

# **Statement of Common Ground between Southwark Council and South Dock Marina Berth Holder Association**

**March 2021**



## Introduction

This Statement of Common Ground (SCG) addresses matters specific to Southwark Council and **South Dock Marina Berthholders Association (SDMBHA)**, which relate to the Proposed Modifications for Examination Version of the New Southwark Plan.

This SCG has been prepared by Southwark Council in agreement with **South Dock Marina Berthholders Association** and will be used to inform the contents of the New Southwark Plan.

The purpose of the SCG is for both parties to acknowledge areas of common or uncommon ground relating to the contents of the New Southwark Plan, and to progress in cooperating on the best approach to addressing these areas.

### Southwark Council

Southwark Council is the local authority for the London Borough of Southwark in Greater London, England.

### South Dock Marina Berth Holder Association

Berth holder & marina users association for South Dock Marina in Southwark

## Strategic Matters

### **Strategic matter 1 – Needs assessment for house boat dwellers**

#### SDMBHA Position

There has been **no assessment of needs for house boat dwellers** in the development of the New Southwark Plan, contrary to section 124 of the Housing and Planning Act 2016.

SDMBHA have had an initial meeting with Southwark's external assessment consultant (20 Nov 2020), however to date, no assessment has yet been initiated.

#### Council Position

The council and SDMBHA agree that a needs assessment for house boat dwellers must be carried out. As highlighted by SDMBHA, this assessment should include in-person engagement. Consultants will carry out this work with the intention to hold in person site visits as soon as COVID restrictions allow.

#### **Agreements:**

- Both parties are in agreement that a needs assessment must be carried out.
- In-person engagement should form part of the assessment, COVID restrictions allowing

#### **Disagreements**

- See below and Appendix A

### **Strategic matter 2 – Needs of boatdwellers in the NSP**

#### SDMBHA Position

The New Southwark Plan **has not been positively prepared or justified in respect of the needs for those who live on house boats in Southwark**. The plan has not been positively prepared because there has been **no assessment of need to underpin any policies relating to house boat dwellers**. There has been **no evidence to justify the plan in respect of house boat dwellers in Southwark**.

SDMBHA provide a brief timeline of events since the notification to the Council that the needs of boat dwellers had not been adequately assessed in preparing the plan. This is attached as Appendix A.

#### Council Position

The need for boat dwellers will be identified through a needs assessment. The council is proposing that any identified need will be addressed through an early amendment to the Plan where necessary.

The council would commit to an early amendment to relevant policies if required by the assessment by writing this into our Local Development Scheme (LDS). It is likely

that an early amendment to the Plan would take place in Spring/Summer of 2022. It is proposed that the following text is added to the LDS:

*‘An early amendment to the New Southwark Plan will include a review of the assessment carried out to assess the needs for house boat dwellers in Southwark.*

*Any identified housing need arising from the assessment will be addressed through an update to relevant policies.*

*The Gantt chart in Appendix A sets out the proposed timescale for the early amendment.’*

### **Agreements**

- The Plan may need to be updated to reflect the outcomes of the needs assessment

### **Disagreements**

- The timescale of these potential changes is disagreed. The council proposes an early amendment, if necessary, to the plan that would likely take place in Spring/Summer 2022 to take into account the time needed to complete the assessment. SDMBHA do not agree that the plan meets the legal requirement to be adopted if this approach is followed.
- Recent events leading to the need to appoint a new assessor are further contributing to assessment delay. SDMBHA have not yet been notified of the anticipated timescale or scope of the assessment. SDMBHA are concerned that this delay is significantly disadvantaging and obstructing their right to a fair and thorough hearing during the current examination.
- SDMBHA are of the view that the assessment and any main modifications should be made to the plan before it is adopted in order to discharge the statutory duty under section 124 Housing and Planning Act 2006.

### **Strategic matter 3 – Allocation of the boatyard**

#### **SDMBHA's Position**

Additions and amendments should be made to the plan reflecting the importance of South Dock Marina which is home to over 100 households. This site should be protected as a working marina which is home to large and long established residential, commercial and leisure communities. The supporting boat yard provides maintenance services essential to the ongoing health and safety of people and their vessels.

