

London Borough of Southwark Response
Examination of the New Southwark Plan
Inspectors' Matters, Issues and Questions

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.

Plan preparation

Question 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. Yes. The NSP has 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.
2. The NSP has been prepared in accordance with the Southwark Statement of Community Involvement (documents O001, O0001A, O0001B, O0001C, O0001D) which details the statutory consultation required for plan-making consultation.
3. The Neighbourhood Planning Act (2017) brings into effect a requirement to review and update any SCI that is more than 5 years old, and with a particular requirement to include specific information around the support that is available for Neighbourhood Plan preparation. This was applied from 31 July 2018. This is also set out in plan-making guidance paragraph 071 Reference ID: 61-071-20190315.
4. LB Southwark's Statement of Community Engagement (SCI) was adopted in 2008. It has since been reviewed and updated with modifications since. A reviewed version had been agreed by cabinet for consultation in December 2019 and consultation started in early 2020. This consultation was halted due to COVID, and a further draft is being prepared to reflect Southwark Stands Together and COVID-19 which have altered how Southwark engages with local residents.

5. The Consultation Plan for the NSP (document EIP74) and the Consultation Plan for the Amended Policies version of the plan (NSP08B). Southwark produced a Consultation summary (EIP73) of the consultation process for the NSP up to the Proposed Submission version.
6. The Southwark Regulation 22 (c) Consultation Plan (EIP74) summarises stages of the public consultation undertaken in line with regulations 18 and 19 of the Town and Country Planning (Local Planning) Regulations.
7. Since the 2019 version of the Statement of Community Involvement (document O0001A), a further draft is being prepared of the draft Statement of Community Involvement and draft Development Consultation Charter, and there will be further consultation on this version.
8. In the view of the Council there are no legal compliance issues arising from the preparation and submission of the Plan. LB Southwark has met its consultation requirements as set out in Consultation Plans (documents EIP74 and EIP73).

Question 1.2

In accordance with NPPF paragraph 21, does the NSP identify ‘Strategic Policies’ – including for the purpose of those strategic policies against which any Neighbourhood Plan or Business Neighbourhood Plan would be required to be in general conformity with? Are any other the implementation policies to be regarded as ‘strategic policies’?

1. Yes, we identify six strategic policies which would be relevant for any Neighbourhood Plan or Business Neighbourhood Plan.
2. None of the implementation policies are regarded as strategic policies.

Question 1.3

The plan period is to 2033. Assuming plan adoption in the second half of 2021 there would not be a 15-year plan period on adoption as required by NPPF 2019 paragraph 22. Is it necessary for soundness that the plan period is extended to 2036 and that 1 April 2020 forms the basis for year 1 for measuring the housing land supply in accordance with NPPF paragraph 67?

1. The plan period will be updated to 2020-2035 and on adoption the plan period will be from 2021-2036. The 5 and 15 year housing land supply report will be updated to have a baseline of 1 April 2020, the housing trajectory in the Plan will be updated accordingly. See full response under strategic targets background paper (EIP161).

Question 1.4

Is the plan sufficiently clear whether there are any policies from the existing development plan that would be superseded by its adoption?

1. The purpose and content of the plan (page 9) set out that the New Southwark Plan will replace the Core Strategy (2011) and saved Southwark Plan (2013) policies.
2. The status of the policies and sites in the Development Plan are continuously updated as the Publication London Plan 2020 and the New Southwark Plan move through each stage of plan preparation. The site allocations methodology paper and strategic targets background paper are being updated to set out the status of policies and sites from our adopted Southwark Plan, Core Strategy, AAPs and SPDs. These tables will continue to be updated as the two plans move towards adoption and are adopted.
3. The New Southwark Plan will replace the Southwark Pan and Core Strategy in their entirety. The New Southwark Plan will also replace the visions, and sites in the Aylesbury Area Action Plan, Peckham and Nunhead Area Action Plan and Canada Water Area Action Plan. They will also replace most of the masterplans and policies. Once the New Southwark Plan is adopted these masterplans and policies will be reviewed and the documents will be marked up to show those that will be rescinded. All of the supplementary planning documents will be reviewed and updated for consultation and adoption. The Old Kent Road will be updated if necessary following the Inspector's report on the New Southwark Plan. This will then be submitted for examination. The South bank and Waterloo Neighbours Neighbourhood Plan will be marked up to show if any policies have been updated by the New Southwark Plan and they will be rescinded. All of these reviews will be taken to Cabinet and Council Assembly for agreement alongside the adoption of the New Southwark Plan which will be called the Southwark Plan (2021) at this point.

