

LB Southwark consultation response to the examination version of the South Bank and Waterloo Neighbourhood Plan 2017-2032

February 2019

General Comment

The council welcomes the opportunity to formally comment on the examination version of the South Bank and Waterloo Neighbourhood Plan. We recognise the extensive work that has been undertaken to reach this stage in the plan preparation process. However, following our previous consultation to the pre-submission draft we note that some of our comments and concerns have not been addressed. We seek to constructively work with the Neighbourhood Forum and LB Lambeth in the near future to ensure the most appropriate and deliverable plan which reflects the local communities' priorities and ideas is put to an independent planning inspector and can be taken to a successful referendum. A few general comments which apply to the majority of the plan are provided in the context of this.

Firstly, is the concern regarding the apparent lack of a quantitative, detailed or locally specific evidence base for the majority of the policies. It is acknowledged that the evidence base requirements for neighbourhood plans are less stringent than that for Local Plans and Area Action Plans. However it should be reiterated that where proposed neighbourhood plan (NP) policy is either not in general conformity with an adopted Local Plan policy, or a NP policies seeks to go above and beyond an adopted Local Plan policy, the NP policy should be supported by a proportionate evidence base.

Secondly, while it is acknowledged that the Forum has ample support from the local business community and indeed has may established business leaders and members as part of the Forum, that this is a joint resident- and business-led Neighbourhood Plan is not especially obvious in the plan. In the final version of the plan, further consideration should be given as to how and when businesses can be referenced better and more prominently to ensure inclusivity and illustrate the truly mixed-use nature of the Neighbourhood Area.

Thirdly, and as previously highlighted in our response to the submission draft, reference has not been made that any supplementary guidance points included in the plan will not always be able to be employed in planning decisions (due to the limited powers of planning) and that they may simply reflect the wishes and aspirations of the local community as captured by the Neighbourhood Forum. By ensuring this is clear within the plan, expectations can be better managed.

Following on from this, the next sections provide comments on the NP policies and the surrounding plan content, including the key issues identified, the supplementary guidance points proposed, the stated rationale behind the policies and the content included within the consultation and evidence appendices.

Within Section 3, Paragraphs 4 and 5 we do not agree with the reference to the plan being in conformity with the local plan, which is expanded on below in the relevant sections. We also

object to the reference to applying a common approach between cross borough boundaries. The example given is the definition of open space as Lambeth's definition is used. We object to this, further information is provided in the relevant section below.

Section 8.1: Green Infrastructure, Open Space and Air Quality

NP policy P1

Applications which propose any permanent reduction of existing publically accessible open space will not be supported, unless:

- (a) New publically accessible open space of equivalent quantity is created within the NP area which replaces open space lost as a result of that development.*
- (b) The quality, amenity value and public access of proposed open space both is as good as the lost open space and also meets the additional needs arising from the development.*
- (c) In appropriate cases more or better quality open space may be required to compensate for other harm.*

Policy context (adopted and emerging policy)

NPPF para 96 requires planning policies to be based on robust up to date assessments of the needs and opportunities for open space provision. NPPF para 97 allows open space to be built on where it is surplus to requirements, equivalent or better provision is made or the development is for alternative sports and recreational use, where the need for which is high. NPPF para 184 requires neighbourhood plans not to undermine planned development or strategic Local Plan policies.

Planning Practice Guidance 'Open space, sports and recreation facilities, public rights of way and local green space' sets a broad scope for the definition and functions of open space and advises that it is for local planning authorities to assess the need for open space and opportunities.

London Plan Policy 7.18 restricts the loss of *protected* open spaces unless equivalent or better quality open space is re-provided. It also requires local policy to designate protected space, identify areas of deficiency, plan to meet needs in areas of major change in accordance with green infrastructure strategies, audit open space and assess needs.

Saved Southwark Plan policies 3.25 to 3.27 provide protection for *designated* (or protected, as interchangeable terms in this context) open spaces, while policy 3.11 requires development to maximise the efficient use of land. Protected open spaces have been designated after a thorough review of their quality, accessibility and function through the local plan preparation process.

Core Strategy Strategic Policy (SP) 11 plans for the protection of parks, allotments, sports grounds, green chains, sites of importance for nature conservation (SINCs) and cemeteries, as well as requiring development to improve the quality of and access to open space.

Strategic Policy 1 allows more intense development in growth areas – including in the Borough, Bankside and London Bridge (BBLB) and Elephant and Castle Opportunity Areas. Strategic Policy 5 requires development to provide as much housing as possible whilst accommodating other development needs.

The Southwark Open Space Strategy (2013) supports the implementation of local policy and draws on an evidence base consistent with the NPPF and London Plan.

The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2nd March 2018. Minor suggested changes to the plan were published on 13th August 2018 and an Examination in Public (EIP) began on 15th January 2019. The EIP will continue until May 2019 and until the London Plan reaches formal adoption it can only be attributed limited weight.

The Draft London Plan (minor suggested amendments July 2018) Policy GG2 seeks to protect and enhance open spaces, including the Metropolitan Open Land and local spaces, and promote the creation of new green infrastructure and urban greening.

The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 is being consulted on until 17 May 2019. It is anticipated that the plan will be adopted in late 2019 following an Examination in Public (EIP). As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework. As such, weight is given to a number of our emerging policies and they are being used in decision making.

The Proposed Submission version: Amended Policies - Policy P56 seeks to protect Metropolitan Open Land, Borough Open Land and Other Open Space and will only allow development on such land in exceptional circumstances.

NP policy P1 comments

The proposed policy seeks to apply to non-protected open spaces beyond those identified through the LB Southwark's Borough Open Land (or BOL) and Other Open Space (or OOS) designations (and Metropolitan Open Land, or MOL). Currently there are no such protected open spaces (defined as MOL, BOL or OOS) within the LB Southwark portion of the SoWN Neighbourhood Area.

The rationale for NP policy P1 (pg 26) as well as Appendix 1 (pg 80) of the NP explains that the neighbourhood forum have chosen to use LB Lambeth's definition of "existing open space" (set out in para 9.1 of the Lambeth Local Plan, pg 101) for the purposes of applying the policy within the LB Southwark portion of the Neighbourhood Area. The NP does not seek to designate any further protected open spaces (using the definition within LB Lambeth's Local Plan) within the SoWN portion of the Neighbourhood Area. Nor are any such spaces within the LB Southwark portion of the Neighbourhood Area identified to which NP policy P1 would potentially apply. Therefore the council does not support this policy and considers that the currently adopted policies within the saved Southwark Plan, Core Strategy

and emerging New Southwark Plan (next stage being submission to the Secretary of State) are sufficient to achieve the Neighbourhood Forum's aims.

Furthermore, any further designations would go beyond the council's key supporting evidence base document, the Southwark Open Space Strategy (2013) which comprises an up to date review of all open spaces within the borough and provides recommendations for protection/designation within any planning policy documents. This evidence base review document and open space strategy has informed the decision to propose any new designated open spaces through the New Southwark Plan, and also informed the decision to not propose any new designated open spaces within the LB Southwark portion of the Neighbourhood Area. Therefore any further designations would seemingly contradict the review and appraisal detailed within our local evidence base.

NP policy P2

Major developments which contribute to the intensification of the neighbourhood area should contribute to the improvement of existing open spaces or provide additional publicly accessible open space where feasible.