As has been catalogued over many years, current and long term needs of SDMBHA's large community of boat dwellers have continuously been overlooked, exploited and neglected.

The specific and unique needs of boat dwellers have not been adequately assessed or addressed either in terms of planning policy, housing or provision of facilities necessary to maintain the many different kinds of boat dwellings which constitute the unique character and diversity of the marina.

As has also been extensively documented over the last 20 years, there has been a large and significant reduction in the boatyard facilities necessary to safely maintain boats and boat dwellings across Greater London. South Dock Marina's boatyard facilities offer the last and only remaining service of this kind on the Thames.

We believe that the needs of boat dwellers, who have no other facilities available to them, should be prioritised, protected and enhanced in order to fully safeguard their long term future in line with the London Plan policies (see Appendix B).

We strongly believe that, given the important and unique facilities the site provides to all London-wide boat users, that this site should be protected with a site allocation in the New Southwark Plan. We submit some draft wording for a site allocation below:

*“South Dock Marina and Greenland Dock along with the adjacent boatyard site are designated a marine centre of excellence, a significant industrial site of importance for London's marine, transport and water activities. Primary use should be for marine and open water activities, for residential and leisure boat moorings and for a working boat yard, light industrial business space with community facilities including showers, toilets and a garden.*

*Any secondary use should be for related business, educational and leisure activities only.”*

We emphatically request that any reference to the area being a suburban zone or for it being appropriate for any secondary residential/hotel use be removed from all wording in order to ensure prioritisation of marine use. The protection and commitment to a site allocation should be clearly articulated to provide the long term security that all residents and users of the marina require.

The area should also be removed from the Canada Water Area Action Plan CWAAP17 and this should be superseded by the New Southwark Plan site allocation.

Southwark Council's maps website still shows St Georges Wharf as a yard associated with marina, giving it's area as 6910 square metres. This should be modified/removed from NSP the Site Allocations when superseded by the above.

Whilst we acknowledge we are awaiting a section 124 assessment which will form the adequate evidence base, we will be making representations that the lack of policy for this site means that the plan had not been positively prepared, which goes more to the lack of assessment. The lack of site allocation is also not justified because there has been no express acknowledgement of the site and the most appropriate strategy for its enhancement and protection, given its multiple uses, when considered against the reasonable alternatives and based on proportionate evidence. This is also in order to outline features that either exist or need to exist to

safeguard and enhance services in the marina and the River Thames through London.

### Council Position

At a SCG meeting (17<sup>th</sup> February), SDMBHA indicated that they want the use of the boat yard safeguarded against other types of development.

The council proposes a main modification is made to the Plan to allocate the boat yard on Calypso Way if the Inspectors find it necessary for the soundness of the plan. The site allocation would ensure that the primary use of the boatyard should remain for activities associated with those of a marina. Any other use such as business, leisure or residential would be considered a secondary use. The exact wording of the policy would be confirmed at a later date.

### **Agreements**

- SDMBHA's position is that the marine centre of excellence should be allocated as a main modification. The council will agree with this if the Inspectors find this necessary for soundness.
- The primary purpose of the site allocation should be to protect and enhance the use of the site and boatyard. Any other use should be secondary.

### **Disagreements**

- SDMBHA's position is that references to residential uses should be removed from the sites allocation. Given the acute need for social housing in the borough, the council position remains that references to residential as a possible secondary use should remain in the site allocation.

### **Unresolved**

- Wording of the potential site allocation – this is to be decided at a later date. The council will consider the wording put forward by SDMBHA when drafting the site allocation.
- SDMBHA have engaged repeatedly and at great length with the council to advise and outline the specific needs of the boat dwelling community and to highlight fact that boat dwelling is a traditional, legitimate and longstanding form of housing characteristic of London's waterways. Unfortunately, full acknowledgement and legal recognition of boat dwelling has yet to be coherently realised.