Integrated Impact Assessment & Site Selection Methodology

Question 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?

1. The Equalities Impact Assessment July 2020 (document EIP76B) sits alongside the Integrated Impact Assessment (document EIP72) to form a part of the Sustainability Appraisal.
2. The summary of the EQIA (document EIP76A) sets out how each strategic policy gives due regard to the three aims and strands of Section 149 of the Equality Act 2010.
3. The Equalities Impact Assessments goes into more detail of the impacts of the policies on those with protected characteristics. The appendices to the EQIA (document EIP76C) also set out more specific data against the strategic policies.
4. Each strategic, implementation, and development management policy, as well as area visions have been assessed for the impacts on those with protected characteristics. This is routed in indicators as set out in the Integrated Impact Assessment (document EIP72).
5. With regard to consultation, the Consultation Plan (documents EIP73 and EIP74) have set out that consultation has been undertaken with a wide range of groups and people to ensure that the needs of those with protected characteristics are represented.
6. The Equalities Impact Assessment is a live document that can be updated to ensure it is robust. It has been updated at every stage of the plan. The July 2020 version (EIP76A-76C) has been updated to reflect any changes as made to the plan following the Inspectors guidance.

Question 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?

1. Paragraph 23 of the NPPF requires that “broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area”. Paragraph 28 states that non-strategic detailed policies for specific areas can be set out in site allocations. Paragraph 67 requires local authorities to identify specific deliverable sites to meet the demand for homes. Paragraph 80 states that planning policies

should allocate sufficient suitable town centre sites to meet the scale of development likely to be needed including anticipated needs for retail, leisure, office and other main town centre uses. Paragraphs 158 and 160 requires the sequential test and exceptions test to be applied in terms of assessing flood risk.

2. Policy SD1 in the Publication London Plan (2020) requires boroughs in their development plans to clearly set out how they will encourage and deliver the growth potential of Opportunity Areas. Paragraph 2.1.1 states boroughs should use indicative capacity figures as a starting point, to be tested through the assessment process. The Publication London Plan (2020) designates 4 Opportunity Areas in Southwark; Old Kent Road, Borough, Bankside and London Bridge, Elephant and Castle and Canada Water. Policy SD7 also requires allocating sites to accommodate identified need within town centres. Policy H1 requires delivery-focused development plans which allocate an appropriate range and number of sites that are suitable for residential and mixed use development to ensure the ten year housing targets set out in the plan are achieved.
3. Pages 5-7 of the Site Allocations Methodology Report (EIP82) explains how the site allocations were drawn from a range of sources. The site allocations are generally over 0.25ha to identify opportunities for intensification. Appendix 1 explains which sites were discounted the reasons they were omitted. There are 83 site allocations identified in the New Southwark Plan. Sites are identified in the four opportunity areas in the borough, in town centres as well as in other strategic locations, in accordance with the Publication London Plan (2020) and the NPPF. Each of the sites includes an indicative development capacity. The estimated number of homes is included in the NSP allocation. Table 1B in the NSP (Policy SP1b) sets out the expected changes in non-residential floorspace in each of the vision areas in the borough based on the site allocations. EIP82 explains the approach to allocating sites for specific uses and the total estimated net and gross floorspace provision of the site allocations. This is explained in the context of the targets for meeting housing needs, allocating sufficient town centre sites for leisure, retail and main town centre uses, allocating office floorspace in the CAZ as well as other strategic objectives such as new open space. The IIA (EIP72) also explains reasonable alternatives that were considered, and summarises the SFRA and approach to applying the sequential and exceptions test to identifying site allocations (pages 62-71).
4. The approach to site selection is justified and in accordance with national and regional policy as sites are allocated in strategic locations such as Opportunity Areas, Action Areas, town centres and in identified locations where intensification for meeting housing and other strategic objectives is identified.

Habitats Regulations Assessment

Question 1.7

The updated April 2020 Habitat Regulations Assessment Screening Report (document EIP23) concludes that the policies of the NSP, alone or in-combination with other plans and projects, would not give rise to any likely significant effects on any Natura 2000 sites. Is that a valid conclusion in light of the response from Natural England (EIP21)?

