

**Statement of Common Ground  
between Southwark Council and  
Richard Lee**

**March 2021**



## Introduction

This Statement of Common Ground (SCG) addresses matters specific to Southwark Council and Richard Lee 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 Richard Lee 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.

### Richard Lee

Richard is an individual representative, a resident of Southwark and active in several local community organisations.

## Strategic Matters

### **1 Monitoring**

The NSP does not include a monitoring framework. The Plan should be monitored through the Social Regeneration Indicators which align with the Strategic Policies and pick up issues of fairness, inclusion and participation.

#### **Agreements:**

- A review of all of the policies in the plan will be undertaken to ensure that they are going to be properly monitored.
- Annex to New Southwark Plan to include a monitoring table that has reviewed the inclusion of the Social Regeneration Charter Indicators.
- A draft monitoring table will be available on the website April 1<sup>st</sup> prior to the commencement of Part 2 of the EiP hearings.
- A list of evidence base documents is available online for each policy theme.

### **2. SCI**

There is not an up-to-date Statement of Community Involvement (SCI) with which to measure the duty to consult. The consultation process had no regard or inadequate regard to the engagement methods in the Appendices of the SCI (2008). Government guidance on significant and comprehensive consultation under Covid - 19 was not met.

#### ***Council response***

The Council propose an updated process going forward and inclusion of Southwark Stands Together Pledge in the SCI.

#### ***Disagreement:***

A new revised version of the SCI will be co-produced with community organisations to ensure it is meeting the needs of the community.

#### **Council Response**

The SCI has been updated and there will be opportunities for community groups and residents to comment on this document through public consultation. The SCI will be updated after the next period of consultation to reflect these comments.

### **3. Equalities Impact Assessment (EQIA)**

The EQIA has not been prepared to address local need and is not sufficient in meeting the Public Sector Equalities Duty. There is a failure to discharge the Public Sector Equality Duty and undertake a meaningful Equality Impact Assessment.

#### **Council response**

The Council propose the EQIA is a live document and will continue to be updated at every stage of the plan to reflect current proposed modifications.

### ***Disagreement:***

Discussions will continue to take place with Mr Lee and other representor to consider how the EQIA can better reflect the needs of local residents and the impact of the policies on local residents.

### ***Council Response***

The EQIA will continue to be updated and reviewed to reflect the needs of local residents and the impact of the policies on local residents. Discussions on EQIAs with local residents and community groups will continue at the council's Equalities Panel.

## **4. SP2 Regeneration that works for all**

There is no mention in SP2 of the climate emergency. The climate emergency should be a cross-cutting theme for the whole NSP. It is particularly relevant to SP2 which (1) establishes the characteristics of regeneration across the borough in the future; and (2) establishes the principle of social justice in regeneration, which is expected to bring benefits for all Southwark residents, current and future.

We commend the Council's emphasis on the benefits of regeneration working for all. However, we don't think this policy is effective as there is no information on how this admirable intention would be put into practice, with no link between the strategic policy and the policies which sit underneath it.

Currently regeneration in Southwark is led by demolition and redevelopment. This has many negative consequences for existing communities: noise, dust, air pollution and construction traffic as well as climate change impacts. Carbon emissions from demolition and new construction are a very significant contributor to the climate emergency.

One way of moving away from a demolition-led idea of regeneration that does not work for existing communities, would be to introduce a policy promoting the reuse and refurbishment of buildings instead of demolition and rebuild. A good example is Policy CS15 in the City of London's 2015 Local Plan "Avoiding demolition through the reuse of existing buildings or their main structures and minimising the disruption to businesses and residents using sustainably sourced materials and conserving water resources."

### ***Council Response***

The GLA has brought in guidance for Whole Lifecycle Carbon assessments and Circular Economy Statements have been introduced by the GLA in the London Plan 2021 and this will be reflected in the NSP policies P14 Residential Design, P61 Reducing Waste and P69 Energy. These are important components of regeneration.

Reuse and refurbishment of buildings and materials is a sensitive issue and there is not a blanket approach to refurbishment and repurposing. Retaining buildings and demolition can have different impacts on embodied carbon depending on the development, and an assessment is therefore required to assess the optimal option for redevelopment.

### **Agreements:**

Add to policy to create new point 1:

1. Mitigating and adapting development to climate change to meet the net zero carbon target by 2050.

Amendments to point 6 as below:

6. Making our neighbourhoods safer with well-designed buildings and spaces that mitigate and minimise the impacts of climate change on local residents, discourage crime and anti-social behaviour and foster a sense of community; and

Add new point 1 to the reasons:

1. A Climate Emergency was declared by Southwark in March 2019. Adapting to and mitigating against climate change is important to reduce fuel poverty and address the unequal effects of climate change, particularly on our most vulnerable communities.

