



The Planning Inspectorate

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# **Report to the Council of the London Borough of Southwark**

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**Inspectors appointed by the Secretary of State**

**Date: 17 November 2021**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the New Southwark Plan**

The Plan was submitted for examination on 16 January 2020

The examination hearings were held between 23 February 2021 and 29 April 2021

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## Abbreviations used in this report

AAAP	Aylesbury Area Action Plan
APV	Amended Policies Version 2019
AV	Area Vision
AWS	Affordable Workspace
BLE	Bakerloo Line Extension
BOL	Borough Open Land
CAZ	Central Activities Zone (from the London Plan)
CIL	Community Infrastructure Levy
CPC	Council's Proposed Changes
CWAAP	Canada Water Area Action Plan
CWOA	Canada Water Opportunity Area
DtC	Duty to Cooperate
dpa	Dwellings per annum
ELR	Employment Land Review
FAR	Floor Area Ratio
FRA	Flood Risk Assessment
GLA	Greater London Authority
GRCA	Glengall Road Conservation Area
GTAA	Gypsy & Traveller Accommodation Assessment
HMO	Houses in Multiple Occupation
HRA	Habitats Regulations Assessment
IIA	Integrated Impact Assessment
LPA	Local Planning Authority
LSIS	Locally Significant Industrial Sites
LVMF	London View Management Framework
MM	Main Modification
MOL	Metropolitan Open Land
NPPF	National Planning Policy Framework
NSP	New Southwark Plan
OA	Opportunity Area (from the London Plan)
OKR	Old Kent Road
OKRAAP	Old Kent Road Area Action Plan
OKROA	Old Kent Road Opportunity Area
PBSA	Purpose Built Student Accommodation
PNAAP	Peckham & Nunhead Area Action Plan
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PSV	Proposed Submission Version 2017/18
PTAL	Public Transport Accessibility Level
SAMR	Site Allocations Methodology Report (EIP82)
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
SoCG	Statement of Common Ground
SHMA	Strategic Housing Market Assessment
SHLAA	Strategic Housing Land Availability Assessment
SIL	Strategic Industrial Land
SPIL	Strategic Protected Industrial Land
TfL	Transport for London
UCO	Use Classes Order 1987 (as amended)

## Non-Technical Summary

This report concludes that the New Southwark Plan provides an appropriate basis for the planning of the Borough provided that a number of main modifications (MMs) are made to it. The Council of the London Borough of Southwark has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal of them as part of an update to the Integrated Impact Assessment (IIA). The MMs were subject to public consultation over a seven-week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- The inclusion of a strategic spatial policy framework and key diagram(s), which clearly set out the scale and distribution of growth.
- An amended plan period 2019 – 2036, to align with the published London Plan and to provide a strategic policy framework for 15 years post plan adoption.
- The inclusion of a housing trajectory; and clarifications on measuring deliverable housing supply.
- Various amendments to individual site allocations including indicative minimum site capacities for those sites which must deliver new housing, amended site details and various updates to reflect the recent changes to the Use Classes Order.
- The inclusion of the existing housing allocation sites at Aylesbury carried over from the 2010 Aylesbury Area Action Plan.
- A monitoring framework.
- A number of other modifications to policies to ensure that the plan is positively prepared, justified, effective and consistent with national policy and in general conformity with the published London Plan.

## Introduction

1. This report contains our assessment of the New Southwark Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (NPPF) 2021 (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. What constitutes the submitted plan is intricate in the case of the New Southwark Plan (NSP). The Plan submitted in January 2020 comprised an amalgam of content from the 2017/18 Proposed Submission Version (PSV) and the 2019 Amended Policies Version (APV), both of which had been subject to consultation under Regulation 19<sup>1</sup>. Shortly following submission, we advised the Council of potential procedural issues with the format of the consultation on the APV content.
3. To address this, the Council undertook additional consultation on both the APV content, together with further modifications to the Plan identified by the Council on submission in January 2020 and in response to a number of changes identified in our initial observations [EIP14]. A total of 493 potential changes were consulted on in a suite of documents presented as the 'Council's Proposed Changes' [EIP27a-d]. An updated IIA, including an Equalities Impact Assessment, accompanied the consultation over 9 weeks between August and November 2020. We are satisfied this consultation period provided sufficient time for anyone potentially prejudiced by the initial APV consultation to comment. We have taken the combined PSV and APV content to form the 'submitted plan' as the baseline plan for our examination. Notwithstanding the Council's Proposed Changes consultation, any further changes to this baseline submitted plan have been further considered as main modifications where they are necessary for soundness.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any MMs necessary to rectify matters that make the NSP unsound and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them as part of updates to the IIA. The MM schedule was subject to public consultation for seven weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light, we have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or

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<sup>1</sup> Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary we have highlighted these amendments in the report.

## **Policies Map**

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the NSP Proposed Policies Map as set out in document NSP02.
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
8. These further changes to the policies map were published for consultation alongside the MMs in the document 'NSP Schedule of Changes to Policies Map' [EIP220].
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the document titled NSP Proposed Policies Map [NSP02] and the further changes published alongside the MMs [EIP220].

## **Context of the Plan**

10. Southwark is a diverse inner London Borough, with distinctive individual areas and communities reflecting the heritage and influence of the Borough's location adjacent to the Thames and on other established transport arteries in the south of London, notably the Old Kent Road. Accordingly, parts of the Borough have been strongly shaped by commercial and trading activities, either in the extensive former Thames-side docks in Rotherhithe and Bermondsey or in those parts of the commercial hub of central London within the Borough at London Bridge, Bankside and Elephant & Castle. Many of these commercial areas have already undergone a significant degree of change to become more mixed character areas, or are currently experiencing large-scale redevelopment schemes, or present opportunities for further sustainable optimisation of land resources. This is reflected in the London Plan (adopted March 2021) which identifies four opportunity areas for significant housing and employment growth in the Borough at Old Kent Road, Canada Water (including Surrey Quays), Elephant & Castle and London Bridge/Bankside. The NSP is required to be in general conformity with the London Plan 2021.

11. Whilst there are many positive attributes to the Borough including diverse communities, significant employment opportunities, a rich array of heritage assets and valuable environmental resources (Burgess Park, Nunhead Cemetery, Southwark Park, Stave Hill Ecological Park etc) there are critical challenges facing the Borough that the Plan must address, as identified in the IIA baseline. These include levels of multiple deprivation in parts of the Borough, the serious shortage of genuinely affordable housing, significant environmental problems including failing air quality across most of the Borough and the ongoing restructuring of the economy. One of the biggest challenges for a Borough which includes large areas only very marginally above sea-level are the consequences of climate change and the need to move expediently to a lower carbon future.
12. The NSP sets out strategic policies and development management policies to secure sustainable development in terms of net social, environmental and economic gains. This is particularly challenging given the competing demands on land resources in an inner London borough. To this end, the Plan allocates approximately 80 sites across the Borough as part of the continued regeneration and optimisation of land resources. The scale of change and growth in the Borough that the NSP seeks to shape, is substantial, reflecting that the London Plan sets the Borough the fourth largest housing target in the capital at 2,355 dwellings per annum (dpa). Alongside this the Council has its own strategy to deliver 11,000 new affordable Council homes by 2043. Critical to meeting this level of growth on a sustained basis will be the implementation of the Bakerloo Line Extension (BLE) out from Elephant & Castle to Old Kent Road and onwards to Lewisham, optimising sustainable land opportunities along the route as set out in the London Plan<sup>2</sup>.

## **Public Sector Equality Duty**

13. The Council has carried out an Equalities Impact Assessment to inform the preparation of the Plan. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010 and in particular we have considered how the Plan's policies and proposals are likely to affect persons with protected characteristics. This has included our consideration of several matters during the examination including the housing needs of gypsies and travellers, different types of housing need including for people with disabilities and the elderly, achieving sustainable and accessible design, creating safe and secure places and improving town centres and access to infrastructure including by sustainable modes of transport. Our findings in relation to those matters are set out in subsequent sections of this report.

## **Assessment of Duty to Co-operate**

14. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. A number of strategic matters have been considered and resolved through the adoption of the London Plan in 2021. Southwark Council proactively engaged in the preparation of the London Plan. The submitted NSP responds positively

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<sup>2</sup> Table 2.1, Figure 2.4 and paragraphs 2.1.14-2.1.17

to the relevant housing targets, job figures, opportunity areas and strategic infrastructure (including the BLE) in the London Plan 2021.

16. The submitted Plan was accompanied by a Duty to Cooperate (DtC) Statement [DCS01] and a number of statements of common ground (SoCGs) with neighbouring authorities and relevant DtC bodies as required by paragraph 27 of the NPPF. This evidence demonstrates that the Council has been involved in ongoing and constructive engagement on strategic planning matters during the preparation of the NSP, particularly with neighbouring south-east London Boroughs where there are shared housing markets and strategic infrastructure. This includes dialogue and plan-making consistency with Lewisham Council on the BLE and related strategic growth as well as the cross-boundary strategic industrial land supply at the Bermondsey 'dive-under'/Surrey Canal Road location.
17. The matters relating to issues of plan soundness in the SoCGs have been addressed by supplementary SoCGs during the examination (Sport England, Environment Agency, Transport for London (TfL) etc) and are addressed elsewhere in this report.
18. In conclusion, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

19. The Plan has been prepared in accordance with the Council's Local Development Scheme. There has been some slight slippage in the examination, principally due to the impact of Covid-19 on the timing of the hearings. Accordingly, adoption of the Plan would be likely to be a couple of months behind the milestone envisaged in the latest Local Development Scheme [EIP66a]. Overall, the scope and content of the Plan accords with the Local Development Scheme.

### *Consultation*

20. Consultation on the Plan was largely carried out in compliance with the Council's Statement of Community Involvement. We have set out above that there were issues with the Regulation 19 consultation on the APV in 2019 which related to 10 policies and 7 allocated sites. This was in relation to the ability to submit written comments outside of the online consultation. The subsequent consultation on the Council's Proposed Changes (CPC) included the APV content. Procedural concerns have been raised that at 9 weeks, the CPC consultation is at a variance with the 12 weeks in the Statement of Community Involvement. Nonetheless, the APV content has been available for comment for a total of 21 weeks. New representations were generated from the CPC consultation, including on the APV content. Representations generated from the PSV, APV and CPC consultations informed our identification of main soundness issues and questions for the hearings. Those who raised comment at the CPC stage were allowed to participate at the hearings in accordance with the principles of Regulations 20 and 23. We therefore conclude that the consultation undertaken has not prejudiced the



ability to make comment on the 'submitted' Plan and has enabled fair and equitable access to participate in the examination.

### *Sustainability Appraisal*

21. The Council carried out a sustainability appraisal of the Plan as part of the wider IIA process. The IIA report presents the findings of the appraisal and was published along with the plan and other submission documents at the Regulation 19 stage [NSP06]. The IIA was updated to accompany the CPC in summer 2020 [EIP72] and again with the proposed main modifications [EIP224].
22. The IIA, which also includes the requirements of Strategic Environmental Assessment (SEA) is a substantial piece of work, which has evolved during both the plan preparation and examination processes. It has adopted a systematic approach, in line with the legal requirements and relevant guidance. Three broad options have been appraised, including a 'business-as-usual' option (as required by SEA), the preferred option of 'place making and place shaping' to accommodate the significant growth in the LONDON PLAN, and an alternative option of higher growth. The IIA (principally at Appendix 10) sets out the rationale for the preferred option, compared to the two identified reasonable alternative options.
23. The appraisal framework identifies 17 objectives, informed by a comprehensive analysis of the relevant plans, strategies and programmes and baseline data. All policies and site proposals in the Plan have been consistently appraised against the objectives [EIP224a, Appendices 5-7]. Where policies have potentially uncertain or negative effects, mitigation has been appropriately considered.
24. A number of reasonable alternatives have been assessed in the IIA, albeit recognising that conformity with the London Plan 2021 strongly shapes the strategic spatial options and policies in the Borough. Further discussion and analysis of reasonable alternatives has been provided [EIP234] and embedded into the final IIA at Appendix 12 [EIP224a]. From all that we have read and heard we are satisfied that the sustainability appraisal (as part of the IIA) was proportionate, objective and compliant with legal requirements and national guidance.

### *Habitats Regulations*

25. The submitted Habitats Regulations Assessment (HRA) Report January 2020 [NSP10] set out that after screening the policies, an appropriate assessment would not be necessary due to the intervening distances and convoluted impact pathways between Southwark and the nearest qualifying protected sites within 10 kilometres of the Borough boundary. The HRA has considered the likely effects arising from urbanisation, the impact on air and water quality and recreational pressure and concludes that the policies and proposals of the NSP pose no significant effects, alone or in combination. This conclusion has been accepted by Natural England in May 2020 following formal consultation on the updated HRA [EIP23]. Overall, we find the HRA to be satisfactory and in accordance with the relevant legal requirements.

### *Strategic Priorities, including Climate Change*

26. The submitted Plan reflects the Council's strategic priorities. These are subsequently addressed through the policy framework of the NSP for the development and use of land in the Borough, including 6 strategic policies and 15 area visions for the constituent parts of Southwark. We set out elsewhere in our report, various MMs that are necessary to ensure that the Plan contributes to the Council's latest strategic priorities.
27. The Plan includes policies designed to secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change. This includes a spatial strategy that focuses the vast majority of growth to locations accessible by public transport, walking and cycling. These locations also have a strong mix of existing and planned uses including employment, retail and services, thereby facilitating active travel. Across the Borough, the Plan seeks to support further modal shift in accordance with the Council's Movement Plan<sup>3</sup>, including generous cycle parking standards and requirements to connect and enhance walking and cycling infrastructure, including the 'Low Line' routes. The Plan protects valuable green spaces across the Borough and seeks to secure additional green space and urban greening through good design. Policies also seek to improve the energy performance of new buildings, optimise the use of combined heat and power networks and to align with the London Plan 2021 on the circular economy. The Plan contains an appropriate policy framework in respect of flood risk and sustainable drainage.
28. The Council declared a climate emergency in 2019 and published a draft Climate Change Strategy and Action Plan in 2020. The London Plan 2021 also provides a basis to update parts of the NSP in respect of climate change and we deal with the necessary MMs under the relevant main issues in this report. There are concerns that the Plan does not go far enough in meeting the challenge of climate change in Southwark. For the reasons set out elsewhere in this report, we are satisfied that subject to the MMs as recommended, the Plan would meet the requirements at paragraphs 11a and 152-158 inclusive of the NPPF, including contributing to radical reductions in greenhouse gas emissions. There is currently no national planning policy requirement for the NSP to include targets for reductions in greenhouse gases in the Borough although the proposed monitoring framework would include various indicators to monitor annual carbon emissions data and identify where developments are required to submit whole lifecycle carbon assessments.
29. The Council has indicated that plan review would be the mechanism to respond to updates. This would include those arising from revisions to the Climate Change Strategy and Action Plan<sup>4</sup> and measures necessary to meet the accelerated approach to reducing carbon emissions by 78% compared to 1990 levels by 2035 as set out in the 6<sup>th</sup> Carbon Budget (June 2021). This, in our view, would be a justified approach enabling appropriate reflection on detailed government advice on how to implement the latest Carbon Budget Order through the planning system.

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<sup>3</sup> Endorsed in Statement of Common Ground by Transport for London as being appropriate and in line with the Mayor's Transport Strategy (including mode shift).

<sup>4</sup> Updated July 2021

### *Conformity with the London Plan 2021*

30. The NSP was drafted in the context that the Mayor was preparing a new London Plan to replace previous iterations. Accordingly, in relation to spatial strategy and key policy areas, the submitted NSP responded to the emerging London Plan. The London Plan was examined in 2019 and following an iterative process of further changes in 2020, the London Plan was published in its final form on 2 March 2021. Where necessary for soundness and general conformity, the content of the NSP has been amended to reflect the London Plan 2021. The Mayor, in response to the consultation on the proposed MMs, has confirmed that the NSP is in general conformity with the London Plan 2021.
31. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Assessment of Soundness**

### **Main Issues**

32. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 7 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

### **Issue 1 – Whether the Plan's Spatial Strategy and Area Visions have been positively prepared and whether they are justified, effective, consistent with national policy and in general conformity with the London Plan.**

#### *Spatial Strategy and Plan Period*

33. The London Plan 2021 provides a starting point for the overall Spatial Strategy for the Borough by setting out a strategic framework for areas of significant growth and change. Southwark's Spatial Strategy is informed by a number of strategic designations including Opportunity Areas (OAs) for significant growth and regeneration. In Southwark, these are Borough/Bankside, London Bridge, Canada Water and Old Kent Road. Large parts of the northern extent of the Borough are within the London Central Activities Zone (CAZ) which identifies the primary locations for, amongst other things, commercial and retail activities. In addition, the London Plan 2021 also identifies a number of existing town centres, all of which combine to provide the strategic 'building blocks' of the Plan's spatial strategy.
34. Bankside and the Borough and London Bridge are both OAs and within London's CAZ, and so the Plan seeks to appropriately retain and expand commercial office space in these areas as well as supporting the delivery of new homes. Within the CAZ, the Plan supports leisure and cultural uses and strongly promotes active frontages to ensure these areas remain vibrant. The Plan also focuses the majority of new housing development in the Borough within the Old Kent Road Opportunity Area (OKROA) with a target of delivering 20,000 homes and 10,000 jobs over the plan period. Policy SD1 of the

LONDON PLAN identifies the OKROA for 12,000 new homes and 5,000 jobs enabled by the Bakerloo line extension (BLE). The figures in the London Plan 2021 are expressed as 'indicative' and as such provide for flexibility if the evidence demonstrates that higher figures would be sustainable and achievable.

35. The evidence base [EIP149] which includes area-wide masterplanning for Old Kent Road as well as site-specific design-led schemes [EIP139-144] justifiably indicates that the area could sustainably accommodate further residential growth significantly in excess of the level of growth anticipated by the London Plan 2021, in combination with existing and proposed commercial and industrial development. A significant quantum of residential development in the OKROA is expected to come forward in the first part of the plan period with 9,500 homes in phase 1. The remaining 10,500 homes are phased for delivery later in the plan period (build out anticipated post 2023/4) and would be dependent on the timing of the BLE.
36. The OKROA contains significant Strategic Industrial Land (SIL) in proximity to the CAZ. The Plan strategy seeks to accommodate substantial levels of both housing and employment in this area, including the need to co-locate these uses on various proposed allocations. Delivering mixed uses on the scale planned for in the OKROA will require significant progression of emerging design solutions that can secure both the necessary successful co-location of distribution, manufacture and logistics floorspaces in very close proximity to new homes and the intensification of employment and industrial uses on SIL sites. These circumstances apply to various parts of London such that business models and property markets will find solutions to adapt to them, in terms of the flexibility envisaged at paragraph 82 of the NPPF. The Council has directed us to various initial developments in the OKROA where innovative co-location is being secured, which gives us confidence that the Plan's strategy on this issue will be effective.
37. An alternative approach of scaling-back co-location as part of this Plan would result in reducing housing numbers<sup>5</sup> and flexibility to deliver the strategic housing requirements in the medium to long term. Some existing businesses in OKROA and elsewhere in the Borough could well be displaced, including those scenarios where co-location on existing sites will not be a practical option. In response to this, the Plan protects key SIL sites where churn and intensification may accommodate relocating businesses. In addition, we are satisfied that cross-boundary provision of SIL in the Bermondsey 'dive-under'/Surrey Canal Road location close to Old Kent Road (OKR) will strategically function to meet the needs of some of the less neighbourly employment uses in this part of south east London. Overall, we consider the proposed approach to co-location to be appropriate part of the strategy for meeting the Borough's identified development needs.
38. The NPPF expects local plans to make sufficient provision for housing, employment, retail, leisure and other commercial development including planning for appropriate sites to deliver the strategic priorities of the area. The strategy put forward in the Plan strikes an acceptable balance between the delivery of jobs and homes as well as meeting the identified needs of the

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<sup>5</sup> The potential developable 9,860 home buffer identified in Issue 5 below

Borough. As such, we consider the plan accords with policies SD1 and SD4 of the London Plan 2021 in this regard. The Council is also preparing an Old Kent Road Area Action Plan (OKRAAP) which will provide further detailed policy and guidance for the OA which, along with the NSP, will provide a clear spatial strategy and suite of policies for the area.