1. Yes. The updated April 2020 Habitat Regulations Assessment Screening Report (document EIP23) sets out all NSP policies and assesses the impact of these in line with the Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive) (2001).
2. The report states that there are no Natura 2000 sites in Southwark. As Natural England did not previously provide a recommended distance to Southwark, the assessment uses a distance of 10km. Four sites were located partially within 10km of Southwark – Wimbledon Common, Lee Valley, Richmond Park, and Epping Forest. The description for these sites and the rationale for their conservation at European level have been taken from the Draft London Plan Habitats Regulations Assessment (2017) which also includes supplementary information to assess the vulnerability of the sites to potential adverse effects.
3. The report provides an assessment of the likelihood of each of the NSP policies to have a significant adverse impact on the integrity of Natura 2000, following guidance produced by Tydesley and Associates (2006), Annex 2). The report concludes that the policies introduced under the NSP will pose ‘no significant effects, alone or in combination’ to the identified Natura 2000 sites when assessed against the provisions of Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’). The result of this assessment is confirmed by the response from Natural England dated 1 May 2020 (document EIP21).

General conformity with the London Plan

Question 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?

1. Yes. The Statement of Common Ground with the Greater London Authority (the Mayor) (document SCG13) sets out strategic matters to be agreed by both parties, and was signed by representatives of the London Borough of Southwark and the Greater London Authority on April 16 2020.

2. Para. 4 of the statement notes the Mayor's representation on the Regulation 19 draft New Southwark Plan (dated December 2017 and where some of the policies were amended in January 2019), which stated a broad support for the draft NSP policies where they align with relevant draft London Plan policies.
3. On strategic infrastructure matters, para. 10 of the document notes that the delivery of the Bakerloo Line Extension is a strategic priority for the Mayor and Southwark, and a rewording of the Old Kent Road Area Vision in the NSP with regards to the Bakerloo Line Extension is agreed to confirm conformity with the London Plan.
4. On housing, para. 14 confirms that Southwark have worked collaboratively with the GLA through the SHLAA and the draft London Plan process to determine revised housing targets based on the available housing capacity. Para. 15 confirms that the Mayor and Southwark agree that it is appropriate for the Mayor, as the strategic policy making authority for Greater London, to distribute the total housing requirement for London. Para. 17 acknowledges that the Intend to Publish London Plan (2020) Policy H5 sets a threshold of 50% for public land and industrial land where there is a loss in industrial capacity, but that it is acceptable that the NSP does not include a specific threshold for industrial land due to the consequences on viability particularly in the Old Kent Road Opportunity Area.
5. On tall buildings, para. 18 notes that London Plan (2016) Policy D8 requires London boroughs to identify areas suitable for higher buildings. Southwark lists a range of criteria in policy to determine higher building applications and identifies specific zones. Para. 21 sets out an agreed updated wording to the tall buildings policy P15 to ensure conformity with London Plan policy D8.
6. On town centres, para. 23 notes that the GLA and Southwark have come to the agreement that the Old Kent Road should be classified as two separate town centres, 'Old Kent Road North' and 'Old Kent Road South', and both centres have now been classified as District Town Centres which follows the same approach as The Publication London Plan (2020).
7. On strategic industrial land, para. 26 notes that Southwark and the GLA have confirmed an agreed approach to the phased release of Strategic Industrial Land for mixed use development that would include a range of strategic commercial uses including distribution and light industrial uses in the Old Kent Road Opportunity Area. This includes the introduction of 3 sites for Locally Significant Industrial Land and site allocations in the NSP now include reference to this

designation and the requirement for replacement industrial uses on the site.

8. On site allocation matters, para. 27 states that the Mayor's objections on site allocations Ossory Road (PSV NSP65) and Hatcham/Ilderton Road (PSV NSP 69) relating to Strategic Industrial Land are withdrawn. There are no standing objections from the Mayor to any site allocations in the NSP.
9. Para. 31 acknowledges that they may need to be further discussions about the strategic matters following the Examination in Public of the New Southwark Plan. Further discussions began between the GLA and Southwark Council in January 2021 in order to confirm conformity with the Publication London Plan (2020). The updated Statement of Common Ground will be upload to the Examination page prior to the beginning of the Examination in Public.
10. Overall, the Statement of Common Ground with the Greater London Authority (the Mayor) (document SCG13) confirms that the NSP would be in general conformity with the London Plan.

Question 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?

