

OLD KENT ROAD AAP

Duty to Co-operate Compliance Statement

1 Introduction

Purpose

- 1.1 This Proposed Submission Old Kent Road Area Action Plan (OKR AAP) Duty to Cooperate Compliance Statement provides an audit trail demonstrating how Southwark Council has complied with the duty to cooperate (required by section 33A of the Planning and Compulsory Purchase Act 2004) in the preparation of the OKR AAP.
- 1.2 The duty requires plan-making authorities to ‘engage constructively, actively and on an ongoing basis with relevant bodies in the preparation of development plan documents. This Statement sets out which bodies the Council has cooperated with and on which cross-boundary strategic matters, the nature and timing of the cooperation, and the outcomes of the co-operation to date, including how it has influenced the Proposed Submission OKR AAP. This Statement accompanies the Proposed Submission Old Kent Road Area Action, recording compliance with the duty to cooperate from the start of preparation of the plan through to the publication of Proposed Submission Plan in May 2025. This document builds on the information provided in the Old Kent Road Area Action Plan Draft Plan consultation: Draft Statement of Common Ground, March 2025, and should be read in conjunction with the Consultation Report and the Statement of Common Ground.
- 1.3 The area covered by this Statement is the Old Kent Road Opportunity Area (see Figure 1 below), which is an area identified in the London Plan 2021 and Southwark Plan 2022 as having potential for significant growth in homes and jobs. The OKR AAP has been prepared with full regard to the adopted Southwark Plan 2022 and London Plan 2021.