Policy context (adopted and emerging policy)

As above per policy P1 for NPPF/PPG.

Saved Southwark Plan policies relate to protected designated open space only, i.e. MOL, BOL and OOS.

Core Strategy Strategic Policy 11 requires that *"new development help meet the needs of a growing population by providing space for children's play, gardens and other green areas and helping to improve the quality of and access to open spaces and trees, particularly in areas deficient in open space."*

The Draft London Plan (minor suggested amendments July 2018) Policy GG2 seeks to protect and enhance open spaces, including the Metropolitan Open Land and local spaces, and promote the creation of new green infrastructure and urban greening. Policy G1 states that *development proposals should incorporate appropriate elements of green infrastructure that are integral into London's network of green open spaces.*

The New Southwark Plan Proposed Submission version (December 2017) Policy P11 requires development to provide high quality public realm. Policy P13 requires residential development to *provide green communal amenity space for all residents and additional communal play areas for children for apartments.* Policy P58 also requires large-scale, major development to provide new publically accessible open space and green links.

NP policy P2 comments

Policy P2 is broadly in conformity with the strategic intention of SP11 (Core Strategy) P13 and P58 of the New Southwark Plan, however is more restrictive than local plan policy whereby local plan policy does not restrict new developments which are required to contribute to improvement of existing open spaces or provide additional publically accessible open spaces to those that are a) major and b) contribute to intensification of the neighbourhood. Definition/clarification should be included within the supporting text as to

how developments should contribute should this policy remain as currently worded. It is also noted that 'where feasible' has been added to the policy, this weakens the application of this policy.

NP policy P3

Green Roofs

- a. *Roofs should be flat where possible and a significant proportion of the roof area should comprise an extensive green roof, accessible to the occupants of the building.*
- b. *If developers demonstrate that they cannot meet the requirement in P3a they should make efforts to identify suitable flat roofs on existing buildings in the neighbourhood area to retrofit an extensive green roof.*
- c. *Should developers demonstrate that they cannot meet the requirements of P3a and P3b, a range of other climate change mitigating approaches must be considered, including mosses and lichen, intensive green roofs.*

Policy context (adopted and emerging policy)

Sub-points a) and b) NPPF para 35 requires policy to be effective.

For sub-points a) and b) London Plan Policy 5.11 requires major development to include green roofs *where feasible*.

For sub-points a) and b) Saved Southwark Plan Policy 3.13 requires consideration for the enhancement of biodiversity with green roofs *where appropriate*.

For sub-points a) and b) The Core Strategy makes reference to green roofs in various places (such as the supporting text, fact boxes) to elaborate on high level strategic policy 13 (High Environmental Standards).

For sub-points a) and c) The Draft London Plan (minor suggested amendments July 2018) Policy G1 states that *London's network of green and open spaces and green features in the built environment such as green roofs and street trees, should be protected, planned, designed and managed as integrated features of green infrastructure*. Policy G1 also states *development proposals should incorporate appropriate elements of green infrastructure that are integral into London's network of green open spaces*.

Policy G5 sets out that *major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage*.

For sub-points a) and c) The New Southwark Plan Proposed Submission version (December 2017) Policy P58 requires major development to green infrastructure with arrangements in place for long-term stewardship and maintenance funding. Policy P59 sets out that development must contribute to net gains in biodiversity through, inter alia, *including features such as green and brown roofs, green walls...*

NP policy P3 comments

It is noted that from the pre-submission draft this policy has been amended and now been split into policy P3 and policy P4.

P3a) & b) What constitutes a “significant proportion”? The criterion does not take account of different building typologies and site contexts and may therefore end up difficult to implement / use in planning decisions.

P3a) & b) rationale: Last bullet point of the rationale for P3a reads like a policy requirement and could therefore be inserted with criterion a) to better help achieve the policy aim. For P3b, the rationale mentions a study looking at what existing roofs could be subject to greening. It would be useful to include an overview map of the roofs which the study identified in the plan to indicate what roofs the policy could help green.

P3c) this point is very specific, again the criterion does not take account of different building typologies and site contexts and may therefore end up difficult to implement /use in planning decisions.

NP policy P4

All major developments must meet the following criteria:

- a. *Include amenity space designed for the exclusive use of occupants. This should be provided primarily on levels away from the ground floor, for example via green roofs and terraces. Some ground floor private amenity space may be provided for the exclusive use of the building’s occupants, but the majority of ground floor open space should be publicly accessible.*
- b. *Ensure that the design of publicly accessible open space incorporates public seating and enables ease of pedestrian movement.*
- c. *Have regard to ‘Guidance for developers’ document in Appendix 9.*
- d. *Address and mitigate any temporary major loss of amenity in surrounding public open space during construction phases through financial compensation, ring-fenced for green infrastructure projects to be delivered in the neighbourhood area, and*
- e. *Mitigate loss of any trees. Where trees must be replaced as part of redevelopment:*
 - i. *replacement trees should be planted according to the advice of a Council or independent arboricultural adviser with reference to the guidelines referred to in policy P4C, or*
 - ii. *the CAVAT model should be applied to provide compensation, ring-fenced for implementation of equivalent green infrastructure near to site.*

For sub-point d NPPF para 180 requires development proposals to avoid significant adverse impacts of noise on health and quality of life and to minimise and mitigate other adverse impacts.

For sub-point e) London Plan Policy 7.21 protects trees *of value* and requires borough policies to implement borough tree strategies.

For sub-point d) Policy 7.15 requires development proposals to avoid significant adverse impacts of noise on health and quality of life and minimising and mitigating adverse impacts through separation of uses and noise sources and the application of acoustic design principles.

For sub-point d) Saved Southwark Policy 3.2 requires development not to cause a loss of amenity due to noise.

For sub-point e) Saved Southwark Plan Policy 3.15 protects trees with protection orders or in conservation areas.

For sub-point d) Core Strategy Strategic Policy 13 requires development to meet high environmental standards, reducing air and noise pollution and avoiding amenity and environmental problems.

For sub-point e) Core Strategy Strategic Policy 11 supports the protection of trees and provision for new trees in development.

The Draft London Plan (minor suggested amendments July 2018) table 3.2 sets out the design aspects of residential development for communal open spaces and private amenity space. Outside space should:

Communal open spaces should: - provide sufficient space to meet the requirements of the number of residents - be designed to be easily accessed from all related dwellings - be located to be appreciated from the inside - be designed to support an appropriate balance of informal social activity and play opportunities for various age groups - meet the changing and diverse needs of different occupiers.

Private amenity space for each dwelling should be usable and have a balance of openness and protection, appropriate for its outlook and orientation.

Policy G1 states that *London's network of green and open spaces and green features in the built environment such as green roofs and street trees, should be protected, planned, designed and managed as integrated features of green infrastructure.*

The New Southwark Plan Proposed Submission version (December 2017) Policy P11 requires development to provide adequate outdoor seating for residents and visitors. Policy P13 requires residential development to *provide green communal amenity space for all residents and additional communal play areas for children for apartments.* Policy P58 also requires large-scale, major development to provide new publically accessible open space and green links.