1. Following the Examination in Public of the New London Plan, the Mayor published the Intend to Publish version of the plan. On 13 March 2020 the Secretary of State responded to the Mayor and included a number of Directions which directed changes to be made to the plan. The wording of changes to be made to the plan as a result of the Directions were discussed and the Secretary of State issued a list of changes setting out how the Directions should be addressed on 10 December 2020. The Secretary of State also issued two further Directions relating to industrial land and tall buildings in his letter of 10 December 2020. The Mayor then issued the Publication London Plan in December 2020 which incorporated the changes within the Directions. On 29 January 2021 the Secretary of State wrote to the Mayor confirming that he is content for the Mayor's new London Plan to be formally published, with no further changes.
2. Due to the stage of preparation of the Publication London Plan 2020 and in accordance with Paragraph 48 of the NPPF, the Publication London Plan (2020) now has very significant weight in decision making.

3. The New Southwark Plan was submitted for Examination in January 2020 prior to the Secretary of State's Directions being issued. Therefore, the background documents prepared to accompany the plan refer to content in the Intend to Publish London Plan.
4. The changes that have been made to the Publication London Plan (2020) since the Directions were issued that are relevant to the New Southwark Plan include:

Industrial land

5. There were significant amendments to the plan to delete the requirement for no net loss industrial floorspace capacity, particularly in policies E4-E7. Policy E4 referred to the borough level categorisations, of which Southwark was a 'retain capacity' borough. This has now been deleted. The requirement for the Old Kent Road AAP to plan for no net loss of industrial floorspace capacity in paragraph 2.1.16 has also been deleted. The requirement remains for the AAP to set out how industrial land can be intensified. The Publication London Plan (2020) includes the ambition for the Bakerloo Line extension to unlock growth and requires that areas that are released from SIL should seek the co-location of housing with industrial uses or a range of commercial uses within designated town centres (para 2.1.16).
6. The NSP Industrial Land Background Paper (SP401) set out the NSP's approach to no net loss of industrial capacity in the borough. The majority of land currently in formal industrial policy designation is in the Old Kent Road Opportunity Area. Outside of this area, the NSP proposes to remove the local industrial designation (PIL) from Parkhouse Street however the requirements of the policy specify that industrial employment space should be provided.
7. Also outside of the Old Kent Road area some land adjacent to the railway arches in Bermondsey has been extended to be included within SPIL designation which would be covered by NSP Policy P28.
8. The Old Kent Road AAP (December 2020) continues to commit to achieving no net loss of industrial floorspace capacity across the opportunity area. As demonstrated in the NSP Industrial Background Paper and Table 1B in the plan this was achievable in the 2017 version of the AAP resulting in a net gain of 6,637sqm employment floorspace across the Opportunity Area, of which many of the required typologies are industrial co-location as set out within the AAP sub areas. Appendix 2 of SP401 shows that on sites currently designated as SIL, planning applications approved were achieving an overall net gain of industrial floorspace as part of mixed use development.

9. The evidence base accompanying the Old Kent Road AAP (December 2020) has been updated to take into account the revised masterplan. The evidence base documents have been provided as new EIP documents EIP128-151. EIP149 (Existing and Proposed) updates the expected non-residential floorspace capacity in the Old Kent Road site allocations. The changes to the masterplan, including a new industrial intensification masterplan for the South Bermondsey SPIL, as well as increased stacked industrial typologies in the site allocations, has resulted in an increase in the net gain of employment floorspace to 127,957sqm. Many of the site allocations include mixed use industrial typologies therefore a significant net gain would be achieved in industrial floorspace. This is evidenced in SP401 and EIP150 (Accommodation Schedule) which sets out the latest floorspace net changes by use class in individual planning applications. The Old Kent Road AAP requires bespoke design and policy requirements for industrial co-location and conditions are used to ensure light industrial uses are secured specifically (in the context of the Class E changes to the Use Classes Order).
10. In the changes made to the Publication London Plan (2020), Policy E4 requires that any release of industrial land to achieve wider planning objectives should be facilitated through the processes of industrial intensification, co-location and substitution as set out in Policy E7. Part E of Policy E4 requires any release of industrial capacity should be focused in locations that are well-connected and contribute to other planning priorities including housing, affordable housing, schools and infrastructure.
11. Policy E5 Part 1 requires boroughs to define the detailed boundaries of SILs in policies maps having regard to the scope for intensification, co-location and substitution (as per Policy E7). Part 3 requires boroughs to explore opportunities to intensify and make more efficient use of land in SILs in development plan reviews and Opportunity Area Frameworks in collaboration with the GLA.
12. Policy E7 requires that the consolidation of designated industrial land to support the delivery of residential and other uses should be considered as part of a planned approach or as part of a coordinated masterplanning process in collaboration with the GLA and not through ad hoc planning applications.
13. Policy E6 requires boroughs to define the boundaries for LSIS sites and make it clear the range of industrial uses that are acceptable within that designation.
14. The NSP continues to be in conformity with all of the policy requirements in E4-E7 and the aspirations for the Opportunity Area (Policy SD1). The NSP proposes to retain 32 hectares of land as SPIL in Southwark and this is identified on the proposed policies map. Policy P28 makes clear in these areas only industrial