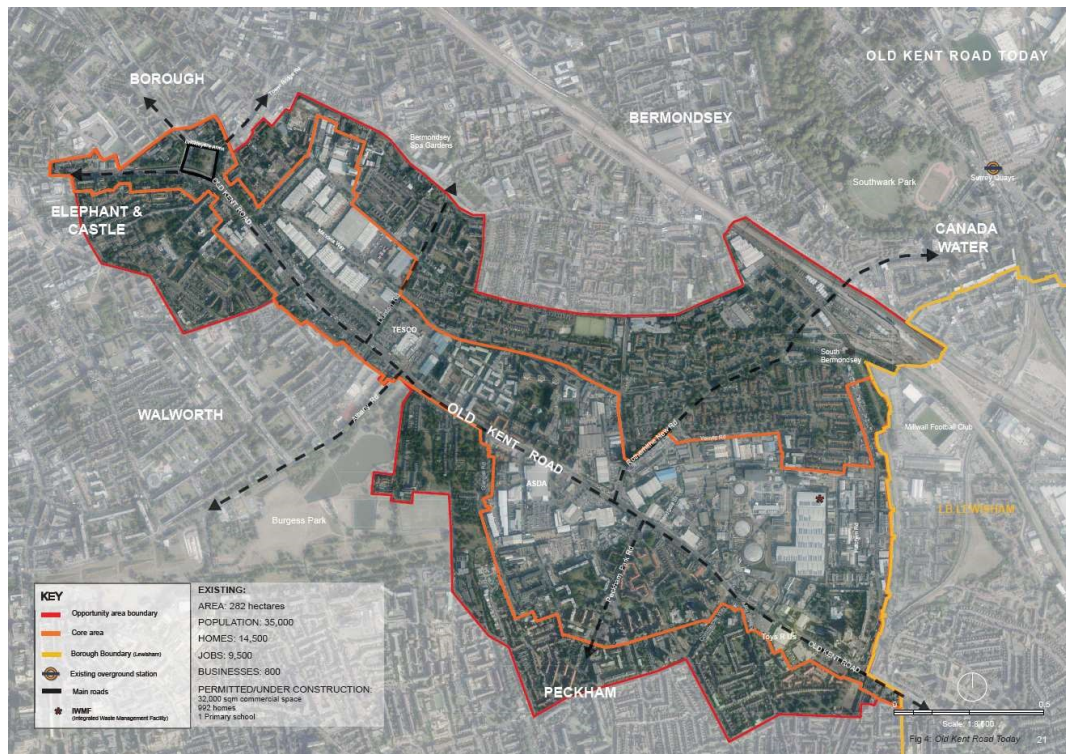


Figure 1 Old Kent Road opportunity area

Duty to Cooperate requirements

- 1.4 The duty to cooperate in relation to planning for sustainable development was created in the Localism Act 2011 and amends the Planning and Compulsory Purchase Act 2004 accordingly. It places a legal duty on local planning authorities, county councils and other prescribed bodies to cooperate with each other to address strategic cross-boundary matters relevant to their areas. The duty requires on-going constructive and active engagement in the preparation of local plans and other activities relating to sustainable development and use of land. At examination, the statutory duty to cooperate is considered by the inspector as a standalone test separate to consideration of the soundness of the plan.
- 1.5 Paragraphs 24-28 of the National Planning Policy Framework 2024, and supporting Planning Practice Guidance, set out requirements relating to maintaining effective cooperation. Plan-making activities addressing these points will help demonstrate that the statutory duty to cooperate has been fulfilled, but they are primarily national policy requirements, tested by the inspector in relation to the soundness of a plan. Requirements include:
- the need for strategic policy-making authorities to identify the relevant strategic matters which need to be addressed in plans;

- the need for strategic policy-making authorities to collaborate with other strategic policy-making authorities, and to engage with other relevant bodies;
- effective and on-going joint working to produce a positively prepared and justified strategy;
- joint working should help to determine whether additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere; and
- the need to prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these (these should be made publicly available throughout the plan-making process to provide transparency).

1.6 The Duty to Co-operate specifically relates to ‘strategic matters’ which are defined as: sustainable development or use of land that has or would have a significant impact on at least two planning areas, in particular in connection with sustainable development or use of land for or in connection with strategic infrastructure which has or would have a significant impact on at least two planning areas.

1.7 Cooperation should be a continuous process of engagement, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development. Local planning authorities are expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This evidence could include plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy. A Planning Inspector can consider whether this duty has been complied with in the examination of planning documents.

1.8 The preparation of Local Plans is governed by the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).¹ This sets out a list of prescribed bodies that the Duty to Co-operate applies to, which includes:

- the Environment Agency
- the Historic Buildings and Monuments Commission for England (known as Historic England)
- Natural England
- the Mayor of London
- the Civil Aviation Authority
- the Homes and Communities Agency
- each clinical commissioning group established under section 14D of the National Health Service Act 2006
- the National Health Service Commissioning Board
- the Office of Rail Regulation
- Transport for London (TfL)
- each Integrated Transport Authority

¹ <https://www.legislation.gov.uk/uksi/2012/767/regulation/4>

- each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
 - the Marine Management Organisation.
- 1.9 As advised in the Planning Practice Guidance, the duty to cooperate is not a duty to agree. However, local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.
- 1.10 Within London, the Planning Practice Guidance states that the degree of cooperation needed between boroughs will depend on the extent to which strategic issues have already been addressed in the London Plan.

Cooperation on strategic matters

- 1.11 We have been working in partnership with London boroughs, the Mayor of London and other prescribed bodies to cooperate on planning matters that cross borough boundaries on the constructive, active and continuous process of engagement which has underpinned the preparation of the OKR AAP.
- 1.12 Section 2 sets out how we have engaged and cooperated with planning authorities neighbouring Southwark and across London, the Mayor of London and other prescribed bodies.
- 1.13 Section 3 explains how strategic cooperation has resulted in effective and deliverable policies on cross-boundary matters.
- 1.14 Section 4 concludes on compliance with the legal duty.

2 Engagement under the Duty

- 2.1 The Council has made every effort to secure the necessary cooperation on strategic cross boundary matters before submitting the OKA AAP for examination through active and sustained engagement from the outset of plan preparation. This has been achieved through joint working on the preparation, implementation and review of the London Plan 2021 and Southwark Plan 2022, as well as that of the OKR AAP. This has gone beyond formal consultation to include regular meetings, involvement in the preparation of joint evidence base, and early and ongoing discussions on policy development and to share findings from partners' emerging evidence base.
- 2.2 Co-operation arrangements have provided both formal and informal opportunities for prescribed bodies to input and comment on aspects of the OKR AAP approach and evidence base. The consultation report published alongside the OKR AAP provides an overall picture of formal consultation carried out that has included the prescribed bodies and explains how matters raised through consultation have been

taken onto account. The consultation report provides a response to each point raised and identifies how these views have been taken into consideration and whether a change has been made to the OKR AAP as a result. Where any matter raised has not resulted in a change the reason for this is also set out.