39. The submitted Plan does not include a clear strategic vision, key diagram(s) and nor does it clearly articulate the overall strategic development targets by location across the Borough. A key diagram and several thematic diagrams are recommended as **MM4** for effectiveness and consistency with national policy at NPPF paragraph 23. The addition of a Strategic Vision provides a further written expression of the strategy and this is recommended as **MM5** for effectiveness. New policies are required to identify the strategic development requirements for each of the vision areas across the Borough. These are necessary in order for the plan to clearly articulate the development expectations for each area, along with the area visions. The required new policies also need to express the overall aims and objectives for growth to take place in Southwark set out against the key designations identified in the London Plan 2021 as these were not clear in the submitted plan. The addition of new policies is also necessary to fully convey the spatial strategy and to set out how the Council will aim to ensure the strategy is delivered for their communities and businesses. In light of this, **MM6** and **MM7**, which introduce Policies SP1a and SP1b, are both necessary for the Plan to be justified, effective and consistent with national policy.
40. The London Plan identifies key town centres within Boroughs and the NSP identifies those town centres outside the CAZ in Southwark. The NSP sets out the retail hierarchy for the Borough at Policy P34 and along with **MM6** and **MM7**, set out the amount of retail floorspace identified by individual location. The submitted plan's retail hierarchy included a single new Major Town Centre at OKR. However, the London Plan 2021 now includes two new smaller District Town Centres at Old Kent Road North and Old Kent Road South. This reflects the scale of development taking place as well as the linear nature of the OKROA. In order to ensure conformity with Policy SD8 of the London Plan **MM54** is necessary to make this change to Policy P34 and to update the accompanying town centre hierarchy map.
41. The submitted plan indicated a time period covering 2018-2033, however, this would not have provided for a 15 year plan period based on a likely adoption date as required by paragraph 22 of the NPPF. Furthermore, in order that the plan period reflects the strategic housing targets in the London Plan 2021, the starting date should reflect the London Plan's 10 year housing targets (2019). For consistency with national policy and conformity with the London Plan, **MM5** is necessary to amend the plan period to extend to 2036, whilst **MM6** is necessary to amend the Plan period to 2019 – 2036 and ensure that the development targets reflect the revised full duration.

#### *Development Targets and Strategic Policies*

42. The submitted NSP did not clearly set out the overall quantum of development to be planned for over the plan period, including the proportion of the housing, employment and retail growth that would be directed to particular parts of the Borough. The new Policies SP1a and SP1b inserted by **MM6** and **MM7** would

articulate the spatial distribution of growth more clearly across the Borough. Policy SP1a clarifies the amount of housing, employment, retail and open space proposed. Policy SP1b sets out the specific development targets for those uses against each of the individual vision areas. We are satisfied that these policies, in combination with the area visions, subject to the MMs set out below, would sufficiently articulate the spatial vision for the Borough.

43. The development targets should be updated having regard to the amended plan period (2019-36). Our detailed considerations of each of the targets set out in Policy SP1a are addressed in the relevant sections of this report below. However, **MM6** is required to insert Policy SP1a, setting out the overall development targets, in order for the plan to be justified, effective and consistent with the London Plan 2021. Additionally, **MM3** would introduce a consequential update of the strategic targets set out at the front of the Plan.
44. The Plan's overall development strategy seeks to focus new residential development in the OKROA, which as discussed, is to be facilitated through the significant improvement to public transport, including the BLE. The OA status along with the commitment to the BLE give significant confidence that the Plan's strategy for the OKR area is justified and has a reasonable prospect of being delivered. The extent of change in the OKR area is justifiably interdependent with progress on delivering the BLE. As a result, the Plan seeks to limit the amount of housing that can come forward in the OKROA in advance of the BLE with 9,500 dwellings in phase 1 and the remaining 10,500 homes coming after the letting of the construction contract for BLE (anticipated in 2023/4). Such an approach to managing the development targets is necessary in order to ensure that undue pressure is not exerted on the existing transport network, but also to ensure that the plan actively supports and embeds the use of public transport.
45. Delivery of the development targets will be reliant on optimising the development potential of sustainably located sites, including through the principle of 'taller buildings' and intensifying existing employment sites to accommodate a mix of uses. We assess the soundness of individual site allocations and detailed policy approaches to taller buildings elsewhere in this report. In terms of this forming part of the broad strategy to meet the development needs for the Borough over the plan period we find that the Plan is in general conformity with the London Plan 2021 at Policies D3 and E7.
46. The NPPF at paragraph 21 requires plans to make clear which are the strategic policies necessary to address the strategic priorities for the area. These also have the purpose of providing a framework for any neighbourhood plans prepared in the Borough would need to conform to. On submission, whilst the Plan labelled a number of policies as strategic, it was unclear whether there were other policies in the Plan capable of being identified as strategic policies. The inclusion of **MM2** to explicitly reference the strategic policies is therefore required for effectiveness and consistency with national policy.

#### *Rescinding AAPs*

47. On submission, the extant development plan included 3 adopted Area Action Plans: Aylesbury (the AAAP adopted in 2010); Peckham and Nunhead (the PNAAP adopted in 2014); and Canada Water (the CWAAP adopted in 2015).

In large part these AAPs have been successful in managing development proposals in these parts of the Borough. In terms of the site-specific proposals contained in these AAPs, these have largely been constructed or have planning permissions at various stages of implementation. The submitted plan was ambiguous on whether any parts of these AAPs would be 'saved' on adoption of the NSP.

48. The submitted Plan carries forward most of the remaining site allocations from both the CWAAP and PNAAP. Additionally, as recommended elsewhere in this report, it would be necessary for soundness for the Plan to continue identifying the Aylesbury allocation from the AAAP. The development management policies in the various AAPs are now of some age, those in the AAAP pre-date the NPPF and all AAPs pre-date both the London Plan and iterations of the NPPF since 2018. The submitted Plan, in combination with the London Plan 2021, would update and replicate many of the policy objectives and requirements set out in the AAPs. There are incidences where it would be justified to amend the submitted NSP policies (housing mix, parking standards) to ensure continuity with the AAAP, particularly where they would secure sustainable regeneration that meets the needs of existing households, including those with protected characteristics. Various MMs recommended elsewhere in this report would do that and so we do not repeat them here. Ultimately, retaining the AAPs on adoption of the Plan would be of little practical value in day-to-day decision making and would give rise to potentially unhelpful tension between policy requirements. **MM1** would clarify that the adopted NSP would replace the AAPs and set out the detail in a new annex to the Plan. We recommend **MM1** for consistency with national policy and for effectiveness.
49. As a consequence of the above approach the remaining allocation at St Georges Wharf, Rotherhithe (site CWAAP16) for mixed use development would be rescinded and become 'white land' (land with no positive site allocation). We do not consider that rolling forward the allocation as part of the NSP at a late stage of the examination would be necessary for plan soundness. As such it would be a matter for plan review to consider the options for this site. London Plan 2021 Policy SI 15 and submitted NSP Policy P24 would be relevant to the existing boatyard operation on the site. As such it would not be necessary for plan soundness to include a specific boatyard protection policy or allocation at St George's Wharf.
50. Our attention has also been drawn to parts of AAP allocated sites that have not been redeveloped and where the proposed approach would leave them without a specific plan allocation (Sites CWAAP9 and PNAAP2). We do not consider it necessary for Plan soundness to re-establish allocations for these areas given the policy framework in the NSP would provide an appropriate basis on which to determine proposals for sustainable development. An allowance has been made in the housing trajectory for 'windfall' provision, recognising the urban fabric of the Borough will yield additional supply where appropriate.

#### *Area Visions*

51. The 'Area Visions' contained within the Plan are policies that provide a link from the London Plan 2021 and the NSP spatial strategy to the various

individual site allocation policies. In respect of Old Kent Road, the 'Area Vision' also provides a further policy framework against which to finalise the OKRAAP as the detailed development plan document for this strategic growth location. On submission the areas to which the visions applied as policy were not clearly defined and therefore future users of the plan and decision-taking would be potentially affected by the ambiguity. **MM15** would rectify matters by defining the spatial boundaries of the Area Visions.

52. Whilst concerns were raised regarding the delineation of the boundaries of the Bermondsey and London Bridge Area Visions, we consider these are appropriately drawn and reflect where the Area Vision (AV) policies will apply. The inclusion of Area Vision maps has also provided an opportunity to include necessary detail on CAZ, town centre and Action Area Core boundaries, alongside boundaries for Business Improvement Districts and Neighbourhood Plan areas. Redundant or repetitious detail from the three AAPs, which can now be rescinded, has also been removed. Overall, we recommend **MM15** so that the plan would be effective.
53. The individual area visions also set out the key characteristics of each part of the Borough together with their contribution towards securing sustainable development, including the growth opportunities that exist in each area. The area visions provide a golden thread through the Plan linking the strategic policies through to the site allocations. However, to be effective, the AV policies need to specifically link through to the key strategic policies of the London Plan 2021 (particularly where they are OAs and/or in the CAZ) as well as giving greater clarity on the development opportunities and infrastructure improvements that exist in each area. Main modifications to these policies are therefore necessary so the Plan would be effective. **MM17, MM18, MM19, MM20, MM21, MM22, MM24, MM25** and **MM26** would make these changes for the Bankside and The Borough, Bermondsey, Blackfriars Road, Camberwell, Elephant & Castle, London Bridge, Peckham, Rotherhithe and Walworth Area Visions respectively.
54. Additionally, the Aylesbury area vision needs to emphasise the priority is to deliver high quality social-rented housing, including at least 2,249 social rented homes as part of the consented regeneration. Consistent with affordable housing policy in the NSP (as modified), and with the tenure of existing stock to be replaced, the Area Vision also needs to clarify that the preference in Aylesbury would be for social rented homes over intermediate products.
55. The Area Vision also needs to be expanded to recognise that sustainable regeneration should also deliver new local opportunities for retail, community and leisure facilities, greenspace and local employment workspace. This would reflect the AAAP and the various proposals now coming forward. **MM16** would address all of these points and ensure that the Area Vision for Aylesbury would be effective, consistent with NPPF paragraph 94 and reflect PPG paragraph 53-006-20190722 on the benefits of estate regeneration and to fully reflect the necessary strands that need to be coordinated to secure genuinely sustainable regeneration.
56. Old Kent Road is identified as an OA in the London Plan 2021 with significant capacity for growth and change. The OKR Area Vision sets out the context and



strategic guidance for development in the area to follow as well as identifying the key growth opportunities that both the NSP and the emerging OKRAAP will address. In order to provide clear and effective linkages through to the site allocations in the NSP and further detail in the OKRAAP, the growth opportunities section of the vision needs to be amended to reflect the 10,000 new jobs planned for in the area in Policy SP1a and reflect the strategic target of 9 hectares (net) of new green infrastructure and open space. Furthermore, the area vision also requires amendment to reflect that two District Town Centres are planned rather than a single Major Town Centre that was included in the submission policy in order to accord with the London Plan 2021. The confirmation of the safeguarding of the BLE route would require a consequential update to the area vision as well as updating the wording to reflect the phasing of development prior to the letting of the construction contract for the BLE. **MM23** is recommended to address these matters which are required for effectiveness and ensure conformity with the London Plan. Following the consultation on the MMs we have amended **MM23** to provide flexibility that phase 2 development will occur post 2023, rather than specifically within the period 2023-2027.

### *Sustainable Regeneration*

57. In an inner London Borough where growth will take place entirely through the redevelopment and transformation of already developed sites, including existing housing, commercial and trade sites and office buildings it is important that the Plan sets out an overarching strategic policy, in combination with London Plan policies SD1, SD10, D1, D3 and H8, to secure sustainable and inclusive regeneration. Whilst Southwark must meet a proportionate share of the capital's wider need for homes and jobs, the Plan must also seek to meet the needs of existing people, families and businesses in Southwark. This includes, amongst other things, the acute need for affordable housing, access to good and diverse employment and a greener environment for, amongst other things, physical and mental well-being, biodiversity and improved air quality.
58. An alternative option, to solely re-use and retrofit existing buildings, would not meet the scale of identified housing need with sufficient flexibility or provide the modern, adaptable employment spaces necessary to support and diversify jobs growth over the plan period. Were the plan to focus on reusing existing buildings it would do little to improve the sustainable pattern of development in Southwark. Importantly, there are those opportunity area locations (for example, Old Kent Road and Canada Water) where regeneration presents a meaningful prospect of redressing current car dominated environments and constructing significant volumes of high-quality energy efficient buildings. Furthermore, regeneration through redevelopment, as seen at Elephant & Castle, also presents the most viable and realistic means of delivering significant areas of new public open space and public realm improvements. Overall, we are satisfied that the Plan is justified in pursuing a strategy of regeneration including significant redevelopment in sustainably located opportunity areas, major town centres and the Aylesbury (the Area Action Cores).
59. Since the proposed submission plan was consulted on, the Council has declared a climate change emergency and the NPPF has been amended to

specify that sustainable development for plan-making means that all plans should promote a sustainable pattern of development that seeks to, amongst other things, mitigate climate change, including by making effective use of land in urban areas. The submitted NSP, including its approach to regeneration, would, in broad terms, positively respond to these circumstances, but further certainty and clarification in submitted Policy SP2 would re-emphasise the need to ensure the reliance on regeneration combines social and economic benefits alongside the need to address the consequences of, and impacts of climate change. We therefore recommend main modifications to Policy SP2 to better reference the role of regeneration and redevelopment in meeting the net zero carbon target by 2050 and ensuring that the design of buildings and spaces mitigates and minimises the impacts of climate change on local residents. The supporting text to Policy SP2 should also be modified to recognise that regeneration can achieve mutually inclusive outcomes such as reducing fuel poverty and addressing that it is often the most vulnerable in society who are the most exposed to the effects of climate change. **MM11** would make the necessary changes and we recommend them for effectiveness.

60. There are legitimate concerns that regeneration can be synonymous with 'gentrification', displacing existing communities and businesses and diminishing local character with standardised designs that potentially erode a sense of place including the prospective loss of buildings that are locally important. We find the submitted policy framework in the NSP (subject to the MMs we have recommended), when taken as a whole, would be appropriately responsive to these concerns. Submitted Policy SP2 seeks to ensure that existing residents and neighbourhoods prosper from 'good growth'. This, however, is an uncertain term. From the evidence on employment land and demand for workspace [SP412, SP413 and SP431] it is clear that employment will diversify over the plan period, including opportunities for new green jobs as well as the need to create new affordable workspaces for self-employment and smaller-medium sized enterprises. Additional text proposed in **MM11** would expand on what is meant by 'good growth' and we recommend it for effectiveness so that the plan can be soundly implemented.

#### *Responding to the challenge of climate change*

61. As set out elsewhere in this report, a number of circumstances have evolved since the Council undertook its second Regulation 19 (pre-submission) consultation in early 2019. In summary these include, amongst other things: (i) the Council's declaration of a Climate Emergency in 2019 (including the objective of carbon neutrality by 2030); (ii) the Government's adoption of the Sixth Carbon Budget into law (accelerating the reduction target to 78% from 2035 as part of getting to net zero by 2050) in June 2021; (iii) publication of the London Plan in March 2021; and (iv) updates to the NPPF (paragraph 11a) in July 2021. On submission, Policy SP6 took a broad approach to ensuring a cleaner, greener and safer Borough and dealt with climate change in recognised terms around energy efficiency in buildings, prioritising walking and cycling, urban greening and protecting biodiversity. Given the changing circumstances, we recommend various modifications to Policies SP2 and SP6 and supporting text including new text to make it clear that reducing carbon and greenhouse emissions and providing spaces for people to connect with nature would be priorities. The latter is important, recognising the evidence

that Southwark is ranked within the 20% most-deprived Boroughs nationally in terms of quality of the indoor and outdoor environment. **MM11** and **MM14** would make the necessary changes and we recommend them so that the plan would be effective, positively prepared in terms of the importance of climate change and to ensure conformity with the London Plan 2021.

62. The data, policies and technical solutions to climate change are evolving. Moreover, the nature, severity and frequency of risk arising from climate change (urban heat, flood risk – tidal and surface water etc) is also increasing. All policies have been subject to appraisal as part of the accompanying IIA process including assessment against sustainability objectives related to climate change. We recommend elsewhere in this report **MM84**, which would introduce a Monitoring Framework for the Plan, including appropriate indicators for Policy SP6 (Climate Change).
63. The changing context on climate change, is however, not a reason to delay further the adoption of the Plan. Progression now would allow appropriate weight to be given to NSP policies, including those that seek to respond to the challenges of climate change. In relation to the 6<sup>th</sup> Carbon Budget, this has come towards the very end of a prolonged plan-making and examination process. Taking into account what the Plan realistically and viably seeks for energy efficiency, modal shift, flood risk, air quality and urban greening it would represent a logical 'stepping stone' to achieving the accelerated requirements of the recent Carbon Budget. On this basis, the normal processes for plan review would be the appropriate mechanism on this matter. This would also enable appropriate regard to be given to any pan-London climate change policies, strategies and initiatives developed by the Mayor, given many aspects of planning to mitigate and adapt to climate change better relate to the spatial geographies covered by strategic planning.
64. Submitted Policy SP6 included content on public realm which duplicates that found elsewhere in the Plan (submitted policies SP2, P12, P13 and P16). **MM11** would remove the content (submitted criterion 5) to avoid unnecessary repetition and potential ambiguity for decision makers. As such we recommend this change for plan effectiveness.

#### *Conclusion on Issue 1*

65. Subject to the MMs identified above the Plan's Spatial Strategy and Area Visions have been positively prepared and are justified, effective, consistent with national policy and in general conformity with the London Plan 2021.

#### **Issue 2 – Whether the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in relation to meeting the Borough's housing needs.**

#### *Housing Needs*

66. Policy SP1 sets out the overall approach to providing housing across the Borough including a strategic housing target of 2,355 dpa as well as the overall strategic percentage of affordable housing required. The Borough's housing requirement is identified in the London Plan 2021 which sets out a 10 year housing figure for Southwark of 23,550 homes over the period 2019-2029. Having regard to the fact that in London, Borough level housing figures

are provided by the GLA via the London Plan, we consider that there are no other circumstances that would justify a departure from the London Plan's housing target for Southwark. As a strategic policy, it is necessary for soundness that the overall housing target covers the full plan period (as modified) to 2036. As such, in order to continue to meet overall housing need, it is necessary to project the annual figure of 2,355 dpa over the remainder of the plan period. Therefore, we recommend that the strategic housing target for the Plan to deliver would be 40,035 homes over the period 2019-2036. This change is set out in **MMS** and is necessary for effectiveness, to ensure conformity with the London Plan and consistency with the NPPF.

67. As a strategic policy that deals with the approach to housing, Policy SP1 is required to identify (where possible), land to accommodate at least 10% of the housing requirement on sites no larger than 1 hectare. Furthermore, the London Plan 2021 indicates that Southwark's target for development on small sites of up to 0.25 hectares is 601 dpa (10,217 over the plan period). As such, **MMS** is necessary for consistency with the approach in the NPPF at paragraph 69 as well as to reflect the target for small sites set out in Policy H2 of the London Plan 2021.

#### *Affordable Housing*

68. The London Strategic Housing Market Assessment (SHMA) (2017) identifies a significant need for affordable housing across London, including within Southwark. London Plan 2021 Policy H4 identifies an overall strategic target of 50% of all housing to be genuinely affordable and Policy H5 seeks for a threshold level of affordable housing to be a minimum of 35%. In order for the Plan to provide clear justification when seeking affordable housing, Policy SP1 requires amendment to set out the minimum percentage and to encourage development to go beyond the minimum, but also to set out that the 'fast track route' or affordable housing grants could be used in order to secure additional affordable housing. **MMS** is therefore required to set out the overall scale of need for affordable housing in the Borough and to accord with the approach in the London Plan 2021.
69. Southwark has identified an acute need for affordable housing in the Borough, with the SHMA (2019) [SP107] indicating a net annual need for 2,077 affordable homes across the Borough. The predominant tenure of affordable housing required is social rented accommodation, having regard to the overall affordability levels identified. Submitted Policy P1 follows the minimum affordable housing percentage set out in the London Plan 2021 but seeks to secure the maximum viable amount of affordable housing on development sites. Due to the high levels of need, alternative affordable housing percentages were considered including up to 50% across the Borough. However, the Housing Background Paper [SP101], along with the Housing and Affordable Workspace Viability Study [SP109] indicates that at higher percentages, the viability position would not enable the Council to deliver the quantum of social-rented accommodation required to address the housing needs of those with lower incomes.
70. The Plan's overall approach to affordable housing is effectively that there is no formal 'minimum' policy percentage, and that the maximum amount of affordable housing is sought. This is the Council's starting position and

development is required to submit a viability assessment in order to establish what the maximum viable level of affordable housing on site would be. Whilst this approach does not provide a clear and explicit percentage requirement, it is nonetheless justified and necessary having regard to the achievement of the overall strategic target of 50% affordable housing. In reality, the overall level of affordable housing viability is likely to sit somewhere in the region of 35-50% based on the Council's preferred tenure split. However, in order to ensure that the right type of accommodation is secured, the Plan should be modified to make clear that developments of 10 or more units must provide the maximum viable amount of social rented and intermediate homes within the minimum percentage figure of 35%. Due to the overall need for affordable housing and having regard to the strategic affordable housing target, a policy approach of seeking the maximum viable level of affordable housing is justified in the specific circumstances in Southwark. **MM27** would make the necessary changes so that the policy is justified.

