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| Item No. 6.1 | Classification: Open | Date: 7 September 2021 | Meeting Name: Planning Committee |
| Report title: | | New Southwark Plan: Main Modifications | |
| Ward(s) or groups affected: | | All | |
| From | | Director of Planning and Growth | |
| Cabinet Member: | | Councillor Helen Dennis, Cabinet Member for the Climate Emergency and Sustainable Development | |

RECOMMENDATIONS

That Planning Committee:

1. Notes the New Southwark Plan Main Modifications (EIP219)¹ for public consultation between 6 August and 24 September 2021.
2. Notes the publication of the New Southwark Plan Additional Modifications (“minor modifications”) (EIP238).
3. Notes the updated Integrated Impact Assessment July 2021 (EIP224), updated Equalities Impact Assessment (EIP225) and supporting documents available on the Examination webpage.

BACKGROUND INFORMATION

Background to the New Southwark Plan

4. The New Southwark Plan (NSP) is a statutory planning document that will provide an overarching strategy for managing growth and development across the borough for the next 15 years. The plan will set out how we will deliver further regeneration and wider improvements to our borough in the years to come.
5. The New Southwark Plan explains our strategy for regeneration from 2019 to 2036. It will:
 - Set policies to support the provision of new homes including 11,000 new Council homes
 - Protect our existing schools, youth and community facilities in the borough and provide more where this is needed
 - Protect local businesses and attract more businesses into the borough to increase job opportunities
 - Support our high streets and increase the range of shops to increase their vitality
 - Direct growth to certain areas of the borough, predominantly in the Old Kent Road, Elephant and Castle, Canada Water, East Walworth, Blackfriars Road, Bankside and along the River Thames where there is greater public transport accessibility
 - Introduce policies to improve places by enhancing local distinctiveness and protecting our heritage assets

¹ EIP document numbers relate to Examination in Public documents available on the NSP Examination website

- Set policies to provide more green infrastructure, tackle the climate emergency and to promote opportunities for healthy activities.
6. The NSP is a spatial plan. Not only does it set out planning policies to guide development but it also explains how development will be delivered and may inform future decisions about investment in infrastructure. The New Southwark Plan will form part of Southwark's development plan along with the London Plan. It is a regeneration strategy for Southwark and will be used to make decisions on planning applications.
 7. While the New Southwark Plan must be in general conformity with the London Plan and the National Planning Policy Framework, it can adapt some of these policies to reflect specific issues in Southwark. It will replace the Core Strategy (2011), the saved Southwark Plan (2007), the Aylesbury Area Action Plan (2010), the Peckham and Nunhead Area Action Plan (2014) and the Canada Water Area Action Plan (2015).
 8. There have been several stages of consultation between 2013 and 2021. The first stage was the *issues* consultation from October 2013 to February 2014. This consultation was a community conversation on the 'Health of the High Streets'. The Options Version sets out a detailed strategy for regeneration in Southwark and the council's approach to planning to deliver the Fairer Future promises. Consultation took place from October 2014 to February 2015.
 9. Following the Options Version consultation the document was divided into two sections for the 'Preferred Option Version' consultation. *Part One: Strategic Policies and Development Management Policies* was consulted on from November 2015 to March 2016. *Part Two: Area Visions and Site Allocations* was consulted on from February to May 2017. From June 2017 the Council reconsulted on a selection of policies also at the 'Preferred Option' stage.
 10. The Proposed Submission version of the plan was prepared in light of the comments received through previous stages of consultation. It was consulted on between December 2017 and February 2018 (Regulation 19) and only related to the:
 - Legality of the Plan in regards to Section 20 (5) (a) of the Planning and Compulsory Act 2004; and
 - Soundness of the Plan as required by the National Planning Policy Framework.
 11. The Proposed Submission version was the version of the Plan the Council intended to adopt. The council received 334 detailed consultation responses on the Proposed Submission version. In response to the consultation, some policies were proposed to be amended with substantial amendments prior to the plan being submitted to the Secretary of State.
 12. Due to the changes proposed to these policies, a further round of consultation on the Proposed Submission version amended policies took place between March 2019 and May 2019. This consultation related to the legality and soundness of the Plan. We received 127 responses on these policies.
 13. The NSP was submitted to the Planning Inspectorate for Examination in January 2020. As part of the Examination in Public we carried out another consultation from August - October 2020, which allowed us to gain feedback on changes to the plan which were

recommended by the Inspectors (EIP27A and B, Council's Proposed Changes to the Submitted NSP, August 2020).

