

London Borough of Southwark Response

Examination of the New Southwark Plan

Inspectors' Matters, Issues and Questions

Matter 7 – Health and Environment

Issue 1

Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to health, the environment, heritage and tall buildings.

Relevant Policies – SP6, P44-P47, P55 – P69

Open Space – General

Question 7.1

What requirements are there for new or improved open space and indoor sports facilities? Does the plan adequately identify the types of open space that are designated in the Borough? Are any new areas of open space proposed to be allocated?

1. There are requirements for new or improved parks for the benefit of the existing and new population due to the provision of new homes and jobs. Any financial contributions received will go towards new parks or improving existing parks.
2. Yes the plan adequately identifies the types of open space that are designated in the Borough. Policy P56 of the Plan (EIP27A) defines Metropolitan Open Land, Borough Open Land and Other Open Space in the Fact box on Page 160.
3. As set out in the reasons to Policy P56, we have designated 4 new BOL sites and 18 new OOS sites as part of the New Southwark Plan. Additionally, 8 BOL sites, 1 OOS site and 5 MOL sites have been extended, which totals an additional 50,425sqm. A major new park for Elephant and Castle, Elephant Park (0.8ha) is currently under construction.
4. We propose to update Table 1B under Policy SP1b to take into account the updated Old Kent Road AAP December 2020 masterplan, the figure for additional open space on site allocations in the reasons needs to be amended to 103,125sqm to account for the Old Kent Road Area Action Plan update. This is set out in the Strategic Targets Background Paper (EIP161).

Question 7.2

How does the plan respond to any parts of the Borough that do not meet the open space standards? Are the provisions for new allocations/ designations in Area Visions translated into policy?

1. MOL, BOL and OOS sites are designated on the Policies Map (EIP27C). The Plan allocates open space within site allocations. As set out in the reasons to Policy P56, when the new open spaces are completed and open to the public, these will be designated as new formal open spaces in accordance with the open space designations criteria outlined in the fact box.

Question 7.3

An Open Space Addendum (2019) is referred to in responses to representations. Has this document been completed? What does it say?

1. The submission of the New Southwark Plan is supported by an Open Space Background Paper (SP601), Open Space Strategy (SP602) and Open Space Strategy Evidence Base (SP602A). The Old Kent Road Open Space Background Paper (EIP128) has been prepared which is referred to as an Open Space Addendum in the consultation responses.
2. This focuses on the existing and proposed open space in the Old Kent Road Opportunity Area. This is where there is significant development planned and the Open Space Strategy (2013) (SP602) identified a deficiency of open space in the Bermondsey and Old Kent Road sub area. The Background Paper sets out how through the Old Kent Road Area Action Plan masterplan and Policy AAP11 Parks and Healthy Streets we will secure open space in the Opportunity Area and we will reduce the deficiency of open space.
3. Policy AAP11 requires developments to provide 5sqm of public open space per dwelling. This must be provided on the locations identified in the masterplan. Where there is no open space identified, a financial contribution will be required which will go towards the provision of parks or improvements to existing parks in the masterplan to ensure residents benefit from the development coming forward.

Question 7.4

The reasoned justification for P56 indicates new Borough Open Land (BOL) and Other Open Space (OOS) has been designated in the NSP. Are these intended to be new 'allocations' or do they result from implemented planning permissions? If they are intended to be allocations, are these accompanied by new policies in the NSP to allocated them? Have any accompanying revisions to the Policies Map as a result of these been provided to the examination and were made available for

public comment? Without prejudice, what mechanism(s) does the Council expect to use to designate such open space when the Local Plan is adopted?

1. Where MOL, BOL and OSS has had the designation extended as detailed in the Site Allocations Methodology Paper (EIP82), this has been identified on the Policies Map (EIP27C) and has been subject to public consultation.
2. As set out in the reasons to Policy P56, when the new open spaces on site allocations are completed and open to the public, these will be designated as new formal open spaces in accordance with the open space designations criteria outlined in the fact box. The mechanism for designating new, completed open space is expected to be through amendments of the New Southwark Plan following adoption.

Strategic Policy SP6 - Cleaner, greener, safer

Question 7.5

Is the overall approach in Policy SP6 justified, effective and consistent with national policy?

LBS response

1. Yes, it is consistent with the NPPF and in general conformity with the Publication London Plan (2020).
2. As set out in Reason 1 to SP6, the council has declared a Climate Emergency with the ambition to reach carbon neutrality by 2030. We will play a leading role in making Southwark a place where people enjoy spending time and can thrive by ensuring the borough is clean, green and safe. Reducing landfill, remediating contaminated land and increasing recycling and the re-use of waste materials will help us minimise our environmental impact and help to protect biodiversity and habitats for future generations to enjoy. Ensuring buildings are energy efficient and low carbon will help reduce our carbon footprint and our contribution to man-made climate change while also saving money through reduced energy bills for our residents and workers. Prioritising walking, cycling and public transport will also help us reduce our carbon footprint, as well as reduce the congestion and poor air quality.

Question 7.6

Does the policy provide sufficient strategic guidance for other policies such as those which seek to providing new open space?

1. The policy provides sufficient strategic guidance for other policies, it further details the strategic policies in the Publication London Plan (2020) and NPPF. This policy sets out a comprehensive strategy for delivering Southwark Council's cleaner, greener safer objectives. This provides clear guidance for the more detailed policies.

Policy P44 – Healthy Developments

Question 7.7

What are the health issues in Southwark that part 1(1) of the Policy is seeking to address? What will be measure of 'easily accessible'? What are 'healthy activities' for the purposes of part 1(2) of the policy?

1. Policy P44 Healthy Developments recognises the role of the built environment as a wider socio-economic and environmental determinant of health. The policy aims to promote healthy, active lives through ensuring development which makes it as easy as possible to reduce social isolation, poor mental health, obesity and inactivity.
2. There are a number of health issues which part 1(1) of this Policy are achieving to address. This is set out in Southwark Health and Wellbeing Strategy 2015-2020: *Improving the health of our population and reducing health inequalities – wider determinants*.
3. As stated in SP403, paragraphs 6.151-156, the council has undertaken Joint Strategic Needs Assessments which underscore high levels of obesity, deprivation, health inequalities and general poor health in the borough and within specific local areas.
4. The JSNA report, *The health of school-aged children and young people in Southwark (5-19 years)*, highlights that child obesity and excess weight is significantly above the London and UK average. In particular, excess weight is significantly higher among deprived communities, and the association increases with age. This is particularly important as 40% of children in Southwark are living in poverty after housing costs in 2019.
5. There is a substantial evidence base that supports the need for policy intervention to that policy intervention is required to address the obesity in the borough, in particular amongst children. National Child Measurement Programme (NCMP) data from the 2017-18 update shows that 25.4% of Reception-aged children and 39.8% of Year 6 children in Southwark are overweight (including obesity).