Policy P54 sets out that *development should be permitted when it does not cause an unacceptable loss of amenity to present or future occupiers.*

Policy P60 sets out that development must *retain and protect significant existing trees. Where trees are removed to facilitate development, they should be replaced by new trees which result in no loss of amenity.*

NP policy P4 comments

P4a) Most developments in this area would be mixed use and non-residential uses are not required to provide amenity space for occupiers. Encouraging this to be provided through the neighbourhood plan policy could be supported where strongly justified, however imposing strict requirements (as per current wording) is going beyond local plan policy without sufficient reasons and demonstrating that this would be deliverable. Amenity space standards are already set out in adopted local policy and guidance for residential development. Requiring this for commercial development may not always be feasible and the policy should acknowledge this.

P4a) Rationale: The rationale only refers to residential developments, for which policy requirements and guidance already exist and are used in decision making. There is no reference to non-residential, which this policy requirement may not be appropriate for in all cases (see previous comment).

P4b) Point sets design criteria, which raises no conformity concerns, although does not add anything additional to existing policy.

P4c) Requiring major proposals (through the use of the word “must”) to only “have regard” to the guidance raises questions about the necessity of this policy criterion, as decisions are less likely to be determined on whether this policy requirement has been met or not due to weak wording.

P4d) This criterion raises conformity concerns with the proposed tariff due to it not being sufficiently focused on achieving demonstrable air quality and acoustic design benefits proportionate to the impacts of construction. Evidence may also be needed to show that the proposed tariff would not threaten viability and consideration should be given to the tests for planning obligations.

We echo LB Lambeth’s comments (e.g. define “major temporary loss of amenity” beyond “likely to be limited to dust and noise impacts,” as stated in the rationale). What do the neighbourhood forum refer to when specifying “publically accessible open space”? Is this LB Lambeth’s definition? If so this cannot be applied to the Southwark portion (see comment on P1). The policy wording should amended to be specific to the contexts of each borough, i.e. for the LB Southwark portion of the Neighbourhood Area the policy should read “protected open space” or “designated open space” “(such as MOL, BOL or OOS)”.

P4d) Rationale: With the simple formula already established (as detailed in the rationale section), it would be useful to demonstrate how effective/useful this policy requirement would be by using illustrative examples of sites recently or currently under construction which have had a significant enough impact on publically accessible open space, and establish the amount of funding that the development would have raised to be put toward any offsetting/mitigation projects. Any temporary major loss (however defined) would have to be estimated during the application process (presumably through a construction management plan) in order for this to work as a development management policy, as the “temporary major loss of amenity” will actually occur after planning permission has been granted and the scheme is in build-out phase. Any proposed along the lines of P4d should be re-worded to reflect this.

P4e) Southwark does not currently have an adopted trees policy so a neighbourhood plan policy on trees is welcome subject to the specifics. However the NP policy should consider following the New Southwark Plan Proposed Submission version policy P60 (“Trees”) by requiring that development proposals seek to retain and enhance existing trees on sites as a priority. This option is not included in the NP policy but rather accepts the loss of trees from the off, at which point the policy requirement is triggered. The conformity of this criterion would be improved by ensuring a presumption in favour of replacing trees rather than funding alternative green infrastructure.

NP policy P5

Air Quality

- a. *Given the high levels of air pollution in the area, development plans must show how they contribute to the improvement of air quality in South Bank and Waterloo. Such measures include, but are not limited to:*
 - i. *Replacement of developments incorporating car parking with car free developments and electric vehicle charging points, or such other technology which encourages the take up of sustainable transport*
 - ii. *Incorporation of air filtration systems to improve indoor air quality for occupants*
 - iii. *Implementation of green infrastructure*
 - iv. *The use of low-pollution vehicles during construction*
 - v. *Freight consolidation arrangements*
- b. *The neighbourhood plan has identified a network of pedestrian routes (‘greenways’) through the area which are situated away from heavy traffic, air pollution and noise (shown in Appendix 10). The plan supports developments along these routes which:*
 - i. *Create an improved, pedestrian friendly streetscape, encouraging walking as the primary mode, as set out in local and TfL guidance’*
 - ii. *Contribute to an improvement in air quality and a reduction in noise levels*
- c. *Development of Waterloo Station will not be supported unless measures are introduced to restrict diesel taxis and diesel freight vehicles serving the Station*

Policy context (adopted and emerging policy)

NPPF Para 181 requires the control of air quality in line with air quality management plans.

London Plan Policy 7.14 prioritises on-site measures to control impacts to air quality and where it is necessary for impacts to be managed off site they must demonstrate equivalent air quality benefits.

Saved Southwark Plan Policy 3.6 requires development not to lead to a reduction in air quality.

Core Strategy Strategic Policy 13 requires development to meet high environmental standards, reducing air and noise pollution and avoiding amenity and environmental problems.

The Draft London Plan (minor suggested amendments July 2018) Policy S11 seeks to significantly improve London's air quality through a number of measures in design proposals that should not lead to further deterioration of existing poor air quality.

The New Southwark Plan Proposed Submission version (December 2017) Policy P66 seeks to improve air quality through achieving or exceeding air quality neutral standards and address impacts of poor air quality on building occupiers and public realm users by reducing exposure to and mitigating the effects of poor air quality. This includes the need to retrofit abatement technology for vehicles and flues.

Policy P58 requires the provision of green infrastructure in major developments, it also requires large-scale major developments to provide new publically accessible open space and green links.

NP policy P5 comments

As set out above, the New Southwark Plan sets out measures to improve air quality in the borough. It is not considered necessary for this policy to be repeated in the neighbourhood plan.

“Key issues” and “Consultation and Evidence Base” sections

The evidence provided for this policy is focused on Love Lambeth Air project. Evidence should also be provided for Southwark to justify the application of this policy in this area.

NP policy P6

The utilisation of vacant development sites with planning consent for temporary activity such as sports pitches and food growing is encouraged. All major proposals should be accompanied by a construction and phasing plan that identifies opportunities for temporary uses, both community and commercial. Where planning permission is required to bring sites into temporary use, this will normally be supported.

Policy context (adopted and emerging policy)

NPPF para 117 requires planning policy to encourage the effective use of land and making as much use of previously developed or brownfield land as possible.

Saved Southwark Plan Policy 3.11 requires development to maximise efficient use of land.

The Draft London Plan (minor suggested amendments July 2018) Policy G8 states that development plans should 1) *encourage provision of space for community gardening, including for food growing, within new developments or as meanwhile use on vacant or under-utilised sites, and 2) developments plans should identify potential sites that could be used for commercial food production.*

The New Southwark Plan Proposed Submission version (December 2017) Policy P15 supports development for temporary 'meanwhile uses' where they deliver community

benefits and do not compromise the future redevelopment of the site. Policy SP6, P13 and 'reasons' within the Plan support food growing opportunities with the borough (SP5 reasons and P11 reasons).

NP policy P6 comments

The principle of supporting temporary uses is in broad conformity with the strategic objective of efficient land use. Efficient temporary use of the site could include other land uses beyond 'community and commercial activity' such as cultural or town centre uses. Note the policy wording "is encouraged" means that this requirement is not particularly strong (which is considered appropriate) and so expectations could be managed by making reference to this in the supporting text.