- 2.3 Many of the strategic matters and key issues to be addressed through compliance with the Duty to Co-operate are, in London, a matter for The London Plan or are otherwise addressed through the preparation of the London Plan. This includes the overall amount of housing to be provided for London, borough by borough.

Neighbouring authorities

- 2.4 The Old Kent Road Opportunity Area is bordered by the London boroughs of Lewisham. We have formed the South East Central Growth Partnership for the regeneration of areas associated with the Bakerloo Line Extension. This includes the Old Kent Road Opportunity Area and part of the Lewisham, Catford and New Cross Opportunity Area in Lewisham borough. The partnership includes Southwark and Lewisham Councils, TfL, and the GLA. It is chaired by the Deputy Mayor, Planning, Regeneration and the Fire Service and attended by the Deputy Mayor for Transport /Deputy Chair of TfL, the Mayor of Lewisham and Leader of Southwark. The purpose of the growth partnership is to ensure a consistent and streamlined approach that accelerates the delivery of comprehensive, place specific and high-quality regeneration across the corridor and surrounding areas. The partnership is responsible for leadership, cross agency working, funding, planning policy, good design and delivery. One of the key focus areas is the Bakerloo line extension, which is a significant cross-boundary transport project. Meetings were initially held on a quarterly basis but have recently been held on a “when required” basis.
- 2.5 At officer level, there is also a working group among TfL, Lewisham and GLA officers. Officers meet every 6 weeks to ensure effective coordination.
- 2.6 The Council is also part of the Central London Forward (CLF) which consists of 12 boroughs to drive economic growth and inclusivity across central London. There have also been substantial collaborations between TfL, GLA and other London Councils on designing and promoting the Bakerloo Line Extension and Upgrade (BLEU) such as preparation of evidence base study, campaign materials, and joint events.

Prescribed bodies

- 2.7 Prescribed bodies have been engaged at each stage of formal consultation on the OKR AAP. Representations received at each stage have informed the next draft of the plan. We have also engaged prescribed bodies in joint-working around a shared evidence base as well as key growth projects for matters of strategic interest to public bodies.

- 2.8 Cooperation with the GLA and TfL has been extensive to ensure plans and infrastructure projects deliver the aspirations of Southwark and of the Mayor of London. The Council has worked closely with the GLA and TfL to bring forward the growth aspiration of OKR OA envisioned in the London Plan 2021 and Southwark Plan 2022. This has involved coordinating largescale development at the planning stage with infrastructure, supporting the growth of the central London economy and delivering new homes in revitalised neighbourhoods that offer services and an attractive environment for residents. It has also involved ongoing cooperation on implementation.
- 2.9 NHS Southwark Clinical Commissioning Group (CCG) is another key partner, working with the council to ensure that development improves health services and health outcomes for Southwark's residents. Integrated Care Boards were set up to replace clinical commissioning groups (CCGs) in the NHS in England from 1 July 2022 and improve integration between practitioners in local health care, social care, public health and related public services.
- 2.10 Other prescribed bodies have helped to contribute to the OKA AAP evidence base on strategic matters. For example, the Environment Agency was engaged during the preparation of the Integrated Water Management Strategy. The Council has also engaged Historic England on the local historic environment evidence base over the years, particularly in relation to designated assets. Some prescribed bodies have been consulted but not raised strategic issues for further discussion.

3 Outcomes for strategic cross boundary matters

- 3.1 Through the ongoing and constructive engagement outlined above, the Council has cooperated with our neighbouring authorities and other prescribed bodies to produce effective and deliverable policies on strategic cross boundary matters. Further details are given below on the outcomes for cross-boundary planning specifically within the Old Kent Road Area Action Plan. The key matters which will be addressed by the statement include housing, transport (Bakerloo Line Extension, improvements to bus services and healthy streets approach), historic environment, employment, town centres, health facilities, and climate emergency.

Housing

- 3.2 The London Plan designates the OKR OA for long-term growth. We have worked with the GLA and neighbouring boroughs on the visions, strategies, policies and masterplan OKR OA. The OKR OA area visions and site allocations have already been included in the Southwark Plan 2022 to optimise their delivery. Because the OKR AAP covers a part of the borough, it does not contain a housing requirement. Instead it seeks to deliver the housing targets and site allocations which are set out in the Southwark Plan 2022.