6. This compares to a 22.4% of reception aged children and 34.3% of Year 6 children in England overall. This shows that Southwark has a worse percentage of children in Reception and in Year 6 who have excess weight. When compared to other London boroughs, the prevalence of obesity becomes starker, with Southwark ranked 4th in prevalence of overweight reception-aged children.
7. When compared to the 32 other London boroughs, Southwark is ranked as having the third highest prevalence of excess weight among both Reception and Year 6 children. The borough is also ranked second for obesity among Reception age children and fifth among Year 6 children compared to other London boroughs. This increase in obesity between Reception and Year 6 is statistically significant.
8. Additionally, The Movement Plan (2019) – SP506, states that ‘with an ageing population and increasing obesity levels we need to create streets that are nicer to walk and cycle, are more accessible and healthier’. Movement is an important factor in determining health and wellbeing, living standards and life chances. This approach is in conformity with the London Plan (2016) Policy GG3 Creating a healthy city and Policy T2 Healthy Streets.
9. The measure of ‘easily accessible’, will be based on the principles as set out in SP506; Policy P12 Design of places which states development must ‘Ensure a high quality public realm that encourages walking and cycling and is safe, legible, and attractive, and eases the movement of pedestrians, cyclists, pushchairs, wheelchairs and mobility scooters’.
10. For the purpose of part 1(2) of this policy, ‘healthy activities’ encompasses a broad range of activities and can be generally defined as activities which support health and wellbeing of our residents, including those which encourage ‘activity’, walking, cycling, sport and leisure, access to health and leisure facilities, and activities which address loneliness and isolation, and support mental wellbeing.
11. This approach is in conformity with the NPPF, section 8 Promoting healthy and safe communities, which states that planning policies and decisions should ‘enable and support healthy lifestyles, especially where this would address identified local health and well-being needs’. The planning practice guidance on Healthy and safe communities illustrates that planning can influence the built environment to improve health outcomes and reduce excess weight in communities.

Question 7.8

Should the NSP require Health Impact Assessments for major developments or is that a requirement already set out appropriately in the London Plan?

1. The requirement for Health Impact Assessments for major, where appropriate, and strategic developments is set out in our revised SCI and DCC, (O0001A, O0001C). Additionally, the Publication London Plan (2020) sets out a requirement for Health Impact Assessments as part of Policy GG3 Creating a healthy city, which states that ‘To improve Londoners’ health and reduce health inequalities, those involved in planning and development must: ... assess the potential impacts of development proposals and Development Plans on the mental and physical health and wellbeing of communities, in order to mitigate any potential negative impacts, maximise potential positive impacts and help reduce health inequalities, for example through the use of Health Impact Assessments’.
2. As such, the requirement is set out appropriately in the Publication London Plan (2020) and our revised SCI/DCC.

Policy P45 – Leisure, Arts and Culture & Policy P46 – Community Uses

Question 7.9

Are there any implications for the policies arising from the recent changes to the Use Classes Order?

1. EIP162 sets out the effects of the changes to the Use Classes Order (September 2020) have on each of these policies, including suggested minor modifications that may be required in light of the changes to the Use Classes Order should the Inspectors wish to direct changes.

Question 7.10

Do the policies provide sufficient protection to all sports facilities in the Borough in accordance with the NPPF at paragraphs 96 and 97? Is the two year marketing period justified and effective in demonstrating a sports / recreation site would be surplus to requirements? Alternatively, is the NSP informed by a robust and up-to-date assessment of the need for sports and recreation facilities as required by NPPF paragraph 96 and does this show a likely surplus of facilities?

1. These policies provide sufficient protection to all sports facilities in the Borough in accordance with the NPPF at paragraphs 96 and 97.
2. P45 states that “Development must:

1. Retain or re-provide existing leisure, arts and cultural uses. Re-provision should be of the same, or be better than, the quantity and quality of existing uses”.
3. P46 Community uses state that “Development must:
 1. Retain community uses”.
 2. Both these polices, along with P56 Open Space, would provide protection to all sports facilities in the Borough, in accordance with paragraphs 96 and 97 of the NPPF. These policies requires any loss of a sports facility to demonstrate that there are more facilities than needed, through a two year marketing requirement. The inclusion of a marketing clause of two years is consistent with other marketing policies in the plan. The intention of this criteria is to discourage the unnecessary loss of Community, Leisure, Arts and Cultural floorspace. Marketing for one year may encourage these uses to be left vacant for this time period until a change of use can be established. Marketing for two years would discourage this from happening, the requirements of the marketing strategy will establish if sufficient effort has been made to find an alternative occupier for a site in its existing or improved condition. SP603 Southwark playing Pitch Strategy 2016, provides evidence of need of playing pitches. SP203 Southwark Infrastructure Plan, highlights that a ‘growth in population will place increased pressure on leisure centres and outdoor sports facilities. A new leisure centre will be built at Old Kent Road to support significant growth planned in this area and funding is committed for a refurbishment of the Seven Islands Leisure Centre’. Our validation checklist for both minor and major applications states that a Sports and Leisure Facilities assessment must be provided alongside all relevant applications.
 3. The site allocations in the NSP also identify where redevelopment must provide D1 and D2 uses (these will be updated to reflect the changes to the UCO, see EIP162), which could include sports facilities.

Question 7.11

Would the effectiveness (implementation) of Policy P45 benefit from a ‘fact box’ similar to Policy P46 on what comprises ‘leisure, arts and culture’?

1. The effectiveness of policy P45, would benefit from a ‘fact box’, similar to Policy 46 on what comprises ‘leisure, arts and culture’. In particular, due to the effects of the changes of the Use Classes Order (September 2020). An update to the fact box is suggested in EIP162.

Policy P47 – Hot Food Takeaways

Question 7.12

Is policy justified and consistent with national policy (PPG para 53-004-20190722) and in conformity with the London Plan? Is there evidence to justify the thresholds in parts 1 and 2 of the policy?

1. Yes, the policy is justified, effective and consistent with national policy and in conformity with the Publication London Plan (2020). Policy P45 Hot food takeaways aims to improve the health environment as a means improve health outcomes and reduce excess weight in Southwark’s communities. In particular, managing the health environment around secondary schools through restricting the development of hot food takeaways within 400 metres of secondary school exits and entrances. The justification is set out in SP403 Retail Background Paper paragraphs 6.143-6.162.
2. The policy is designed to limit the number hot food takeaways within protected shopping frontages to no more than 5% of the total number of units. The 5% threshold is positively prepared and intends to bring the number of these uses more in line with the national average for A3/A5 uses in town centres, with A3 uses contributing the majority of units within this average.
3. The limitation on new A5 uses being situated 400m boundary from schools corresponds roughly to a walking time of approximately five minutes. This approach is acknowledged by Public Health England as being used by a significant number of local authorities to define fast food exclusion zones.
4. The Council proposes a modification to this policy to restrict the development of new hot food takeaways within 400m of secondary *and primary* school exits and entrances, to ensure conformity with the Publication London Plan (2020). This is set out in the Council’s response to Matter 1.9.

Question 7.13

Will it be effective in terms of health outcomes and amenity objectives? Does the NSP support a Borough Health Strategy that recognises the need to manage the number and location of hot food takeaways as a health issue and identifies a role for the NSP in this regard? Does the 2018 evidence review (document SP501) meet the evidential requirements to justify the policy?

1. Policy P45 Hot food takeaways aims to improve the health environment as a means improve health outcomes and reduce excess weight in Southwark’s communities. In particular, managing the health environment around secondary schools through restricting the development of hot food takeaways within 400 metres of secondary school exits and entrances.