"Key issues" and "Consultation and Evidence Base" sections of policies P1-P6

A "key issue" identified (page 24) is the erosion of open space (page 24). This is also referred to in Appendix 1 "Summary of results of consultation and evidence for P1 – P6" (page 80) which makes further claim that "*the net amount of publically accessible open space in the area has been reduced through development and though Lambeth and Southwark policy resists its loss, this has not always been effectively enforced via the planning system.*" LB Southwark takes issue with these statements as they have not been substantiated with any supporting evidence demonstrating that this is the case, such as quantities of open space lost and the sites where this has happened. Are there any figures/evidence/examples to support this? If no evidence can be presented demonstrating this loss we request it be removed from the plan/have the plan acknowledge it does not apply to the LB Southwark portion of the Neighbourhood Area. Please also bear in mind that "open space" which is protected by policy within LB Southwark refers to formally designated/protected open space only, such as MOL, BOL and OOS. Reference to the loss of other types of open space within the LB Southwark portion of the Neighbourhood Area could be made providing the statement is supported by examples/evidence, however we would also request that the plan acknowledges that LB Southwark policy does not try to protect these spaces, therefore it is not correct to frame it in terms of a policy failure.

Regarding the application of Lambeth's definition of open space within the LB Southwark portion of the Neighbourhood Area (penultimate para on pg 80): The purpose of transplanting this definition is not clear as the Neighbourhood Plan does not identify any additional sites it would like recognised as "open space" (as per the LB Lambeth definition) within the LB Southwark portion of the Neighbourhood Area (subject to clarification the location of King's Plaza, which could not be identified from a desk-based search). Should the Neighbourhood Forum decide to designate any of these sites the council would not support these as it would be in conflict with our adopted and emerging policies on Protected Open Space/Designated Open Space (interchangeable terms) (please refer to comment on P1).

Section 8.2: Housing

NP policy P7

New affordable housing made available for the following target groups would be supported:

- i. Low-to-middle income people working within the neighbourhood area*

iii. Elderly people from the area including those in need of live-in care

Policy context (adopted and emerging)

The NPPF requires LPAs to assess housing needs within their local housing market area. Southwark Council undertook a joint strategic housing market assessment (SHMA) with Bromley, Lewisham, Greenwich and Bexley in 2014 (the south east London SHMA). The assessment identified the scale and mix of housing need within the housing market area over the Local Plan period.

NPPF paragraph 11 requires LPAs to prepare their strategic policies to provide for objectively assessed needs for housing and other uses, which in LB Southwark's case is the South East London SHMA.

NPPF paragraph 13 sets out *that neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.*

The NPPG sets out further guidance on the standard method for assessing housing need and the requirement to consider the need for particular sizes, types and tenures of homes as well as the housing needs of particular groups should be considered separately.

NP policy P7 comments

The policy P7 presupposes that the Neighbourhood Area constitutes a housing market area with unique housing needs to that of the wider housing market area. There is no evidential basis referenced within NP policy P7 upon which to justify variance with the strategic approach taken in Local Plan documents.

Existing and emerging Local Plan policies support proposals for a range of affordable housing and housing providing care services for elderly residents.

The proposed NP policy seeks to prioritise the housing needs of residents and workers within the neighbourhood planning area. Any prioritisation of people living or working within the SoWN planning area impedes Southwark's opportunity to meet its objectively assessed housing need; not least because part of the neighbourhood planning area (the part that is in Lambeth) falls outside the housing market area upon which Southwark's Local Plan policies are based.

The NPPG states that any housing need from a neighbouring authority that is to be accommodated (agreed through a statement of common ground) should be added to the need already calculated for that authority to form a new minimum housing need figure (Paragraph: 014 Reference ID: 2a-014-20180913).

Neighbourhood Forums can identify specific local needs relevant to their neighbourhood but these must be supported by proportionate evidence (Paragraph: 040 Reference ID: 41-040-20160211). The neighbourhood plan should support the strategic development needs set out in Local Plans, including policies on housing and economic development. The level of

housing and economic development is a strategic policy issue (Paragraph: 070 Reference ID: 41-070-20140306). The proposed policy does not appear to be supported by evidence.

The Southwark Plan, Core Strategy require the provision of affordable housing on all development providing 11 or more homes and emerging New Southwark Plan requires it all residential development. The requirement is based on the objectively assessed housing needs of the borough and tempered by a consideration of viability. Local Plan affordable housing requirements include a proportion of social rented homes (which meet the need of lower income households) and intermediate tenure homes (which meet the need of middle-income households).

Social rented housing allocation is outside of the planning process. However, priority is currently awarded to households fulfilling a number of criteria. Any restriction on access to social rented housing for people working within the neighbourhood planning area is unworkable because the Local Housing Authority would not accept such restrictions. Intermediate housing is available to households with an income below a level set by the LPA. As such, restriction of access to intermediate housing to people working within the neighbourhood planning area is incompatible with the Development Plan. In practical terms a housing provider would be unwilling to purchase intermediate housing with additional restrictions.

It is noted that Policy P5 (now Policy P7) Point 2 of the draft version of the Neighbourhood Plan has been removed relating to affordable housing for older people wishing to downsize to one bedroom flats. This removal is accepted as these must be provided in accordance with the strategic area-based housing mix requirements set out in the Local Plan.

LB Southwark supports the provision of housing which provides specialist care to elder residents. Were these to be made available at an 'affordable' level this would not obviate the requirement to provide a policy compliant contribution of conventional affordable housing. The Council may consider flexibility in affordable housing policy when taking into account the terms under which any specialist affordable housing accommodation offer is made. Whilst the proposed policy does not seek to privilege access to affordable elderly care accommodation to residents within the neighbourhood planning area, it should be noted the Local Plan policies are designed to meet strategic affordable housing needs, i.e. housing needs defined at the borough level. As such no favourable consideration could be given to development proposals that seek to privilege access to residents of the Neighbourhood Area.

It is recommended the proposed policy is withdrawn because it seeks to support development which would be supported under the policies in the development plan and is therefore repetitious. The policy also seeks to introduce restrictions on access to certain types of affordable homes which undermines the Local Plan policies designed to meet the borough's strategic housing needs. The Council supports the provision of the affordable housing types identified in policy P7 in order to ensure sustainable development. Restrictions on access to any new housing supply to people residing in or working in the neighbourhood planning area undermines this objective.

The LPA has a duty to consider the equalities implications of proposed planning policies. Prioritisation of affordable housing based on a connection to a Neighbourhood Area would

have an unjustifiable impact on access to affordable housing services for residents in need of affordable housing elsewhere in the borough, especially given that those needs may be more acute. Affordable housing policies are set at the borough level because affordable housing allocation is administered at the borough level by the Local Housing Authority. Furthermore, development opportunities are not equally abundant across the borough and it would be inequitable to prioritise the housing needs of the borough's residents based on whether they live or work in the vicinity of development opportunities.

NP policy P8

Proposals which incorporate features to accommodate one or more of the target groups identified in P7 will be supported. These include, but are not limited to:

i. Co-housing

ii. Unit sizes which meet minimum size standards as set out in the London Plan

Policy context (adopted and emerging policy)

Refer to P7.

The New Southwark Plan Proposed Submission version (December 2017) P24 sets out the criteria for what 'collective living' developments will be assessed against.