### **Disagreements**

#### **Add to policy to create new point**

- Avoiding demolition, where possible, through the refurbishment and reuse of existing buildings. A **demolition audit** is required to assess the impact on embodied carbon and decide the optimal option.

### **Council Response**

This is a complex consideration and the council is including Whole Lifecycle Carbon Assessments which considers embodied carbon, for referable development and we will consider this further in the early review.

## **5. SP6 Cleaner Greener Safer**

Many of the policies under SP6 are key to tackling the climate emergency. SP6 should refer to the Council's Climate Change Strategy (currently in draft form) and explain how SP6 integrates planning policy to address the climate emergency.

To link to P68 Sustainability standards, SP6 should set out the Council's targets for net zero carbon emissions by 2030.

### ***Council Response:***

Responding to climate change through adaptation and mitigation is central to the NSP. The 2050 net zero carbon target will be clarified in the strategic policy.

### ***Agreements:***

Add to point 1 of the reasons

1. The climate change target for this plan is to be net zero by 2050 as set out in the Climate Change Act. The council has declared a Climate Emergency with the ambition to reach carbon neutrality by 2030. This plan is a stepping stone towards meeting this 2030 ambition. 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.

### **Disagreement**

Mr Lee's agreement to "This plan is a stepping stone towards meeting this 2030 ambition" is dependent on the Council bringing forward a trajectory for these stepping stones

### **Council Response**

Planning is one element of a decarbonisation strategy for Southwark and London. The New Southwark Plan is in general conformity with the London Plan (2021) and its evidence base in targeting a 2050 net zero carbon target.

## **7. P56 Open Space**

The change is that development can be permitted on MOL/ BOL. The evidence for this is unsound, as there is a deficiency of green space in most parts of Southwark and the Council's Climate Emergency Declaration requires an increase in green space. MOL and BOL are the largest areas of green space in the Borough and therefore highly significant for species which need continuous space in which to move around. Increasing the amount of land that is protected for nature, in accordance with the Aichi UN Declaration on Biodiversity, to which the UK is a signatory, cannot be achieved by building on those green spaces in the Borough which have the highest protection.

The policy is very focused on protection of green and open space as opposed to the creation of new areas of publicly accessible green and open space, especially in areas of deficiency.

There are deficiency maps from 2007 saved policies (figures 8 and 9) that are not included in this version of the plan.

### ***Council Response:***

Policy P56 Open Space has been reviewed to assess where we can put increase open space in. Deficiency of open space varies across Southwark and it is important that what is existing is protected and enhanced and where possible new green and open space will be created. The London Plan in A.3 sets out that development plans should promote the creation of new areas of publically accessible open space, particularly green space.

The deficiency maps be added as an addendum to the Open Spaces Background Paper, as set out in the 2007 saved policies (figures 8 and 9) are set out in the 2013 Southwark Open Space Strategy Evidence Report. These have been considered and updated in the Old Kent Road Area Action Plan Open Spaces Background Paper. This is not required in the plan. These are also available online.

### ***Agreements:***

Add to the reasons:

[Protecting and improving open space plays an important role in climate change adaption and mitigation.](#)

The Council wish to add this to Reasons, whereas Mr. Lee thinks this should be in the policy to show that climate change is a key driver of the NSP.

### ***Disagreements:***

- Add new policy 3 Development should increase the amount of open space, and particularly green space, in areas of deficiency identified in the Council Open Space Strategy (main modification)

## **8. P58 Green Infrastructure**

The change adds the importance of walking and cycling networks and a “sense of ownership for all”. This is unsound because there is no sense of how these aspirations will be delivered. There is no data of what exists now in terms of these networks, no target for their extension, and no mention of green routes which are well established in Southwark (this would be a more appropriate terminology given this is the green infrastructure policy).

Ownership is mentioned, but with no guidance on how residents will be able to participate. To be sound, there should be a substantial citizen science component, with a developer contribution to Green Infrastructure and Biodiversity review panels. This would mitigate the loss of expertise on these issues within the Local Authority, by bringing together active citizens and specialists.

Green infrastructure is crucial to addressing the climate emergency. It should detail what innovations are needed to achieve this and what projects are needed to deliver green infrastructure and green links with stakeholder involvement which should be reviewed.

### ***Agreements:***

Add to reasons

Green infrastructure is a network of habitats which is often multifunctional and can provide a range of benefits. These include improving mental health, encouraging active lifestyles and recreation, food growing and enhanced biodiversity. The provision of new green infrastructure plays an important role in climate change adaption and mitigation, and ecological resilience, flood risk management, temperature regulation and improved air and water quality.

Update Biodiversity Plan to Southwark Nature Action Plan (2020).

## **9. P59 Biodiversity**

The change allows net gains in biodiversity to be secured off-site. Habitat should not be traded as part of a system of off-sets. There is no guidance as to the typology for biodiversity. It is critical to map and show spatially the biodiversity issues in the Borough in conformity with NPPF 174.