14. The public hearings took place virtually from 23 February – 11 March 2021 and 19 April – 30 April 2021. Following these hearings, The Inspectors wrote a post hearings letter on 28 May 2021 and under Section 20(7)(c) of the Planning and Compulsory Purchase Act (2004) the Council asked the Inspectors to recommend Main Modifications to ensure the Plan is sound. The Council is consulting on the Main Modifications for 7 weeks as recommended by the Inspectors from 6 August 2021 to 24 September 2021. The Inspectors will be taking into account all duly made representations on the Main Modifications to the New Southwark Plan. The Inspectors will write a report once the consultation has concluded and they have had the opportunity to consider representations. The plan will then be considered by Cabinet and Council Assembly for final adoption.
15. Paragraphs 1.3-1.6 of the Inspectorate's Procedure Guide to Local Plan Examinations provides a helpful definition for "main modifications" and "additional modifications" (commonly referred to as minor modifications).
16. "Main modifications" are material changes to the submitted Plan which are necessary to make it sound and legally compliant. Main modifications can only be recommended by Inspectors at the request of the Local Planning Authority. The council asked the Inspectors under section 20(7C) of the 2004 Planning and Compulsory Purchase Act as amended) to recommend 'main modifications' (changes that materially affect the policies) to make a submitted local plan sound and legally compliant on 21 May 2021 (EIP233). The Inspector's wrote a Post-Hearings Letter to the Council on 28 May 2021 (EIP236).
17. "Additional modifications" (minor modifications) are proposed non-consequential amendments to the Plan not necessary for soundness. These generally involve changes that enhance the clarity of the plan without materially affecting the implementation of plan policies and to provide factual updates. The examination does not concern itself with 'additional modifications' and these changes are a matter for the Council to make to its plan. It can be beneficial, however, if when consulting on proposed main modifications, the Council also publishes a schedule of its additional modifications for completeness. Additional Modifications will be published at the same time as the Main Modifications consultation.
18. Main Modifications incorporate changes to the New Southwark Plan since the Proposed Submission Version 2017 incorporating Amended Policies 2019. The council then made minor changes at Submission stage and at Council's Proposed Changes version August 2020 which was consulted on August to October 2020. The full list of Main Modifications and Additional Modifications is set out for this consultation.
19. Following adoption, the plan will be reviewed and updated on an ongoing basis to take into account any changing circumstances affecting Southwark or any changes in regional and national policy as required.

KEY ISSUES FOR CONSIDERATION

20. The New Southwark Plan contains the following sections.

Area Visions

21. Area Visions provide the strategic vision for the future of Southwark's distinct places. They set out key infrastructure enhancements, opportunities for public realm and transport improvements and growth opportunities. Area Visions also identify the character of different places to be renewed, retained or enhanced. Development proposals should be within the context of the relevant Area Vision and should demonstrate how they contribute towards the strategic vision for that area.

Strategic Policies

22. Strategic policies are borough-wide policies which set out the council's strategy to work with local people to improve neighbourhoods and create new opportunities for the future. The New Southwark Plan contains six strategic policies to deliver the Borough Plan's values and priorities spatially ('Homes for all', 'Southwark Together', 'A great start in life', 'A green and inclusive economy', 'Thriving neighbourhoods and tackling health inequalities' and 'Climate Emergency').

Development Management Policies

23. Development management policies are detailed planning policies which are used to assess planning applications.

Site Allocations

24. Site Allocations are planning policies which apply to potential development sites of strategic importance. Site Allocations are needed to ensure that when strategic sites come forward for redevelopment they integrate into their surroundings and contribute towards meeting the local area's spatial needs. Site allocations are also needed to demonstrate the New Southwark Plan has been developed in conformity with the London Plan, which requires boroughs to identify strategic development sites which can meet housing targets and future infrastructure and land use needs.

25. Site Allocations set out land use requirements that must be provided as part of any redevelopment alongside other acceptable land uses. Site Allocations may specify development provides new public open space, public access routes or social infrastructure, such as health or education facilities. Site Allocations are not required for sites which are likely to be redeveloped acceptably under the development management policies of the New Southwark Plan.

Submission and Examination documents

Background Papers

26. To support the submission of the Plan a number of background papers were prepared to justify our approach taken on the policies. These background papers comprise:

- Housing

- Student housing
- Affordable housing contributions on minor developments of one to nine units
- Industrial
- Office
- Retail
- Hotels
- Infrastructure
- Open space
- Tall buildings
- Viability

Evidence base and supporting documents

27. The National Planning Policy Framework (2021) (Paragraph 35), sets out the tests of soundness tests, including that the plan must be positively prepared, justified, effective and consistent with national policy. To be justified this requires an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. The supporting documents such as the Integrated Impact Assessment (Sustainability Appraisal) set out the reasonable alternatives considered. The plan is justified by a number of evidence base documents which have informed our policies.
28. Further evidence was submitted verbally by the Planning Policy team in the Hearing sessions for each of the Inspectors Matters, Issues and Questions throughout the Examination in Public. Additional evidence was also prepared where requested by the Inspectors. All documentation is available on the Examination webpage and has been used to inform the Main Modifications to the New Southwark Plan.