NP Policy P8 comment

It is unclear why P7 and P8 are separate policies. The general comments above stand in relation to P7. Additionally, the proposed policy repeats London Plan policy by stating that proposals which meet the minimum space standards set out in the London Plan will be supported. Co-housing is a form of housing which may be supported anywhere within the borough under the existing and emerging Local Plan. It is therefore unnecessary to restate this policy position in relation to the part of the Neighbourhood Area within Southwark.

Comment on Rationale for P8

The statement in the opening sentence of the rationale text for policy P8 does not reflect Southwark's development plan. Therefore the text could potentially be considered misleading. The statement should be removed/amended to accurately reflect and/or acknowledge Southwark's affordable housing policy.

National policy refers to social housing as including both "social rent" (the most commonly referred to definition of which is referenced below below) and "affordable rent." The former is set at what are normally termed "target rents." Target rents are traditionally associated with "social housing" (and indeed council housing) as it is normally thought and, through the application of the "national rent regime" formula, typically end up with rent levels at around 30% - 40% of the market rate.

The product known as "affordable rent" was introduced by the Government in 2011. The Government considers "affordable rent" as a form of social housing. Rent levels for "affordable rent" are worked out using a different formula than traditional social/target/council rents and can be up to 80% of the market rate.

The council's approach to "affordable rent" was clarified in a report to Planning Committee which states the council will always seek to prioritise "social rent" housing over "affordable rent" housing. Where "affordable rent" housing is justified on grounds of development viability in any development proposals within the borough then the council will seek to ensure that any "affordable rent" units comprise of 1 and 2 bed units only. This leaves the opportunity for the larger rented, affordable homes to be supplied as family-sized (3 bed+) "social rent" homes at target rents (which best helps meet our objectively assessed housing need). Furthermore, the council will always seek to ensure that any "affordable rent" homes permitted (on the grounds of viability) will have their rent levels set at no more than the Local Housing Allowance (LHA) levels (housing benefit cap levels), again to ensure the product best meets Southwark's housing needs. With a few exceptions, "affordable rent" units permitted in Southwark have generally been permitted on these terms only.

NP policy P9

Where affordable housing cannot be delivered on site, consideration should be given to making land in the neighbourhood area available to a local designated community land trust to bring forward affordable housing in partnership with a registered housing provider.

Policy context (adopted and emerging policy): N/A

NP P9 Policy comment

In principle there is no objection to requiring developers to consider options to deliver off-site affordable housing within the neighbourhood planning area provided this is restricted to the borough in which the main development takes place. It would be unacceptable to deliver off-site affordable housing in LB Lambeth associated with a development in LB Southwark. "Consideration" is non-binding and the Council would not accept a position where off-site affordable housing provision within the neighbourhood planning area resulted in a lower contribution to that which could be delivered elsewhere.

Local Plan policy sets out the tenure mix requirements for affordable housing which requires a proportion of social rented homes and a proportion of intermediate tenure homes. The proposed policy is unclear what type of affordable housing would be brought forward under the model proposed in the policy. It can be assumed that the intention is to bring forward this type of affordable housing as a form of intermediate housing. It is acceptable to require developers to consider options to deliver their intermediate housing requirements under the proposed model.

"Key issues" and "Consultation and Evidence Base" (Appendix 2) comment

The council request that the statement within the key issues which reads "Affordable housing delivered through development is unlikely to be affordable for most." be supported by evidence or if not possible removed from the plan. Can you show a selection of affordable housing units that have been approved and constructed in the neighbourhood area, their tenure and what their likely rent/mortgage costs & rent (for shared ownership) is depending on their tenure? The specific arrangements of each unit/set of units within schemes would be detailed in S106 agreements for any affordable homes, including social rented, "affordable

rent” and intermediate units. These rent levels could then be compared against a range of lower income occupations within the area and assessed to see if the housing costs equate to a third of income (which is generally considered the point at which housing costs can be called affordable, any more than this and it is considered unaffordable – although different sources specify whether to use gross or net income). Please note the earlier comment about distinguishing between traditional social housing let at “target rents” and “affordable rent,” which when permitted within Southwark is required to be one and two bed units and let at no more than the maximum LHA levels to ensure affordability.

The council request that the statement “Too much residential is not permanently lived in” is supported by evidence or, if not possible removed from the plan. This issue has been the focus of much media attention over the past year or so and has been associated with the impact of foreign buyers. However there has been little evidence to support such claims regarding the pervasiveness of “buy-to-leave” or indeed non-primary residences.

To fill this gap in the current evidence base the Mayor commissioned a study to assess the impact of foreign investment and buyers in the London housing market, including the extent and effect of what’s come to be termed “buy-to-leave.” The report ‘Overseas Investors in London’s New Build Housing Market’ was published in June 2017. It is acknowledged that Southwark is ranked 6th out of the top 10 Boroughs to make a proportion of overseas sales. However further in this document it has also been acknowledged that Southwark is not ranked in the top 10 Boroughs with new build properties in locations with the greatest proportions of no usual residents. From this study’s conclusion the proportion of homes left empty or under-used is greater than the properties of higher values, in London bought by overseas investors. Due to the evidence produced by this study which fails to support the initial statement that “Too much residential is not permanently lived in” we request for this to be removed from the plan.

For the second para on pg 83, please see the comment regarding the request that the plan reflect/make reference to LB Southwark’s local approach to “affordable rent,” mentioned in the “key issues” comment above (i.e. the product that can be up to 80% up to the market rate).

For the fourth para on pg 83 what evidence is this referring to?

Penultimate para, pg 83 - “Policy approaches *below*” presumably should read to reflect re-organised plan (i.e. “policy approaches *in section 8.2*”).

Section 8.3: Development Management

NP policy P10

P10 Any hotel proposal must mitigate the development’s impact on the existing dynamics of the residential, business and social communities, including:

- 1. Provide as much retail frontage as possible to a high street, where the units made available only have high street access.*

2. *Provide space that is beneficial and available to the wider community such as 'incubator space', screening room, community meeting and function rooms, fitness suites and swimming pools.*
3. *Where possible any 'in-house' food and beverage offer should be limited (minibars, bars, restaurants and cafes closed to the public) so that hotel guests are encouraged to use local traders.*
4. *Developments should continue to engage with local recruitment mechanisms to ensure local candidates are employed wherever possible.*

Policy context (adopted and emerging policy)

Paragraph 85 of the NPPF is supportive of town centre uses, including hotels and retail, in appropriate locations such as existing town centres. The NPPF does not specify a preference between hotels, office accommodation and other town centre uses, allowing for LPAs and neighbourhood forums to establish a local approach.

London Plan policy 4.5 ("London's visitor infrastructure") requires 40,000 net additional hotel rooms, with a particular focus on delivery within the Central Activities Zone and the Strategic Cultural Area, of which the LB Southwark portion of the Neighbourhood Area falls within the former while parts of the LB Lambeth portion fall within the latter.

The majority of the Southwark portion of the SoWN Neighbourhood Area lies within the Bankside, Borough and London Bridge District level town centre, with a small portion around St George's Circus falling within the Elephant and Castle Major town centre. The Core Strategy identifies both of these locations as appropriate places for new hotel rooms. Strategic Policy 10 makes specific reference to allowing development of hotel rooms in town centres and the strategic cultural areas within the borough although acknowledges a balance between these and other uses within the area must be struck.

The Draft London Plan (minor suggested amendments July 2018) Policy SD4 supports the development of tourism facilities including hotels and conference centres in the CAZ. Policy SD6 supports the tourist infrastructure including hotels in the town centre locations.