## **Strategic matter 4 – Conformity with the New London Plan 2021**

### SDMBHA's position

Modifications and amendments should be made to the New Southwark plan to ensure alignment and conformity with the New London Plan (Jan 2021), in particular to align with Policy SI16.

We are of the view that the above policies need to be referred to in the NSP, perhaps they can be in the site allocation but we would request something to see that the policies to be relied on for Waterways – use and enjoyment are the London Plan policies, absent any policies in the NSP to expressly align and expand on these in Southwark. We submit that this is required to show that the New Southwark Plan is in general conformity with the London Plan. Without a site allocation ensuring that the site and boat yard are protected and enhanced, we do not think the NSP can be proven to conform with the London Plan.

SDMBHA submit the relevant London Plan policies in Appendix B and C which are not currently reflected in the New Southwark Plan.

### Council Position

The council position remains that the New Southwark Plan is in general conformity with the New London Plan 2021. The New London Plan 2021 forms part of Southwark's Development Plan and it is therefore not necessary to reiterate what is already in the New London Plan.

### **Agreements:**

- n/a

### **Disagreements:**

- SDMBHA are of the position that there should be a main modification to the NSP to ensure conformity with the New London Plan 2021. SDMBHA are of the position that A site allocation is required to show commitment to and implementation of New London Plan policy SI 16 and conformity with this policy in the New Southwark Plan in terms of protecting and enhancing waterways infrastructure.
- The council's position remains that the NSP is in general conformity with the New London Plan 2021 and no modifications are needed for soundness

## Signatories

This statement has been informed by engagement between Southwark Council and South Docks Marina Berth Holders Association.

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

It is agreed that these discussions will inform the New Southwark Plan and that both parties will continue to work together collaboratively in order to meet the duty to cooperate.'

Signed: SDMBHA

Name: C Murphy , D Kendall, S Thomas

Position:

Date:24/03/2021

Signed: 

Name: Simon Bevan

Position: Director of Planning

Date: 25/03/2021

## **Appendix A**

### **Timeline of relevant events**

Please note that a needs assessment has never been carried out for any previous Southwark Plan, despite a large marina community being resident since 1989.

1. From 2014 – 2017 the New Southwark Plan preferred option was compiled. It was published for full to consultation and subsequently amended in 2018, 2019 and 2020.
2. On 2 April 2020 the issue of a lack of a section 124 assessment was highlighted by the Inspectors in their first letter following the submission of the New Southwark Plan (NSP) for examination.
3. On 19 June 2020 Southwark Law Centre chased the provision of an assessment, then subsequently on a number of occasions after SDMBHA were told by Southwark Council that an assessment would be taking place but nothing further was arranged.
4. Finally, on 20 November 2020, SDMBHA had an initial discussion with the first instructed consultants, Opinion Research Services (ORS).
5. On 1 March 2021, by the hearing of Matter 3b in the examination of the New Southwark Plan, SDMBHA had heard nothing further in respect of the precise actions to start the assessment.
6. On 15 March 2021 SDMBHA were informed by Southwark Council that the contract with ORS was terminated following their conduct at the hearing on 1 March 2021.
7. No assessment under section 124 of the Housing and Planning Act 2016 has been completed to date.
8. We note that there has been no mention of the Tower Bridge moorings which are also a long-established residential community who would also need to be included as part of assessment. We are concerned that no resident of these moorings was present at the examination hearing.

## **Appendix B**

### **Published London Plan 2021**

#### **Policy SI 16 Waterways – use and enjoyment**

A Development Plans and development proposals should protect and enhance waterway infrastructure.

B Development proposals should protect and enhance, where possible, water-related cultural, educational and community facilities and events, and new facilities should be supported and promoted, but should take into consideration the protection and other uses of the waterways.

C Development proposals that increase the provision of water sport centres and associated new infrastructure will be supported if a deficit in provision has been identified locally, and if the infrastructure does not negatively impact on navigation or on the protection of the waterway (see Policy SI 17 Protecting and enhancing London's waterways).