71. Policy P1 seeks to apply a higher percentage requirement of 50% affordable housing in the Aylesbury AAP area. This is as a result of the specific housing mix of the wider Aylesbury Estate regeneration scheme. As a result, it is appropriate and justified for the higher percentage to apply in this specific area, in accordance with Policy H8 of the London Plan.
72. Policy P1 seeks to secure affordable housing on smaller schemes of 9 dwellings or fewer. Paragraph 64 of the NPPF seeks to restrict the provision of affordable housing on schemes of fewer than 10 units, however, Policy H4 of the London Plan 2021 allows for Boroughs to seek affordable housing on sites below this level in accordance with Policy H2. The Council's small sites viability testing update document (2021) [EIP240] indicates that affordable housing can be viably sought down to schemes of 6 units. The assessment indicates a generally positive viability position in the Borough, and as such, there is potential for smaller schemes to make some contribution to addressing affordable housing need. For operational reasons, securing on-site provision may not be appropriate, and therefore subject to individual scheme viability, financial contributions may be more appropriate. **MM27** would clarify the approach to be taken on smaller sites including the mechanism of a financial contribution and is necessary for effectiveness.
73. The policy includes a mechanism for development to follow a 'fast track route' should 40% affordable housing be provided on site. In this instance, no viability assessment would need to be provided, unless the scheme sought to reduce affordable housing following any grant of planning permission. In broad terms the proposed approach to 'fast-track' is justified and in conformity with Policy H5 of the London Plan 2021 as it exceeds the threshold level of 35% without grant subsidy and provides a suitable level of affordable housing to ensure it would be sufficiently challenging yet attractive enough to be utilised.
74. There remain aspects of London Plan 2021 policy that are not replicated in Policy P1 as these do not need to be repeated in order for soundness as they remain part of the development plan by virtue of their inclusion in that document. It is necessary, however, to clarify the fast-track route in Policy P1 including the mix to be sought, the justified higher 60% fast-track level in the Aylesbury Action Area and the necessity for viability review where subsequent

schemes on the site would provide less than the 'fast-track' thresholds. Again, **MM27**, would address this to ensure the Plan is effective.

### *Mix of Housing*

75. The delivery of family-sized housing is a challenge in the Borough as evidenced by the SHMA data on existing over-crowding and the need for dwellings of 3 bedrooms and larger. Policy P2 positively responds to this evidence in requiring a reasonable proportion of 3 bedrooms or more homes in different proportions ranging from a lower 20% in the CAZ and Action Area Cores to a 30% requirement in an identified suburban zone as shown on the Policies Map. As submitted, the Plan assigned the OKR Action Area Core to the Urban Zone (25% Family Homes). For consistency with other OAs and to optimise the delivery of new homes in sustainable locations, **MM28** would re-designate OKR within the 20% zone, similar to other Action Area Cores.
76. As set out elsewhere in this report, the NSP provides a mechanism to set out a more up-to-date planning framework for those areas covered by existing Area Action Plans. In respect of the Aylesbury Action Area there is specific evidence and justification for the necessary housing mix to meet the needs of existing households that need to be accommodated by the proposed estate regeneration. Policy P2 should be modified to specify the need for Aylesbury (effectively taken from the existing AAAP) including minimum requirements for larger 4 and 5 bedroomed properties and a lower requirement for studio sized accommodation. **MM28** would make the necessary changes in relation to the Aylesbury Action Area, and we recommend it so that the Plan would be justified and effective.
77. Constructing new homes for renting is increasing, including the emerging 'build to rent' sector. The PPG advises that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent and 20% is "generally a suitable benchmark" level for provision. The PPG does allow for local plans to set a different proportion where justified. Policy P4 applies to larger scale private rented schemes, with smaller schemes subject to the provisions of submitted Policy P1 on affordable housing. This is justified in terms of the ability to secure a higher quality rental offer to tenants on larger schemes including the housing mix, security of tenure and standards that Policy P4 seeks. We are satisfied that the policy requirements on tenancies and retention of rented provision (subject to clawback mechanisms) are proportionate and justified to provide a good standard of housing. They would also ensure that the private rented sector does not have a competitive advantage to outbid for sites, compared to other forms of housing including the substantial demand for conventional market and affordable housing.
78. It is necessary, however, to amend the policy to provide clarity on the minimum proportion of affordable housing to be sought and the proposed 35% would provide parity with private rented schemes of less than 100 homes dealt with under Policy P1. In light of the significant affordable housing need in Southwark, we find the minimum 35% figure to be justified and viable and so **MM29** is necessary for effectiveness. The modification would also helpfully clarify the proportions of affordable housing to be secured.

79. As submitted, Policy P5 would require 10% of student rooms to be easily adaptable for occupation by wheelchair users. We have found little specific justification for the 10% figure, noting that a reduced figure of 5% is more than likely to surpass actual demand based on evidence from university admissions. Accordingly, the 10% figure should be replaced with 5% so that the Plan would be justified.
80. Submitted Policy P5 also requires all types of purpose-built student accommodation (PBSA) schemes to provide a proportion of conventional affordable housing. The London Plan 2021 at Policy H15 does not require PBSA to provide conventional affordable housing. There are viability implications, particularly where PBSA schemes are being constructed where the occupation of the rooms would be nominated by colleges and universities at more affordable rents. To address this and to ensure the Plan would be justified and effective, we recommend that such schemes do not provide conventional affordable housing but ensure that they provide a minimum 35% of rooms at affordable student rent as defined by the Mayor of London. **MM30** would do this and address the change to 5% for easily adaptable wheelchair accommodation.
81. Following the consultation on the MMs, we have amended the wording in **MM30** to clarify that the provision of a minimum of 35% affordable student rooms should be subject to viability. This would ensure broad conformity with London Plan 2021 Policy H15 (part 4(b)). There is also a need to amend the detailed wording in **MM30** to remove potential inconsistencies and to confirm that affordable student rent is that which is set by the Mayor of London through the annual monitoring process. Subject to these further changes we recommend **MM30** accordingly.
82. In respect of those PBSA schemes built on a speculative basis for market rents schemes without a requirement to provide an element of affordable housing would have the reasonable potential to outbid for suitable sites compared to conventional housing schemes. Whilst directly let PBSA can be counted towards meeting the housing requirement (on a reduced ratio basis) it would not be meeting the acute housing needs identified in Southwark, including the substantial and pressing need for affordable housing. As such, we do not recommend modifying this part of the policy other than to introduce internal consistency within the Plan that the amount of affordable housing on directly let PBSA should be maximised, with a minimum of 35% and that this would be subject to viability. **MM30** would make the necessary change and we recommend it for effectiveness.
83. Policy P5 deals with both student accommodation and other forms of shared living accommodation (for example cohousing and communes). This would potentially conflate different types of housing that serve different housing needs and markets (including sales/rents values). The separating out to create new policy on other forms of purpose-built shared living accommodation would make the plan more effective and so we recommend **MM31** accordingly. Given the substantial need for affordable housing and the clear need for larger family-sized homes in the Borough we consider it justified and effective that the new Policy requires affordable accommodation, on site by habitable room as a first priority and then off-site via a payment in-lieu.

This would ensure that co-housing makes a proportionate contribution to assist meeting the high demand for affordable housing.

84. Policy P6 addresses housing for older people, including requiring provision of affordable housing. The policy should, however, reflect the Council's position to secure social rented and intermediate housing having regard to the identified need. As such, main modification **MM32** is necessary for the policy to be effective.

#### *Standard of Housing and Amenity*

85. Policy P7 embeds optional technical standards for wheelchair accessible and adaptable housing within the plan. The policy approach generally conforms with Policy D7 in the London Plan 2021 in requiring 10% of new homes to be built to M4(3) wheelchair user standard and the balance to be constructed to the M4(2) accessible and adaptable standard. It is further justified by the evidence in the SHMA 2019 [SP107], of a clear need for additional housing of an appropriate standard to meet the existing needs and forecast increase demand of households with disabilities, including those with severe mobility impairments. These increases are across a range of age cohorts and are not just related to the growth in older person households over the plan period. The SHMA also identifies a notable number of households on the Council's Disability Housing Waiting List as well as a mismatch between those needing affordable wheelchair accessible homes and the housing stock that is generally available. Accordingly, the principle of setting higher accessibility, adaptability and wheelchair housing standards in Southwark is justified by the evidence, including plan-wide viability, in accordance with PPG paragraph 56-007-20150327.
86. **MM33** would provide the necessary clarification that M4(2) must be the default minimum standard where a dwelling is not being constructed to a higher M4(3) standard and is recommended accordingly. Policy P7 should reflect the distinction in Part M of the Building Regulations between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion (M4(3)(2)(b)) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users (M4(3)(2)(a)) dwellings. The PPG at paragraph 56-009-20150327 is clear that policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. Again, **MM33** would address this by clarifying that when seeking affordable wheelchair user homes, 10% of social rented homes would be required at the higher optional standard of M4(3)(2)(b). As such, **MM33** is necessary for consistency with national policy and for the plan to be justified.
87. Policy P8 deals with the approach to Houses in Multiple Occupation (HMOs) and seeks to ensure these provide a good standard of accommodation without harming the living conditions of occupiers or those living in the area. Additionally, Policy P9 seeks to limit the change of use of supported housing accommodation and hostels as well as setting out the criteria for new accommodation. However, both submitted policies are unclear as to how the Council would assess matters of overconcentration of HMOs or supported housing accommodation. Accordingly, **MM34** and **MM35** would provide the



necessary criteria for the respective policies and ensure the Plan would be effective.

88. Policy P55 addresses the effects of development on the living or working environment of existing and future residents of the borough. The policy on submission was not specific as to the types of issues that the Council would assess in relation to amenity. Therefore, for effectiveness, the policy requires amendment to specifically refer to matters that affect living and working conditions, such as privacy, overlooking or enclosure, odour, noise vibration or lighting, effects of daylight, sunlight and wind as well as layout and design. Following the MMs consultation, we have further amended **MM68** to place the additional text within the policy rather than in the reasons for effectiveness. Therefore, **MM68** is recommended to address these matters.

### *Gypsies and Travellers*

89. Following the submission of the plan, the Council submitted a Gypsy and Traveller Accommodation Assessment (GTAA) [EIP22]. The GTAA provides an up-to-date assessment (as of late 2019/early 2020), which meets the requirements of the Planning Policy for Traveller Sites (2015) (the PPTS) in terms of the needs of those who meet the planning definition. We are satisfied that the GTAA is justified in concluding that there is no need for additional pitch provision for those who meet the planning definition.
90. In a London context, gypsy and traveller communities are less mobile and often reside in long-established sites which have served multiple generations of the same extended family, as is the case in Southwark. Nonetheless, the matter of a more flexible planning definition for the capital has recently been considered through the London Plan [EIP28/EIP28a] and so the PPTS definition is similarly justified in Southwark. On a broader assessment, the GTAA does consider the needs of those who no longer travel for work or have ceased to travel permanently but nevertheless aspire to live in culturally appropriate accommodation. The GTAA therefore fulfils, in large part, the need to conduct a wider assessment of caravan needs in accordance with Section 124 of the Housing and Planning Act 2016.
91. Whilst there are various criticisms of the GTAA methodology, principally in relation to engagement, we are satisfied that the response rate achieved (82%) provides a robust assessment of likely accommodation needs. Gathering empirical evidence of potential accommodation ambitions of existing gypsy and traveller households in 'bricks and mortar' is not necessarily straightforward but we are satisfied that Southwark's GTAA has made reasonable efforts in this regard. Through the DtC statements, there is no evidence of unmet need for traveller accommodation from adjoining authorities or from other parts of South East London that should be met in Southwark. We therefore consider the identified need in the GTAA of 46 additional pitches in Southwark over the period 2020-2035 for gypsies and traveller households, who do not meet the planning definition, but nonetheless seek appropriate cultural accommodation, to be a prudent figure.
92. In terms of meeting the identified need for 46 pitches, of which 27 pitches are sought in the first five years (2020/1-2024/5), it is accepted that the PPTS places no requirement for the Plan to allocate sites for non-planning definition

need. That said, paragraphs 60 and 62 of the NPPF state, respectively, that it is important that the needs of groups with specific housing requirements are addressed and that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. For equality of access to appropriate accommodation, and for consistency with the NPPF, it is important that the Plan does what it reasonably can to enable delivery of the identified need for culturally appropriate accommodation for a long-established ethnic group in Southwark.

93. Submitted Policy P11 refers generically to homes for travellers and gypsies and seeks to facilitate provision by safeguarding existing sites in the Borough and by identifying new sites subject to recognised criteria. As submitted, the policy pre-dates the GTAA and therefore, in order for the policy to be justified, effective and consistent with national policy at paragraphs 60 and 62 of the NPPF the supporting text to the policy should be clear that the policy would apply to the identified need. **MM36** would do this and would also clarify that existing sites, as shown on the Policies Map, would be safeguarded to assist in meeting this need, including the site at Springtide Close, Peckham. Given the high level of need, it would not be justified to safeguard existing sites in the Borough with the caveat of "subject to need" as submitted in Policy P11. We therefore recommend its removal as set out in **MM36** to provide necessary certainty and effectiveness. Part 2 of the submitted policy would support additional provision through windfall sites, however it will be necessary to replace the word 'facilities' with 'accommodation' to make the policy effective in delivering additional homes as set out in **MM36**.
94. We recognise that given the variety of competing demands for land, many of the suitable and available development sites to be allocated through the NSP and OKRAAP already have planning permission in whole or in part and that many sites will be required to re-accommodate existing uses due to the need to optimise all available land resources. Accordingly, it would not be expedient to delay adoption of this Plan to find sites in this context. However, we do consider it necessary to identify in Policy P11 the role of future plan-making (including the mechanism of plan review) to revisit this issue if windfall provision on existing and new sites is not delivering. We therefore recommend text to that effect as part of **MM36**.
95. Additionally, there is little evidence from the call for sites and land availability assessments of sites suitable or available for traveller accommodation. Such circumstances in Inner London will not be unique to Southwark and therefore meeting the needs of those seeking culturally appropriate accommodation is likely to require coordinated strategic efforts. We therefore recommend additional text as part of **MM36** that would signal the Borough's commitment to work with the Mayor on future London-wide work.

#### *Houseboats*

96. There are existing houseboats within Southwark, principally focussed on South Dock, Rotherhithe and to a lesser extent on the adjoining Greenland Dock. There is evidence of a strong demand for houseboat accommodation in Southwark. However, available water spaces within the Borough need to be carefully managed to accommodate a variety of uses including sport and

recreation and to maintain a degree of openness for a variety of purposes including heritage and biodiversity.

97. At the time of plan submission, the Council had not undertaken an assessment of future houseboat accommodation needs as required by Section 124 of the Housing and Planning Act 2016. The Council has commissioned the required work, the outcomes of which have not been available to inform the latter stages of the examination process. In the interim, Policy P57 of the Plan provides a positive framework for managing proposals on the Borough's open water spaces, including the consideration of additional berth provision for houseboats on underused water spaces. Additionally, Policy P24 of the Plan provides a positive framework for assessing proposals for additional moorings and other facilities within the Thames Policy Area. Given these policies it would not be necessary for soundness to specifically safeguard or protect water spaces in the Borough in terms of existing houseboats and/or their potential to accommodate additional berths.
98. Similar to travellers and gypsies, there is a strategic London-wide issue regarding meeting increasing houseboat needs. It would be a matter for the plan review to respond to both the Council's emerging evidence and any wider London approach on the matter (London Plan 2021 paragraph 9.14.7). It would not be justified to delay the adoption of the NSP on the issue of houseboats, given the relevant development plan policies.

#### *Conclusion on Issue 2*

99. Subject to the MMs identified above the Plan's overall approach to meeting the Borough's housing needs is positively prepared, justified, effective and consistent with national policy and the London Plan 2021.

### **Issue 3 – Whether the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in relation to the economy and employment, including ensuring the vitality of the Borough's Town and Local Centres.**

#### *Strategic approach to the economy*

100. The submitted Plan included an overall target of 84,000 new jobs to be provided in the Borough over the period 2011-2036. Evidence from the Council's Employment Land Review (ELR) [SP412] identified that the Borough should be planning for a jobs target of approximately 62,700 jobs between 2014-2036. The Strategic Targets paper [EIP161] has updated the baseline evidence on, amongst other things, the local labour market and specific sector growth in the Borough. This paper was produced after the Council's ELR and outlined that the jobs target for the Plan should be reduced to 58,000 jobs in the period up to 2036. Having considered the ELR jobs forecast in comparison with the Council's later forecasts and having regard to the amended time period of the Plan compared with the evidence base, the difference between the overall jobs target would not be dissimilar. As such, we find that the Council's updated jobs target of 58,000 jobs to be more robust and **MM6** to Policy SP1a is necessary so that the Plan has been positively prepared.
101. The approach to the economy in Southwark is influenced by the diverse office market and the internationally important role that office development plays in

the CAZ. London Plan 2021 Policy E1 requires Boroughs to increase the stock of offices in the CAZ, and as such, the focus of new office development in the Plan is therefore principally directed to areas within it, including Bankside and the Borough, London Bridge, Blackfriars Road and Elephant & Castle. The Plan identifies a total of 460,000 sqm net additional office space is required to 2036 which is based on the findings of the ELR. The ELR recommends that around 80% of the requirement should be directed to the CAZ, and the Plan translates this requirement into the floorspace figures within Policy SP4. The identification of a specific office floorspace figure was not clearly articulated in the submission Plan, and therefore in order to be justified, **MM6** and **MM13** update the accompanying office floorspace requirement in Policies SP1a and SP4.

102. In terms of other types of employment land, the ELR identifies 90,000 sqm of industrial, hybrid and studio floorspace is required across the Borough to meet identified needs. On submission, the Plan did not include an up to date figure for the level of non-office employment floorspace required and so an overall target for non-office floorspace needs to be included in Policy SP1b. **MM7** makes this change so that the Plan is justified and effective.
103. The ELR indicates that industrial development in the south of the Borough is changing, particularly as the stock profile ages. The Council's strategy seeks to retain and expand employment space outside the CAZ. The Old Kent Road area is currently a focus for industrial activity in Southwark and will still need to provide additional employment space as well as delivering significant new residential development. To deliver the strategic requirement, Policy P29 along with a number of site allocations seek the re-provision of office space through intensification, or in the case of sites in the CAZ, seeking re-provision or providing 50% of the development as new office floorspace, whichever is greater.
104. There are concerns that the Plan's approach would result in many types of employment being displaced from areas such as Old Kent Road due to increased rental costs of the new space, but also due to concerns regarding the likely success of co-existence between certain commercial activities and future residents due to possible harm to living conditions from nearby commercial activity. The Plan's policies and allocations seek to retain and expand commercial development within the OAs rather than allowing a net loss of industrial space. However, whilst some businesses which are currently occupying lower-density industrial space could be displaced, this is not necessarily a foregone conclusion. Whilst co-locating commercial and residential space will undoubtedly require innovative design solutions and careful management, during the hearings successful examples of this were cited elsewhere in London where recently delivered co-located employment space has been occupied by new tenants. As such, despite the challenges identified, we consider that the Council's overall approach to delivering economic growth provides significant opportunities for new industrial space to be created in the Borough. The retention and re-provision of industrial floorspace weighs in favour of the Council's overall employment strategy which, subject to the modifications we have identified, is soundly based.

105. In light of the above, the overall approach to the economy is consistent with the level of need for office and commercial space identified and would accord with Policies E1 and E2 of the London Plan 2021 and of the NPPF.

#### *Affordable Workspace*

106. The plan sets out at Policy P30 the approach to securing affordable workspace (AWS) across the Borough for small businesses and business start-ups to access suitable premises made available at rents discounted below the market rate. The approach to AWS in the Plan is supported by Policy E3 of the London Plan 2021 which enables Boroughs to set out their own detailed policies. Concerns have been raised that the Plan's approach to AWS could adversely affect the viability of some lower value employment uses. The Housing and Affordable Workspace viability assessment [SP109] demonstrates that the approach would be viable for schemes of 2,500 sqm, however, during the examination, further evidence was sought to justify whether it would be viable to seek affordable workspace on developments of 500 sqm as per the threshold included in the submitted plan. Further evidence was produced [EIP231] which demonstrates that there would be sufficient viability without prejudicing the overall approach to employment if the threshold remained at 500 sqm. As such, we consider that the policy is justified in this regard; however, the second part of the policy requires amendment to delete the reference to major development which **MM50** addresses for effectiveness.

107. Policy P30 would apply to all employment uses, however, in order for the policy to be effective, greater specificity of the types of development that are required to provide AWS is necessary having regard to the recent changes to the Use Classes Order (UCO) including the introduction of Class E. To ensure that the intentions of the policy are delivered, it is also necessary for the policy to reflect that the Council will seek to restrict the change of use from employment uses secured as affordable workspace and following the consultation on the MMs, we have further amended **MM50** to reflect the tests for planning conditions and obligations in the NPPF. The policy was also unclear on submission that it applies in relation to extensions to existing businesses over the defined threshold for the extended floorspace rather than on the gross floorspace of the existing premises. Furthermore, it was unclear how any developer contributions that may be sought under this policy would be calculated. During the hearings the Council clarified that this would be based on using an AWS calculator. The submitted policy also fails to set out the circumstances under which, if affordable workspace was not required, as an alternative affordable retail or cultural uses may be appropriate to provide flexibility. Accordingly, **MM50** is necessary to address these matters for effectiveness.

#### *Other employment policies*

108. Policy P27 addresses the Council's approach to securing access to employment and training which sets out a number of requirements based on the floorspace proposed. However, the submitted policy did not set out whether this was based on gross or net floorspace. Whilst the policy requires training and jobs to be provided on site as first preference, the submitted policy did not set out the circumstances where this might not be possible. As such, the Council clarified that financial contributions would be sought towards funding Council

programmes to support job creation which are required to address the challenges of unemployment identified in the Borough. Furthermore, the policy reasoning did not reflect the programmes the Council has previously implemented to support employment and training. These programmes have been established in the Borough for some time and are a key part of the justification for the Council's approach. Accordingly, we recommend **MM47** to address these points in order for the policy to be justified and effective.