2. There are a number of health issues set out in Southwark Health and Wellbeing Strategy 2015-2020: Improving the health of our population and reducing health inequalities which this policy seeks address. In particular, address the root causes of ill health and healthier and more resilient communities, in part, through the creation of healthier environments to live in. The strategy states:
 - Work with planning, regeneration and licensing to create healthier places so that the healthy choice is the easy choice:
 - o Promote a healthy eating environment
 - o Support active travel and active design principles
 - o Restrict betting shops, hot food takeaways and pay day loans
 - o Protect parks and promote growing
 - o Implement alcohol cumulative zones
 - Take action to improve air quality
3. The evidence base, SP501 – Southwark Hot Food Takeaways Report (2018), meets the evidential requirements for this policy. It recognises that, *“the causes of excess weight are rooted in complex environmental, physiological and behavioural factors. Therefore, a whole systems approach and collaboration with multiple stakeholders is necessary to effectively tackle the obesity epidemic. Planning policy plays an important role in this.*
4. *An increasing body of evidence links excess weight to the ‘food environment’ and especially hot-food takeaways: the food primarily offered by these types of establishments tends to be energy dense, high in total fat, saturated fatty acids, sugar and salt.”*
5. Additionally, the approach taken by this policy is in conformity with the Publication London Plan (2020), which can be considered to have very significant weight. Policy E9 Retail, markets and hot food takeaways states that *‘Development proposals containing A5 hot food takeaway uses should not be permitted where these are within 400 metres walking distance from the entrances and exits of an existing or proposed primary or secondary school. Boroughs that wish to set a locally-determined boundary from schools must ensure this is sufficiently justified. Boroughs should also carefully manage the over-concentration of A5 hot food takeaway uses within town centres and other areas through the use of locally-defined thresholds in Development Plans’.*
6. The Publication London Plan Topic Paper (Hot Food Takeaways, 2018) specifies that whilst primary school pupils are not allowed out of school premises during the school day, research has indicated that the most popular time for purchasing food from takeaways or shops is after school and not all primary school pupils will be accompanied home by an adult.
7. The Council proposes a modification to this policy to restrict the development of new hot food takeaways within 400m of secondary *and primary* school exits and entrances,

to ensure conformity with the Publication London Plan (2020). Please also refer to our response to Matter 1, Question 1.9.

Question 7.14

Has the IIA appropriately considered the social and economic effects of the policy?

1. Yes, the IIA (EIP72) (and Appendices EIP72A), has appropriately considered the social and economic effect of this policy. Appendix 6 assesses this policy against 17 objectives, of which IIAO 1, To tackle poverty and encourage wealth creation; IIAO3, To improve the health of the population; and IIAO5, To promote social inclusion, equality, diversity and community cohesion, are applicable. The IIA considers this policy to have a major or direct positive, or minor or indirect positive, on all of these objectives.

Question 7.15

Are there any implications for the policy from the recent changes to Use Classes Order?

1. EIP162 sets out the effects of the changes to the Use Classes Order (September 2020) have on each of these policies, including suggested minor modifications that may be required in light of the changes to the Use Classes Order should the Inspectors wish to direct changes.

Policy P55 - Protection of Amenity

Question 7.16

What does the policy consider to be amenity? Is the policy sufficiently clear as to the circumstances where development may be acceptable? Will it be effective?

1. Paragraph 127, bulletpoint F of the Framework requires planning policies to ensure new development:

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users
2. The purpose of this policy is consistent with the Framework. It will protect the amenity of an area and the quality of life for people living, or working in, or visiting the borough. Ensuring quality of life is not unacceptably reduced by visual and experiential impacts of new development, such as loss of privacy, overlooking (actual or perceived), loss of outlook or daylight /sunlight impacts is an integral component of the planning system.
3. The policy will be effective as it enables the decision maker to make a comprehensive assessment of the amenity impacts of scheme and deliver a successful policy outcomes. This approach has consistently delivered high quality amenity outcomes across the borough and enabled.

4. Guidance on a number of amenity considerations is set out in the Council's Residential Design Standards SPD (EIP56)
5. The Policy is clear that an unacceptable loss of amenity will not be accepted. As such, it is recognised that an acceptable loss of amenity may occur when consenting new development to ensure appropriate development can take place. It is not possible to be prescriptive, as this assessment of impacts is based on a matter of fact and degree and is specific to a development and its context.

Question 7.17

Are any main modifications to Policy P55 necessary for soundness?

1. No main modifications are required as Policy P55 is justified, effective and consistent with the Framework.

Question 7.18

Are the requirements for Metropolitan Open Land (MOL) and Borough Open Land (BOL) respectively justified and consistent with the Framework?

1. MOL, BOL and OOS set out the strategy for open space protection and enhancement in Southwark. This provides strong protection for both strategic and local open spaces. This also allows flexibility where this is appropriate and justified.
2. The tiered approach to open space is proportionate of the size and significance of the open space. We have to take a restrictive approach due to the importance of open space.

Question 7.19

Is criterion 3 sufficiently clear in respect of what is meant by a building being no larger than the building it replaces? How will this be defined and/or calculated?

1. Yes, criterion 3 is sufficiently clear. An assessment will be made the Planning Officer based on the dimensions of the existing building.

Question 7.20

Are the proposed allocations/ designations of additional areas of MOL/ BOL or Other Open Space (OOS) set out within strategic policies? What are their boundaries?

1. As set out in the reasons to Policy P56, we have designated 4 new BOL sites and 18 new OOS sites as part of the New Southwark Plan. Additionally, 8 BOL sites, 1 OOS site and 5 MOL sites have been extended, which totals an additional 50,425sqm. A

major new park for Elephant and Castle, Elephant Park (0.8ha) is currently under construction.

2. We propose to update Table 1B under Policy SP1b to take into account the updated Old Kent Road AAP December 2020 masterplan, the figure for additional open space on site allocations in the reasons needs to be amended to 103,125sqm to account for the Old Kent Road Area Action Plan update. This is set out in the Strategic Targets Background Paper (EIP161).
3. These sites are identified on the Policies Map (EIP27C).

Question 7.21

How will the amount of new areas of open space to be provided from developments be calculated? Where is this information contained and what does it say?

1. These are identified on Site Allocations Methodology Report, the exact locations will be confirmed when the development comes forward. The Site Allocations Methodology Report (EIP82) at Table 3 provides further detail of the proposed size of the open space.

Question 7.22

Are any main modifications to Policy P56 necessary for soundness?

1. No main modifications are required to Policy P56.

Policy P57 - Open Water Space

Question 7.23

Is the policy justified, effective and consistent with national policy? What is the evidence in respect of houseboats? What does it indicate?

1. The policy is justified, effective and consistent with national policy, particularly paragraph 1.70a, b, d and e.
2. A boat dwellers needs assessment is being prepared. If there are any amendments required, it is set out in the LDS there will be amendments to the policy.

Policy P58 - Green Infrastructure

Question 7.24

Are the requirements for maintenance funding contributions sufficiently clear and are they justified and viable?

1. Yes, there is a requirement for ongoing maintenance of green infrastructure which will be commensurate to its type and scale when this is provided on public land. Any green infrastructure provided on private land and would be maintained and managed by the landowner.
2. The cost per square metre for maintenance funding contributions that will be secured are set out in the Section 106 SPD (document EIP49) (page 32) as public realm costs and are negotiated on a site by site basis.
3. The requirements are justified and viable. The Viability Background Paper (EIP20) provides a list of schemes that have been delivered requiring these contributions which confirms they are viable and deliverable.
4. For the delivery of the linear park in the Old Kent Road Action Plan area, there are four main landowners. To ensure that the park is managed as a single entity and feels like a one space, the provisions of the s106 agreements require the owners to come together to form a park management company, responsible for procuring a maintenance contractor, agreeing strategies such as an arts and cultural strategy and an events strategy and managing the space in accordance with green flag standards and the mayor's emerging Public London charter. As well as funding the maintenance of their land, the developers will also be paying a maintenance contribution, which will contribute to the maintenance of the council owned land at Frensham Street. Further information on this is set out in the Draft Parks and Recreation – Linear Park Guidelines (EIP163). This is a draft document which is being prepared in consultation with local communities.

Question 7.25

Over what period are Planning Obligations expected to provide for management and maintenance costs and is this justified?

1. The period for planning obligations for management and maintenance costs will be negotiated on a case by case basis.

Question 7.26

Is the definition of large-scale major developments sufficiently clear and is it justified?