The New Southwark Plan Proposed Submission version Amended Policies (January 2019) Policy 36 sets out that development for hotels and other forms of visitor accommodation must not harm the local character or amenity by the design, scale, function, parking and servicing arrangements. It also sets out that for hotel developments, at least 10% of the total floorspace must be provided as ancillary facilities that incorporate a range of daytime uses and offer employment opportunities.

NP Policy P10 comment

It is noted that the previous reference to no net loss of office and residential accommodation has been removed which is supported as this is covered in the local plan.

Requiring hotels to deliver benefits such as local employment and retail frontages and other beneficial uses to the community are agreeable in principle. The New Southwark Plan Proposed Submission version: Amended Policies Policy P36 requires similar benefits – 10% of ancillary facilities in hotel developments to incorporate a range of daytime uses and offer

employment opportunities. The Forum is advised to consider this policy's wording to ensure clarity.

In point 1, reference to 'retail' frontage should be amended to 'active' frontage as 'retail' frontage is too limited, this will also ensure consistency with Amended Policy P36.

The wording of Point 3 is unclear and should either be reworded or removed. The wording 'where possible' also undermines the application of this policy point and therefore it is considered to be unnecessary.

The application of Point 4 should be clarified, its current wording is not clear in terms of how the local recruitment mechanism would function to employ locally. The wording 'where possible' also undermines the application of this policy point and therefore it is considered to be unnecessary.

Comment on Guidance Points

While the council supports any developers engaging with both the council and the local community prior to the submission of a planning application, the council cannot require that this be undertaken. Therefore the guidance point relating to a development review panel will not be possible to implement and the plan should seek to manage expectations by referencing this fact.

The subsequent two guidance points, namely that "the suggestion that 'the post consent, the panel should be notified of and invited to comment on the discharge of 2 years where a review shows that negative impacts have arisen from the development' is not in line with statutory consultation requirements for planning applications. In addition, this wording is not clear.

We support the removal of the "impact review clause" as this would not be consistent with the statutory tests for use of planning obligations in the Community Infrastructure Levy Regulations 2010 (also set out as policy tests in the National Planning Policy Framework); or with national guidance.

"Key issues" and "consultation and evidence" for Section 8.3

Can the statements in the "key issues" be supported with examples to illustrate, for example, where "public realm improvements are not always appropriate to the development context?" or in what ways "the relationship between the impact of development on heritage sites north of the river and the impact on the local setting is not clearly understood"? These statements are not supported with examples in the related "consultation and evidence base" section, therefore question whether they should be in the plan as identified key issues.

It is acknowledged that this is one of the few policies supported by quantitative evidence. Using an existing (or new) evidence base to support a distinctive approach at the neighbourhood area level is supported and encouraged and should similarly be used for the other policies, which currently are suffering from a lack of supporting quantitative evidence , making it hard to agree with the reasons behind the policies.

NP Policy P11

The facades of all new developments should be treated with a permanent anti-graffiti coating.

Policy Context (adopted and emerging policy)

N/A.

NP Policy P11 comments

This policy is very specific and is not considered necessary for a neighbourhood plan. The NPPF Paragraph 55 sets out that *conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (our underlining)*. As such, the policy is not in conformity with the NPPF as it is not necessary, enforceable or reasonable to expect new developments to be treated with permanent anti-graffiti coating.

Section 8.4: Retail and Work

NP Policy P12

Within appropriate locations, the NP supports development that provides retail units with the following characteristics:

- (i) Interiors fitted out to RIBA category B standards and made available for temporary or pop-up use*
- (ii) A range of unit sizes including units with shop floors under 20 sq/m.*

Policy context (adopted and emerging policy)

NPPF policy and planning practice guidance includes ensuring the vitality of town centres including promoting competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The retail and work policies are consistent with this part of the NPPF.

The neighbourhood area is located in a Strategic Cultural Area, the Central Activities Zone, Bankside, Borough and London Bridge Opportunity Area, Bankside & Borough district town centre and the Elephant and Castle major town centre. It would be helpful if these were identified on a map to provide context and reflected in the neighbourhood plan to support the retail and work policies. The context and strategic aims of these functions are outlined in the Core Strategy.

The relevant local plan policy is saved Southwark Plan policy 1.7 – “Development within town and local centres.”

The Draft London Plan (minor suggested amendments July 2018) Policy SD6 ‘town centre and high streets’ sets out how town centres should be promoted and enhanced in London.

The New Southwark Plan Proposed Submission version December 2017) Policy 30 ‘town and local centres’ is the relevant policy to town centre development in the borough.

NP Policy P12 comments

The NP policy encourages a range of unit sizes consistent with town centre policy aims. However it is not clear if the RIBA Category B standard should be applied to all retail development or whether this is aimed at smaller unit sizes. Cat. B may not be suitable for all new retail development.

The policy could encourage smaller unit sizes which would benefit from full fit out. The RIBA Category B is not explained within the plan accompanying text (is it consistent with the other bullet points outlined with regard to fit-out in supporting text?) so this should be provided to enable an easy reference guide for developers, or have the list in the supporting text for P12 referenced as containing criteria which meet RIBA Category B standards, if it does.

Supporting a range of unit sizes is consistent with London Plan policy 4.8. The context with regard to CAZ, Opportunity Areas, Strategic Cultural Areas and town centre policies in the London Plan should also be considered. The Neighbourhood Forum should also consider the information found within LB Southwark's Employment Land Review (2016) and our most recent Retail Study (2015), both available on the council's website.

NP Policy 13

In the Lower Marsh and The Cut CAZ retail frontages, planning applications will be required to:

a) Retain an appropriate mix of retail units, taking particular note of the following:

i) Planning applications involving the loss of an A1 unit will not be supported unless the overall percentage of A1 units remains above 50% following its loss.

ii) Planning applications involving the loss of an A3 unit will not be supported unless the overall percentage of A3 units remains above 30% following its loss.

b) Retain and enhance the retail use of the frontages, taking particular note of the following:

i) Conversion from retail to residential on these streets will not be permitted; and

*ii) Applications to convert ground floor residential units to A1 or A3 use will be supported**

**With the exception of the purpose built housing such as New Cut Housing Coop and Styles House."*

Policy Context (adopted and emerging policy)

The NPPF outlines that the hierarchy of town centres and protected shopping frontages should be defined and policies set that make clear which uses will be permitted in such locations. To support the neighbourhood plan policies, it would be useful to define the town centres in Southwark and Lambeth (Borough & Bankside and Waterloo town centres) on a map along with the identified protected shopping frontages which policies will apply to (specifically in this case The Cut). The policy is broadly consistent with the CAZ frontage policy aims within the London Plan. The Cut is identified as a protected shopping frontage in the saved Southwark Plan whereby policy 1.9 would apply (50% threshold for A1 uses).

Policy P32 of the New Southwark Plan Proposed Submission version for the CAZ shopping frontages in Borough and Bankside is 40%.

NP Policy P13 comments

The figure of 50% in policy P13 should be amended to 40% to be consistent with the emerging New Southwark Plan.

The policy should be supported by evidence (e.g. a survey of uses within the protected shopping frontage) to demonstrate a 40% level of A1 and 30% of A3 uses can be maintained.