- 3.3 The Council have collaborated closely with the TfL and GLA to establish robust transport capacity evidence base and agreed on a cap of 9,500 homes for Phase 1 of the OKR AAP to ensure sufficient transport capacity for new residential development before the main contract of the BLE is let.
- 3.4 The Council actively monitors planning applications—live, expired, and approved—tracking the number of homes proposed, approved, under construction, and completed. This monitoring data is shared with TfL and GLA, and monthly meetings are held to review the latest status of development in relation to the Phase 1 cap.
- 3.5 Additionally, the Council has worked closely with the GLA and TfL on developing the standard wording and approach for the S106 Grampian obligation applicable to phase 2 developments within the OKR AAP. The agreed wording has already been used in a planning consent for Phase 2 development.
- 3.6 The Council has also worked with the GLA Housing and Land Team and Homes England to discussed schemes in the pipeline and explored the availability of grant funding for affordable housing for both the Council's and developers' schemes.
- 3.7 The Council has also used the Greater London Authority's (GLA) Infrastructure Coordination Development Service (ICDS) which aimed to find collaborative opportunities between Southwark Council, utilities and services, and developers that would result in cost savings associated with utilities and highways works. These cost-savings would, in turn, enable the delivery of more affordable housing on Old Kent Road OA.

Transport

Bakerloo Line Extension and Upgrade (BLEU)

- 3.8 The Bakerloo Line Extension and Upgrade is a key element of the growth strategy in the London Plan. The Mayor of London has committed to accelerating its delivery. The extension is being progressed through the Growth Partnership and Central London Forward together to expedite it.
- 3.9 To support the BLEU, the Council, TfL, and Lewisham Council have jointly commissioned several key evidence base studies:

Bakerloo Line Extension Funding Study 2025	Jointly commissioned with TfL, Lewisham Council and Central London Forward,
Bakerloo Line Extension Local Economic Impact Assessment 2020	Jointly commissioned with Lewisham Council
Moving London Forward Report 2024	Commissioned by Central London

	Forward, in partnership with the Lewisham and Southwark Councils
Station Design Feasibility Studies 2024	Jointly commissioned with TfL, Lewisham Council

3.10 The Secretary of State for Transport issued directions to safeguard land needed to build the proposed Bakerloo line extension to protect land above and below ground from conflicting future development on 1 March 2021. TfL has since then been consulted on planning applications to ensure that development along the planned alignment of the BLE in no way compromises the delivery of the Bakerloo Line Extension.

3.11 Following an agreement with TfL and Lewisham Council, the Council has allocated 50% of the Strategic Community Infrastructure Levy to support the BLE since March 2024.

Bus Service improvements

3.12 The Council also worked closely with TfL on the approach and tariff of the S106 contributions with evidence base study which has resulted in the agreed bus improvements tariff at £2700 indexed from 2019 per dwelling. The S106 financial contributions has contributed to new 'Bakerloop' bus service, which is planned to run along the route of the proposed phase 1 Bakerloo Line Extension on Old Kent Road. It is anticipated that the new bus service will be run from the end of 2025.

3.13 The Council supported TfL in the preparation of a number of evidence base studies to support the OKR AAP including:

- Old Kent Road Strategic Transport Study 2016
- Old Kent Road Surface Transport Study, 2016
- Old Kent Road Bus Demand and Capacity Study, 2022

Healthy Streets

3.14 Through engagement with TfL, the Council's masterplan in the Proposed Submission OKR AAP has incorporated TfL's key healthy streets improvements, including the creation of strategic cycling routes and requires financial contributions for TfL's cycle hire docking. One example is Cycleway C62 – 'Rotherhithe to Peckham' (formerly CFR 12) along Ilderton Road, which the Council has secured Future High Street funding to deliver in partnership with TfL. Construction of the Cycleway is expected to commence in Autumn 2025.

3.15 To minimize disruption to communities and TfL's bus services, the Council has recently coordinated various projects with stakeholders, including Network Rail—where a mural was painted on the railway bridge—and Veolia, which laid down district heat network pipes along Ilderton Road and Old Kent Road. This careful coordination ensures that the Old Kent Road will not need to be closed twice.