The evidence base documents are all dated, which does not conform with the New London Plan requirement to make use of the best ecological information on priority

species and areas of deficiency. There is no register of threatened species in Southwark, or datasets that monitor the loss of species in any one part of the Borough, so that local extinction can be stopped.

**Agreements:**

Policy point 1.1 amendments

identified and monitored in latest adopted Southwark Nature Action Biodiversity Action Plan

Reasons

Biodiversity benefits people within and outside Southwark by maintaining ecosystems, providing natural resources, regulating the environment, mitigating and adapting to climate change, and enriching mental health and wellbeing as well as having intrinsic value. Regeneration, particularly in areas of natural deficiency, presents the opportunity to deliver net biodiversity gains benefitting local people by introducing features for wildlife as part of green infrastructure.

Due to the intense pressure on land for development, it is important that areas of nature conservation value or ecological importance are identified and the flora and fauna are protected and enhanced.

Update reference to Biodiversity Action Plan to Southwark Nature Action Plan (2020)

**Disagreements:**

- The important role of biodiversity in climate change adaptation and mitigation will be added to policy. By amending policy 1. Development must contribute to net gains in biodiversity and play an important role in climate change adaptation and mitigation through
- The mapping of priority habitats and ecological networks, including the Bee Line, and the integration with neighbourhood plans will be covered by amendment to SP6.

**Council response:**

This will be considered in the early review.

**10. P60 Trees**

Mature trees have greater capacity for carbon storage. There is a stronger case needed for protection of trees. A positive statement should be included to protect all trees. They are crucial for ecosystems and for carbon capture and storage. The objectives in Southwark's Tree Management Policy 2019 include a general presumption against the removal of trees and a Right tree, right place philosophy.

**Council Response:**

Policy P60 Trees sets out that development must retain and enhance the borough's trees and canopy cover. Tree management is set out in the Biodiversity Action Plan. The London Plan (2021) in relation to the protection of trees, Policy G7 Trees and woodlands – point C sets out development proposals should ensure that wherever possible existing trees of value are retained and point B2 – identify opportunities for tree planting in strategic locations. Policy P60 Trees is in general conformity with the London Plan (2021).

**Agreements:**

Add to sentence in the Reasons:

Trees also have an important role in enhancing air quality, carbon storage (especially mature trees) and climate change mitigation, reducing surface water.

Mr Lee wishes this wording to appear in the policy to show that climate change is a key driver of the NSP.

**Disagreements:**

Main Modifications:

- Policy will be amended to make clear a general presumption against the removal of trees.
- Either by amending point 2 Development must retain and protect existing trees, including [delete significant]  
Or by amending point 7 so that exceptional circumstances applies to all trees [delete reference to TPO or conservation area status which are already covered as special categories in point 2]
- The importance of trees to climate change mitigation will be made clear in the policy. Development must retain and enhance the borough's trees and canopy cover, which have a significant role in climate change mitigation, including carbon storage
- Add to policy Strategic locations for tree planting are identified in the Southwark Tree Management Strategy

**11. P61 Reducing waste & P62 Land for waste management**

The change in P62 adds an increase in the amount of waste to be processed by 2041, up from 247,000 tonnes of waste in 2036 to 308,000 tonnes in 2041. This substantial increase over a 5 year period suggests the policies in P61 that are designed to reuse, and therefore reduce, waste are not justified and effective.

Southwark seems to be planning for a massive increase in waste. For the policy to be sound, there needs to be an assessment of the different waste streams, a more effective statement of how the circular economy will operate, and 5 year waste reduction targets that can be monitored.

Applications should be required to promote the circular economy and aim to be net zero waste. A Fact Box will explain that a circular economy will retain materials at their highest use for as long as possible and then reuse or recycle. A Circular Economy Statement (CES) will demonstrate how the best environmental option will be used to minimise waste and meet carbon reduction targets. The threshold requiring a CES will be set at 10 or more homes, or alternatively all development will be required to apply guidance.

### **Council Response:**

P61 Reducing Waste is sound and in general conformity with the London Plan. Further modifications have been proposed to the policy to reflect requirements as introduced in the London Plan 2021.

The threshold for Circular Economy Statements will be for major referable schemes as set out in the London Plan (2021).

The threshold for major development to require circular economy statements will be revisited as part of the Early Review.

### **Agreements:**

- The Council supports the implementation of GLA Guidance for Circular Economy Statements at each stage of the planning process for major referable schemes.
- Amendment to P61 Reducing Waste as set out in revised EIP182 to be reviewed following inspectors comments.
- Add a fact box to set out what Circular Economy Principles are and what Circular Economy statements are under P61 Reducing Waste.