The background text should explain why the policy makes exception for the two buildings referred to for clarity purposes.

Rationale

The wording in the first sentence could be amended to better reflect policy designations regarding the Southwark portion of The Cut, i.e. amend wording to refer to Southwark portion of Cut frontage as a “protected shopping frontage” (which is the formal policy designation) rather than “shopping parade.”

NP Policy P14

The neighbourhood will encourage schemes which provide office or workspace in appropriate parts of the area with the following characteristics:

- i. Are able to be subdivided to encourage flexible use and co-working and / or*
- ii. Include a range of unit sizes including offices of under 1000 sq/m and / or*
- iii. Are able to provide accommodation for a range of jobs which are accessible to local people and / or*
- iv. Commit to working with third party employment support providers and local schools to provide work placements, apprenticeships and training support for unemployed people.*

Policy context (adopted and emerging policy) and NP policy P14 comment

The NPPF promotes a strong, competitive economy including encouraging flexible work practices, of which the policy is consistent.

The first part of the NP policy is consistent with saved Southwark Plan policy 1.5 (small business units) Core Strategy Strategic Policy 10 and emerging Policy P26. It would be helpful if this policy was supported by further local evidence base (particular demand for offices under 1,000 sqm) (please see Southwark Employment Land Review 2016) and in particular reference to a sustained demand for high quality new office space in the CAZ and growing trend towards flexible workspaces and co-working space.

The first part of the NP policy is broadly consistent with London Plan policies 4.1 and 4.2 – also see London evidence base e.g. London Office Policy Review, London labour market projections, CAZ SPG (guidance).

We note the reference in the policy regarding the loss of office space of more than 1,000sqm has been removed, this is supported.

Rationale: Is the opening statement of this section supported by evidence? If so can it be included in the plan?

NP policy P15

The neighbourhood will support proposals which enable physical infrastructure improvements to support the development and servicing of the street market at Lower Marsh, including:

- i. Electricity points*
- ii. Storage*
- iii. Refuse storage*
- iv. Improved lighting*
- v. Improved seating*
- vi. Green infrastructure*

Policy context (adopted and emerging policy) and comments

This policy relates solely to land within LB Lambeth, therefore LB Southwark does not have comments regarding this policy.

Guidance point 1 comment

In principle the council supports the provision of business space that is affordable for start-ups and SMEs. S106 financial obligations must be used to make the development acceptable in planning terms. Separate from S106 monies, S106 agreements can be used to secure provision of space for established employers/businesses displaced by a development. This is also the intention for the emerging New Southwark Plan Amended Policy P28 (Small and independent businesses) which the Neighbourhood Forum is welcome to support through the Neighbourhood Plan guidance. Affordable workspace can be encouraged through design specification and working with specialist workspace providers. Subsidising businesses through CIL is not possible. Any CIL spend within the Southwark portion of the Neighbourhood Area must be for physical infrastructure that supports growth as per our S106 & CIL SPD.

Consultation and evidence base

Reference 15 on page 83 requires revisiting, presumably Para 6.38 of Lambeth's employment study should not be referred to and the "unhelpful as the NP area is an.." text

prior to the weblink for the PDF of the report was not intended to be included within the reference.

Section 8.5: Social Infrastructure

NP Policy P16

The Neighbourhood Forum has identified a number of sites or buildings which should be protected for specified community uses or their community significance. Proposals that will result in either the loss of, or in significant harm to, those community assets will not be supported.

Policy context (adopted and emerging policy)

NPPF para 92 restricts the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

London Plan Policy 3.16 protects social infrastructure in areas of defined need unless realistic re-provision is proposed. It requires local policy to facilitate alternative community uses where a facility is no longer required.

NP Policy P16 comment

The four sites proposed for protection are located outside of LB Southwark so no further comment is provided.

Guidance point 1 It is advised to manage expectations on the guidance point via more considered wording on the prioritisation and spend of CIL money. Expressing the wishes of the community via these guidance points is acceptable in principle but to use language such as "should only be allocated" implies a hard policy requirement. As the Neighbourhood Forum will be aware LB Southwark already has an established process for the prioritisation and spend of CIL money (see comment on P19 for further comment).

Guidance point 2 (regarding requiring some NCIL monies to be allocated for revenue spend) conflicts with the Southwark approach to CIL in the S106 and CIL SPD (which limits spend to capital projects on physical infrastructure which support growth). Spend on projects is determined by the community councils in consultation with the local community, including the Neighbourhood Forum and informed by the projects included in the Neighbourhood Plan.

Guidance point 9 Again to manage expectations, the NP will not be able to impose a new tax on pop-up shops, shows, installations etc. so the wording of this point should be considered to reflect this.

NP Policy P17

The Neighbourhood Plan recognises the contribution to the artistic and cultural distinctiveness of the area made by Leake Street and seeks to maintain and develop this important feature of the neighbourhood. Applications which contribute to and promote the use of adjoining areas for A1, A3, D1 and D2 uses will therefore be supported.

Policy context (adopted and emerging policy) and comment

No comment as the Leake Street is located outside of Southwark.

Section 8.6: Streetscape and Transport

NP Policy P18 comment

NP Policy P18

Developments which create new public realm of a scale which requires pedestrian way finding should implement the Legible London way finding system in accordance with the Highways Act and relevant Highways Authority guidance

Policy context (adopted and emerging policy)

The NPPF states within that planning decisions and plan-making should seek to make the fullest possible use of walking to actively manage patterns of growth as part of a set of “core planning principles.” Section 9 of the NPPF is dedicated to promoting sustainable transport, including walking.

London Plan policy 6.10 (“Walking”) seeks to ensure a significant increase in walking by emphasising the quality of the pedestrian and street environment, including by promoting the “Legible London” programme to improve pedestrian way finding.

Core Strategy Strategic Policy 11 Sustainable Transport promotes walking, cycling and the use of public transport over travel by car.

Saved Southwark Plan policy 5.3 requires that development creates or contributes to more direct, safe and secure walking and cycling routes.

Throughout the Draft London Plan (minor suggested amendments July 2018) policy encourages walking as a sustainable mode of transport through good design.

New Southwark Plan Proposed Submission version Policy P48 sets requirements for development to encourage walking in the borough. Policy P55 requires development to provide clear and uniform signage to help people move around.

NP Policy P18 comment

It would be worth considering the policy’s wording to include reference to replacing existing Legible London signage as well as implementing new signage through development.

“Key issues” and “consultation and evidence base” section

The statement that “streets are not adequately maintained” (third bullet point pg 60) is rejected by the highways and public realm teams within LB Southwark. For all spaces and routes the council is responsible for we always seek to ensure our public realm and highways are maintained to the highest standards. Please do remember to distinguish between Local Authority-managed Adopted Highway and the Transport for London Road Network (TLRN), which the local authority is not responsible for.

Section 8.7: Planning Gain and Mitigation

NP Policy P19

Where developments create an ongoing and significant cost implication for the management and maintenance of the neighbourhood area outside the development's demise, revenue S106 funding to mitigate the impacts should be secured from the development.

Policy context (adopted and emerging policy) and comment

The NP policy does not consider the relationship between S106 and CIL (S106 is required to mitigate impacts of a development within the immediate vicinity of that development, not somewhere outside of the development's demise).