109. Policy P28 relates to the approach to development on Strategic Protected Industrial Land (SPIL). Strategic Industrial Land (SIL) is identified in the London Plan 2021, and in Southwark, the Bermondsey and OKR areas are identified as strategically important locations for industrial, logistics and related uses that are crucial to the function of London's economy. The London Plan 2021 requires these areas to be proactively managed and protected to sustain them as the largest concentrations of industrial and logistics uses to support the economy and the NSP incorporates the London Plan's SILs within the locally designated SPIL. The Plan's overall strategy releases some SIL in OKR to meet the strategic development targets reflecting the co-location approach to employment and residential. Therefore, due to the shift in land designated, in order to achieve the Plan's overall requirements, as well as those in the London Plan 2021, it is necessary to restrict the ability for changes of uses to protect the light industrial uses now covered by Class E. Following the consultation on the MMs, we have further amended **MM48** to reflect the need for any conditions or obligations to have regard to the tests set out in the NPPF. Furthermore, the policy reasoning did not reflect the fact that many of the site allocations in OKR are for mixed use development as well as Locally Significant Industrial Sites (LSIS) which are being intensified for mixed residential and industrial co-location. Due to the changes to the UCO since submission, the policy wording also requires amendment to reflect Class E. As such, **MM48** is necessary to address these issues in order for the policy to be justified and effective.

110. Policy P29 deals with the approach to office and business development in the Borough. The submitted policy was unclear as to the full extent of locations in the Borough where re-provision of employment would be required. Additionally, modifications are necessary to reflect the recent changes to the UCO. Following consultation on the MMs, we have further amended **MM49** to reflect the need to secure and retain employment uses through conditions or obligations having regard to the tests set out in the NPPF in order for the policy to accord with national policy. The policy also requires clarification as to the circumstances where development resulting in the loss of employment must contribute towards training and jobs for local people as this was not included within the submitted Plan. In order to carefully manage the supply of office and business uses within new Class E, the policy also requires amendment to reflect that the Council will seek to limit changes of use through the imposition of planning conditions or through seeking legal agreements. The restriction of changes between uses within Class E is justified in Southwark in order to protect the employment uses where there is finite scope to secure alternative provision beyond the proposals already contained in the Plan to meet identified needs for additional employment floorspace. This approach would also ensure that the objectives of the NSP and the London Plan 2021 to meet floorspace and job creation targets would be met.

As such, **MM49** is required to address these matters in order for effectiveness and for conformity with the London Plan.

111. Policy P32 deals with business relocation, including those displaced by development proposals. Due to the nature of many schemes in the Borough, ensuring robust information in relation to existing business circumstances is essential when the decision-taker assesses a redevelopment scheme. As such, amendments to the policy are necessary in order to ensure that business relocation strategies submitted with development proposals include sufficient information of the right detail and quality. As such, **MM52** is necessary to address this matter for the policy to be effective.
112. Policy P33 sets out the overall approach to development within railway arches and requires amendment to reflect the latest UCO. In addition, the policy did not specify that development in railway arches within SPIL must secure industrial uses rather than other uses which could compromise the strategic objectives of this classification of employment land. The policy also failed to reflect the need for schemes to promote the low line routes initiative. As such, the policy requires amendment to require industrial uses within SPIL and to provide active frontages and safe and accessible space for pedestrians. Therefore, we recommend **MM53** accordingly for effectiveness.

#### *Retail and Town centre development & floorspace*

113. The overall need for retail floorspace in Southwark is informed by the Council's Retail Study (2015) [SP414 & SP415] which identifies the need for additional floorspace in the Borough to the period to 2031. The Council prepared a specific update to the Retail Study in 2018 [SP419] which reflected the need for changes to the retail floorspace to accompany the additional residential growth planned for in the Old Kent Road area. The 2018 Retail Study [SP419] also utilised the latest growth projections for Southwark as set out in the Preferred Option – Interim 2015 based BPO Projection (GLA 2017) as well as updated (at the time of the study) expenditure estimates when compared to the 2015 study. As such, the 2018 update provided a more robust and up to date evidence base than utilising the 2015 study alone.
114. As discussed in Issue 1 above, due to the need for strategic policies to look 15 years from the date of plan adoption, the Borough-wide retail study would not, in isolation, have provided a floorspace target that spanned the full plan period. Whilst it is recognised that retail floorspace projections can be less reliable over such lengthy periods, it is considered necessary that the plan provides guidance on the levels of floorspace required to 2036 in order to provide some degree of certainty for communities, but also those making investment decisions in the Borough.
115. During the examination, the Council presented a further update to the retail floorspace requirement to better reflect the delivery of retail permissions, anticipated completions and the timing of the new site allocations in the Plan. The turnover of retail commitments and turnover densities to 2031 were used to update the requirement to 2036 resulting in a total of 76,670 sqm which is comprised of 6,560 sqm of convenience, 42,130 sqm of comparison floorspace and 27,980 sqm food and beverage floorspace. Having regard to the timing of delivery of retail permissions in the pipeline, it is appropriate for the figures to

be adjusted in strategic Policies SP1a and SP1b to the end of the plan period as set out in **MM6** and **MM7**. This requirement is then broken down across the vision areas in the Plan and **MM7** is required in order to update Policy SP1b accordingly. Whilst we are satisfied that the approach taken in the Plan is sound, based on the evidence before us, it is also clear that updated expenditure and population projections, along with changes to shopping habits, including the potential effects of the global pandemic will be changing the shape of Southwark's retail offer. Ongoing monitoring and the usual processes of plan review will inform the appropriate timing as to when the Plan's retail policies should be revisited.

116. The recent changes the UCO have replaced classes A1-A5, B1, D1 and D2 with the new Class E. The wide scope of uses within Class E and the ability to change within them have impacted the effectiveness of a number of the submitted policies and site allocation requirements which on submission reflected specific use classes that are no longer extant. Therefore, in order to ensure that the plan is consistent with the UCO and thereby effective, **MM48, MM51, MM53-MM56, MM61, MM62, MM66, MM85** and **MM87-MM171** (inclusive) are all necessary.

117. Policy P31 requires updating to reflect the changes to the UCO as discussed above. The Council's retail evidence identifies significant change across former 'Class A' retail uses in the Borough. The effect of the changes to the UCO for Southwark have been set out in document EIP162 which considers that the introduction of Class E will result in small shops being lost from retail use which the Plan's strategy seeks to retain. The extent of competing development pressures in the Borough is such that the vitality of retail areas would be adversely impacted by loss to other uses (e.g. office use) and there is a need to retain the range and critical mass of retail areas. Policy SD6 of the London Plan 2021 expects that the varied role of London's high streets should be supported and enhanced and Policy SD7 expects that development proposals should ensure that commercial floorspace relates to the size and role and function of a town centre and its catchment. In order to support small shops and thereby ensure the vitality of retail areas, it is necessary for the Council to retain some control over any changes of use through the use of planning conditions to ensure high streets and smaller shopping parades remain vibrant. Therefore, in this specific instance, we consider that there is clear justification for the restriction of such rights which is necessary to ensure the delivery of the plan's aims for retail and town centres. As such, **MM51** is required for effectiveness and for conformity with the London Plan 2021.

118. Policy P34 on Town and Local Centres also requires updating to reflect the changes to the UCO. In addition, for the same reasons as Policy P31, in order to protect retail uses from loss, further text is required for effectiveness to set out how the Council will seek to retain such uses via the implementation of planning conditions or seeking planning obligations and this is also set out in **MM54**. Similarly, Policy P37 also requires amendment through **MM56** to address the changes to the UCO for effectiveness.

119. Submitted Policy P36 sets out the approach to changes of use of retail units and the submitted plan separates these into primary and secondary protected frontages. Having regard to the changes to the UCO in relation to Class E development and the flexibility this provides and the removal of class A1,



there is essentially no distinction between the approach in national policy across the spectrum of former 'Class A retail uses. The submitted policy had previously sought to require certain percentages of different Class A units in primary and secondary frontages, but the changes to the UCO make this approach redundant. As such, it is necessary to amend Policy P36 to require active frontages that would not harm their vitality and viability through **MM55** which is necessary for effectiveness and consistency with national policy.

### *Hotels*

120. Policy P40 addresses the approach in relation to hotels and other visitor accommodation. The submitted policy was positively worded albeit it did not follow through the Council's wider design requirements to ensure development in the Borough reflected local character nor did it reflect the need to protect the amenity of existing residents as well as visitors. It is also necessary to clarify the proportion of floorspace devoted to facilities within hotels and other accommodation that would be publicly accessible in order to support active, community uses in these buildings. As such, **MM57** is required to address these issues in order for the policy to be effective.

### *Conclusion on Issue 3*

121. Subject to the MMs identified above, the Plan's overall approach to Borough's economy and employment, including ensuring the vitality of town and local centres, is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan 2021.

## **Issue 4 – Whether the proposed site allocations are justified, effective and consistent with national policy and in general conformity with the London Plan**

### *General approach to site selection*

122. The Site Allocations Methodology Report (SAMR) [EIP82b] sets out the approach to selecting the site allocations. The IIA appropriately considers these in the context of social, economic and environmental objectives.

123. The sites put forward for allocation are generally over 0.25 hectares in size and were considered to have potential for significant intensification. The approach to site selection has also been informed by flood risk following the sequential test, and where required an exceptions test which is set out in the IIA [EIP224]. Having regard to the site selection methodology and the constraints of the Borough's geography we consider that there are no sites of sufficient scale that would be suitable beyond those allocated that could contribute to meeting the Plan's strategic development targets. We are satisfied that the approach to site selection follows the sequential and exceptions tests for those sites that are identified as being at risk of flooding. All relevant sites have passed the exceptions test. Therefore, we are satisfied that the approach to site selection has been thorough and represents a robust basis against which the site allocations in the Plan have been identified and assessed.

124. Turning to the capacity of the site allocations, the SAMR was updated during the examination. It clearly identifies the current status of each allocated site

and a delivery timeframe. The SAMR provides clear evidence of when sites with planning permission are likely to come forward and at what rate they will be built out. For those site allocations that do not currently have active planning applications, planning permission or developer enquiries, the Council has either used information from existing or emerging masterplans or employed a design-led approach to identify the minimum or indicative residential capacity. The design-led approach reasonably took into account matters such as character, built form, any designations or other features of importance and had regard to nearby development. The site capacities were set out within the SAMR have been expressed as both individual dwelling numbers and as a Floor Area Ratio (FAR) which provides an indication of the density of development. Concern has been expressed that the site allocations did not provide indicative density ranges to guide their development; however, published London Plan Policy GG2 indicates that those involved in planning and development must apply a design-led approach to determine the optimum capacity of sites. As such, we consider that the Council's approach to identifying minimum and indicative site capacities is justified and aligns with the London Plan 2021.

#### *Implications of the Use Classes Order (2020)*

125. As set out above, the changes to the UCO introduced in September 2020 impact the development and change of use of buildings under former Classes A1-A3 and B1a-c which are now replaced by Class E. Additionally, the UCO amendments result in previous A4 and A5 uses becoming *sui generis*, and specific uses, formerly with D1 and D2, becoming community uses under new Class F (F.1 or F.2). These changes to the UCO have a consequential impact on the effective operation of the site allocation policies in the Plan which depend on clarity over the extent of floorspace within the Use Class(es) of any existing development. The majority of site allocations in the plan are either in some form of active use or have recent history of lawful use. In many instances, site allocation policies require development to re-provide floorspace of existing use(s) along with re-development, intensification or the introduction of new uses as part of mixed schemes. Therefore, in order to be effective, site allocation policies that refer to any of the now revoked use classes are amended through **MM87-MM171**(inclusive), all of which are necessary to clarify the extent of any existing floorspace within the UCO 2020, as well as updating the text of the policies to refer to the new classes.
126. A number of the site allocations require the provision of new open space as part of their development requirements, which in the submission plan, was expressed as a percentage requirement of the site area. In a number of cases, where there are site allocations which are comprised of multiple parcels of land or parts of the site may come forward at different times, greater precision is required to ensure that the necessary quantum of open space or strategic public realm improvement will be provided across the allocation. Therefore, in order for them to be effective, the relevant site allocation policies need to be amended via **MM88, MM92, MM130, MM140, MM144, MM145, MM152-MM156 and MM167**.

## *Site Capacities*

127. On submission, the Plan did not set out the required or expected capacity for site allocation policies that included residential development. The site allocations rely on a 'must', 'should' and 'may' approach to securing particular requirements, so in instances where residential (or indeed other uses) is a 'must' requirement this will be a mandatory, and where residential development is a 'should' requirement, that residential use is being strongly supported but not mandated. In order to provide effective policies that clearly set out the extent of residential development required, the minimum number of residential dwellings needs to be included where residential is a 'must', and an indicative capacity included where residential development is a 'should' requirement. Therefore, for effectiveness, **MM87-MM171** are necessary to set out the minimum and indicative capacities for sites. **MM86** is necessary to provide further guidance on the implementation of the 'must, should and may' approach to site allocation requirements. This modification is necessary to ensure the Plan would be effective.

128. As set out above, the site allocation policies set out the floorspace of existing uses, in order to establish a baseline position where policies require uses to be re-provided as part of any redevelopment. During the examination, the Council provided updates to a number of site allocations where further information has been available as to the extent of existing uses. As such, **MM87-MM171** (inclusive) are required to update the existing uses in the individual site allocation policies for effectiveness.

129. We are mindful that circumstances evolve and will have changed during the course of this examination, both in terms of existing uses and planning applications (including undetermined applications at the time of this report) on proposed allocated sites. Rather than continually refine and amend the Plan, delaying further its adoption, we have drawn a line after those proposed modifications outlined above in terms of what is necessary for soundness. Any further site-specific evidence on existing uses and planning status would need to be considered as a potential material consideration by decision makers.

130. The Council is currently in the process of preparing an Area Action Plan for the OKROA. Notwithstanding the emerging draft OKRAAP, the NSP seeks to allocate sites in the Old Kent Road area. A significant number of these proposed NSP allocations have been subject to detailed design and masterplanning work to support the emerging OKRAAP and in turn some of the detail set out at this stage as part of the NSP. The draft OKRAAP evidence base<sup>6</sup> also supports those allocations in the NSP particularly site capacities. This approach differs from the other site allocations in the NSP which utilise the FAR ratio. Nonetheless, we find the detailed masterplanning work for sites in the OKROA provides a robust basis to underpin the capacity and development requirements for sites in this part of the Borough.

## *Specific site allocations*

### *Aylesbury Sites*

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<sup>6</sup> EIP documents EIP35-46 (inclusive) and EIP139-151 (inclusive)

131. On submission, the Plan contained an area vision for the Aylesbury area but was unclear on the anticipated scale of growth and how and where this would occur within the Aylesbury Action Area Core. Modifications proposed elsewhere to introduce new Policy SP1b would clarify the spatial role of Aylesbury and confirm that it is part of the Borough where estate regeneration is planned to make a meaningful net addition of some 1,500 homes to the Borough's housing stock. The ambiguity arises because the 2010 Aylesbury Area Action Plan (AAP) contains 'site allocations' in terms of the various phases and plots envisaged for the regeneration. Planning permission has now been granted enabling the phased implementation at Aylesbury with just over 400 homes already constructed, together with investment in modernising community infrastructure. That said, much still remains to be implemented at Aylesbury over the plan period and from the evidence before us in the Council's Aylesbury Background Paper [EIP202a] and Aylesbury Update January 2021 [EIP158], it is clear that plans envisaged in the 2010 AAP will inevitably flex and adapt given the length of time that has elapsed. As such we do not consider it justified, effective or positively prepared that the NSP remains 'silent' on site specific policy for Aylesbury. Consistency of approach is required similar to the approach taken on strategic sites in Rotherhithe and Peckham that have been carried forward into the NSP from the CWAAP and PNAAP respectively.
132. As set out elsewhere in this report, given the age of the AAP (which has not been reviewed in the past 10 years) together with the up-to-date policy framework in the London Plan 2021 and the proposed content of the NSP it is unclear what meaningful role or purpose the AAP would have going forward. Indeed, there is potential for unhelpful policy conflict or tension between the older policies in the AAP and the more up-to-date policies elsewhere in the development plan. Primary legislation is clear that any such tension would be resolved in favour of more recently adopted policies in the development plan. As part of the examination, this has been recognised and various MMs are proposed elsewhere to ensure particular site-specific considerations for Aylesbury (for example, housing mix, parking standards etc) would be incorporated within those policies to ensure sustainable regeneration. In large part this would enable the Council to prudently rescind the AAP although there would remain the issue of a site allocation policy for the Aylesbury.
133. Proposed modification **MM87** would address this soundness matter by allocating the Aylesbury Action Area Core to show the parameters of the site, the various phases and to set out overarching design and accessibility guidance for an area that will continue to experience significant change over the plan period. The proposed design guidance, including for taller buildings, replicates that set out in the AAP, thus providing justified continuity. Having regard to the Council's background paper on Tall Buildings [EIP54], we have considered the in-combination effects arising from tall buildings on the Aylesbury Action Area together with the likelihood of taller buildings on both the Burgess Business Park allocation (NSP22) and proposed allocations on Old Kent Road. Overall, given intervening distances, the separation created by Albany Road and the overall scale of the Park we are satisfied that taller buildings (in a range up to 20 storeys) as part of the Aylesbury regeneration would not significantly harm or diminish the verdant, open character of Burgess Park. As such we find the design guidance in the proposed site

allocation policy for the Aylesbury would be justified and effective in this regard.

134. **MM87** would also clarify that a number of extant planning applications apply to the allocation, including those that are being implemented. Notwithstanding this planning context we nonetheless consider the proposed site allocation policy to be justified and to provide necessary certainty should revised planning applications come forward. The new policy would be justified in confirming that the site has a gross minimum residential capacity of 4,200 homes which must include the reprovision of at least 2,249 social rented homes. During the plan period, it is estimated that the net uplift would be 1,500 homes across the 24ha area together with the provision of community, retail and employment floorspace and approximately 3ha of open space. This has been appropriately evidenced in the SAMR and updated Aylesbury Background Paper [EIP202a].

135. Whilst various concerns have been expressed about the implementation of the regeneration programme, including its pace, compensation under the Compulsory Purchase Order, the effects on existing communities and the wider sustainability of replacing existing buildings, it is nonetheless the case that the principle of the scheme (which has planning permission) and the details of how it is being implemented are not matters of plan soundness. The proposed site allocation policy introduced through the proposed modification provides for a good degree of continuity from the AAAP. We are satisfied that the equalities impact on those households with protected characteristics has been appropriately considered in the IIA/Equalities Impact Assessment. Consequently, we recommend **MM87** as being necessary so that the NSP would be justified, positively prepared and effective in setting out what is likely to happen, including in broad terms the further development phases at the Aylesbury as a strategic location within the Borough.

#### Bankside and The Borough Sites

136. Site NSP08 (the Swan Street Cluster) was identified as a single site allocation comprising of three separate parcels of land. During the hearings, the Council indicated at the time of submission that efforts were being made for the coordinated delivery across the three parcels of land. The three respective components of the site are physically separate (albeit in proximity to each other) and are in separate ownerships and the submission policy was unclear as to what uses would be acceptable in each of the separate parcels of land. Furthermore, it was unclear whether the policy requirement to re-provide community uses needed to take place where it is currently located or whether this would be acceptable on one of the other component parts of the allocation. During the hearings it was clarified that there was no need for any specific coordinated policy response; therefore, for effectiveness **MM95-MM96** are required which split the components of the allocation out into three separate site allocations with their own accompanying policy text and guidance.

#### Blackfriars Road Sites

137. Site NSP18 – McLaren House, is a key building at the apex of St. George's Circus between Westminster Bridge Road and Waterloo Road. McLaren House,

along with the buildings at each of the other junctions on St. George's Circus are generally set-back from the highway providing wider pavements which give rise to a more open setting to the Grade II Listed obelisk which is at the centre of the roundabout. Allocation NSP18 proposes redevelopment of the McLaren House, however, for effectiveness, the wording of the policy requires amendment through **MM107** to ensure that a concave frontage must be retained as part of redevelopment proposals.

### Camberwell Sites

138. The Burgess Business Park (NSP22) is situated in the north of Camberwell adjacent to Burgess Park but otherwise surrounded by predominantly residential uses, including housing immediately on Parkhouse Street. The wider site accommodates a mix of employment uses, including the recent Big Yellow Self-Storage facility and recent investment in the PHS site, but is predominantly occupied by manufacturing and servicing uses occupying older building stock or those uses requiring sizeable yard areas such as scaffolding and vehicle repairs. In looking at the evidence<sup>7</sup> for the Plan, Camberwell is a location where the future demand for employment accommodation is predominantly for light industrial, last-mile distribution and studio/hybrid workspaces. Subject to the proposed modifications in **MM111** to clarify the types of employment space that should be re-provided (not including B2 uses) and that redevelopment of the site must increase or provide at least the same amount of employment floorspace as currently exists on the site, there would be no significant harm to the local economy in allocating this former protected industrial site for a mix of uses.

