economy: F(Heritage) H (Circular Economy)
 - Policy GG6 Increasing efficiency and resilience: A (Circular Economy) D (Local Infrastructure)
 - Policy SD1 Opportunity Areas: B (1, 2,3,4,5,6,8,,9); 2.1.1, 2.1.4,
 - Policy SD4 The Central Activities Zone (CAZ):A,C,K,L,M, N(2); 2.4.19
 - Policy SD10 Strategic and local regeneration: B, C, D; 2.10.3, 2.10.4-6
 - Policy D1 London's form, character and capacity for growth: A, B ; 3.1.1 - 3.1.8
 - Policy D3 Optimising site capacity through the design-led approach; 3.3.1-3.3.4; 3.3.20-3.3.23
 - Policy D4 Delivering good design: A,E; 3.4.1
 - Policy D5 Inclusive design: A (collaboration); 3.5.5 (involvement)
 - Policy D8 Public Realm: B, D, F, I, L, M,
 - Policy D9 Tall Buildings: A (Definition), B (Locations), C (Impacts)
 - Policy HC1 Heritage conservation and growth
 - Policy HC3 Strategic and Local Views
 - Policy G1 Green infrastructure
 - Policy G4 Open space
- Draft Bankside, Borough and London Bridge SPD 2010
- Social & economic benchmark of the residential areas most affected by the St Thomas St developments September 2019 (LBS, TLB, Social Life)
- LB Newham Local Plan 2018 Site Allocations and Evidence

As per previous representations the Site Allocations are not sound in legal terms due to the inadequate consultation process. In the case of NSP50&51 having refused the Forum's multiple applications for the area to form part of the Neighbourhood Area, the council has consistently avoided/ignored the various consultations undertaken by the Forum on the allocations. The SCI has been out of date during the evolution of the NSP and EiP82 (Site Allocations Methodology and Appendices), and EiP72&72A (IIA and Appendices 1-13) show poor evidence on key indicators like IIA05 Social Cohesion (as well as many others like IIA06,8,11,12,13 & 17). This is proposed to be rectified by current Regeneration Charter research however the research recently undertaken (Social & economic benchmark September 2019) for the St Thomas Street Regeneration Charter for example has been mistranslated into the short summary version (AV020B - St. Thomas Street Baseline Research Summary (2019)) and the draft charter (see quotes in section 7.3 of the original research report including references to the scale and impact but also about *resident's views not being taken into account*), furthermore the subsequent related CIL projects exercise, which whilst gathering many ideas and involving some good engagement walks, has been problematic in terms of subsequent selection process, failing both in transparency and in the encouragement and facilitation of any strategic/networked provisions (for example the Youth and Adult Education Services infrastructure proposed by the Forum).

From the Site Allocation Methodology (the current and the previous versions to which representations have referred) the appendices (and the IIA & Appendices they refer to) it is not clear that reasonable alternatives have been considered or that the due processes that are described in the methodology have in fact been undertaken. The Forum has variously requested evidence of the initial and working processes undertaken with regards selection and capacity through NSP representations and otherwise (e.g. letter of 21st January 2018 appendix to NSP representation, more recently at the Planning Committee Meeting of 29 June 2019 and most recently in the process of proposing in recent months and currently a new community engagement process for the area to Cllr Situ Cabinet Member for Climate Emergency, Planning and Transport) and we look forward to discussing this in more detail at the hearing for Matter 10, for which we hope a Statement of Common Ground with the Council on NSP50&51 (focussed on the issues of site selection, capacity studies / policy development and consultation on building heights and heritage impact) will provide good preparation and focus.

In Matter 10 the the Forum would seek to address particular problems of soundness of Av.11 and NSP50&51 which stem in part from the lack of a planning framework for the area to guide site selection and capacity work (the draft SPD of 2010 was abandoned following exposure of the reasons a proposed tall buildings area leaving the opportunity area unmonitored) and how they could be rectified (through positive engagement with the neighbourhood forum and local community) to reverse process of recent years to the present where various privately negotiated, rejected, deferred and current over-scaled applications (current iterations are approx. 220-240% of the FAR ratios) have been driving the selection and development of the site allocations (rather than the policies framing the applications), however we register on this matter that in general terms the approach to site selection in the plan is not justified by robust evidence in the Methodology and the IIA (and their appendices) which exhibit a fundamental

lack of appropriate consideration of context, capacity and alternative options, of appropriate consultation and evidence of working methods. The lack of justification and positive preparation is not least evident with regards Employment Space (B) provision failing to differentiate office from other uses (also relevant to Matters 2 & 5) and in the lack of vision, appropriate flexibility and detail whereby the Site Allocations serve as a proxy for an unclear tall buildings policy (also relevant to Matters 2 & 8) whilst also failing to provide a framework for sustainable development through good urban design principles that could encourage ambitious and adaptable mixed use and heritage led regeneration positively responding to local context and need: Well considered site allocations policies based on good evidence gathered through engagement and the genuine consideration of context could allow for appropriate selection, criteria and guidance to be made (LB Newham's site allocations for example, based on a robust evidence base including in-person audits of context informing selection and capacity, manage to set out a range of appropriate building heights across sites), whilst also allowing the sites (and the plan) to respond to the emergent and urgent changes arising from the global pandemic (both in terms of the need for more open/amenity space, social/community infrastructure and in terms of the need for local/light industrial, vs 'office space' in response to changing working patterns), and due to the climate emergency (in terms of the need for more biodiversity and for circular economy principles to replace the habitual tendency for development to demolish existing structures and fabric).