uses would be permitted. The purpose of this is to ensure there are locations for industrial uses that would be non-compatible with residential uses to continue to function, which would particularly meet the requirement in Policy E4 regarding 24 hour servicing. In line with the intensification principles in Policy E7, the proposed masterplan for the South Bermondsey SPIL identifies a significant increase in industrial uses. This is referenced in the reasons paragraph 2 of NSP Policy P28. Increasing industrial capacity in this location also allows for the potential relocation or growth of the industrial sector in purpose built stacked industrial buildings.

15. The NSP proposes the release of the remainder of strategic SIL sites as formal industrial designations. This has been proposed in accordance with the principles in Policy E7 in respect of a plan-led and coordinated masterplanning process in collaboration with the GLA. The draft Old Kent Road AAP is successful in ensuring a plan-led approach to achieving a significant increase in homes as well as increased provision of employment and industrial floorspace including industrial co-location. This is referenced in paragraph 3 of the reasons of Policy P28. Policy P29 also requires the successful integration of new homes and employment space to include a range of employment uses and that the employment space must meet current market demand. The NSP site allocations for Old Kent Road make clear that development must respond positively to the objectives of the AAP, where there is significant design guidance. Evidence of market demand is included in the evidence base studies, SP412, SP413, SP422 and SP431 which are used to inform discussions on the most appropriate types of employment floorspace that should be delivered or is identified on the relevant masterplan.
16. The NSP also designates 20ha of land as LSIS on the proposed policies map in accordance with Publication London Plan Policy E6. This is referenced in paragraph 1 of the reasons to Policy P28. The relevant NSP site allocations NSP55, part of NSP63 and part of NSP67 all require industrial uses to be provided in the parts of the sites identified on the policies map as LSIS.
17. The approach to non-designated industrial sites is set out in part 7.6.2 of SP402. This is still in conformity with the Publication London Plan Policy E7.
18. Due to the updates as part of the new draft Old Kent Road AAP, it is proposed to update Table 1B in the NSP (see Strategic Targets Background Paper EIP161) with the updated non-residential floorspace figures for the Old Kent Road vision area. This supersedes some of the information in EIP82. It was noted in this document (page 125) that the non-residential floorspace was likely to increase as a result of the updated masterplan.

19. The Mayor responded to the most recent consultation on the New Southwark Plan suggesting some amendments may be required to Policy SP4 and Policy P28 with respect to industrial designations. As stated above it is considered the New Southwark Plan remains in conformity with the Publication London Plan (2020), however our consultation response noted that we would consider an amendment to the wording to the policy to ensure the industrial strategy was sufficiently clear and in line with the policies in the Publication London Plan (2020). As such the following amendments are suggested:

SP4 Strong Local Economy

~~8. Ensuring that we intensify the industrial land and co-locate industrial premises with new homes~~

8. Designating 32ha of Strategic Protected Industrial Land where industrial uses will be maintained and designating 20ha of Locally Significant Industrial Sites where industrial premises will be co-located with new homes.

P28 Strategic protected industrial land

Reasons

~~3. Much of the industrial land in the borough is located in the Old Kent Road Opportunity Area. These sites~~ Many of the Old Kent Road site allocations designated for mixed use development as well as the sites designated as LSIS will be intensified for mixed-use development residential and industrial co-location.

Gypsies and travellers

20. Policy P11 of the New Southwark Plan is in general conformity with the Publication London Plan 2020) Policy H14 where the proposed new definition for gypsy and travellers has been removed following the Direction (DR7) from the Secretary of State.

21. The New Southwark Plan Policy P11 safeguards the borough's four existing gypsy and traveller sites where there is an identified need for them, as well as making provision for the identification of new sites to meet any identified need for additional gypsy and traveller accommodation. There are no changes required to the policy in relation to the Publication London Plan (2020).