1. Large-scale major developments are not defined. If the Inspectors were to direct the council to make a modification to the plan in relation to the definition of large-scale major development, this would be the wording we would recommend:
 2. ~~Large-scale major~~ Development referable to the Mayor of London must:
 3. Provide new publicly accessible open space and green links.
2. Yes, it is justified to require new open space and links to connect existing residents and neighbourhoods with new development, as this will ensure that the benefits of regeneration such as new open space are delivered for all, alongside providing new facilities for new residents.

Policy P59 – Biodiversity

Question 7.27

Is the policy consistent with paragraph 174 of the Framework in respect of identifying ecological networks and the hierarchy of international, national and locally designated sites of importance for biodiversity?

1. Yes, the Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs) are identified on the Policies Map and the policy requires development to contribute to net gains in biodiversity.

Question 7.28

Is the requirement in P59(2) that any shortfall in biodiversity net gains must be secured through planning obligations or contributions justified? How will the amount be calculated? Would it be viable?

1. Yes. The requirement is justified and in general conformity with the Publication London Plan (2020). The Publication London Plan (2020) Policy G6 Biodiversity and access to nature supports a biodiversity net gain approach to development that leaves biodiversity in a better state than before. The GLA has said they will be producing guidance to set out how biodiversity net gain applies in London.
2. The contributions that are currently secured are set out in the Section 106 SPD (document EIP49) (page 32) and are negotiated on a site-by-site basis.

3. The requirements are justified and viable.

P60 – Trees

7.29 Is the policy justified, effective and consistent with national policy?

1. Yes. P60 is justified, effective and consistent with national policy, particularly Paragraph 170 (b) of the Framework. The policy will contribute to and enhance the natural and local environment of Southwark, and recognises the wider benefits of trees and woodland as natural capital.

Policy P61 Reducing Waste

Question 7.30

Is the policy justified, effective and consistent with national policy?

1. Yes. It is the Council's view that policy P61 Reducing Waste is justified, effective and consistent with national policy.
2. The purpose of this policy is to reduce the amount of waste arising in the first instance. Waste should be minimised in the design and construction of development and adequate recycling, composting and waste disposal arrangements should be made. By applying the waste hierarchy, this will achieve the greatest carbon dioxide equivalent savings.
3. The National Planning Policy Framework (NPPF) sets out an environmental objective for planning policy to minimise waste and pollution.
4. The NPPF should be read in conjunction with its planning policy for waste. The National Planning Policy for Waste (2014) sets out that to achieve sustainable development it is crucial that waste is managed efficiently to gain wider benefits for climate change.
5. The adopted London Plan (2016) policies 5.15 and 5.17 and supporting additional waste management guidance sets out the waste hierarchy. The waste hierarchy prioritises prevention or reduction in waste, using less materials in design and manufacture and preventing waste entering the waste stream, then focusing on reuse and preparing for re-use followed by recycling, other recovery of materials and then disposal with low carbon options ie. energy from waste.
6. This hierarchy is based on prioritising re-use, then recycling and composting before energy recovery and disposal. This is necessary to reduce carbon emissions.

7. The Publication London Plan (2020) in policy SI7 Reducing waste and supporting the circular economy sets out the strategy for collaboration amongst local authorities to reduce waste and promote circular economy principles.
8. Policy P61 Reducing waste is consistent with national and regional policy because it sets out the same strategy for the efficient management of waste and for minimising waste, following the same approach to prioritise re-use, then recycling and then disposal of waste using low carbon options.
9. P61 Reducing waste is justified because it is compliant with national and regional policy and is supported by a detailed evidence base. The evidence base for policy P61 Reducing Waste is the Joint Waste strategic technical waste management paper (2020) (document EIP62). LB Southwark where it is unable to safeguard enough sites within its borough has joined the Southeast London boroughs joint waste planning group to meet the apportionment target jointly. LB Southwark will follow the waste hierarchy for all new development to reduce the amount of waste entering the waste stream and where this is not possible, ensure the proper Accommodation waste onsite and offsite for new development.
10. The Infrastructure Background Paper (document SP201) sets out the justification and evidence for the planning and delivery of the reduction of waste in paragraphs 3.222 to 3.226. The background to policy P61 Reducing Waste is set out in paragraphs 3.233 to 3.236.

Policy P62 Land for Waste Management

Question 7.31

Is the policy justified, effective and consistent with national policy?

1. Yes, policy P62 Land for Waste Management is justified, effective and consistent with national policy.
2. The National Planning Policy Framework (NPPF) sets out an environmental objective for planning policy to minimise waste and pollution.
3. The NPPF should be read in conjunction with its planning policy for waste. The National Planning Policy for Waste (2014) sets out that to achieve sustainable development it is crucial that waste is managed efficiently to gain wider benefits for climate change.
4. The adopted London Plan (2016) sets out in policy 5.16 Waste Net Self-Sufficiency the need for joint working and strategic management of waste. Policy 5.17 Waste

Capacity in point F sets out “Boroughs must allocate sufficient land and identify waste management facilities to provide capacity to manage the tonnages of waste apportioned in this Plan. Boroughs may wish to collaborate by pooling their apportionment requirements.”

5. The Publication London Plan (2020) sets out in Policy SI 9 Safeguarded waste sites in point A) that “Existing waste sites should be safeguarded and retained in waste management use.”
6. Policy P62 Land for Waste Management is compliant with national and regional policy because it sets out a strategy to manage waste as a borough, by safeguarding sites in Southwark for waste management, and in partnership with five other London unitary waste authorities, and more recently City of London. A joint agreement for the South East Waste Planning Group is set out in document EIP62 technical waste paper.
7. P62 Land for Waste Management is designed to safeguard land for waste management in LB Southwark. This includes safeguarding the land on which the Integrated Waste Management Facility (IWMMF) sits on. This is identified on the proposed Policies Map. This site is necessary to ensure that LB Southwark has the capacity to dispose of waste efficiently for the whole borough. Policy P62 Land for Waste Management is therefore effective because it has safeguarded enough land to meet the apportionment of waste, through the Integrated Waste Management Facility (IWMMF) and being a member of the southeast London boroughs joint waste planning group to jointly meet apportionment targets, while maintaining safeguarded waste management sites.
8. P61 Reducing waste is justified because it is compliant with national and regional policy and is supported by a detailed evidence base. The evidence base for policy P61 Reducing Waste is the Join Waste strategic technical waste management paper (2020) (document EIP62). Paragraph 4.6 and 4.8 sets out that currently LB Southwark is able to meet its waste targets through its safeguarded waste disposal sites. LB Southwark is a member of the Southeast London boroughs joint waste planning group to meet the apportionment target collectively. LB Southwark will follow the waste hierarchy for all new development to reduce the amount of waste entering the waste stream and where this is not possible, ensure the proper Accommodation waste onsite and offsite for new development.
9. The Infrastructure Background Paper (document SP201) sets out the justification and evidence for the planning and delivery of the reduction of waste in paragraphs 3.222 to 3.226. The background to policy P62 Land for Waste Management is set out in paragraphs 3.327 to 3.241.

Question 7.32

Is the site for the IWF required? Is there a reasonable prospect of the use coming forward within the plan period?