139. The wider site is in various site ownerships with emerging evidence through planning applications for individual, unrelated developments on various parcels across the site. Given these circumstances we do not consider requiring a comprehensive masterplan through the site allocation policy would be deliverable or effective. Nonetheless, it is justified that the potential of the site to continue to provide for employment is carefully managed and that individual proposals make a proportionate effort to re-provide and potentially increase employment floorspace rather than individual schemes selectively pursuing higher value uses. On this basis, we recommend that part of **MM111** which would require every individual development proposal to increase or provide at least the same amount of employment floorspace as exists so that the Plan would be positively prepared and effective.

140. The cumulative policy requirements of the Plan for Site NSP22 as a previously developed site containing non-designated heritage assets in a part of the Borough where the plan-wide viability study recognises lower values (reflected in the CIL zone) will present viability challenges. Indeed, it is recognised, in accordance with the NPPF and PPG, that some developments, including mixed use typologies, in moderate value locations such as Camberwell would be

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<sup>7</sup> SP431 - Old Kent Road Workspace Demand Study 2019 (which specifically considers Burgess Business Park); SP412 and SP413

marginal in viability terms were a full basket of plan policy requirements to be required. Accordingly, policies elsewhere in the Plan recognise that further assessment on a site-specific basis, may be necessary. Overall, we are satisfied that the site can pragmatically deliver a sustainable regeneration scheme that optimises the potential of this sustainably located site to deliver an appropriate mix of much needed homes and modern employment floorspace and therefore should remain in the Plan.

141. We do not consider it necessary for soundness to further amend the site policy to create either separate or individually detailed policy requirements at variance to the broader plan-wide policy requirements. Nor is it necessary for soundness to recommend a specific viability clause within the policy for NSP22. Given the plan-wide viability evidence, there will be similarly marginal sites, and so we consider the issue is more appropriately addressed through the Plan's over-arching policy on the approach to planning obligations. Consequently, we make reference to proposed **MM83** in relation to Policy IP3 which introduces needed clarity on the balanced approach to Plan policy requirements in light of viability evidence. Following consultation on the MMs, we have further amended **MM83** to clarify in the policy that the term 'policy requirements' would include the 'must' and 'should' requirements set out in the individual site allocation policies. We also consider it necessary to clarify in the supporting text to Policy IP3 that whilst the plan-wide viability evidence meets the requirements of national policy, it does not demonstrate that each and every site allocation would be necessarily viable. Accordingly, there will be some instances, particularly in lower value zones, where some flexibility may be justified, including in relation to site specific requirements. These further amendments would be necessary for effectiveness.
142. In terms of optimising the amount, scale and massing of development across the wider site, given the varying building heights around the site and the verdant setting of Burgess Park to the north, taller buildings could be accommodated at this location subject to the necessary consideration on existing character, heritage and townscape as set out in the policy. Given the size of the site, and in particular the larger, core area bounded by Parkhouse Street and Wells Way, we consider there remains appreciable flexibility to bring forward an appropriate redevelopment scheme that optimises the potential of the site within its specific context and constraints. In respect of the design guidance, **MM111** would ensure the wording of the policy with regards to heritage would be consistent with national policy.
143. The Plan allocates two bus garage sites in Camberwell, both of which are sizeable sites where some reconfiguration or rationalisation of operations could yield capacity for alternative uses, including elements of residential in the mid to late period of the plan. As set out in the statement of common ground with TfL [SCG14], it would be necessary to amend the policies to confirm that both sites would retain a bus capacity necessary to support the local network and to remove unnecessary specificity in the design guidance. **MM114** and **MM115** would make the necessary changes for the Camberwell Bus Garage and Walworth Bus Garage sites respectively and we recommend them so that the plan would be effective. The capacities for these sites are justified as being expressed as 'indicative'. These are intended to be a guide, rather than a constraining figure, and subject to further design work and analysis these sites may well potentially yield above these evaluations.

### Crystal Palace and Gipsy Hill Sites

144. Site NSP34 - Guys and St Thomas Trust Rehabilitation Centre is a single storey building identified for redevelopment and intensification. The site allocation seeks to retain or provide alternative health facilities with support provided for redevelopment that includes new homes. The site has previously been subject to consultation with an indicative capacity of 103 homes, however this was reduced in the submission version to 51 homes. However, the reduction of the site capacity to 51 is not justified having regard to pre-application discussions. The SAMR shows an increase in the indicative residential site capacity from 51 homes to 103. Due to the raised highways adjoining the site, and the surrounding pattern of development, the site has capacity to be redeveloped at a higher floorspace to area ratio. Residential development is supported on the site but is not a mandatory requirement of the allocation. Nonetheless, the indicative capacity provides a strong steer as to the level of development expected, and as such, in order to be justified, **MM123** is necessary to show an indicative residential capacity of 103 homes.

### Dulwich Sites

145. Site allocation NSP35 - The Grove Tavern, 520 Lordship Lane seeks to redevelop a public house either retaining a pub use or at ground floor level, accommodating retail, community or leisure uses. In addition to modifications to address the change in the UCO, in order to be effective, **MM124** is necessary to clarify the extent of existing or previous floorspace and to clarify that equivalent floorspace of these uses would need to be provided.

### Elephant & Castle Sites

146. The Plan allocates a number of sites within the opportunity area consistent with its spatial role to support jobs growth through additional commercial floorspace within this part of the CAZ and to make a proportionate contribution to the need for new homes in line with the growth for the area as set out in the London Plan 2021. The area is undergoing appreciable change including regeneration of the Heygate and the forthcoming redevelopment of the Elephant & Castle Shopping Centre (site NSP45) and surrounding areas. Additionally, the proposed Newington Triangle site (site NSP41) would represent an appropriate opportunity to redevelop and optimise what is a high profile but largely under-utilised site in central London. Elsewhere the proposed site allocations in Elephant & Castle would facilitate the re-development and intensification of existing commercial and office buildings with taller replacement buildings, continuing a trend already occurring on parts of Newington Causeway and adding to the cluster of tall buildings taking shape around the core of the Elephant & Castle area.

147. To ensure that the Newington Triangle site (NSP41) comes forward in a way which sustainably meets the identified significant demand for office floorspace in the CAZ, the policy needs to be modified to make clear that redevelopment of the site must retain or increase the amount of employment generating floorspace that currently exists. Additionally, to ensure effectiveness in this regard, the quantum of existing floorspace by use in the policy needs updating to ensure clarity that the employment floorspace figure would be just over



10,000sqm GEA. **MM130** would make these changes and we recommend it for effectiveness.

148. Most allocations in the area require redevelopment to either provide at least the amount of employment floorspace currently on the site or provide at least 50% of the development as employment floorspace, whichever is the greater. Given the location of these sites in the CAZ, where the most-up-to-date evidence underpinning the Plan identifies a strong need for additional office and studio/hybrid workspace, we find this to be a justified, viable and deliverable approach. The need for residential development in this part of the Borough has largely been addressed by the substantial and ongoing regeneration at the Heygate. Accordingly, the remaining allocations in the north of Elephant & Castle should primarily support and enhance its commercial character and function. In our view it is too early to conclude on the long-term effects of the Covid19 pandemic on the demand for commercial floorspace and whether this points to an alternative strategy or more flexible approach to the mix of uses on allocated sites in this part of the Borough. This would be a matter for plan review.
149. A number of the proposed allocations in Elephant & Castle along Newington Causeway and the Newington Triangle site are close to the Ministry of Sound nightclub. This cultural asset has been long-standing in this part of the Borough and so new development occurring in proximity to it must respond and be designed with the nightclub in mind to ensure the sustainability of its existence. This would be consistent with the 'agent of change' principle set out in London Plan Policy D13, which the NSP does not need to repeat for soundness. Additionally, other policies in the NSP, including Policy P65, make clear that noise sensitive developments must mitigate and manage their relationship to major noise sources, not the other way round. On this basis it would not be necessary for soundness to include specific requirements within those proximate site allocation policies in relation to the Ministry of Sound operations.

#### London Bridge Sites

150. Site NSP50 – Land at Melior Street, St. Thomas Street, Weston Street and Fenning Street has been identified principally for re-provision of employment floorspace and active frontages at ground floor level. The site is opposite London Bridge Station and its accompanying Grade II Listed Railway arches and is also located in proximity to The Shard. The Shard itself serves as a primary landmark for the London Bridge area exerting a dominance over its surroundings due to its height and design. Submission Policy NSP50 sought to focus taller buildings to the west of the site reflecting the evidence in the SAMR which indicates that Capital House (to the west of the site) has planning permission for a 39 storey building. Having regard to the extant planning permission on site, the principle of a taller building on the site has been established. However, the submitted policy did not reflect the potential impacts that multiple tall or taller buildings within the allocation could have on the area, including on the primacy of The Shard. St. Thomas Street provides a transitional feel to the area as it is experienced when travelling from the direction of The Shard to the west through to the east. In order to support the transition of development along St. Thomas Street, for it to be effective, Policy NSP50 requires modification through **MM139** to provide clearer guidance that

the development of the allocation should ensure that building heights step down from west to east and to reflect that taller buildings should not detract from the primacy of The Shard.

151. Site NSP51 - Land between St Thomas Street, Fenning Street, Melior Place and Snowsfields is sited directly to the east of site NSP50. As per the adjoining site, it is also in close proximity to London Bridge Station and is opposite the Grade II Listed Railway arches. Site NSP51 provides a continuation of the frontage to St. Thomas Street and the character of the area continues to shift down in scale from primacy of The Shard towards development further east which is lower in height towards the junction of St. Thomas Street with Snowsfields. In order to ensure the primacy of The Shard and to reflect the changing height of development along St. Thomas Street, Policy NSP51 requires modification in order to ensure a continued step-down in height from west to east. The step-down in height for development on NSP51 needs to have regard to the height of the approved development on NSP50 in order to ensure a continued graduated step-down in heights from west to east. Following consultation on the MMs, we have further amended **MM140** to reflect the potential for medical or healthcare uses at ground floor level to ensure the policy is effective rather than retaining this wording solely in the glossary. As such, **MM140** is necessary in this regard.

#### Old Kent Road Sites

152. Site NSP53 – Bricklayers Arms is a highway flyover and roundabout including associated greenspace and is located where the A201 becomes the A2. The site is owned by Transport for London (TfL) and is a key part of the highway network at Old Kent Road. There are emerging proposals for the redevelopment of the site and funding streams have been secured by the site owner to explore the transport implications of reconfiguring the site. Due to its strategic location within the OKROA and the fact that the site is within the OKRAAP area, we are satisfied there is potential for redevelopment of the site to come forward during the latter part of the plan period. However, in the absence of any detailed masterplanning and due to the early stages of gathering the necessary transport evidence to inform the nature of the redevelopment potential of the site, the potential capacity of the site remains unclear. We consider, however, that its continued inclusion in the NSP is justified and would provide confidence to support site delivery. It is necessary for soundness, however, that the site capacity to be identified as 'unknown' reflecting the early stage of progress of the site and **MM142** would do this.
153. Site allocation NSP55 – Mandela Way seeks to redevelop the wider industrial area for both residential and commercial uses as well as requiring both community uses and public open space. As discussed under Issues 1 and 3, NSP55 is an example of a formerly preferred industrial location that is now identified to deliver both commercial and residential uses as part of the Plan's approach in designating Mandela Way as a Locally Significant Industrial Site (LSIS). The successful delivery of the allocation will require innovative design solutions to ensure the policy requirements are met. The submitted policy indicated that the site could accommodate between 1,955 – 2,200 dwellings. Updated evidence to the examination in the form of indicative masterplanning work for the site (as part of the OKRAAP) demonstrates that the site is capable of accommodating the lower end of the range previously identified (1,955

homes) along with the other 'must' uses identified in the policy. In light of residential development being a 'must' policy requirement and having regard to the anticipated timing of the site coming forward for development, **MM144** is required to amend the indicative site capacity for effectiveness.

154. Site NSP56 – 107 Dunton Road and Southernwood Retail Park is identified in the NSP for between 1,240-1,600 homes. The site falls within the proposed alignment of the BLE and could be required to support its future delivery. Submitted policy NSP56 reflected the need for a station, tunnelling and worksite requirements to be addressed in the site design. Given that the precise timing of implementing the BLE remains to be determined, it is justified that the site allocation is phased for delivery later in the plan period. During the examination, the Department for Transport (DfT) issued a safeguarding Direction for the BLE including areas of surface and subsurface interest. This Direction needs to be reflected in the NSP including the policy for Site NSP56. Furthermore, masterplanning work indicates that the minimum housing required on the site would result in the number of dwellings reflecting the upper end of the residential capacity range shown in the submitted plan. Therefore, for effectiveness, NSP56 is required to be modified by **MM145** to include reference to the safeguarding area for the BLE and to update the housing requirement to 1,600 units as a minimum.
155. Site NSP58 mainly comprises a food store use and ancillary car parking. To ensure that the retail function of this town centre site is maintained, including its contribution to the vitality and viability of the centre, it would be necessary to modify the policy to make clear that redevelopment must provide at least the same amount of retail floorspace as currently exists on the site. To enable a more comprehensive and optimal redevelopment of this sustainably located site, it would be justified to amend the site boundary to include land adjacent to Congreve Street. Consequently, the policy would need to be modified to include reference to a building of architectural and historic merit and the indicative residential capacity increased from 140 to 180 dwellings, together with an updated inset plan for the revised site. **MM147** would address these points and is necessary for the plan to be justified and effective with regards to this allocation.
156. Site allocation NSP62 – Former Southern Railway Stables includes an area of designated open space within its boundary. The submitted policy requires provision of public open space; however, during the hearings, it was established that the open space on site was not currently publicly accessible. The Council's intention is to increase public access to the open space rather than reconfigure or re-provide this elsewhere on site. Therefore, to clarify the requirement is to improve public access to the open space, **MM151** is required for effectiveness.
157. One of the larger allocations that will deliver the spatial strategy is Site NSP63 (also referred to as the 'Cantium' site). This site comprises a significant redevelopment area (at just over 11ha) in a variety of uses including sizeable modern retail units along the Old Kent Road, a large superstore, areas of surface car parking and established commercial and industrial uses to the west of Ossory Road and in the southern parts of the site towards Latona Road, Bianca Road and Glengall Road. The NSP identifies the commercial operations on land west of Ossory Road within site NSP63 as LSIS with land to the west

around the Glengall Business Centre as SPIL. From our observations and the evidence in both the ELR and OKR Workspace Demand Study 2019 we find this to be a justified approach in functional and character terms. We are satisfied by the evidence in the OKR Workspace Demand Study [SP431] that future demand will pivot towards a need for smaller workspace/office units, light industrial and 'last-mile' storage and distribution uses. In terms of delivering the needed homes and jobs, Site NSP63 will need to deliver innovative developments, optimising the land available through co-location of uses, including stacking. We note the Council's evidence that initial developments, including the key Malt Street scheme, are being developed to provide serviceable light industrial floorspace alongside residential. This is further supported by the masterplanning work for the site (EIP35 & EIP36). This gives us confidence that the Council's strategy, which will be further articulated in the OKRAAP, will be deliverable and effective.

158. It is important to note that SPIL land west of Ossory Road does not form part of Site NSP63 and its continued function and operation would be protected, including the need for the redevelopment of NSP63 to be subject to the 'agent of change' principle in London Plan 2021 Policy D13 and policies P55 and P65 in the NSP. In respect of the LSIS designation on Ossory Road and for the site more widely, the allocation policy should clarify that redevelopment must provide at least the amount of employment floorspace that currently exists. **MM152** would do this and would make this aspect of the policy effective.

159. Most of the southern half of the site is already subject to a number of planning permissions with work now underway on the Malt Street development, which is located in the core of the wider site and is planned to deliver 1,300 homes and 7,000sqm of employment floorspace. In our view the Malt Street development will act as a catalyst to stimulate further development around it in the early part of the NSP plan period, including those proposals where the principle of planning permission is agreed subject to securing planning obligations. As the evidence shows [the SAMR] approximately 3,500 homes on the site are in the planning pipeline meaning this site would make a substantial contribution to the phase 1 capacity for OKROA in advance of the BLE. Importantly, permitted sites on the allocation could make a meaningful contribution to the necessary five-year deliverable housing land supply. Based on the revised evidence [EIP35, 36 & EIP82b], the minimum residential capacity of the site should be increased from 4,200 to 4,800 homes in order for the plan to be positively prepared, justified and effective. **MM152** would incorporate this change and we recommend it accordingly.

160. The balance of NSP63, in terms of phase 2 capacity would be reliant on the intensified use of the existing large single storey superstore site. Initial, detailed work on the Cantium masterplan shows this would be feasible and the OKRAAP would provide the appropriate mechanism to provide further policy detail. Whilst it may take time to phase the redevelopment of this part of NSP63, we are nonetheless satisfied that the site would be developable within the plan period. A well-designed optimisation of the site would also provide an opportunity, together with the redevelopment of the adjoining Cantium Retail Park in Phase 1, to significantly improve the townscape and public realm in this part of Old Kent Road which is currently dominated by car movements, surface car parking and a poor frontage relationship to this historic approach to central London.

161. Western parts of the NSP63 site would be proximate to the Glengall Road Conservation Area (GRCA), the heritage significance of which is its relative intactness as a group of Regency style dwellings of generally mid-Nineteenth Century brick and stucco construction with largely unaltered exteriors. The exception is former drinks factory building at 12 Ossory Road, a legacy of industrial hinterland that grew up around the Grand Surrey Canal. There is a notable verdancy from the tree lined streets, the rhythm and pattern of housing and the proximate relationship of Burgess Park and later open space to the south close to the alignment of the former Canal. The area provides notable sanctuary and contrast, in a very short distance, from the Old Kent Road immediately to the north.
162. At present modern, commercial buildings on site NSP63 provide a backdrop to many localised views within the GRCA. Various parcels of land on NSP63 close to the GRCA or in street views looking south towards Bianca Road and Latona Road have already been permitted and are now capable of implementation. In terms of the continuing optimisation of development on site NSP63 including taller buildings, we note that many of the views within the GRCA are not orientated towards the bulk of site NSP63 with the key views being more towards the direction of Burgess Park, which would remain unaffected. The design guidance to site NSP63 reasonably requires development to enhance the setting of the GRCA and the design of taller buildings to have regard to impacts on heritage, townscape and existing character. We find this an appropriate approach, together with other design and heritage policies in the London Plan 2021 and NSP, to guide decision-makers on determining the suitability of any design-led schemes on site NSP63 and their impact on the GRCA. Overall, the proximity of the GRCA does not provide an impediment to redeveloping the site.
163. Site NSP64, Marlborough Grove and St. James's Road, contains buildings of townscape merit and of architectural and historic interest. The submitted policy provides guidance relating to these features and that redevelopment must have regard to them. However, the policy guidance did not indicate which buildings were of interest. The old varnish and 'Japan' factory at St. James Road and the former Chevron Office were identified as being of townscape merit, whilst the Georgian terrace adjacent to the new Bath House are of architectural and historic interest. As such **MM153** is necessary for effectiveness to specify the relevant classification of the heritage assets in site NSP64.
164. Alongside the 'Cantium Site', one of the other major development sites in the OKROA is the Sandgate Street/Verney Road area comprising of various development sites (some 12.7ha) under the umbrella of Site NSP65. As elsewhere on Old Kent Road, this is already an area of formerly designated preferred industrial land which is now in transition. Various schemes totalling some 2,100 homes are either under construction, with planning permission or with a resolution to approve subject to finalisation of planning obligations. The recently constructed mixed use scheme on land between Verney Road and Rotherhithe New Road, directly adjacent to NSP65 and at approximately 19 storeys at its highest, provides an indication of the potential optimisation and regeneration of land resources in this part of Old Kent Road.

165. Of the consented schemes on NSP65 the chief proposal at 'Ruby Triangle' will provide 1,165 dwellings, flexible retail and business space, a public sports hall and gym and public open space. Development is also occurring towards the Hatcham Road end of the site at Varcoe Road, illustrating that in the short to medium term various parts of the site will be delivered, including homes that will count towards the five year deliverable supply, within the agreed available capacity for phase 1. A substantial amount of housing (3,112 units) will remain to come forward on the site as part of phase 2, following the award of contracts for the BLE. Given the scale of the site and the nature in which planning consents have been granted, we are satisfied that the phase 1 and phase 2 capacities (as shown in the SAMR) will come forward in a logical manner and in accordance with masterplanning work [EIP37 & 40].
166. The wider site offers a particular opportunity to boost the current paucity of open space and quality of public realm in this part of the Borough including the proposed Surrey Canal Linear Park and the use of land around the Listed gasholder structure. **MM154**, as recommended elsewhere, would clarify that nearly 3.5ha of public open space would be provided across site NSP65. The detail for its provision would be an appropriate matter for the OKRAAP. In respect of the Grade II listed gasholder site, this is clearly shown on the inset plan for the allocation within an area allocated for public open space. At present the gasholder structure, as a sizeable open iron framework, is predominantly experienced in the context of various modern commercial buildings and compounds. The key heritage objective is to retain the structure given its significance as a legacy of the utility infrastructure in this part of London. Invariably its context will change, including taller buildings on both site NSP65 and adjacent site NSP66 together with a less industrial setting. However, by retaining the structure and allowing it to be immediately experienced within an open setting (including enhanced public access) we are satisfied that the heritage significance would not be harmed by the proposals as set out in the NSP. Again, the OKRAAP may set out further detail if required.
167. From various masterplanning and capacity work for the site [EIP37, EIP40 and EIP82b] it is evident that NSP65 site can sustainably accommodate a significant scale of mixed used development. To reflect the latest evidence, deliver the spatial strategy and ensure the plan would be positively prepared, justified and effective we recommend **MM154** which would increase the minimum residential capacity from 3,680 to 5,300 homes and confirm that the redevelopment of the site must provide at least the same amount of employment floorspace as currently on the site (approximately 50,000sqm). These changes would provide necessary clarification and certainty.
168. For Site NSP66 (land at Devon Street and Sylvan Grove) further assessment work for the OKRAAP shows that the minimum residential capacity could be sustainably increased from 740 homes to 1,500 homes. As a mixed use site with existing employment uses, the policy should be modified to confirm that the redevelopment of the site must provide at least the same amount of employment floorspace as currently on the site. **MM155** would make these changes and we recommend them so that the policy would be positively prepared, justified and effective. The site also provides access to the Southwark Integrated Waste Management Facility, although re-development of the site allows for options to realign the access in order to optimise

development potential. Consequently, as part of **MM155** it would also be necessary to make clear that development of the site retains access to the waste management facility, and we recommend this for effectiveness.