- 3.16 The Council and TfL also had joint bid for the One Public Estate (OPE) programme to investigate the reconfiguration of the Bricklayers Arms around about (TfL's asset) for mix-used redevelopment (Site Allocation OKR 1) in sub-area 1 of OKR AAP without compromising the traffic flow.
- 3.17 The Council has also worked with TfL and other stakeholders including Network Rail on the design and delivery of public realm improvements to the South Bermondsey Station.
- 3.18 The Council has also worked with Lewisham Council and TfL when developing the active travel movement and servicing strategy in Subarea 4 and 5 in respect of the Surrey Canal Road Station in Lewisham.

Historic Environment and Townscape

- 3.19 During the early stage of preparation of the OKR AAP, the Characterisation Study 2015 was shared with Historic England to identify the potential for taller buildings and the site allocations (which were later adopted in the Southwark Plan 2022).
- 3.20 Through engagement with Historic England, the following heritage assets have been successfully designated to preserve and enhance the rich yet vulnerable heritage of the Old Kent Road.
- The Gasholder no.13 within site allocation was registered as Grade II listed in 2017;
 - 5 new conservation areas within the Old Kent Road Opportunity Area including the following:
 - Thomas A'Becket and High Street;
 - Yeats Estate and Victory;
 - The Mission;
 - Livesey; and
 - Kentish Drovers and Bird in Bush
- 3.21 Historic England was also engaged in the conservation and restoration strategy of some of the heritage assets within the OKR OA including the Grade II Listed Kentish Drovers Public House: The Council has committed CIL funding to restore the mural. The Grade II Mural depicting the History of Old Kent Road was also preserved in the site of the former North Peckham Civic Centre.
- 3.22 The London Views Management Framework includes 27 designated views, 13 of which are protected vistas. Protected vistas are those directed toward a strategically important landmark—St Paul's Cathedral, the Palace of Westminster, or the Tower of London. The Council has collaborated with the GLA, which sought to extend the background areas of protected vistas within the OKR OA. These include:
- View 2A.1: Parliament Hill summit to St Paul's Cathedral

- View 3A.1: Kenwood viewing gazebo to St Paul's Cathedral
- View 23A.1: Centre of the bridge over the Serpentine to the Palace of Westminster

These efforts led to the adoption of the extended areas in 2018 which has since become a material planning considerations for planning applications.

- 3.23 The collaboration with Historic England and GLA has informed the AAP 10: Tall Buildings Strategy - The Stations and The Crossings to ensure these protected vistas and significance of the designated heritage assets within the OKR OA are respected and enhanced.
- 3.24 Subarea 4 of the OKA AAP is near Lewisham's New Bermondsey master plan where clusters of tall buildings are proposed around the future Surrey Canal Road Station. The Council has worked closely with the Lewisham Council which has informed the tall building strategy in the OKD AAP to the site capacity along Ilderton Road while ensuring a coherent townscape.
- 3.25 The council has consulted Natural England (NE) at each stage of formal consultation and NE has confirmed that it has no objection to the OKR AAP.

Employment

- 3.26 The Council has worked with the GLA and neighbouring boroughs on the employment area visions, employment strategies and policies. The OKR AAP delivers the site allocations and strategic policies set out in the Southwark Plan 2022.
- 3.27 The London Plan affords protection to strategic industrial locations as the city's main reservoirs of industrial land and related capacity, including strategic logistics. These are critical to the functioning of London's economy. The London Plan delegates the definition of detailed boundaries to local DPDs. The adopted London Plan 2021 requires their designation to be based on need and to enhance industrial activity. The London Plan encourages boroughs to explore opportunities to intensify and make better use of industrial land. Strategic industrial land in Southwark is found in the Bermondsey / Old Kent Road / Surrey Canal Area. In preparing the OKR AAP, the Council has worked with the GLA and local stakeholders to build up a very detailed understanding of the need for employment space in the area. The Council and the GLA has jointly commissioned The Old Kent Road Employment Study 2016. The Council has undertaken Old Kent Road business survey update 2019 which the results were shared with the GLA.
- 3.28 In order to make the most efficient use of land, an uplift in industrial activity and the number of jobs can be delivered through the creation of new mixed-use neighbourhoods. At the same time the OKR AAP reserves some strategic industrial land within revised designations for the intensification of purely industrial uses as per the adopted Southwark Plan (2021)