1. Yes, the Integrated Waste Management Facility site is required.
2. The Integrated Waste Management Facility off of the Old Kent Road became operational in 2012. Veolia who manages the IWMF have a 25-year contract with Southwark Council.
3. The IWMF includes a Materials Recovery Facility and a Mechanical Biological Treatment facility, a public Reuse and Recycling Centre and an Education and Visitor Centre.
4. The IWMF is a safeguarded waste site for LB Southwark to contribute to meeting the borough's apportionment targets. The NSP designates the land on which the IWMF is located on the Policies Map and this is also designated as Strategic Protected Industrial Land (SPIL).
5. The Evidence Base for the IWMF is set out in the Southeast (document EIP62). In paragraph 4.6 sets out that the IWMF is of major strategic importance for Southwark because it provides the capacity to enable Southwark to manage its municipal waste arisings and enable the recycling and composting targets for the borough to be met in accordance with Southwark's Waste Management Strategy.
6. Paragraph 4.8 of this document sets out the approach to capacity/apportionment testing, which is evidence of the robustness of this strategy for apportionment of waste both in Southwark and jointly with the southeast London Joint Strategic Waste Planning Group.

Policy P63 Contaminated land and hazardous substances

Question 7.33

Is the policy justified, effective and consistent with national policy?

1. Yes policy P63 Contaminated land and hazardous substances is justified, effective and consistent with national policy.
2. NPPF sets out in paragraph 118 Planning policies should:

“(C) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”

3. The Publication London Plan (2020) sets out in Policy E7 Industrial Intensification, co-location and substitution in paragraphs (D,F) requirements to address air quality, including dust, odour and emissions and potential contamination.
4. National and regional policy set out the need to manage contaminated land and hazardous substances in a way that will reduce the impacts on the environment.
5. For Local Plan policy this means setting out that development must not have an adverse impact on the environment and ensuring that hazardous substances are stored safely on site and any contaminated land is mitigated against.
6. Southwark is compliant with the NPPF and the Publication London Plan (2020) by setting out that contaminated and hazardous substances should be managed to safely onsite so as to reduce impacts on the environment.
7. Policy P63 Contaminated land and hazardous substances is therefore effective and justified because it addresses the potential environmental impacts of development and the need to manage contaminated land and hazardous substances.

Policy P64 - Improving Air Quality (P66)

Question 7.34

Is the policy justified, effective and consistent with national policy?

1. Yes. As part of the UK National Air Quality Strategy, the Environment Act 1995 requires Local Authorities to declare Air Quality Management Areas at locations where air quality does not meet the objective limits for certain pollutants. Paragraph 181 of the National Planning Policy Framework (NPPF) (2019) states that planning policy and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas. Opportunities to improve air quality or mitigate impacts should be identified.
2. A large area of Southwark is declared an Air Quality Management Area due to not meeting legal limits for all pollutants regulated by EU legislation, and it is recognised that poor air quality has a harmful impact on public health in the borough. The Council’s Air Quality Strategy & Action Plan (2017) (document SP607) was published

in response to the national requirement to set out opportunities to improve air quality and mitigate impacts within the Air Quality Management Area.

3. The preparation of policy P66 had been informed by the findings and recommendations of the Air Quality Strategy & Action Plan, and by guidance set out in Publication London Plan (2020) Policy SI 1 'Improving air quality'.
4. The policy requires development to achieve or exceed air quality neutral standards; to mitigate the local air quality impacts relating to demolition and construction; and to offset any shortfall in air quality off site through a planning obligation or financial contribution. Major developments are also required to submit an Air Quality Assessment for assessment under the major applications validation checklist.
5. The requirements set out under Policy P66 are clear, quantifiable, and supported by national, regional and local evidence and policy.
6. It is therefore considered that Policy P66 is justified, effective, and consistent with national policy.

Question 7.35

Are the requirements justified and in accordance with Regulation 122 of the CIL Regulations (as amended)?

1. Yes. Regulation 122 of the CIL Regulations applies only where a relevant determination is made which results in planning permission being granted for development. Section (2) states that planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
2. Policy P66 states that development must achieve or exceed air quality neutral standards in order to be acceptable in planning terms. However, it is recognised that constraints may prevent this requirement from being achieved solely on site. The policy therefore allows any shortfall in achieving the air quality neutral standards to be offset via a planning obligation to allow the air quality neutral standard to be achieved offset. The policy allows an element of flexibility, in line with Publication London Plan (2020) Policy SI 1 'Improving air quality', for the standards to be achieved off site via planning obligation. As the offset rate is to be calculated on a case-by-case basis, this allows the planning obligation to be fairly and reasonably related in scale and kind to each individual development.

Question 7.36

Is the requirement for developer contributions in P64 (2) justified and how will it be calculated? Would it be viable?

1. Policy P64 (2) states that any shortfall in air quality standards on site must be secured off-site through planning obligations or as a financial contribution. This requirement is supported by Policy SI 1 (E) of the Publication London Plan (2020), which recommends that where it can be demonstrated that emissions cannot be further reduced by on-site measures, then off-site measures to improve local air quality may be acceptable. The requirement to offset is therefore justifiable under regional policy.
2. The New Southwark Plan Viability Background Paper (2020) (document EIP20) states that this requirement for developer contributions should be determined on a case-by-case basis where there are identified direct impacts on air quality from development which cannot be achieved on site. Further detail is provided in Section 3.4 of the Section 106 and CIL SPD (2015) (document EIP49) which recognises that planning obligations may be sought to address measures to improve and address negative impacts on air quality. However, there is not a specific offset rate for air quality specified in Appendix 1 of the document. This is specifically because the offset rate would be calculated on a case-by-case basis. Viability would therefore also be calculated on a case-by-case basis. The requirement for development in P64(2) would therefore be viable on principle.

Question 7.37

Can the Council clarify whether the Air Quality Evidence Base Report referred to in response to representation NSPPSV238.6 is the AQSAP (2017) or a different document?

1. Yes, the comment refers to the Air Quality Strategy and Action Plan (2017) (document SP607).

Policy P65 - Reducing noise pollution and enhancing soundscapes (P67)

Question 7.38

Are the requirements of the policy justified, effective and consistent with national policy? Is the policy sufficiently clear about the mechanisms that may be used to control noise pollution?

1. Yes. Paragraph 180 of the National Planning Policy Framework (NPPF) (2019) states that planning policies and decisions should ensure that new development is appropriate for its location. This includes the requirement to mitigate and reduce to a minimum potential adverse impact resulting from noise from new development.

2. The NPPF refers to the Noise Policy Statement for England (NPSE) (2010) (DEFRA) for further information. Section 2.19 of the NPSE recognises three established concepts from toxicology that are currently being applied to noise impacts by the World Health Organisation. These are 'No Observed Effect Level', 'Lowest Observed Adverse Effect Level', and 'Significant Observed Adverse Effect Level'. 'Significant Observed Adverse Effect Level' is defined as the level above which significant adverse effects on health and quality of life occur.
3. The first aim of the NPSE is that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development. The second aim is that reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life. The third aim seeks to improve health and quality of life through the pro-active management of noise.
4. Regional policy is informed by the guiding principles of the NPPF and the NPSE. Publication London Plan (2020) Policy D14 'Noise' states that development should manage noise by avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses; and by separating new noise-sensitive development from major noise sources.
5. Policy P65 sets out requirements that are in general conformity with the Publication London Plan (2020) Policy D14. Section 3 requires major development to demonstrate how the noise pollution impacts created during the construction process will be reduced, mitigated and managed appropriately to minimise harm to present occupiers of the site and adjoining neighbours. The requirement for a Construction Environment Management Plan is included in the Major application validation checklist. The minor and major validation checklists also require submission of a Noise Impact Assessment.
6. Policy P65 is therefore justified and proven effective by alignment with national and regional policy. The policy requirements are quantifiable by the submission of the Construction Environment Management Plan and Noise Impact Assessment documents.

Question 7.39

Will P65(3) be effective in mitigating the effects of noise arising from construction, including that from smaller sites? What mechanisms would be used to limit avoid the adverse impacts of construction? Is the policy sufficiently clear as to what these mechanisms might be?