169. Various sites on Ilderton Road and Hatcham Road comprise the wider allocation presented at submitted Site NSP67. Similar to modifications for other sites in the OKROA, further masterplanning and capacity assessment work indicates that the minimum residential capacity of this site should be increased. **MM156** would update the capacity from 1,460 homes to 2,200 homes and we similarly recommend it so that the Plan would be positively prepared, justified and effective.
170. This part of the OKROA has a more established industrial and trade character and consequently the Plan is justified in showing it predominantly as LSIS and fringes of the site to the north-west as SPIL. As we have recommended elsewhere, the LSIS designation does not preclude the co-location of employment uses and housing to optimise the sustainable intensification of land resources. The character of the area is already changing with approximately 1,000 homes on various sites at differing stages in the planning pipeline. This includes sites now under construction, including those providing floorspace fitted out for light industrial use. As expressed for other sites, there is concern about the feasibility of co-location, particularly for some trade and manufacturing uses found in this part of the OKROA. This also extends to the array of creative industries and studios that have occupied the existing commercial stock, particularly around Hatcham Road and Penarth Street.
171. The evidence [EIP82b, page 253] shows that the allocation is already coming forward in an uncoordinated way with schemes under construction or with planning permission peppered across the wider site. The NSP is to a large extent reacting to this, with much of the Phase 1 housing potential of the wider NSP67 site already established. In our view, NSP67 exemplifies why it is now imperative that the Council gets an up-to-date development plan document in place to manage development and secure co-ordinated sustainable outcomes in this location. This includes securing the SPIL provision at the nearby Bermondsey Arches and Surrey Canal Road with Lewisham and implementing Policy P30 as part of this NSP to secure affordable workspace. In addition, **MM156** would clarify that redevelopment proposals must provide at least the same amount of employment floorspace as currently on the site. We recommend this so that the policy would be positively prepared, justified and effective.
172. It is important, however, that the Plan is suitably flexible and responsive to particular circumstances, including the area being a hub for creative industries. As such it would be necessary for soundness to include additional specificity in the policy to allow for arts and cultural uses in the Penarth Centre which is within the SPIL part of the allocation. Further flexibility, including residential uses, would not be justified given the need to protect the remaining resource, consistent with Policy E5 of the London Plan 2021. **MM156** would make the necessary clarifications and we recommend it for plan effectiveness.
173. Site NSP67 is now positively identified through the recent safeguarding directions [EIP186 & 187] as a potential location for a new underground station as part of the BLE. **MM157** would update the policy and make the

necessary cross-reference to the Policies Map and we recommend it so the plan would be justified and effective in this regard. For similar reasons **MM157** would also update the inset plan within the NSP to show the safeguarded BLE surface area. As a town centre site, it would also be necessary for soundness to ensure that any redevelopment of the site retained the existing amount of retail floorspace as currently exists. **MM157** would clarify this, and we recommend this for effectiveness.

174. As a modest town centre site, the Plan should be modified to clarify that a mixed-use redevelopment of site NSP69 must be achieved. This should include appropriate flexibility for similar sui generis use as currently exists or retail or employment. This approach would align with the Plan's strategy to significantly boost housing and jobs in this highly sustainable part of the Borough. **MM158** would make the clarifications and we recommend it so that the site allocation is justified and effective.

### Peckham Sites

175. The NSP carries forward a number of proposed allocations from the Peckham and Nunhead Area Action Plan (PNAAP). Despite the passage of time since the PNAAP was adopted (2014) there is evidence that proposals for development are being advanced, notably on the Aylesham Centre site, which gives us necessary confidence that the NSP sites identified in Peckham, are in principle, deliverable. As a main town centre for the south of the Borough and a highly sustainable location with good rail and bus services and improving cycle infrastructure, it is justified that the NSP seeks to optimise the delivery of new homes and commercial development through the re-development of appropriate sites in and around the town centre. Overall, we find the principle of continuing to allocate those remaining sites from the PNAAP (proposed sites NSP71, 73 and 74) to be positively prepared and justified. The policies for these sites reference site allocation policies in the PNAAP which creates unnecessary uncertainty for decision-making. Accordingly, we recommend **MM160**, **MM162** and **MM163** which would remove the cross-reference for plan effectiveness.

176. The key site in Peckham for the NSP is the continued allocation of the Aylesham Centre and Peckham Bus Station site at the north-eastern edge of the town centre. The site is currently anchored by a supermarket use and the bus station operation. Elsewhere the site comprises a retail arcade linking the supermarket to Rye Lane and a large surface car park accessed from Hanover Park. The policy is justified in seeking to retain the supermarket use, a key facility serving the community. Consistent with town centre policies elsewhere in the Plan and the site's town centre location with direct linkages onto Rye Lane as the principal town centre thoroughfare, it would be justified to modify the policy to require the provision of at least the same amount of retail floorspace as currently on the site. This would form part of **MM160** and we recommend it accordingly so that the policy would be justified.

177. Concern has been expressed regarding the potential loss of car parking in terms of community access and vitality of the town centre. As a highly sustainable location (with a high PTAL rating) we are satisfied that redevelopment of the site presents an opportunity to revisit the scale of car parking to a level genuinely necessary to support town centre uses on the site



whilst enabling other uses (for example, residential) to be effectively car-free. This would align with the need to secure modal shift to reduce carbon emissions in a highly sustainable town centre location.

178. As submitted, the policy requires retaining the bus station operation and should that use become surplus to requirements securing small business space (B class) on the equivalent footprint. Further engagement with TfL has indicated that a more flexible approach would be justified. The 'bus station' is effectively a large circular loop road providing bus stops. The loop road encloses a surface parking area for buses with generous space for manoeuvring. In considering future configurations and provision, the key consideration is that the capacity of the facility is retained, which may be secured through an alternative, more optimal layout. As transport infrastructure it would not be justified to seek commercial floorspace as a replacement use. Nor would it be justified to specify in design guidance that any redevelopment of the bus site should consider new housing over an operational bus station use. Again, **MM160** would make these necessary changes.
179. The Council's FAR methodology estimates an indicative residential capacity of 850 units for the site. Given the various land-use requirements for the site, as discussed at the hearings, the proposed **MM160** consulted on a minimum capacity figure of 700 units, which is closely aligned to the 2017 proposed submission figure for the site of 645 units (tested as a reasonable alternative in the IIA). The proposed figure of 700 units was intended to provide for certainty in terms of clearly signalling a floor rather than a ceiling on capacity. However, we recognise the risk that a figure of "700" could become unreasonably fixed, despite being expressed as a "minimum". Furthermore, the IIA and SAMR evidence have both tested an indicative capacity of 850 homes as being reasonable for the site. An indicative capacity would provide for appropriate flexibility, in terms of a design-led approach demonstrating the sustainable, optimal residential capacity of the site. Therefore, following the consultation on MMs we recommend that **MM160** reverts to an indicative residential capacity of 850 homes. As this figure has been previously consulted on and forms part of the IIA we consider no one would be prejudiced by this amendment. The housing trajectory would also require amendment accordingly.
180. The ultimate development capacity of the site will be influenced by the scale and massing of development, including height. In optimising the capacity of a sustainably located redevelopment site, the policy indicates that a development of up to 20 storeys would be appropriate. This echoes Policy 26 of the PNAAP which was independently examined less than 8 years ago. We accept that tall buildings are intermittent in this part of Peckham including within views in the Peckham Rye Lane and Peckham Hill Street Conservation Areas. Nonetheless, a tall building or taller elements on the Aylesham Centre, if well-designed and appropriately positioned within the site could serve as a landmark or destination building without causing substantial harm to heritage significance of the Conservation Areas, including important views around the clocktower building. The alternative of scaling down development on the site could result in a potentially profligate use of a sustainable town centre site where the character is influenced by the taller development immediately to the east, including Witcombe Point and along Peckham High Street. There would

be significant scope through good design to optimise development on this site to enhance the character of this part of Peckham town centre, including significant improvements to the public realm.

181. Having observed the views available from the nearby rooftop of the Bussey Building it is clear that taller buildings on the Aylesham Centre would be prominent from this perspective. Nonetheless, because the footprint of the Aylesham Centre is relatively modest and the height guidance is 20 storeys, taller development on the site would be relatively confined and not be comparable to the clustering and scale of tall buildings found elsewhere in central London. Consequently, taller development on the site would not harmfully interrupt or obscure the wider panorama of the London skyline to the north to the detriment of rooftop businesses on the Bussey Building. In our view, if designed well, taller buildings on the Aylesham Centre site could provide interest, vibrancy and architectural variety in the foreground views, adding to, rather than detracting from, the outlook from the Bussey Building roof and other taller buildings in Peckham.
182. The Plan introduces a new allocation at Blackpool Road (NSP72) to the south-east of the town centre. The site is principally occupied by a builder's yard and a bus garage. The future of these uses and their ability to be incorporated into any redevelopment is uncertain but there is no requirement stemming from national policy, the London Plan or the evidence base to the NSP to retain these uses. The location contains significant areas of hardstanding for vehicle parking and outside storage, with generally lower quality and low-density storage buildings. In principle, the plan is justified in allocating this sustainably located edge of town centre site and seeking to make a better use of the land resource available. It would also reflect the emerging pattern of more optimal land use on adjoining sites to deliver much-needed housing and new commercial floorspace. As with other re-development sites in predominantly employment use, the policy is justified and would be effective in seeking to secure the provision of at least the amount of employment floorspace currently on the site. In this regard, the policy would need to be modified to update the existing uses on site and **MM161** would do this for effectiveness.
183. The site contains a non-designated heritage asset in the Old Mill Building (as shown on the site inset plan) and is proximate to others such as the railway viaduct. The presence of the Old Mill Building, a utilitarian but nonetheless imposing Victorian building does not in itself preclude redevelopment of the wider site but **MM161** would provide further specificity on non-designated heritage assets and we recommend this for effectiveness.
184. The site is bounded by Copeland Road and Consort Road which provide good access and a degree of separation from nearby housing. Other policies in the plan deal with good design and amenity considerations such as outlook and would apply when considering the specific design of any re-development of the site. The policy for the site required enhanced north-south permeability through the site and the design guidance referred to the potential of opening up a pedestrian route north of the railway to Bournemouth Road/Copeland Road. Neither of these requirements would be necessary to make the development of the site acceptable in planning terms and so we recommend

their deletion as part of **MM161** so that the adopted plan would be justified. The site, is, however, adjacent to the route of the Peckham Coal Line and development should support the provision and implementation of this recreational route as recommended in **MM161** for effectiveness.

185. Proposed site NSP73 carries forward the PNAAP allocation of land between the railway arches east of Rye Lane. The site occupies an elliptical wedge of land between two busy rail lines before they converge at Peckham Rye Station to the west. Both lines are elevated on arches which also form part of the site. Given the environmental context, the Plan is justified in flexibly allowing for a variety of non-residential uses appropriate to its location adjacent to Peckham town centre (Rye Lane). The ability of the site to create new linkages is disputed. The policy does not require that redevelopment must provide them and only goes so far as to identify through the design guidance that the scope exists. We have regarded the associated inset plan for Site NSP73 where it shows broad lines for improved connectivity for pedestrians and cyclists to be indicative only, but we nonetheless consider the principle of what the Plan is seeking to achieve to be sound and positive in terms of the need for modal shift. Together with the planned improvements at the adjacent Peckham Rye Station and the Peckham Coal Line initiative, site NSP73 if planned well represents a good opportunity to promote walking, cycling and public transport use in this part of Peckham.

### Rotherhithe Sites

186. The Plan would continue to focus the Canada Water Opportunity Area (CWOA) growth in Rotherhithe through optimising the potential of two existing sites: NSP77 (Decathlon Site & Mulberry Business Park) and NSP78 (Harmsworth Quays, Surrey Quays Leisure Park and Shopping Centre). Overall, we find this strategy would deliver the scale of growth and mix of uses the London Plan envisages for the CWOA together with transforming car dominated parts of Rotherhithe into a more human scale environment for walking and cycling. In character terms, the CWOA is appropriate for taller buildings subject to townscape considerations and protecting LVMF<sup>8</sup> views from Greenwich to Tower Bridge and St Pauls. Proposed sites NSP77 and NSP78 also provide opportunities for additional green infrastructure to complement the nearby assets at Russia Dock woodland, Stave Hill Ecological Park and Southwark Park.

187. In respect of Site NSP77, appreciable parts of the wider allocation have been redeveloped, including elements of residential as well as a student accommodation scheme. As such the wider site has delivered new homes in accordance with the requirements of the policy. Whilst the development intentions (and delivery) for the remainder of the site are presently for an office-led scheme, the policy is justified in setting out an overall indicative residential capacity to reflect what is happening on the wider site. It is not necessary for soundness to amend or reduce the residential capacity figure by approximately 800 units. The proposed indicative capacity figure of 1,381 for the whole site, which is not expressed as a minimum figure, would provide necessary flexibility should circumstances change. In our view, the indicative residential capacity figure would not preclude the employment development

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<sup>8</sup> London Plan View Management Framework

intentions on the remainder of the site given the strategic need to deliver significant new jobs (20,000 net) within the CWOA. Delivery of housing numbers does not rely on the remainder of Site NSP77 coming forward for residential, such that any remaining indicative capacity (should it come forward) would add to the flexibility and choice of sites.

188. At 21.7 hectares, Site NSP78 is one of the largest single site allocations in the NSP. It is subject to an agreed masterplan between the Council and the single site owner. This is reflected in a hybrid planning permission for the site, with development now commenced on initial plots. Policy NSP78 as submitted provides appropriate flexibility on the range of uses envisaged on the site including retail, employment, leisure, student accommodation and extra care housing, amongst other things. It also provides an opportunity to secure improved civic space and public realm. **MM167** would clarify the amount at some 1.3ha and we recommend this part of the modification for effectiveness.
189. The Plan is justified in expressing the indicative minimum residential capacity on NSP78 as between 2,000 and 3,995 homes, reflecting the flexibility contained within the approved masterplan. For the purposes of assessing housing land supply and meeting the identified housing needs, the Council has logically and positively taken the mid-point (3,000 homes) and has judiciously profiled a modest amount of deliverable supply (465 units) within the first five years. Should the site deliver at the lower end of the masterplan range, this would not be detrimental to meeting housing need given the general level of flexibility in the Plan. As implementation of the masterplan progresses, should the residential capacity figure evolve or the broad range of required and optional commercial and community uses for the site change, then plan review would provide an appropriate mechanism to ensure the development plan secures sustainable development on what is a singularly strategic site for both the Borough and for London.
190. As addressed elsewhere in this report, the NSP needs to be modified to make clear that the CWAAP is to be rescinded and that CWAAP policies would not apply to the proposed allocations in Rotherhithe. **MM166** and **MM167** would do this for Sites NSP77 and NSP78, respectively.

#### *Conclusion on Issue 4*

191. Subject to the MMs identified above the Plan's site allocations are justified, effective, consistent with national policy and in general conformity with the London Plan 2021.

### **Issue 5 – Whether there would be a deliverable housing land supply in years 1-5 and developable supply in years 6-15?**

#### *Housing Requirement*

192. As set out under Issue 1, the Plan needs to be modified to ensure a fifteen-year plan period on adoption up to 2035/36. For consistency with the London Plan 2021, the baseline for the Plan has been amended to 2019/20. In terms of the requirement for housing, the London Plan sets an annual target of 2,355 net dwellings per annum (dpa) over the 10-year period 2019/20 to 2028/29. The Plan proposes to extrapolate the 2,355dpa over the remainder of the plan

period to 2035/36. Consistent with the London Plan 2021, this would result in Southwark having one of the highest housing requirements in the capital. This would represent a significant step-change on past delivery rates.

193. The evidence on housing land supply in the 2017 London Strategic Housing Land Availability Assessment (SHLAA) covers the period to 2041 and indicates that there is capacity to sustainably deliver this housing requirement within the spatial strategy identified. Most of the assessed capacity on sites over 0.25 hectares is shown to be capable of delivery in SHLAA phases 2-4 (2019/20 to 2033/34) and correlates to anticipated significant delivery in the OKROA within the phasing parameters of the BLE project.
194. The supply capacity over the plan period indicates a notable headroom above the housing requirement to meet the 2,355dpa. We consider this potential buffer of 9,860 dwellings would be a justified and effective approach consistent with NPPF paragraph 11(a) and (b) in that Plans should be sufficiently flexible and as a minimum (our emphasis) provide for objectively assessed needs for housing. Therefore, it is not necessary for plan soundness to de-allocate sites that would provide for housing, including those developable in years 11-15 of the plan. There needs to be an appropriate degree of certainty, particularly for strategic growth in the opportunity areas including the ongoing need to align major housing to strategic infrastructure investment, not least the proposed BLE as set out in the London Plan.
195. We are also mindful of the significant need for affordable housing in the Borough as a further reason for retaining a robust housing land supply. In determining the housing requirement, Policy SP1 refers to the Council's strategy to deliver 11,000 new Council homes by 2043. This is a separate goal for the Council, which would contribute towards, not be an addition to, the Plan's housing requirement.
196. To date there have been some 1,909 net completions in 2019/20<sup>9</sup>. Accordingly, applying 1 April 2020 as a base date on which to assess remaining housing supply, there has been a moderate shortfall of 446 dwellings. This shortfall should be recovered within the first five years.
197. Against the Housing Delivery Test, Southwark is already an authority required to prepare an Action Plan (which was published in 2019) because recent delivery has fallen below 95% of the housing requirement. Footnote 41 to para 74c) of NPPF refers to delivery below 85% of housing requirement being the definition of significant under delivery. Accordingly, there is a need to apply a 20% buffer to address past under delivery and improve the prospect of achieving the planned supply in accordance with NPPF paragraph 74(c).
198. Notwithstanding the step-change in housing delivery in Southwark required by the London Plan 2021 there is no need for plan soundness to introduce a 'stepped' trajectory, including any phasing linked to the BLE. As set out below, an appreciable number of detailed planning consents are now in the pipeline, including on a significant number of sites allocated in the Plan. Nonetheless, in seeking to recover the shortfall within the first five years and applying a 20% buffer to both the 2,355dpa and the 446 homes shortfall

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<sup>9</sup> Monitoring figure agreed with GLA in document EIP200

would result in a need to deliver 14,655 dwellings between 1 April 2020 and 31 March 2025 (equivalent to 2,933dpa).

### *Assessment of Supply*

199. The London Plan 2021 recognises at paragraph 4.46 that the SHLAA evidence will need to be kept under review, particularly in the opportunity areas. As set out above, under Issue 2, the OKROA has particular infrastructure interdependencies with the planned BLE which has resulted in a phased approach for the delivery of 9,500 homes prior to 2029 and the balance thereafter once the construction contracts have been let. This is reflected in the Council's more detailed and up-to-date assessment of site capacities and phasing contained in the latest SAMR.
200. As set out above under Issue 4, we have recommended a number of MMs to the site allocations, including indicative and minimum site capacities and updating site details. Much of this reflects the up-to-date evidence in the SAMR. The CPC consultation in 2020 enabled comment on these potential MMs prior to and during the hearings and in particular the capacity and phasing of sites. Overall, we are satisfied that the SAMR provides a robust and effective assessment of the deliverability and developability of sites and meets the requirements of the PPG<sup>10</sup>.
201. There is a significant pipeline of sites that already have planning permission in Southwark. As is to be expected with strategic sites in an inner London borough there are sites in multiple uses and ownerships which will take time to be comprehensively redeveloped. On a number of these sites, the Council has granted hybrid applications, such that those parts of the site that could come forward more readily have detailed permission within a wider site with outline permission. This approach has been taken at three of the opportunity areas, namely: Canada Water, Elephant & Castle and OKROA. In forecasting future delivery, sites have been profiled based on evidence from developers, the Council's own site intelligence and reasonable assumptions reflecting the nature and scale of the scheme. The density and format of most housing developments in Southwark means that standard assumptions around annual build-out rates do not apply. There will invariably be a considerable degree of 'lumpiness' in the likely completion figures with many schemes being completed as one building or tower rather than as a steady flow of individual units. The evidence in the SAMR appropriately reflects this.
202. Overall, we find that the evidence in the SAMR [EIP82b] and in the latest housing land supply assessment [EIP198] demonstrates that, consented sites and sites where there has been a resolution to grant permission subject to a Section 106 agreement, have a reasonable prospect of delivering 13,518 dwellings in years 1 to 5. They would also make a contribution towards the developable supply of 27,478 homes in years 6 to 15.
203. For those allocations or parts of allocations which do not have planning permission, the SAMR assumes no delivery within years 1-5. Whilst this is a cautious approach, it is reasonable given the extensive pipeline of consented sites, including within the available BLE phase 1 capacity in the OKROA.