22. In general conformity with the Publication London Plan (2020) (Policy H14, a Gypsy and Traveller Accommodation Assessment was produced in May 2020 as

part of the evidence base for the New Southwark Plan, to assess the need for gypsy and traveller accommodation throughout the lifetime of the Plan - 2020-2034.

23. The Assessment identifies that the need for pitches in Southwark to accommodate those falling within the Planning Policy for Traveller Sites (2015) (“PPTS”) definition of ‘gypsies and travellers’ is zero. The PPTS definition of ‘gypsies and travellers’ does not include those who have ceased to travel permanently. Consistent with the PPTS, the New Southwark Plan does not seek to meet any wider need for pitches to meet the needs of settled gypsies and travellers.

Tall buildings

24. The Publication London Plan (2020) now contains an updated tall building policy D9 following Direction from the Secretary of State which requires development Plans to define what is considered a tall building for specific localities and that tall buildings should only be developed in locations that are identified as suitable in Development Plans.
25. New Southwark Plan Policy P16 Tall Buildings is in general conformity with policy D9 as it defines locations that are suitable for tall buildings and provides a clear definition for a tall building. No modifications are therefore proposed.

Affordable housing – sites under 9 units

26. The Publication London Plan (2020) has removed Paragraphs 4.2.12 and 4.2.13 which acknowledge that some boroughs rely on sites of less than ten units to deliver housing and encourages boroughs to require affordable housing on these sites through either on site delivery or cash in lieu payments. It also encourages boroughs to be flexible on the timing of when they collect the payments.
27. These Paragraphs have been deleted in response to Direction 3 from the Secretary of State.
28. Footnote 50 of the Plan states: Boroughs may also require affordable housing contributions from minor housing development in accordance with Policy H2 Small sites. This footnote remains in the Plan.
29. There are no modifications required to Policy P1 as a result of Direction 3.

30. Also see LBS response for Matter 3, Question 3.21.

Other changes suggested to ensure conformity with the Publication London Plan 2020

NSP Policy P47 – Hot food takeaways

3. The proposed location is further than 400 metres from any existing or proposed primary or secondary school's boundary; and

Reasons

2. ~~Pupils in primary education should not be allowed out of school premises during the school day, and most primary school pupils will be accompanied home by an adult. Secondary school pupils have more freedom during school hours and Hot food takeaways located within walking distance of primary or secondary schools are considered a contributing factor to the rising levels of obesity in children. High numbers of school children have been recorded visiting takeaways after school in Southwark and both school children and adults have complained in focus groups that there are too many takeaways near schools.~~

31. The above changes would make the policy consistent with Publication London Plan (2020) Policy E9 Part D which does not permit development proposals containing hot food takeaway uses within 400 metres walking distance from the entrances and exits of an existing or proposed primary or secondary school. 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. The presence of hot food takeaways in proximity to schools also contributes to an obesogenic environment which encourages children to eat takeaway food. The map in Figure 1 of this topic paper shows the buffer areas which would apply in all parts of London around schools including Southwark. It is proposed to update Figure 7 in the NSP to outline the buffer areas around primary schools and to update the proposed Planning Policies Map layer.

Cycle and car parking standards

32. Southwark has agreed in the SCG with TFL to review the cycle and car parking standards referenced in Policy P52 (Cycling) and P53 (Car parking) to ensure

consistency with the Publication London Plan (2020). These amendments will be proposed in advance of the Examination.

Climate Change

Question 1.10

Does the NSP accord with s19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended) by including policies that are designed to secure that the development and use of the land in the Borough contribute to the mitigation of, and adaptation to, climate change?

1. Yes, in the Council's view the NSP does accord with s19 (1A) of the Planning and Compulsory Purchase Act (2004) (as amended), for the reasons set out below.
2. Section 19 point 1A regarding the preparation of Development Plans sets out:

“Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.”
3. The New Southwark Plan taken as a whole does include policies that are designed to secure that the development and use of land in the local authority's area contributes to the mitigation of, and adaptation to climate change.
4. Mitigation is defined as efforts to reduce or prevent the emission of greenhouse gases.
5. In terms of mitigation, a number of policies in the NSP contribute to the mitigation of Climate Change. Under SP5 Healthy, active lives policies set out a need to prioritise cycling and walking and promote a modal shift to reduce the number of cars. Further mitigation has been demonstrated to ensure that the cars that are being used are electric to further reduce combustion and emission of greenhouse gases.
6. Under SP6 Cleaner, greener, safer policies set out a need to use low carbon heat and energy sources for new development and increase efficiency of buildings through design to be more efficient with heating and cooling to further reduce greenhouse gas emissions.
7. The policies that specifically mitigate against Climate Change are:

- 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
- P69 Energy

8. Adaptation is defined as responding to changes in the environment that arise from Climate Change.

9. In terms of adaptation, the NSP mitigates against Climate Change by addressing air quality, including the impacts of construction on the environment, how design can adapt new development to warming and through the utilisation of trees, green space and biodiversity to adapt to Climate Change and the impacts this has on habitat and recreation. Trees absorb carbon dioxide and reduce carbon dioxide in the air, which reduces emissions. Carbon emissions are also cut as trees can help soil capture significant amounts of carbon.

10. The policies that specifically adapt to Climate Change are:

- SP2 Regeneration for All
- P14 Residential Design
- SP6 Cleaner, greener, safer
- P56 Open Space
- P58 Green Infrastructure
- P59 Biodiversity
- P60 Trees
- P68 Sustainability Standards

11. The Evidence Base for this is set out in the Energy background paper (June 2020) (document EIP59). Section 4 sets out the National Policy Context for Climate Change and Energy related policies, Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 is referred to in this section.

12. The NSP sits within a number of policy documents and legislation that creates a framework for climate change mitigation and adaptation.

13. 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.
14. On 27th March 2019 Southwark's Council Assembly resolved to call on cabinet to declare a Climate Emergency and to do all it can to make the borough carbon neutral by 2030. In response to this declaration, the planning department has reassessed its policies and practice to try and meet this target. The council work to date has seen a 37% reduction in carbon from 2008. This is only a measure of the council's output, however, which represents 16% of the borough's total carbon emissions. In order to ensure that the 2030 target is achieved, planning policy is being completely rethought to innovate, balance competing policy objectives and make bold decisions to spend resources effectively to meet these ambitious targets.
15. The NPPF sets out in paragraph 8c) environmental objective the need for climate change adaptation and mitigation.
16. The Publication London Plan (2020) sets out in paragraph 9.2.1 that the target for London is net carbon zero by 2050. The Publication London Plan (2020) is aiming to meet net carbon zero by 2050, which is the same as national legislation and the NSP.
17. Policy SI 2 Minimising greenhouse gas emissions sets out that "A Major development should be net zero-carbon.¹⁵¹ This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy."
18. New Southwark Plan is in compliance with this legislation, and national and regional policy, as the policies in the plan both mitigate against and adapt to climate change across a wide range of policies.
19. In conclusion, the New Southwark Plan is in accordance with Section 19 point 1A of the Planning and Compulsory Purchase Act 2004 (updated in 2008) because mitigating and adapting to Climate Change, as evidenced above, is the golden thread running through the NSP. Mitigating against and adapting to Climate Change are the guide posts for informing our approach to development in the borough.

Issue 2

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

Question 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?

1. Yes. Section 33A of the Planning and Compulsory Purchase Act 2004 subsection (1) states that each person who is a local planning authority, a county council in England that is not a local planning authority, or a body that is prescribed or of a prescribed description, must co-operate with every other person in maximising the effectiveness with which activities within subsection (3) are undertaken. Activities listed in subsection (3) include the preparation of development plan documents and the preparation of other local development documents so far as relating to a strategic matter. Subsection (4) identifies strategic matters as the sustainable development or use of land that has or would have a significant impact on at least two planning areas, including sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.
2. The New Southwark Plan Proposed Submission Version: Duty to Cooperate Statement (document DCS01) provides information on the constructive, active and continuous process of engagement which has underpinned the preparation of the NSP.
3. Multiple rounds of consultation took place to support the preparation of the NSP as detailed in the consultation summary documents NSP08, NSP08A and NSP08B. Consultation responses are detailed in submission documents SP114-SP118, SP303, SP426-SP428, SP510, SP610, OCR04, SA001-SA024, OCR01 and OCR02, O0001, O0001A and O0001B; and examination documents EIP74, EIP73, EIP75, EIP03-EIP13, EIP83-EIP121.
4. It is considered that the consultation process was effective in promoting cooperation between Southwark and other persons during the preparation of the NSP.
5. During the preparation of the NSP, strategic matters were identified and discussed by Southwark and relevant parties and where possible, common ground was reached on these matters as demonstrated in the Statements of Common Ground (documents SCG01-SCG16, and EIP64).