1. Yes. Section 3 states that Major development will be required to demonstrate how the noise pollution impacts created during the construction process will be reduced, mitigated and managed appropriately to minimise harm to present occupiers of the site and adjoining neighbours.
2. Major developments require the submission of a Construction Environment Management Plan, either at the submission stage or under a pre-commencement planning condition. This requirement appears in the Major application validation checklist. The preparation of the Construction Environment Management Plan should be informed by the London Borough of Southwark Technical Guidance for Demolition and Construction (2016). Section 7.1.2 of the Technical Guidance requires contractors to comply with the recommendations set out in the most recent version of the Building Standards Code of Practice for Noise and Vibration Control on Construction and Open Sites. Section 7.1.5.1 of the Technical Guidance provides clear noise level parameters and requires that continuous noise monitoring takes place on all major developments. The Technical Guidance provides mechanisms that should be used to limit avoid the adverse impacts of construction.
3. With regards to smaller sites, the London Borough of Southwark Technical Guidance for Noise (2019) sets out national, regional and local requirements for development of all scales, including minor development. For applications where it is considered that there is a potential for excessive noise levels, applicants are required to submit a Noise Impact Assessment under the Minor application validation checklist. The Noise Impact Assessment should be prepared by a suitably qualified acoustician, detailing Noise Exposure Categories and concomitant impact and mitigation measures, including layout, design and insulation.
4. It is not necessary for Policy P65 to list specific measures and mechanisms to reduce noise, as the purpose of the policy is solely to provide criteria for assessing the acceptability of a development.

Question 7.40

Are any main modifications necessary for soundness?

1. No. This has been demonstrated under matters 7.38 and 7.39.

Policy P66 - Reducing water use

Question 7.41

What is the evidence base to support the specific requirements in the policy, particularly in relation to water efficiency standards in terms of the need for the standard and the effect on viability? Are the requirements justified?

1. Policy P66 requires that development should reduce water use by ensuring that residential development has a 'safe to drink' water use of no more than 105 litres per person per day and should introduce measures to reduce the demand for mains water treated to drinking standard.
2. Publication London Plan (2020) Policy SI 5 'Water infrastructure' states that the Optional Requirement set out in Part G of the Building Regulations e.g. the 105 litres per person per day limit should be applied across London.
3. Policy SSI 5 requires that use of main water should be minimised to allow water supplies and resources to be protected and conserved in a sustainable manner. This can be achieved by reducing demand on main water supplies.
4. The policy is also supported by the Infrastructure background paper (2019) (document SP201) which notes that Thames Water has expressed support for the Council's strategy regarding the reduction of water use.
5. The policy is therefore justified as it is based on a recognised regional need to reduce water use and is informed by Part G of the Building Regulations.

Policy P67 - Reducing flood risk

Question 7.42

Is the Policy overall justified, effective and consistent with national policy? Are the requirements justified?

1. Yes. The National Planning Policy Framework (NPPF) (2019) paragraph 157 states that development plans should apply a sequential, risk-based approach to the location of development so as to avoid, where possible, flood risk to people and property. Residual risk should be managed if necessary by the exception test.
2. NPPF paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Footnote 50 specifically states that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3, and in Flood Zone 1

only for sites of 1 hectare or more; for land which has been identified by the Environment Agency as having critical drainage problems; for land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding. This includes householder and minor development as well as major development.

3. Publication London Plan (2020) Policy SI 12 'Flood Risk Management' section (a) requires flood risk to be managed in a sustainable and cost-effective way in collaboration with the Environment Agency, the Lead Local Flood Authorities, developers and infrastructure providers. Section (b) requires development management plans to use the Mayor's Regional Flood Risk Appraisal and their Strategic Flood Risk Assessment as well as Local Flood Risk Management Strategies to identify areas where particular and cumulative flood risk issues exist and to develop actions and policy approaches aimed at reducing these risks. Section (d) requires that development proposals should contribute to the delivery of the measures set out in Thames Estuary 2100 Plan. Section (G) states that natural flood management methods should be employed in development proposals.
4. Policy P67 aligns with national and regional policy requirements by requiring that development must not increase flood risk on or off site. The methods required to achieve this are given as safe design; a minimum finished floor level; and the use of Sustainable Urban Drainage Systems (SUDS). Development located on sites on or adjacent to the River Thames frontage should be set back from the River defense wall by 10m.
5. The policy is supported by the Strategic Flood Risk Assessment (SFRA) Level I (2017) (document EIP15A); Strategic Flood Risk Assessment (SFRA) Level I: technical summary (2017) (document EIP15B); Strategic Flood Risk Assessment (SFRA) Level I: Appendices A-I (2017) (document EIP15C); and the Strategic Flood Risk Assessment (SFRA) Level II: Sequential test of site allocations (updated July 2020) (document EIP15D).
6. The validity of these supporting documents is confirmed in the Statement of Common Ground between LB Southwark and the Environment Agency (as amended July 2020) (document EIP64). Paragraph 28 of the statement states that the Environment Agency agrees that Southwark's most recent SFRA is comprehensive and accurate and that 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 council is also able to demonstrate that the SFRA informed the preparation of the 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.

7. Further evidence to support the policy is available in the Surface Water Management Plan (2011). The Infrastructure background paper (2019) (document SP201) notes that both Thames Water and the Environment Agency have expressed support for the P67.
8. It should also be noted that planning applications are required to be supported by the submission of a Flood Risk Assessment in line with national guidance. This requirement is included in the householder, minor and major applications validation checklists. Reference to this validation requirement does not need to be included in Policy P67 as the policy solely sets out assessment criteria.
9. Policy P67 is therefore considered to be justified, effective and consistent with national and regional policy.

Question 7.43

Is the policy consistent with the Framework in respect of the sequential and exceptions tests?

1. Yes. The policy is supported by the Strategic Flood Risk Assessment (SFRA) Level I (2017) (document EIP15A) and the Strategic Flood Risk Assessment (SFRA) Level II: Sequential test of site allocations (updated July 2020) (document EIP15D). Together these documents form part of the Strategic Flood Risk Assessment (SFRA) for the New Southwark Plan, along with the Integrated Impact Assessment (2020) (document EIP72).
2. The Strategic Flood Risk Assessment (SFRA) Level II: Sequential test of site allocations document sets out the site allocations in relation to potential sources of flood risk, the flood zone compatibility which informs whether the sequential test is passed or an exception test is required for the site, as well as recommendations for site-specific mitigation measures in light of the flood risks identified. It follows guidance set out in the National Planning Policy Framework (NPPF) (2019) and the Planning Practice Guidance on flood risk.
3. It is noted that whilst the Strategic Flood Risk Assessment (SFRA) Level II: Sequential test of site allocations document and the Integrated Impact Assessment (2020) together set out whether a site can pass the exceptions test in principle, but that in real terms the exception test can only be passed at the planning application stage where a suitable site-specific flood risk assessment demonstrates that the development will be safe and not increase flood risk elsewhere. This is consistent with national policy.

4. Policy P67 is therefore consistent with the NPPF in respect of the sequential and exceptions tests.

Question 7.44

Is the policy sufficiently clear and effective in relation to reducing flood risk from on and off-site sewer flooding?