Any highways-based public realm and highways works delivered in Southwark is required to meet the design standards within the Southwark Streetscape Design Manual (SSDM) : *"Where design proposals for the Highway (including new streets and spaces) are associated with schemes seeking or approved Town and Country Planning Permission then it is important to note that these require separate Approval by the Highway Authority in accordance with SSDM requirements before works may take place on the Highway. In order to avoid the possibility of abortive work due to conflicting consents it is strongly recommended that private bodies or individuals wishing to carrying out works to the Highway engage with the Highway Authority before or in parallel to obtaining other consents.*

SSDM adoptable standards apply to all Highways - whether they are existing or proposed, private or publicly adopted and maintained. A form of Departure Approval is always required to vary from the requirements of Design Standards."

Any departure from this standard will be worked through on a case-by-case basis including through S106 agreements and the relevant Highways Approval Authority. Therefore the council does not support this policy.

NP Policy P20

The neighbourhood element of CIL generated in the area should where feasible be used to fund the projects set out in section 9 of the neighbourhood plan or other projects in consultation with SOWN.

Policy context (adopted and emerging policy) and NP policy P20 comment

It is noted that the wording of this policy has been amended and now states 'where feasible'. This amendment is welcomed, if the policy is to remain. LB Southwark has an established process and procedure for identifying, prioritising and funding projects which are proposed to be the beneficiary of the neighbourhood element of CIL. This is set out in our S106 and CIL SPD (2015). Getting a project onto a community infrastructure project list (or CIPL) requires approval from the relevant community council (in this case the Bankside, Borough and Walworth community council), comprised of the ward councillors of the three relevant wards. Therefore, the NP policy is highly restrictive and does not reflect the council's established processes for NCIL projects. The forum would be welcome to continue to suggest projects to the community council after the adoption (and lifetime) of the plan, either as individuals or

part of another community group. However it is not appropriate to accept that individuals/group's suggestions will take precedent over others due to involvement with the neighbourhood forum and associations with the preparation of the neighbourhood plan, as per the NP policy.

As the forum has drafted a list of projects means that the council will look forward to liaising with the local community and SoWN to agree project list priorities and consider the projects included in the NP on the council's CIPL.

Rationale for Policy P20

Regarding the statement which reads: "This arrangement follows the example of the successful London Eye revenue S106 agreement which is defrayed by local people according to local need." This statement does not reflect Southwark's adopted local approach to NCIL, that being that any NCIL spend must be on capital projects which are physical infrastructure that support growth and that the prioritisation of the projects is determined by the community council in consultation with all interested parties within the local community, not just the neighbourhood forum/any successor body.

Guidance in Section 8.7

Obligations within S106 agreements, where agreed/in draft form, are reported within officer report on the application. As part of the statutory consultation process on any application which will require a S106 agreement, any interested persons or parties can submit a representation suggesting ideas for S106 monies spend related to that application.

Southbank and Waterloo Neighbourhood Plan Projects

Projects

Neighbourhood Plan Projects lists

Southwark Council has published guidance on how and why CIL is collected and spent through the S106 & CIL SPD (2015). The council commits to spending 25% of CIL receipts locally regardless of if there is an adopted neighbourhood plan or not. LB Southwark has a local project's list confirmed for the Borough, Bankside and Walworth Community Council Area. These project lists are known as Community Infrastructure Projects Lists, or CIPLs. The SPD explains that generally the area in which the neighbourhood portion of CIL is spent is dependent on existing policy designations, which are in a hierarchy/priority order:

- If a CIL-liable development is in a Neighbourhood Area with an adopted Neighbourhood Plan then the 25% Neighbourhood element of the CIL (NCIL) money raised by said development will be spent in that Neighbourhood Area.
- If there is no neighbourhood plan adopted, and the development is in an opportunity/action area then said opportunity/action area will be the beneficiary of the neighbourhood portion of the CIL funds.
- If there are no opportunity/action areas and the development is in an area designated in an SPD (that does not relate to specific sites/buildings) area then said SPD area will be the beneficiary the neighbourhood portion of the CIL funds.
- If none of the above then the neighbourhood portion of the CIL will be spent in the community council area (in this case Borough, Bankside and Walworth community council area) that the development is in.

Currently, with no adopted neighbourhood plan, the neighbourhood proportion of CIL contributions raised within the SoWN area would be 25% of CIL receipts to be spent within the BBLB Opportunity Area. With no parish or neighbourhood council established it is the Borough, Bankside and Walworth community council that will decide on what project any NCIL money is spent, in consultation with the local community, including the Neighbourhood Forum.

The initial draft projects list is a useful starting point in developing a detailed list of projects. In para 6.6, the CIL/S106 SPD (2015) states that:

“We [Southwark Council] will retain local CIL funds and spend them on projects listed in the Community Infrastructure Project Lists (CIPL) or where relevant on projects listed in an adopted neighbourhood plan. The CIPLs have been developed as the mechanism by which local communities will inform priorities for spending local CIL funds. The CIPLs are project ideas created by the local community and approved by the relevant community council, as the established local decision making forum. Inclusion of potential projects on the CIPL will need to be publically accessible physical infrastructure improvements in the local area which support growth.”

The Borough, Bankside and Walworth CIPL reflects these types of investment, that is to say (as per para 6.2 of the SPD) for “provision, improvement, replacement, operation or maintenance of infrastructure to support growth.” As such, the council broadly supports aspects of the draft projects list, including various capital projects that align with the aim of providing and maintaining publically accessible, physical infrastructure that will support growth, for example, project 2 (P2) for “Green infrastructure” or the capital element of the proposed dual capital/revenue project 14 (P14), “Streetscape Design Guidance.”

It is noted that while there are no projects proposed that relate specifically and solely to the part of the Neighbourhood Area within the London Borough of Southwark, projects such as those referenced above (e.g. P2 or partially P14, depending on implementation) could be implemented in, and for the benefit of, that area. Other projects are specific to the London Borough of Lambeth only.

In order for the projects to be registered on a CIPL projects list, the initial concepts need to be worked up further, with further information about the exact geographic location of each proposal. The more detailed the project proposal, the better the chances that a project can easily be implemented and attract match funding from other funding sources. We would recommend checking the draft Bankside Neighbourhood Plan project list – all of these projects are site specific, and many of them have now attracted funding from a variety of sources, including Section 106 monies.

The council does not agree that the inclusion of non-physical, revenue-consuming projects are an appropriate use of CIL receipts, and whether the projects come under the umbrella of “providing and maintaining infrastructure to support growth.” Indeed, of the 16 projects listed, 8 are (or have some form of) revenue basis.

While projects identified as capital projects are physical and therefore largely tangible (such as a new health centre), the revenue-based projects should include a greater level of detail in order for a more informed comment to be made. For example, project 2, (P3) “Air quality improvement” suggests initiatives to improve poor air quality resulting from idling vehicles. It would be helpful if these possible initiatives were identified and their potential impact considered. Regarding the revenue-based projects, it is plausible that the council may consider funding the initial capital elements of these, however such projects do not reflect the guidance in the adopted SPD referenced above and as a result are not whole heartedly supported by the council.

Officers and members would be pleased to work closely with the members of the Neighbourhood Forum, others from the local community and colleagues in LB Lambeth to develop the list further and help ensure projects are able to be included on the CIPL.