## **12. P64 Air Quality**

The change addresses a shortfall in achieving air quality neutral standards, removing the hierarchy and increasing the likelihood of financial contributions. This is unsound, as it allows developers to pay to pollute and will not be effective in improving the very poor air quality that we are living with in Southwark.

For the Plan to be sound, there should be encouragement for development to achieve an Air Quality Positive approach and special measures proposed for Air Quality Focus Areas – both of which are policy requirements in the New London Plan.

The policy should be updated to reflect the link between air quality and carbon reduction. The Council's Air Quality Strategy and Action Plan section 5 is all about carbon reduction and says that planning policies will cover NO<sub>2</sub>, PM<sub>10</sub> and CO<sub>2</sub>. It also points out how poor air quality impacts on biodiversity.

## **Council response**

The London Plan (2021) in relation to air quality and climate change sets out that air quality neutral development will make development proposals acceptable and this is the same approach as P64 Air Quality.

### **Agreements:**

Add to Point 1 of the reasons:

On the environment and exacerbate climate change. Air Quality neutral standards are an effective mitigation against climate change.

Mr Lee wishes this to be included in the policy to show that climate change is a key driver of the NSP.

### **Disagreements**

- Developments in Air Quality Focus Areas, where the air quality is particularly poor and there are particular concerns about proximity to high exposure, such as the location of schools, must aim to be Air Quality Positive, by implementing measures that will actively reduce pollution.
- Throughout the policy, CO2 emissions will be added to NO2 and PM10, so that Air Quality Plans contribute to the reduction of carbon emissions.

## **13. P69 Energy**

Southwark has produced new evidence in the form of the Energy Policy Background Paper. However, no changes to P69 have come forward. This is unsound.

The background paper finds that emissions in Southwark are not forecast to be zero by 2050 on the current pathway. Therefore, further policy intervention will be required for Southwark to achieve the statutory target under the Climate Change Act 2019. Furthermore, the background paper acknowledges that it relies heavily on assumptions and concludes that further evidence is required.

The energy policy should reflect the principle of regeneration that works for all by stating that the Council will map fuel poverty across the borough and prioritise action to address fuel poverty as part of development schemes. The existing district heating networks do not provide a reliable and affordable service for many residents. There is existing policy support in the Old Kent Road AAP Policy 3.

P69 Energy is not in conformity with the London Plan. It does not include references to Be Seen, reuse and repurposing of materials, whole lifecycle carbon assessments, or sufficient references to District Heat Networks.

The Fact Box for whole life cycle carbon assessment will require developers to provide information on embodied carbon emissions, operational carbon emissions and unregulated emissions. Metrics for monitoring energy performance at all stages of the development process, will ensure that what is built is consistent with what is consented.

**Council response:**

The London Plan is now adopted and forms a part of Southwark's Development Plan. There are no conformity issues with the London Plan.

Fuel poverty is addressed in the Integrated Impact Assessment Appendix 9 in the Environment section. There are three important aspects of fuel poverty. This includes: household income; household energy requirements; and fuel prices. Planning policy can only impact on household energy requirements and policy P69 Energy aligns with the London Plan to require all major development to be 100% net carbon zero.

**Agreements:**

- As part of the policy
  - Add to the energy hierarchy
    - 4. Be seen (monitor, verify and report on energy performance)  
Under Targets for major development add:
    - Major developments must be net zero carbon
    - Development proposals referable to the Mayor must calculate whole life cycle carbon emissions

Mr Lee wishes these to be main modifications, whereas for the Council they are minor modifications.

- An energy policy to meet zero carbon targets by 2030 will come forward as part of the 1<sup>st</sup> review of the New Southwark Plan.
- Add a fact box for Whole Life-cycle Carbon Assessments

**Disagreements:**

Add to Decentralised energy

- Use zero emission or renewable and secondary heat sources.
- New and existing networks will incorporate good practice design and specification standards to provide a reliable service for customers and avoid high energy bills.
- Development will support the retrofit of existing homes, to reduce energy bills and carbon emissions.
- Add to new point 5, "in exceptional circumstances" so that it reads  
In exceptional circumstances, offset residual carbon emissions to reach zero carbon target.

## Council Response

Due to the nature of how decentralised heat networks in Southwark this is not possible to include as it is incorrect regarding the heat sources available in Southwark. We support the use of zero emissions or renewable and secondary heat sources. In Southwark it is too prescriptive to include in policy as it would reduce opportunities for connection to DHN and therefore conflict with the decentralised energy hierarchy.

A separate Statement of Common Ground will be prepared regarding sites.

## Signatories

This statement has been informed by engagement between Southwark Council and Richard Lee.

'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: *Richard Lee*

Name: Richard Lee

Position: Individual

Date: 26 March 2021

Signed: 

Name: Simon Bevan

Position: Director of Planning

Date: 26 March 2021