1. The policy is sufficiently clear and effective in relation to reducing flood risk from on and off-site sewer flooding as it sets out the drainage hierarchy to be followed in major developments through the application of urban design and Sustainable Urban Drainage Systems (SUDS). This is the recommended SUDs hierarchy in the Strategic Flood Risk Assessment Report Level 1 (EIP15A).
2. The provision of SUDS will mitigate sewer flooding.
3. Planning applications are required to be supported by the submission of a Flood Risk Assessment in line with national guidance. This requirement is included in the householder, minor and major applications validation checklists. As set out in the Strategic Flood Risk Assessment Report Level 1 (EIP15A), the site specific FRA and drainage strategy should demonstrate that the development will not increase flood risk elsewhere, and that our requirements for runoff rates and SuDS are met. SuDS are a highly effective way of managing surface water flood risk and should be incorporated on all development sites.
4. An integrated water management strategy for Old Kent Road (EIP60) has been prepared which creates an integrated, sustainable vision for how water should be managed, and ensure flexibility and adaptability to support the varied phasing and delivery programmes. The strategy sets out a clear framework for developers and stakeholders to mitigate the risks of increased pressure on water usage.

Policy P68 Sustainability Standards

Question 4.75

Is the policy overall justified, effective and consistent with national policy?

1. Yes policy P68 Sustainability Standards is justified, effective and consistent with national policy.
2. The purpose of policy P68 is to set out standards for new development to address environmental issues to adapt to Climate Change. This includes setting out requirements for development to meet BREEAM sustainable design standards and efficient systems of cooling following the cooling hierarchy to address overheating issues, to adapt to global warming and climate change.

3. Policy P68 Sustainability Standards, was previously named Environmental Standards. The Infrastructure Background Paper (document SP201) sets out in paragraphs 3.214 to 3.217 the evolution of the policy and further justification. This change better reflects the purpose of the policy to set out requirements for adapting new development to climate change. There is not a specific set of standards called Sustainability Standards or Environmental Standards as set out in national or regional policy. Sustainability Standards refers to the specific requirements LB Southwark requires of new development to reduce the impacts of Climate Change.
4. The National Planning Policy Framework (NPPF) does not set out specific guidance on Sustainability or Environmental Standards.
5. The NPPF sets out a presumption in favour of sustainable development, which can be achieved in new development by adapting to climate change.
6. The NPPF in paragraph 8 sets out that “achieving sustainable development means that the planning system has three overarching objectives...(this includes) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment....minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy”.
7. Under the section for Planning for Climate Change, paragraph 150 sets out that:

“New development should be planned in ways that:

 - A) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - B) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”
8. In general conformity with the NPPF policy P68 Sustainability Standards aims to reduce vulnerability to climate change through climate change adaptation in design, which will also reduce greenhouse gas emissions and require less energy.
9. The Office of Government and Commerce (OGC) requires a BREEAM rating of excellent for all new buildings from March 2003. However, this has not been widely enforced by Government and the OGC.
10. The Publication London Plan (2020) sets out that Policy D3 Optimising site capacity through the design-led approach. Point 13 sets out that development proposals should aim for high sustainability standards (with reference to policies within London Plan

Chapter 8 and 9). The Publication London Plan (2020) does not explicitly refer to Environmental Standards.

11. The Publication London Plan (2020) in paragraph 9.2.7 sets out that “Achieving energy credits as part of a Building Research Establishment Environmental Assessment Method (BREEAM) rating can help demonstrate the efficiency targets have been met. Boroughs are encouraged to include BREEAM targets in their Local Plans where appropriate”.
12. Policy P68 Sustainability Standards sets out that BREEAM excellent standard must be met for non-residential development, and domestic and non-domestic refurbishment over 500sqm, and is therefore in conformity with the London Plan as it has set BREEAM targets in our Local Plan where it is deemed appropriate. Major development is required to submit a BREEAM certificate to evidence their achievement of the ‘Excellent’ benchmark.
13. Policy P68 Sustainability Standards are therefore in general conformity with national and regional policy because the policy ensures that new development is sustainability by requiring high standards of excellence in sustainable design to ensure fabric and building efficiency to adapt to climate change.
14. Policy P68 Sustainability Standards are therefore effective because it sets out requirements for non-domestic, domestic refurbishment and residential and non-residential development, and sets out how development should account for ventilation to manage the risk of overheating which is exacerbated by climate change.
15. Policy P68 Sustainability Standards are justified because the BREEAM standard of excellent is widely considered best practice for design and construction, and is considered essential to adapting to climate change, as set out in national guidance and the Publication London Plan (2020). Policy P68 Sustainability Standards contributes to the adaptation to climate changes as set out in Section 19 (1A) of the Planning and Compulsory Purchase Act (2004) (as amended).

Question 7.46

Taking each of the requirements in turn, are they justified, viable and supported by evidence?

1. Yes each of the requirements are justified, viable and supported by evidence.
2. P68 Sustainability Standards firstly sets out the requirements for certain types of development to achieve a BREEAM rating of ‘Excellent’.

3. Policy P68 Sustainability Standard sets out that development must achieve a BREEAM rating of excellent for named development types in criterion one to three.
4. The Building Research Excellent Environmental Assessment Method (BREEAM) assessment uses a number of performance benchmarks to evaluate the procurement, design, construction and operation of new development.
5. The BREEAM assessment is prepared independently and takes into account: energy; land use and ecology; water; health and wellbeing; pollution; transport; materials; waste; and management.
6. BREEAM excellent is a BREEAM rating benchmark with a score of 70 and over. This is considered best practice and the top 10% of UKL non-domestic buildings.
7. BREEAM forms a part of The Code for Sustainable Built Environment which is a strategic international framework for sustainability assessments of the built environment.
8. By requiring BREEAM excellent standards from selected new development types over 500sqm, applicants will reduce carbon emissions in the construction and operation of their buildings. The Integrated Impact Assessment (document EIP72) sets out that P68 Sustainability will aid the offset of carbon in the future. In the short and medium term, the requirements in P68 set out how development should adapt to climate change and global warming. By complying with the cooling hierarchy, carbon emissions reductions onsite will be increased and the carbon offset contribution will be lower.
9. P68 Sustainability standards secondly in criterion four sets out how the risk of overheating can be reduced through the implementation of cooling measures as set out in the prioritised cooling hierarchy.
10. Policy P68 Sustainability standards criterion 4 states that development must:

“Reduce the risk of overheating, taking into account climate change predictions over the life time of the building, in accordance with prioritised measures set out in the following cooling hierarchy:

 1. Minimise internal heat generation through energy efficient design; then
 2. Reduce the amount of heat entering a building through the orientation, shading, albedo, fenestration, insulation and green roofs and walls; then
 3. Manage the heat within the building through exposed internal thermal mass and high ceilings; then
 4. Passive ventilation; then
 5. Mechanical ventilation; then
 6. Active cooling systems (ensuring they are the lowest carbon options).”

11. The Cooling Hierarchy is prioritised in order of the most favorable measure to ensure effective cooling to adapt to climate change, and reduce carbon emissions.
12. The cooling hierarchy is set out in the London Plan (2016) and the Publication London Plan (2020) in policy Policy SI 4 Managing heat risk paragraph B. The cooling hierarchy is designed to respond to Climate Change. This utilises a fabric and design first approach to reduce the need for cooling through efficient design. This approach to cooling is therefore effective and justified because it is compliant with regional policy. The cooling hierarchy seeks to reduce any potential overheating with low carbon and low energy measures such as active cooling.
13. Criterion four is viable because the London Plan (2016) and Publication London Plan (2020) have been assessed, scrutinised and viability tested and policy P68 Sustainability Standards has taken the same approach.

Policy P69 Energy

Question 7.47

What is the evidence to support the Council's approach to energy? What does it say?