6. These documents provide evidence that the Council carried out its duty to cooperate with other persons to maximize the effectiveness of the plan preparation process, as required by Section 33A of the Planning and Compulsory Purchase Act 2004

Question 1.12

Do the Statements of Common Ground with adjoining London Boroughs, Transport for London and statutory bodies such as the Environment Agency and Historic England etc. identify relevant strategic matters, actions in relation to cross border issues and the outcomes of the actions taken in relation to the duty?

1. Yes. Statements of Common Ground have been prepared jointly with neighbouring Local Planning Authorities including the London boroughs of Bromley (document SCG01), Bexley (document SCG02), Lewisham (document SCG03), Greenwich (document SCG05), Tower Hamlets (document SCG06), Westminster (document SCG09), Lambeth (document SCG10), Croydon (document SCG11), and the City of London (document SCG04). Statements of Common Ground have also been prepared jointly with statutory consultees including Historic England (document SCG07), Environment Agency (document EIP64), Thames Water (document SCG12), Transport for London (document SCG14) and Sport England (document SCG16).
2. Each Statement of Common Ground identifies the relevant strategic matters and the agreements made between Southwark Council and the other party on these matters. Any actions to be taken on cross border issues are clearly identified within the statement.
3. Discussions took place in January and February 2021 between Southwark Council and Transport for London on an updated Statement of Common Ground. Once completed, this document will be published on the Examination page and will replace SCG14.

Question 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)?

1. Yes. The GLA, TfL, Southwark and Lewisham are all part of the Old Kent Road (Bakerloo Line Extension) Strategic Board and the Old Kent Road, New Cross and Lewisham Working Group which establishes regular dialogue and agreed outcomes for coordinated growth along the Bakerloo Line corridor.
2. This includes the Old Kent Road and Lewisham, Catford and New Cross Opportunity Areas. This is referenced in the Statements of Common Ground with Lewisham, GLA and TFL (SCG03, SCG13, SCG14). The group regularly work together to coordinate growth and to promote the business case for the Bakerloo Line extension. Lewisham and Southwark have established a joint Back the Bakerloo campaign www.backthebakerloo.org.uk with over 21,000 supporters.
3. Together Southwark and Lewisham have also produced the Bakerloo Line Extension regeneration opportunities document (EIP136) and the Bakerloo Line Extension Local Economic Impact Assessment (EIP137) and commissioned work jointly to explore funding options for the BLE.
4. As referenced in the SOCG with Lewisham, both parties are working positively to identify opportunities for the plan-led consolidation and intensification of industrial land in the Surrey Canal SIL area. Southwark have produced the draft Old Kent Road AAP and Lewisham have produced a New Cross Gate Area Framework and SPD, which both parties have been consulted on.
5. In 2018 the council worked with Network Rail and Lewisham Council to commission Lyndon Goode Architects to prepare a feasibility study for the Bermondsey Dive-Under focusing on the available space within arches and also vacant land (EIP43). The Southwark section of the masterplan has been updated in the October 2020 masterplan by Maccreanor Lavington Architects (EIP145) however Lewisham Council were also consulted throughout its preparation. The new masterplan including intensified and stacked industrial uses and use of the arches would significantly increase industrial floorspace in this location, to the benefit of businesses in Southwark and Lewisham.
6. The indicative masterplan options for the Lewisham part of the site as well as the approved planning application on Silwood Street are shown indicatively on the sub area 5 masterplan in the December 2020 draft of the Old Kent Road AAP. (EIP128). The indicative masterplan for the Millwall/New Bermondsey station area is also shown on the AAP masterplan to demonstrate how the two areas across the boundary would work together.

7. Opportunities for intensification of employment uses in the Surrey Canal SIL area are included in the New Cross Gate SPD. Lewisham officers have regularly briefed Southwark officers about progress on the Millwall/New Bermondsey developments and Southwark planning/regeneration and highways officers attend regular working group meetings with Lewisham in respect of transport issues across the borough boundary, including bus services.
8. Discussions have taken place between the two boroughs on transport issues including public transport provision, accessibility to South Bermondsey Station (a new station entrance accessible from Ilderton Road and Bolina Road) and match day movement arrangements.