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<sup>10</sup> Paragraphs 68-004-20190722 - 68-007-20190722 and 68-019-20190722 & 68-020-20190722

Evidence from the sites in the various extant AAPs shows that there is a good track record in Southwark that once sites are allocated, they will come forward. Detailed profiles of delivery are set out in Appendix 2 of the SAMR and provide a sensible profile of when these allocated sites are likely to come forward. We are satisfied that allocated sites in the Plan will come forward to deliver the majority of the developable supply of 27,478 homes in years 6-15. This will include allocated sites within phase 2 of the OKROA (approximately 9,000 homes).

204. The Council is bringing forward a programme to deliver additional Council homes, typically on non-allocated sites and through the optimisation of existing Council owned land and buildings. The delivery programme, where not accounted for in the pipeline of planning consents, would likely yield 1,266 net new homes in years 1-5 and a further 702 dwellings in years 6-15. We are satisfied based on the evidence in the Council's updated housing land assessment [EIP198] that the 1,266 dwelling figure is justified. This also applies to the 702 homes figure accepting that this could increase over time as more sites and opportunities are identified in the delivery programme.
205. Paragraph 71 of the NPPF advises that an allowance can be made for windfall as part of anticipated supply. The evidence set out in section 4 of the Council's land supply assessment [EIP198], shows that unsurprisingly, in an urban area such as Southwark, where allocated sites are typically greater than 0.25ha, there has been a reliable source of housing delivery on small windfall sites. In assessing historic rates, and by excluding garden land, there is a realistic prospect that small-scale windfall sites could yield on average 523dpa. The trajectory assumes this windfall allowance to start in year 4/5 to avoid double-counting with consented supply and to continue thereafter. On this basis, we find the proposed inclusion of a small-sites windfall in the housing trajectory to be sound.
206. In bringing this together, tables 5 and 6 of the Council's housing land assessment [EIP198b] provide a good summary of the housing land supply position as of 1 April 2020. Through a combination of sites with planning permission (including those under construction), resolution to grant planning permission, new Council House delivery and small-scale windfall sites, there would be a deliverable supply of 15,830 homes in years 1-5 against the requirement to deliver 14,665 dwellings. As such we are able to conclude that the Plan would be consistent with paragraphs 68 and 74 of the NPPF, with a deliverable supply in excess of 5 years on adoption.
207. In the medium to long term (years 6-15) there would be a developable supply of some 33,410 homes against the remaining balance of the London Plan requirement (extrapolated over the plan period to 2036). Potentially, there would be a developable capacity in this period of 9,860 homes above the housing requirement. Such an approach would be justified to provide flexibility and ensure housing needs are met. The approach accords with Policy H1 of the London Plan 2021 and paragraphs 11 and 68 of the NPPF.
208. The Plan on submission did not contain a housing trajectory. **MM8, MM9** and **MM10** would rectify this by including a trajectory to accompany submitted policy SP1 and for the detailed individual site profiles to be set out in a new Annex to the Plan. We therefore recommend these MMs so that the plan would

be positively prepared, effective and consistent with the NPPF at paragraph 74. We also recommend additional text alongside Policy SP1 to put the trajectory into its proper context and to enable future decision makers to determine the basis on which a five year supply at the point of plan adoption was calculated (annualised requirement, 20% buffer etc). **MM8** would do this, and we recommend it accordingly.

209. The NPPF at paragraph 69 requires at least 10% of the housing requirement to be met on sites no larger than one hectare. The evidence in the SAMR and the updated housing land assessment shows that the NSP would be consistent with national policy in this regard.

#### *Conclusion on Issue 5*

210. Subject to the proposed main modifications identified above, we conclude that the Plan would provide a sound basis for meeting the housing requirement in Southwark and on adoption would ensure a deliverable housing land supply in years 1-5 and a developable supply in years 6-15.

#### **Issue 6 – Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to health, the environment, design, heritage and tall buildings.**

211. Policy SP3 of the plan sets the strategic context for the Council's approach to providing young people in the Borough the best possible start in life and to set the framework to make a positive impact on their life outcomes. The policy requires modification to ensure a clearer linkage to the Council's wider corporate plan objectives around healthy school meals to primary schools and nurseries in the Borough and the positive role that development can play in multi-generational interaction. The global health pandemic has highlighted the importance of access to digital technology for both residents and schoolchildren in the Borough. The long-term effects of access to technology are not yet known, but the shift towards homeworking during the pandemic highlights the importance of access to technology and superfast broadband and the policy requires amendment to reflect this aim. Additional changes are also required to the reasoned justification to the policy to provide additional justification for the policy approach. All of these matters are addressed in **MM12** in order for the Plan to be effective.

#### *Health Policies*

212. NPPF paragraph 92(c) encourages planning policies which enable and support healthy lifestyles, particularly in locations such as Southwark where there are identified health and well-being issues. Policy P44 seeks to maximise the potential for healthy lifestyle choices, however as submitted it contains elements of duplication around providing new facilities and activities for healthy lifestyles. **MM59** would address this and make clear that development should support opportunities for healthy activities rather than directly deliver them and that there will be policy support to approve developments that provide new health, sport, community and leisure facilities.

213. Exceptionally, there will be instances where development replaces community facilities. In accordance with NPPF paragraph 99, it would not be justified for the policy to include sports facilities and this should be removed.



Additionally, the policy test that facilities are shown to be surplus to requirements would not be effective in protecting valuable community assets and should be amended to test that there are more facilities than there is demand. Again, **MM59** would make these necessary changes for plan effective and for consistency with national policy.

214. Additionally, Policy P44 as submitted, does not fully reflect the importance of encouraging walking and cycling as part of healthy lifestyles, critical in a location such as Southwark where modal shift is required to address climate change and local air quality. **MM59** would introduce a requirement for development to be easily accessible from the walking and cycling network and we recommend this for plan effectiveness.
215. Policy P47 deals with hot food takeaways. As submitted Policy P44 provides a general requirement for developments to encourage healthy eating choices by limiting the convenience of unhealthy food. At a practical level this would be difficult to implement and so we recommend its removal as part of **MM59** so that the policy would be justified and effective.
216. Retaining existing, and facilitating new, leisure, arts and cultural facilities is important in ensuring social well-being for the diverse communities in the Borough and the economic sustainability of Southwark, including the vibrancy of the town centres and the CAZ. Similar to Policy P44 above, as submitted Policy P45 lacks necessary clarity on provisions to retain or re-provide existing leisure, arts or cultural uses and so we recommend **MM60** which clarifies that any re-provision should be of better or similar quantity and quality and that facilities should only be replaced in exceptional circumstances after an appropriate marketing exercise for 2 years. Given the significance of some facilities to particular communities and groups representing those with protected characteristics, we recommend the additional requirement in **MM60** requiring an Equalities Impact Assessment where necessary. In terms of proposals for new arts and cultural venues of strategic importance, the policy as submitted would not provide sufficient spatial direction. **MM60** would address this by identifying cultural quarters within the CAZ, the OKROA and CWOA and the Peckham and Camberwell Creative Enterprise Zone. This approach would be justified, in general conformity with the London Plan and effective and so we recommend it accordingly.
217. In order to be effective and provide clearer protection when considering proposals for replacement of community facilities the submitted Policy P46 needs to be modified to clarify the onus is on applicants to demonstrate that the existing use is surplus to requirements and that an appropriate marketing exercise over 2 years has been undertaken. Additionally, there will be circumstances where community facilities are predominantly used by persons with protected characteristics and so it would be justified to amend the policy to require an Equalities Impact Assessment in these cases. Given the significant size of some redevelopment sites, some of which cover many hectares, have multiple site frontages and/or will involve buildings at height, it would be necessary in the policy to require that new community facilities are located so that they are accessible for all members of the community. The policy and accompanying 'Fact Box' require modifying to reflect the new UCO and ensure plan effectiveness. **MM61** would make all of these changes and we recommend it accordingly.

218. Promoting healthy communities is one of the core objectives of the planning system, including enabling and supporting healthy lifestyles as set out at paragraph 92 of the NPPF. The PPG at paragraph 53-004-20190722 advises that LPAs have a role to play in enabling healthier food consumption choices, including, amongst other things, planning policies to limit the proliferation of particular uses. In this context, the principle of restricting hot food takeaways in the capital, including in relation to proximity to schools, is already established in London Plan Policy E9.
219. Submitted Policy P47 is justified by the detailed and Borough specific evidence from Southwark Public Health in support of the policy, produced in 2018 [SP501]. The evidence clearly illustrates significant levels of overweight and obese children in Southwark compared to both London and national averages as well as evidence that these are also a serious health challenge in the adult population of the Borough. Whilst the causes of weight-related health issues are complex, managing the clustering of fast food outlets, and controlling their numbers close to schools are recognised ways in which the planning system can contribute. Whilst there is a 'one Borough' approach to tackling childhood obesity, including promoting healthy lifestyles, preventing the proliferation of takeaways, including near schools, through planning policy is critical to the wider strategy.
220. As submitted, Policy P47 seeks to exclude new hot food takeaways within 400 metres of any secondary school boundary. For general conformity with the London Plan this should be amended to also apply to primary school boundaries. It is evident from proposed modified Figure 7 (and consequential changes to the Policies Map) that large parts of the Borough would be affected but it would not restrict existing premises or entirely preclude new hot food takeaways establishing in the Borough. Given the serious health issues arising from the obesogenic environment in Southwark proposed modification **MM62** would be a proportionate response. We have also considered whether the policy should apply the 400m buffer from the school boundary or the principal entrance/exit. Given the constrained nature of many school sites, there would be no material difference (as evidenced in Figure 3 in EIP209). The submitted policy also needs to be amended to provide additional content on amenity considerations in relation to the positioning and operation of extraction systems.
221. Accordingly, we recommend **MM62** to modify Policy P47 and Figure 7 to ensure the plan would be effective and in general conformity with the London Plan 2021.

### *Environment Policies*

222. Southwark includes a number of areas of open water space at Rotherhithe which are part of the dockland heritage. Policy P57 does not provide sufficient clarity on the types of development that could affect the character of the openness of these open water spaces, or that which might adversely impact safety or navigation. In addition, the policy reasoning does not reflect the Council's evidence gathering in relation to assessing further houseboat needs which is necessary to provide further justification for the overall approach to

houseboats in the Plan. As such, **MM70** is necessary to make these changes in order for the policy to be justified and effective.

223. Policy P58 deals with green infrastructure, and refers to, amongst other things, requirements relating to 'Large major' development. However, the Plan did not quantify what is to be considered 'large major' development. This has been clarified to comprise of development of a scale referable to the Mayor of London, the thresholds of which are set out within the London Plan 2021. This would be a reasonable approach and the policy requires amendment on this basis for effectiveness. In addition, the submitted policy reasoning did not reflect the role that green infrastructure plays in mitigating and adapting to climate change. We therefore recommend **MM71** to address these matters which are necessary for effectiveness and consistency with the London Plan.
224. Policy P59 deals with the approach to biodiversity requiring development to contribute to net gains in biodiversity through enhancing the conservation value of sites identified in the Southwark Biodiversity Action Plan. Since the Plan was submitted the Council has adopted the Southwark Nature Action Plan (2020) [EIP183] which sets out the Council's vision for the protection, conservation and enhancement of nature in the Borough and supersedes the previous Biodiversity Action Plan. Furthermore, the submitted policy does not reflect the need to secure any shortfall in net gains in biodiversity offsite which would need to be secured through planning obligations or via financial contributions. As such, to address these points **MM72** is required in order for the policy to be justified having regard to the Council's latest evidence and for effectiveness.
225. Policy P60 does not address the importance of trees in relation to mitigating climate change, nor did it seek to ensure that tree planting secured as part of development proposals took place as close as possible to the development scheme. For effectiveness, policy is required to be modified by **MM73** to reflect role of trees in carbon storage and ensure that tree planting takes place as close as possible to the application site, informed by the Council's Tree Strategy. The NPPF (paragraph 131) seeks to ensure that new streets are tree lined. We consider part 1 of the policy to broadly reflect this in its permissive approach to tree planting in the right place as part of new developments. Overall, it would be a matter for plan review as to whether further specificity is required to guide tree lined new streets in the Borough.
226. Policy P61 sets out how development must reduce waste by ensuring waste from construction follows the waste hierarchy and that schemes provide adequate waste storage and recycling facilities. As submitted the policy does not sufficiently reflect the principles of the circular economy to conserve resources and increase efficiency, design to eliminate waste and to manage waste sustainably in the terms supported by London Plan 2021 Policy SI7. The reduction of waste is an important part of the wider approach to tackling climate change, and the policy requires amendment to reflect the need for development to address circular economy principles and for major development to submit a circular economy statement. **MM74** addresses these issues for effectiveness and for general conformity with the London Plan 2021.
227. Nearly all of the Borough is covered by an Air Quality Management Area and so it would be necessary that the Plan requires development to meet or

exceed air quality neutral standards and provide guidance on how this can be done through design solutions. Various MMs are required to submitted Policy P64 to ensure consistency with the published London Plan. These include removing the requirement for ultra-low NOx boilers where development is not connected to a decentralised energy network or appropriate abatement technologies. **MM75** would do this and we recommend it accordingly. Additionally, the policy needs to be clarified and made more effective in relation to those circumstances where air quality neutral standards cannot be met rather than the potentially undeliverable sequential approach as submitted. **MM75** would simplify and clarify that any shortfall in standards must be secured off-site through a planning obligation or financial contribution. We recommend this for plan effectiveness.

228. Policy P65 seeks to address noise pollution. The submitted policy requires development to enhance positive aspects of the acoustic environment identified through a public soundscape assessment. However, it is unclear as to whether such an assessment is an appropriate requirement for all development and the matters that it needs to address. As such, this requirement is not effective. Furthermore, the policy does not reflect how noise from construction would be considered and where necessary, mitigated. This is particularly important in light of the harm that such noise can have on the living conditions of adjoining neighbours. As such, **MM76** is required to address these points in order for the policy to be effective.
229. London is identified as an area of water stress in terms of supply and London Plan 2021 Policy SI 5 seeks to minimise the use of mains water as well as setting out the expectations for Borough Plan policies for minimising water use. Submitted Policy P66 did not specify the need for major development to assess the need for water utility upgrades which is necessary to ensure that development does not adversely affect water infrastructure. In addition, the policy also insufficiently reflected that reducing water usage is crucial in order to help adaptation to climate change. As such, **MM77** is required in order to ensure that the policy reflects the London Plan and is effective.
230. Policy P67 sets out the approach to flood risk and requires development in areas at risk of flooding to be subject to a site specific Flood Risk Assessment (FRA). However, the Council has clarified that the requirement for an FRA is set out in its validation checklist. Furthermore, the submitted wording of the policy does not reflect the fact that sites over 1ha, even if they were not in areas at risk of flooding, would nonetheless require an FRA and as such, the policy is not sound. The SFRA [EIP15A-D] sets out the Council's evidence in relation to flood risk and document EIP15C sets out recommendations which includes that development for less vulnerable uses must have finished floor levels 300mm above the year 2100 maximum water line. Having regard to the Council's SFRA, and the need to ensure development will be safe, the policy requires amendment to reflect this. Reducing flood risk is also essential for adapting to the potential effects of climate change and this requires reference in the reasoned justification for effectiveness. Accordingly, we recommend **MM78** which makes these changes which are necessary for effectiveness and to be consistent with the London Plan 2021 and national policy.
231. Policy P68 requires new development to meet a series of sustainability standards. Policy SI4 of the London Plan deals with the need for development

to minimise heat risk including the urban heat island effect. The recently published version of Policy SI4 includes an updated cooling hierarchy and Policy P68 would need to reflect this latest position. As such, **MM79** is necessary for effectiveness.

232. Policy P69 requires development to comply with an energy hierarchy. The submitted policy does not reflect published London Plan Policy SI2 which requires major development to be net zero carbon. Furthermore, the policy does not include reference to the London Plan's requirements for major development to reduce operational greenhouse gas emissions through adherence to the energy hierarchy or for referable development to calculate whole-life cycle carbon emissions through an assessment. We therefore recommend **MM80** for effectiveness and for conformity with the London Plan 2021.

### *Design Policies*

233. Policy P12 addresses the wider design of places across the Borough including the principles of good urban design as well as the role that design can play in enhancing the public realm. The policy sets out a number of criteria that development must have regard to but does not reflect the need for the design of places to consider the significance of the local historic environment. As such, **MM37** is necessary for effectiveness and to accord with national policy. Policy P13 addresses individual building design quality, and the policy also requires modification in **MM38** to reflect the need for building design to adapt to the impacts of climate change.

234. Policy P14 deals specifically with residential design in the Borough. The policy requires greater clarity on a number of points including clarification that children's play space should be at ground level or on low level podium and that the design of outdoor space needs to ensure equal access by residents from all housing tenures. More specifically, the OKR area has an identified deficiency of open space, the scale of which would not be remedied if the baseline Borough wide open space standard was applied on the remaining growth planned for the area. Given the strategic opportunities presented by the scale of growth we find this deficiency would undermine the strategy to secure sustainable development in the OKROA. Therefore, an additional 5 sqm of open space per dwelling would be justified as part of Policy P14 (to capture windfall sites) as well as being reflected in relevant site allocations.

235. For similar reasons, site NSP01A in Aylesbury is required to deliver the previous higher open space standards from the AAP reflecting the quantum of open space secured on this scheme. Whilst London Plan 2021 Policy D6 sets default standards, it states that Boroughs can set higher local standards in development plan documents. We find the Council's evidence [in SP601, SP602, SP602A and EIP148] justifies the Plan's approach.

236. The submitted policy does not include sufficient clear guidance on the amenity space standards sought and as a result, the policy 'FactBox' requires amendment to set out the standards for particular housing types. All of these matters are addressed through **MM39**.

237. Additionally, through **MM39** it is also necessary to clarify in Policy P14 that Whole Life-cycle Carbon Assessments will need to be completed for Major

Referrable schemes for internal consistency within the Plan and effectiveness and for general conformity with the London Plan.

238. Policy P17 addresses the need for the efficient use of the land in the borough. The submitted policy sought to maximise the efficient use of land, but this approach could have resulted in an inappropriately scaled or dense proposal. Furthermore, in considering meanwhile uses, these could include a wide scope of uses including for the night-time economy which could impact existing residents. Therefore, in order to be effective, Policy P17 is to be modified by **MM41** to address these matters. Following consultation on the MMs, we have refined the detailed wording of Part 1 of MM41 for comprehension.
239. Policy P42 on outdoor advertisements requires advertisements to encourage healthy behaviours. The control of advertisements through planning is, however, limited to matters of amenity and public safety. As such, the requirement to encourage healthy behaviours is not sound. As such, **MM58** is necessary in order to be justified and consistent with national policy.

### *Heritage Policies*

240. Southwark has a rich and varied range of heritage assets. The Plan seeks to accommodate substantial levels of growth, including through site optimisation involving taller buildings. The IIA identifies an important sustainability objective to "conserve and enhance the historic environment and cultural assets". The preparation of the IIA has engaged with Historic England and all policies and site allocations in the Plan have been assessed against this sustainability objective.
241. The overarching approach is set out in Policy SP2 on regeneration which appropriately emphasises the need to enhance local distinctiveness and for "heritage-led" regeneration. We see no inherent tension between the site-specific proposals and the areas identified for tall buildings and the need to conserve and enhance the historic environment or cultural assets of the Borough<sup>11</sup>. Individual site allocation policies and inset plans contain sufficient detail on immediate heritage assets, including archaeology priority areas, non-designated heritage assets and important views to inform appropriate decision making.
242. In terms of the Plan's heritage policies, MMs are necessary to submitted Policy P18 on Listed Buildings to ensure it properly reflects the tests around 'conserving and enhancing' and to specifically reference their 'settings' which form part of their significance. **MM42** would do this, and we recommend it for consistency with national policy. Following consultation on the proposed MMs, we have amended the wording to distinguish that proposals may conserve 'or' enhance the significance of the heritage asset and their setting.
243. Policy P19 on Conservation Areas needs to reference the attributes of 'character' or 'appearance' that are required to be preserved or enhanced. The policy would also benefit from amalgamating the first two sub-criteria of the policy to avoid potential duplication and aid effectiveness. Additionally, the Conservation Area policy should be explicit that any harm (substantial or less

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<sup>11</sup> Having regard to Sections 5.4-5.7 and 6.2 in the Tall Buildings Background Paper [EIP54]).

than substantial) must be justified, consistent with national policy which confirms that heritage assets are an irreplaceable resource. **MM43** would make the necessary changes and we recommend it accordingly. We have further amended the wording of **MM43** to replace the word 'conserve' with 'preserve' and to differentiate the requirements to preserve character or enhance appearance as distinct elements of assessment.