- 3.29 The approach to reconfiguration of designated industrial land within the Old Kent Road was set out and agreed in letters between the Deputy Mayor and the Leader of Southwark Council in September 2018². The Old Kent Road AAP has set out clear guidance on retention of the industrial uses that is protected in Strategic Protected Industrial and the approach to retain, improve and re-provide commercial workspace, including industrial workspaces outside Strategic Protected Industrial Land and the industrial co-location typologies in the OKR AAP.
- 3.30 The Council has been working closely with Lewisham Council, the GLA, TfL and others on the regeneration of the OKA OA. The Council has worked with Lewisham Council and Network Rail on the development potential of a cross-boundary industrial site on the Bermondsey Trading Estate and land under and between the structures created in the Bermondsey “Dive-under” project, part of the Thameslink Programme. The Council has also consulted by Lewisham on the nearby New Cross Gate masterplan and station interchange study as they have been developed.

Town centres

- 3.18 The adopted London Plan seeks a coordinated approach to the development of town centres. The Council has also given consideration to the GLA view that Old Kent Road should be two district centres rather than a single major town centre. This has been incorporated in the adopted Southwark Plan (2022) and the OKR AAP sets out detailed masterplans for the transformation of retail in the area to less car-dependent modern town centre formats of the Old Kent Road North and Old Kent Road South district centres.

Health

- 3.31 The Council has worked closely with the NHS South East Integrated care boards (ICB) to align the OKR AAP and an estates strategy to ensure that sufficient space can be provided to meet demand and the needs of a growing population. The Council has monthly meetings with the NHS South East ICB. The Council is currently preparing a background paper on health facilities jointly with the NHS South East ICB. In consultation with the NHS potential locations have been identified in the south of the Old Kent Road opportunity area (Verney Way and 731-735 Old Kent Road). It is anticipated that in the north of the area demand can be met by the recently built Harold Moody health centre on Thurlow Street.

Climate Emergency

- 3.32 A steering group comprising Environment Agency, Thames Water, GLA, and the Council was set up to ensure water supply and wastewater infrastructure capacity to support the growth of the OKA OA. The Council has jointly commissioned the Old

² https://www.southwark.gov.uk/planning-environment-and-building-control/planning/planning-policy-and-guidance/old-kent-road-1#lgd-guides__title

Kent Road Integrated Water Management Strategy (2018) (OKR IWMS) with the GLA and Thames Water. As the OKR IWMS identifies the lack of sewer capacity within the wider Crossness Wastewater Treatment Work which serves the OKR OA, as a significant constraint to development, the Council has undertaken further study including Greenfield Runoff Rate Calculation 2019 and the Offset Pricing Study 2018. This coordination has informed the AAP Policy 14 which requires development proposals to meet greenfield runoff rates.

- 3.33 The GLA funded the DHN feasibility study through the Decentralised Energy Enabling Project (DEEP) programme. The evidence base study led to the introduction of order a Local Development Order (LDO) which grants planning permission for the construction of underground pipes and infrastructure needed for the operation of the South East London Combined Heat and Power (SELCHP) District Heat Network (DHN) and AAP Policy 13 which requires all major developments will be required to connect to or enable future connection to a DHN, where feasible.

4 Conclusion

- 4.1 The Council has made every effort to secure the necessary cooperation on strategic cross boundary matters and has produced effective and deliverable policies in the OKD AAP. Robust mechanisms have been put in place, including formalised partnerships and project teams to develop a shared evidence base with neighbouring authorities and prescribed bodies.
- 4.2 This statement has set out how cooperation has shaped the OKR AAP in regard to the key strategic planning matters that cross the borough boundary. The Council has engaged in ongoing constructive work with partners to ensure that the our neighbouring authorities, the Mayor's and other partners' plans are effectively implemented and reviewed in the future.
- 4.3 This statement demonstrates compliance with the NPPF in respect of the statutory duty for local planning authorities to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts. The council has fulfilled its duty to co-operate in producing the OKR AAP consistent with Section 110 of the Localism Act 2011 (and explanatory notes), Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) and Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012.