1. The main focus of LB Southwark's approach to energy is to reduce consumption, combustion and the emission of carbon dioxide and greenhouse gases.
2. The evidence base (document EIP59) for LB Southwark's approach to Energy sets out that Policy P69 Energy will contribute to the continued reduction of emissions as a borough by 2050.
3. The UK Government statutory commitment is to aim to achieve Net Carbon Zero emissions by 2050. The Climate Change Act 2008 (2050 amendment) sets out that net carbon zero should be achieved by 2050. This is echoed in policy in the Publication London Plan (2020) and the Greater London Authority which is committed to a net zero carbon city by 2050.
4. As a council, LB Southwark declared a Climate Emergency in March 2019. In response to this, and to meet the target of net carbon zero, the requirement for 40% carbon reduction onsite against 2013 Part L Building Regulations is essential. This is needed to ensure greater reduction onsite and ensure operational carbon is reduced in new development so that the need for retrofitting is reduced in the future to meet net carbon zero targets.

5. The key objectives of LB Southwark's approach to energy are: reducing energy consumption; improving the existing housing stock; generate energy locally; decarbonising heating; decarbonising electricity; improving air quality; addressing fuel poverty; and the promotion of low carbon transportation.
6. It is important the NSP is read as a whole. The policies that achieve these objectives are:
 - SP2 Regeneration
 - P13 Design quality
 - P14 Residential Design
 - SP5 Healthy active lives
 - P44 Healthy developments
 - P38 Public Transport
 - P50 Walking
 - P51 Low Line Routes
 - P52 Cycling
 - P53 Car Parking
 - SP6 Cleaner, greener, safer
 - P61 Reducing Waste
 - P68 Sustainability Standards
 - P69 Energy
7. The evidence (document EIP59) sets out that these objectives will achieve the greatest energy reductions and subsequently carbon reductions. This Energy Background Paper identifies these as addressing the biggest emitters of Carbon in LB Southwark. Energy used for heating and hot water reproduction is a huge emitter of carbon, from which natural gas is the predominate energy source and carbon emitter. The policy therefore responds to this evidence by applying a design led approach to improve fabric and building efficiency to reduce the needed for heating and natural gas, and therefore reduce emissions. This approach is set out in the Energy Hierarchy.
8. New development must follow the Energy Hierarchy as set out in policy P69 Energy. The Energy Hierarchy, as set out in the Publication London Plan (2020) encourages a fabric first approach to make building design and fabric more efficient for heating and cooling. The energy hierarchy is set out as 'Be Lean use' less energy, 'Be Clean' supply energy efficiently, 'Be Green' use renewable energy, and then offset emissions. New development should follow this hierarchy to achieve a 40% carbon reduction onsite to be policy compliant with P69 Energy and then the remaining carbon emitted should be offset through financial contributions.

9. Decentralised energy is encouraged in the Publication London Plan (2020) as an increasingly important part of energy supply in London, as set out in paragraph 9.3.2 and policy SI 3 Energy Infrastructure.
10. Southwark is exploring decentralisation energy through the utilisation of District Heat Networks (DHNs). DHNs can be a sustainable heat distribution system if they have a low carbon heat source. In Southwark, the Old Kent Road Opportunity Area is proposing a DHN to be connected to the Southeast Combined Heat and Power Plant in Lewisham which is considered a low carbon heat source, using energy from waste, to heat new development and existing housing estates owned by LB Southwark. There is potential for this to extend to the wider borough.
11. OKR Decentralised Energy Study (document EIP61) further sets out the approach to energy in the Old Kent Road Area Action Plan.
12. By following the energy hierarchy greater carbon reductions can be achieved onsite. Evidence submitted as part of the Publication London Plan (2020) indicates that generally, achieving a target reduction of 40% in regulated Non-domestic energy emissions on-site for developments has weak correlation with increased development cost. There may be individual exceptions to this rule, these may be managed in the course of the normal planning process.
13. The higher carbon reduction of 40% required is expected to contribute to the reduction of the London Borough of Southwark's carbon dioxide emissions in the future.
14. With this measure in place LB Southwark will also require further policy intervention to achieve the long term national statutory target of a 100% reduction in carbon emissions by 2050.
15. It is therefore considered that an enhanced 40% on-site reduction in non-domestic buildings is a reasonable and proportionate requirement at this stage to assist the Borough in meeting this target.

Question 7.48

Are the requirements in P69(2) for the proposed reductions in CO2 beyond the Building Regulations justified, consistent with national policy and the London Plan? Are they viable?

1. Yes, it is the Council's view that the requirement in P69(2) for the proposed reduction in CO2 beyond the building regulations is justified, consistent with national policy and the Publication London Plan (2020) and viable.
2. Section 4.9 of the Background Paper sets out the relevant NPPF guidance. LB Southwark is compliant with national policy as it has taken a pro-active approach to

mitigating against climate change through the requirement for greater carbon emissions reductions onsite.

3. The Publication London Plan (2020) sets out in KPI 7 that “carbon emissions through new development that average on-site carbon emission reductions of at least 35% compared to Building Regulations 2013 for approved referable development applications” and in Policy SI 2 Minimising greenhouse gas emissions point (C).
4. Policy P69 Energy point (2) is in general conformity with national policy and the Publication London Plan (2020) by ensuring greater CO₂ reduction against Part L 2013 Building Regulations. The NSP has gone beyond the national and regional policy to ensure greater carbon reductions onsite.
5. The UK Government statutory commitment is to achieve Net Carbon Zero emissions by 2050. The Climate Change Act 2008 (2050 amendment) sets out that net carbon zero should be achieved by 2050. This is echoed in policy in the Publication London Plan (2020) and the Greater London Authority which is committed to a net zero carbon city by 2050.
6. As a council, LB Southwark declared a Climate Emergency in March 2019. In response to this, and to meet the target of net carbon zero, the requirement for 40% carbon reduction onsite against 2013 Part L Building Regulations is essential. This is needed to ensure greater reduction onsite and ensure operational carbon is reduced in new development so that the need for retrofitting is reduced in the future to meet net carbon zero targets.
7. Evidence submitted as part of the Publication London Plan (2020) indicates that generally, achieving a target reduction of 40% in regulated Non-domestic energy emissions on-site for developments has weak correlation with increased development cost. There may be individual exceptions to this rule, these may be managed in the course of the normal planning process.
8. The higher carbon reduction required is expected to contribute to the reduction of the London Borough of Southwark’s carbon dioxide emissions in the future.
9. It is therefore considered that an enhanced 40% on-site reduction in non-domestic buildings is a reasonable and proportionate requirement at this stage to assist the Borough in meeting this target.
10. The requirement in P69(2) for the proposed reduction in CO₂ beyond the building regulations is consistent with national policy and the Publication London Plan (2020) is therefore justified because to meet the net zero carbon target by 2050 further reductions of carbon are required onsite by new development. Even with this measure

in place LB Southwark will also require further policy intervention to achieve the long term national statutory target of a 100% reduction in carbon emissions by 2050, and to meet the council set target for net carbon zero by 2030.

11. For the carbon emitted once this 40% reduction is met a financial contribution is required to offset the carbon emitted. LB Southwark adopted a new carbon price of £95 per tonne in November 2020. This was implementable immediately for all schemes. With the exception of those going to Planning Committee. In these cases, the new tariff of £95 will apply to residential schemes from 1st February 2021 whether a scheme has been to Planning Committee or not. The new tariff of £95 will apply to commercial schemes from the date the Publication London Plan (2020) is adopted.
12. This new tariff will apply to the 35% as set out in the Publication London Plan (2020) and then it will apply to the 40% requirement as set out in the NSP in policy NSP69 once we have the Inspector's report.
13. These financial contributions are collated into a Carbon Offset Fund to offset carbon emissions generated by new development. The fund is intended solely for the offsetting of carbon emissions occurring from new development including emissions resulting from energy consumption, inefficiency in energy, buildings and design. Through offsetting LB Southwark will aim to achieve net carbon zero by 2050.