244. Submitted Policy P20 sets out the broad approach to be taken when considering development proposals in relation to the conservation of the historic environment and natural heritage. **MM44** would make clear that the policy would apply to both designated and non-designated heritage assets and we recommend it for consistency with the NPPF. On submission the plan contained a very succinct policy on the Local List. We are aware that further detail is to be provided in the emerging Heritage SPD [EIP55, Section 7.2] and the Council is working on updating the local list. The Heritage SPD is clear that more needs to be done to identify the contribution made by Victorian and Twentieth Century public, commercial and industrial buildings. The Plan, however, is not the mechanism to update the Local List but we consider it necessary for effectiveness that the policy should be expanded to identify the criteria against which a building or structure would be considered for local listing. We therefore recommend **MM46** accordingly.

### *Tall Buildings*

245. The spatial strategy directs the significant majority of the growth required to meet identified needs for new homes and jobs to the four opportunity areas (OAs) in the Borough as identified in the London Plan 2021. To sustainably accommodate growth, the Plan will require the optimisation of finite land resources. Consequently, taller buildings will have to form part of the appropriate strategy to achieve this.

246. In various parts of the Borough, including the Elephant & Castle and London Bridge/Bankside OAs there is already an agglomeration of tall buildings<sup>12</sup>, reflecting the evolving urban morphology of the CAZ and its hinterland. Elsewhere, taller buildings are beginning to demarcate the growth and optimisation planned for the Canada Water OA. These are areas, as evidenced in the Tall Buildings Background Paper [EIP54], that provide an appropriate setting to consider, in principle, through a design-led approach, the scope for further tall buildings in sustainable locations.

247. The area where tall buildings will have the greatest effect over the plan period will be the OKROA. Whilst there are existing sporadic taller buildings in this part of the Borough, it is evident through recently approved planning permissions and the indicative capacities of remaining allocated sites that the outcome of this Plan (together with the forthcoming detail in the OKRAAP) would be a notable new cluster of tall buildings in south-east London.

248. In broad terms, we find this to be a justified and effective approach, enabling a significant number of people to live and work in a sustainable location through the optimisation of previously developed sites, some of which represent a significant under-use of land resources in an inner London location. We find the principle of optimising the density of development in the

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<sup>12</sup> Figure 4, page 10 of EIP54 Tall Buildings Background Paper (2020)

OKROA, including taller buildings, to have been clearly set out in the baseline evidence presented in the OKR Characterisation Study [EIP44] and OKR Place Making Study [EIP45].

249. We have observed the proximity and inter-relationship between the proposed Plan allocations and the Glengall Road, Pages Walk and Cobourg Road Conservation Areas and numerous listed buildings and non-designated heritage assets in the OKR area. The Plan, in combination with the London Plan, contains an appropriate policy framework to assess the impact of taller buildings on the Plan's allocations within the setting of these heritage assets. In addition, the forthcoming OKRAAP would also provide a suitable means for more fully reflecting, where appropriate, the design principles and detail from the various individual site masterplans and feasibility studies which the Council has commissioned. The submitted Plan provides sufficient guidance on tall buildings in the OKROA, including for those sites where a design response is required to avoid a harmful interruption of either LVMF strategic views or local Borough Views as identified in the Plan.
250. The London Plan at Policy D9 makes clear that defining tall buildings is a matter for individual Boroughs but states that in a London-wide context they should not be less than 6 storeys or 18 metres. Until the Secretary of State's Directions on the London Plan (March 2020) the default position was a tall building being over 30 metres, with a lower threshold of 25 metres in the Thames Policy Area. This latter approach is presented in the Plan as set out in context for Policy P16 on tall buildings. The London Plan 2021 at Policy D4 (Delivering Good Design) refers to tall buildings as being more than 30 metres where there is no local definition.
251. Whilst there are alternative approaches to setting out very specific building height levels by site or location within a Borough or defining a tall building on the basis of a ratio to existing average building heights, we nonetheless find the Plan definition of tall buildings to be justified. The Tall Buildings Background Paper [EIP54] demonstrates that buildings over 30 metres (and over 25 metres in the Thames Policy Area) are appropriately to be regarded as 'tall buildings' in a Southwark context. The overall approach to defining tall buildings is in general conformity with London Plan Policy D9. Policy D9 of the London Plan also requires locations and appropriate tall building heights to be identified on maps in Development Plans. The submitted Plan seeks to focus tall buildings to the major town centres, the CAZ, OA cores and Action Area Cores. It also recognises that there are individual opportunities (sites) for tall buildings in Peckham and Camberwell town centres. The evidence for this is set out in the Tall Buildings background Paper [EIP54] and on this basis we find the identification of suitable locations to be justified. The policy on tall buildings requires modification to ensure effectiveness and general conformity with the London Plan. This includes making clear that areas where tall buildings are to be expected will be shown on the Policies Map. It is also necessary to modify the policy to fully reflect the approach in national policy on conserving and enhancing heritage assets and the need to provide clear and convincing justification where harm would arise. The reasoned justification to the policy also requires extensive additional text to reflect the Plan's evidence on tall buildings in order to assist the successful implementation of the policy. **MM40** would deal with all of these matters.



## *Borough Views*

252. In addition to identifying strategic views from the London Plan's LVMF the NSP also identifies a small number of locally important Borough views as set out in Annex 1 of the Plan. Whilst the policy applies to development proposals within the Borough the focal point in various views is St Paul's Cathedral. The Plan clearly sets out the assessment points and the landmark viewing corridors and any wider setting consultation areas to these corridors. The approach taken is consistent with the Mayor's LVMF methodology and the City of London's existing St Paul's Heights planning policy designation.
253. The principle of including the proposed Borough Views is justified in the terms required by Policy HC3 of the London Plan. There will be design implications for a small number of allocated sites and more generally within parts of the CAZ, including but not limited to, Bankside and The Borough and Blackfriars Road. We are satisfied, however, that the small number of identified Borough Views (in combination with the LVMF) would not result in sites suitable for development becoming undeliverable. As submitted, Policy P21 requires development to positively enhance Borough Views. That would not be an effective approach and could inhibit otherwise sustainable development coming forward. Therefore, we recommend the test in the policy be amended to 'preserve and where possible enhance' in the terms set out in **MM45**. Following the MMs consultation, we have amended part 1 of the policy to replace 'must' with 'should' in **MM45** so that the policy would be positively prepared and align to similar wording in London Plan 2021 Policy HC4 for the higher order strategic views.
254. We have considered whether the detailed parameters of the proposed Borough views would introduce a higher bar on preserving views to St Paul's Cathedral compared to the LVMF. Overall, we find the approach in the Plan to be justified and aligned to the LVMF but it will require further clarification in order to be effective as to the point at which the 45 metres threshold plane is to be measured on St Paul's Cathedral. **MM45** would introduce the necessary change and detail together with clarifications on how the London Panorama and Linear Views are to be assessed in the 'Fact Box' accompanying Policy P21. Consequently, we recommend **MM45** on this basis.
255. In respect of the proposed Borough views from One Tree Hill and Nunhead Cemetery in the south-east of the Borough, these are both publicly accessible vantage points on elevated topography affording clear views across the Thames floodplain to central London. Notable historic buildings which identify and pinpoint the established core of the capital are discernible in both vistas, especially St Paul's Cathedral. In terms of the access and ability to appreciate the view, both of these viewpoints are readily accessible by foot and have benches positioned specifically to take in the view. We recognise the view from Nunhead Cemetery is less panoramic than the view from One Tree Hill, relying to some extent on tree canopy management. This is appropriately reflected in the distinction made in submitted Policy P21 which is justified in defining the Nunhead Cemetery as a 'linear view'.
256. Views north from the Millennium Bridge to St Paul's Cathedral are already in the LVMF and the Plan proposes to include the viewpoint from approximately the middle of the Millennium Bridge south to the Tate Modern Gallery as a

Borough View. Whilst it is not a listed building, the Tate Modern is an iconic building and sensitively managing the scale, massing and height of new development within the context of this landmark building through the proposed Borough View is justified. As a bridge, across which there is constant pedestrian movement, it should be accepted that the identified viewpoint in Annex 1 of the Plan is not a purposeful stopping point, however, the vista which the Council is seeking to carefully manage through the Borough View predominates as one moves from north to south at and around the mid-point of the Millennium Bridge. In relation to the viewpoint, the precise wording of Policy P21 requires modification to clarify that the objective is to maintain the ability of the viewer to recognise and appreciate the landmark status of the Tate Modern building rather than its 'silhouette and skyline'. **MM45** would do this, and we recommend it accordingly.

257. We are satisfied that the Council has taken a proportionate and logical approach to identifying those panoramas, linear views and townscape views that need to be promoted and protected for genuinely meeting the threshold of a Borough View, consistent with the framework for view typologies set out at Policy HC3 of the London Plan. The proposed Borough Views in the Plan strike the right balance between protecting those significant, easily accessible views where the inter-relationship between Southwark and key focal points in the core of London can be readily experienced whilst simultaneously avoiding inhibiting the planned sustainable growth required, including optimising suitable sites through taller buildings.

258. It would not be necessary for plan soundness to increase the number of Borough Views, particularly where those viewpoints are only accessible to patrons of commercial enterprises and are not in the wider public domain. The clear expectation in the London Plan 2021 is that local views identified in Borough Plans should be accessible to the public as per the LVMF<sup>13</sup>.

259. Overall, we are satisfied that the submitted Borough Views, subject to the proposed MMs identified above are soundly based and consistent with Policies HC3 and HC4 of the London Plan 2021.

#### *Conclusion on Issue 6*

260. Subject to the proposed main modifications identified above, we conclude that the Plan would be justified, effective, consistent with national policy and in general conformity with the London Plan 2021 in relation to health, the environment, design, heritage and tall buildings.

### **Issue 7 – Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to infrastructure and implementation.**

#### *Infrastructure*

261. Policy IP1 sets out the Council's approach to working with partners to support the delivery of infrastructure in Southwark. The policy requires amendment in

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<sup>13</sup> London Plan Policy HC4 (E) and paragraphs 7.3.5 & 7.3.6

order to more fully reflect the range of infrastructure providers that the Council will seek to work with as part of its wider role as a key public-sector delivery body. The policy reasoning also requires amendment to reflect the need to address climate change adaptation and mitigation. **MM81** addresses these matters for effectiveness.

262. Policy IP3 of the plan addresses the approach to the Community Infrastructure Levy (CIL) and planning obligations in the Borough. The submitted policy sets out where legal agreements under s106 of the Town and Country Planning Act 1990 would be sought along with the use of funding from CIL. However, the submitted policy did not provide sufficient clarity as to the circumstances where viability assessments would be sought from proposed development, or the approach that the Council would take where it could be demonstrated that schemes could not viably afford all of the policy requirements in the Plan. The policy also requires clarification on the priorities that the Council would seek for the available level of developer contributions in this scenario along with corresponding amendments to the policy reasoning. Therefore, **MM83** is recommended to make these changes for effectiveness and to be consistent with national policy.

### *Transport*

263. Promoting sustainable transport is one of the key objectives of the planning system as set out in the NPPF. In a Southwark context the potential impacts of development on transport networks will have multiple consequences, including public health (in relation to air quality and highway safety) and carbon emissions (climate change). The PPG provides details of individual authority carbon emissions and transport remains one of the key sources in Southwark.
264. Overall, we are satisfied that the Plan, particularly through managing patterns of growth, promoting and supporting alternatives to the private car, the parking standards for both cars and bicycles (including car-free developments in Old Kent Road and other locations where there are high PTAL ratings) and support for projects and infrastructure to promote walking, cycling and public transport use would accord with the 2019 Movement Plan for the Borough. It would also be in conformity with the London Plan including Part A of Policy T1 on the 'Strategic Approach to Transport' which states: "Development plans should support the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041." (our emphasis). In this regard it is also important to consider that the NSP would not operate in isolation and the transport policies of the London Plan would also apply to development proposals in Southwark.
265. It is also worth noting that the NSP on its own will not resolve the need to significantly reduce transport related emissions and stimulate modal shift. Other initiatives such as the extension to the Mayor's Ultra Low Emission Zone, which will apply to most of the Borough, and the trial and roll-out of local traffic neighbourhoods will work in tandem with the Plan to reduce congestion and emissions and improve air quality and public health. We are also satisfied that there is a sufficiently strong synergy between the policies and proposals in the NSP and the Council's Movement Plan 2019 to ensure that the London-wide and local objectives for modal shift will be delivered.

The proposed monitoring framework (**MM84**) will provide for measuring the effectiveness on transport policies in the NSP and whether further intervention/mitigation would be necessary as part of the plan review process.

266. One of the principal ways in which the NSP will promote sustainable transport and address air quality and climate change would be its spatial strategy for managing patterns of growth, consistent with paragraph 11(a) of the NPPF. This includes focusing growth in the OAs, in particular the OKROA, where the scale of growth would support an appropriate mix of uses to minimise the number and length of journeys. The spatial strategy of the submitted Plan echoes the principles of '15 minute neighbourhoods' where proximity, diversity and density combine to reduce car use and encourage active and healthy travel. The majority of Southwark's growth would occur in the north of the Borough, including the CAZ (where high PTAL ratings and the Ultra Low Emission Zone apply). Major growth will also take place along the route of the proposed BLE extension and in areas either served by the Mayor's cycle hire network or in proximity to it for any future extensions. As identified in Policy IP2, a number of strategic infrastructure schemes involving public transport align with the OAs in the Borough identified for strategic growth.
267. Policy P49 provides the development management policy for considering highways impacts. In respect of delivery and servicing the policy refers to 'large' development sites which is an ambiguous planning term. Its replacement with the word 'major' in **MM63** would provide clarity and we recommend it for effectiveness. The overall objective of Policy P49 is to minimise the demand for private car journeys and ensure that potential impacts of development on the road network are appropriately managed. This would be a justified and effective approach, consistent with national policy and in conformity with the London Plan 2021. Minimising private car journeys will have a proportionate impact on reducing carbon emissions and **MM63** would make this clear.
268. There are numerous walking and cycling networks across the Borough. The area vision maps and site allocation inset maps show existing networks. It would not be necessary for plan soundness to replicate the detail of all existing and planned improvements to networks. The combination of non-strategic policies on walking and cycling together with guidance in the individual site allocation policies provide sufficient policy frameworks to ensure development contributes to and does not impede the provision of high quality walking and cycling networks across the Borough. The Plan is justified in setting out specific policy content to support the delivery of the 'Low Line' routes as walking routes parallel to railway arches from Bermondsey and Camberwell into Bankside and along the Peckham 'Coal Line' as shown on the Policies Map. Submitted Policy P51 on the Low Line routes would need to be modified to clarify that the routes should utilise one or both side of the arches and could create new linkages through the arches to aid permeability. **MM64** would make the clarification and we recommend it for plan effectiveness.
269. The detail of cycle and car parking standards in Policies P52 and P53 will need to be updated by reference to the changes to the UCO as set out in **MM65** and **MM66** respectively. As submitted, Policy P52 allows for reduced provision in cycle parking where it was shown not to be feasible. This approach would not be consistent with London Plan 2021 Policy T1 and is generally at odds with

the efforts now required to facilitate modal shift. As such we recommend **MM65** to remove the relevant text in criterion 2.

270. A number of clarifications are required to Policy P53 on car parking for both effectiveness and general conformity with the London Plan 2021. This includes clarifying that the policy applies to all development not just residential and making clear that development must adhere to the relevant parking standards rather than infer that development must provide car parking. In relation to proposals where a development is located within 850 metres of a car club, the policy will require precision that the membership is provided to the primary occupier of the development and contributions to new car club bays are to be sought on schemes that create 80 residential units or more. Finally, additional policy content is required, in the interests of promoting sustainable transport, to ensure that where off-street parking is proposed the number of spaces genuinely reflects likely demand as well as the quality and accessibility of public transport and access to local amenities, in order to ensure there would be no over-provision (even within the restrictive standards proposed). **MM67** would address all of these matters.
271. In terms of transport infrastructure investment over the plan period Policy IP2 identifies a number of specific projects and initiatives. Chief amongst these are: the BLE, as identified in the London Plan; a new rail station at Camberwell; improvements to Elephant and Castle underground station; and a walking and cycling bridge from Rotherhithe to Canary Wharf. Area Visions and site allocations elsewhere in the Plan would support and facilitate their delivery including the various MMs recommended elsewhere in light of the recent safeguarding direction for the BLE. **MM82** would clarify in Policy IP2 that as part of the BLE, development must support the implementation of the proposed new stations on Old Kent Road. This MM would also provide an update to the reasoned justification to the policy regarding the recent BLE safeguarding Direction. Additionally, **MM82** would add the project to improve Peckham Rye Station which is a priority for TfL and should be included in Policy IP2 so that the Plan would be effective.
272. The NSP must be seen alongside separate plans and programmes for the walking and cycling networks in the Borough. At a micro-level, the site allocation policies within the NSP identify broad opportunities for improving pedestrian and cycle permeability through and around various sites. At the strategic level, however, we consider that Policy IP2 would not be justified in terms of its narrow reference to Healthy Streets applying just to Old Kent Road and a singular reference to the cycle route network.
273. In order to remedy this, **MM82** is necessary to commit the Council to working with TfL, the Mayor and neighbouring Boroughs to secure investment in transport infrastructure that prioritises active travel (walking and cycling). Additionally, Healthy High Streets should be seen as a wider strategic transport initiative in the Borough and not just confined to Old Kent Road, although this is the prime environment that could benefit from redressing the current car dominance and improving public realm for all highway users. In terms of modal shift, the Mayor's cycle hire scheme (in terms of docking stations) currently operates within the CAZ parts of the Borough, with recent extensions into Bermondsey. Extending the cycle hire scheme within the

Borough would be a justified addition to the list of strategic transport priorities in the Policy and we recommend it as part of **MM82**.

### *Viability and Monitoring*

274. In line with NPPF paragraphs 31 and 57 and PPG paragraph 10-002-20190509, the Plan is supported by plan-wide viability assessments which, collectively demonstrate that the cumulative cost of plan policies would not undermine the broad deliverability of the plan. The principal viability work is contained in the 2017 Viability Update Study [EIP Document 17], which was updated in 2019 [Documents SP109 and SP423]. Additional viability work was carried out in relation to specific policy requirements for affordable housing on small sites [SP108] and for affordable workspace [EIP231].
275. The construction costs used appear reasonable as do the additional allowances for demolition, contingency and professional fees. Sales values and rates of sale are also reasonable, as are the site typologies that have been tested as representative sites likely to come forward to deliver the Plan. A key value to plug into viability assessment is the benchmark value at which sites would be released to the market. The general approach in the viability work to apply current use values rather than historic prices at which sites have transacted is endorsed. The evidence before us reasonably reflects the various CIL zones across the Borough in terms of generally high and low value areas. We are also satisfied that the majority of policy requirements have been accounted for and realistically costed (set out in EIP219) including £2,000 per property, and £30 per sqm for commercial, allowance for planning obligation costs. The viability assessment also factors in both the Mayoral and Southwark CILs.
276. We recognise that there are some challenging site typologies, including some smaller sites and sites within the lower value zones. Whilst the viability assessment work reflects this, the Plan also contains appropriate flexibility to respond to any change in circumstances, including the use of viability appraisal to justify any alternative affordable housing contribution. Additionally, we have recommended MMs elsewhere, including **MM83** to Policy IP3 which clarify the Council's priorities where viability may prove to be an issue. Overall, we find the viability work to be reasonable in their conclusion that the cumulative impact of the Plan's policies will not put the delivery of development in Southwark at serious risk.
277. The submitted plan does not contain a detailed monitoring framework setting out the indicators against which the performance of the Plan's policies and proposals could be measured, including potential contingencies were monitoring to reveal implementation issues. The Council remedied this through a proposed monitoring framework [EIP178/178a], which reflects the IIA indicators. The contents of the proposed monitoring framework have been subsequently enhanced and expanded to reflect the rescinding of the three AAPs and ensure that relevant indicators for these locations would continue to be assessed. The reality will be that monitoring indicators will evolve and adjust and plan review would provide the appropriate opportunity to do this. Overall, we find that the proposed monitoring framework would provide for a satisfactory and practicable basis for annually monitoring the effectiveness of the Plan. Accordingly, we recommend **MM84** which would embed the monitoring framework as an annex to the Plan and is needed for effectiveness.

The proposed modification would also clarify that applicants would be required to provide data in an electronic format to support monitoring, and to reflect Southwark's status as an innovative digital planning authority.

278. There are various technical terms in the plan which require explanation in an expanded glossary so that the plan is intelligible and can be implemented effectively. **MM85** would update the glossary accordingly and we recommend it for effectiveness.

#### *Conclusion on Issue 7*

279. Subject to the proposed main modifications identified above, we conclude that the Plan would be justified, effective, consistent with national policy and in general conformity with the London Plan 2021 in relation to infrastructure and implementation.

## **Overall Conclusion and Recommendation**

280. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

281. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the Duty to Cooperate has been met and that with the recommended main modifications set out in the Appendix, the New Southwark Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Philip Mileham and David Spencer*

Inspectors.

This report is accompanied by an Appendix containing the Main Modifications, to which there is a further Annex setting out the appendices to the Main Modifications (Key Diagrams, Monitoring Framework etc).