D Development proposals adjacent to waterways should protect and enhance, where possible, existing moorings. The provision of new moorings and/or required facilities (such as power, water and waste disposal) should be supported if they are:

1) off-line from main navigation routes, in basins or docks, unless there are negative impacts on navigation or on the protection of the waterway (see Policy SI 17 Protecting and enhancing London's waterways)

2) appropriately designed including the provision of wash mitigation, where necessary

3) managed in a way that respects the character of the waterways.

E Existing access points to waterways (including slipways and historic steps) and alongside waterways (including paths) should be protected and enhanced.

F Development proposals along waterways should protect and enhance inclusive public access to and along the waterway front and explore opportunities for new, extended, improved and inclusive access infrastructure to/from the waterways.

G Development proposals should improve and expand the Thames Path and the towpaths, improve alignment with the waterway where relevant, enhance them as walking routes, and provide better linkages to the transport network. This will require collaboration with relevant partners including London boroughs, the PLA, the Canal and River Trust, the Environment Agency and Natural England, as well as

landowner, developer and community representatives. These paths will be public and not private spaces.

9.16.1 New development should utilise the waterways (also known as the Blue Ribbon Network) for transport purposes where possible, but also for active water based leisure, and for informal waterside recreation or access. In order to make the maximum use of London's waterways a range of supporting infrastructure is required including jetties, moorings, slipways, steps and waterside paths (piers, wharves and boatyards are addressed in Policy SI 15 Water transport). Waterways infrastructure can directly enable water-based recreation and sports including rowing, canoeing and sailing. New water sports centres may bring such activities together, and development proposals should consider the affordability of these activities for Londoners. Waterways infrastructure can also facilitate the enjoyment of wildlife, landscapes, heritage and culture. There could be particular scope for new infrastructure within specific Opportunity Areas.

9.16.2 Moorings, moored boats, and continuous cruiser boats, as well as live-aboard boat dwellers are an integral part of the character of the waterways. There has been a significant increase in the number of boats on London's canals (from 2,000 sighted in 2010 to 5,000 in 2016), with a notable increase in central and eastern parts of London's network. There is a deficit of short-stay and long term moorings and required facilities (such as power, water and waste disposal) to meet this increase in demand, including for residential, leisure, visitor and commercial uses.

9.16.3 The Canal and River Trust has produced a London Mooring Strategy which provides an overview of the number of people living on boats on the canal network and identifies zones for potential additional moorings. Some community-based projects to create residential moorings may be considered as community-led housing (Part A4 of Policy H2 Small sites). In addition, a number of creative businesses such as artists' studios and post-production facilities are located on boats. Development proposals for residential moorings in particular should consider innovative solutions to address site-specific conditions, including wash, to enable the creation of new appropriate moorings without detrimentally impacting on navigation.

9.16.4 Historic steps and slipways to the Thames foreshore are vital for enabling access to/from activities and events. The Thames Path and the towpaths are particularly important in terms of providing safe access for a large number of Londoners along the waterways, facilitating their enjoyment of the river as well as providing health and wellbeing benefits as walking routes. Development proposals provide a significant opportunity to improve and expand the Thames Path and the towpaths, and to develop better linkages to the transport network. This requires prioritisation and collaboration between local, strategic and institutional partners. Borough River Strategies and Thames Strategies should support these opportunities.

9.16.5 Complementing development proposals for cultural facilities and events, the Mayor is producing, in partnership with the Port of London Authority, a case for a Cultural Vision for the River Thames. It aims to increase Londoners' engagement with the River for culture and leisure purposes, including night-time use and focusing on under-used areas. It also provides information on the heritage and importance of the River Thames and its banks to London's cultural life, especially in Opportunity Areas.

9.16.6 London's waterways are often an appropriate setting for public art and performance. People generally like to gather by the waterside and opportunities for this should be encouraged. The waterways are also a valuable educational resource with organisations promoting water-based educational programmes. This should also be encouraged.

### **Appendix C**

#### **Relevant sections of Policy SI 17 Protecting and enhancing London's waterways**

C Development proposals should support and improve the protection of the distinct open character and heritage of waterways and their settings.

D Development proposals into the waterways, including permanently moored vessels, should generally only be supported for water-related uses or to support enhancements of water-related uses.