Statements of Common Ground

29. A number of Statements of Common Ground have been prepared with relevant stakeholders to agree strategic matters. These are also available on the Examination webpage.

Community Impact Statement/Equalities Impact Statement

30. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities (including the Council to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
31. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
32. The purpose of the New Southwark Plan is to facilitate development growth in the borough and deliver the vision of the principles and values in the Borough Plan, ensuring that community impacts are taken into account. The New Southwark Plan is supported by an Equalities Impact Assessment (updated June 2021, EIP225) which was taken into account in the Examination in Public as part of the supporting documentation to the plan.

Financial Implications

33. There are no immediate resource implications arising from this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

34. As explained in the Background section to this report, the New Southwark Plan is a statutory planning document and the Council must therefore have regard to the statutory framework for local plans set out in the Planning and Compulsory Purchase Act 2004 ('the Act') and the Town and Country Planning (Local Planning) (England) Regulations 2012 made under the Act.
35. Following the conclusion of the public hearing sessions of the local plan examination, the Council is now following the post hearings advice set out by the Planning Inspectors in their letter of the 28 May 2021 which is itself based on the Planning Inspectorate's Procedure Guide for Local Plan Examinations. As the Guide makes clear, the Inspectors have agreed a timetable with the Council for the drafting of the proposed main modifications and the post hearings public consultation on those modifications which is required to ensure that there is compliance with the legal requirements.
36. It is important to note that the timetable towards adoption of the New Southwark Plan is not within the control of the Council. As the Procedure Guide makes clear at paragraph 6.10, the Inspector will consider all the representations made on the proposed main modifications before finalising the examination report and the schedule of recommended main modifications. It is within their power, in exceptional cases, to schedule further hearing sessions should they consider them essential to deal with substantial issues raised in the representations, or to ensure fairness.
37. Part 3F of the Council's Constitution sets out that it is the role and function of Planning Committee to '*comment on local development framework documents in respect of all*

significant planning matters and make recommendations to the cabinet and paragraph 12 states that matters reserved to planning committee include *'to comment on drafts of the local development framework during their consultation periods and make recommendations to the cabinet, as appropriate.'* In the present case, as noted in paragraph 14 of the report and in this supplementary advice, the Council is now following the post hearings advice of the Planning Inspectorate. Planning Committee members are therefore asked to note the consultation on the Main Modifications and publication of the Additional Modifications. Following publication of the Inspectors' report the New Southwark Plan will then be considered by Cabinet and Council Assembly for final adoption.

38. Part 3C of the Constitution states that matters reserved to full Cabinet include *'Approval for recommendation to council assembly of those proposals and plans contained in the council's budget and policy framework'*
39. Part 3A of the Constitution reserves the agreement of the policy framework, including development plan documents, to Council Assembly.

Strategic Director of Finance and Governance (CE21/030)

40. This report is requesting the Planning Committee to note the Southwark Plan Modifications as reflected in the recommendations.
41. The strategic director of finance and governance notes that there are no new immediate financial implications arising from this report.
42. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets
43. The strategic director of finance and governance expects that financial appraisals will be carried out as any new plans are developed and will be subject to future reports, including identifying the revenue or capital resources for any new commitments.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
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| New Southwark Plan Main Modifications and supporting documents | https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/new-southwark-plan?chapter=9 | planningpolicy@southwark.gov.uk |
| New Southwark Plan Examination Hearings | These can be viewed on the Council's YouTube page | planningpolicy@southwark.gov.uk |
| New Southwark Plan Examination webpage including all relevant documentation | https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/new-southwark-plan | planningpolicy@southwark.gov.uk |
| New Southwark Plan Council's Proposed Changes to the Submitted Version New Southwark Plan (August 2020) | https://www.southwark.gov.uk/assets/attach/34777/NSP-Print-Version-25.02.2021.pdf | planningpolicy@southwark.gov.uk |
| National Planning Policy Framework | https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf | planningpolicy@southwark.gov.uk |

AUDIT TRAIL

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|----------------------|-----------------------------------------------------------------------------------------------------------------------------|
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| Report Author | Juliet Seymour, Planning Policy Manager Laura Hills, Team Leader, Planning Policy, Monitoring and Digital Transformation |
| Version | Final |

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|-------------------------------------------------------------------------|------------------------|--------------------------|
| Dated | 11 August 2021 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| | Comments Sought | Comments included |
| Director of Law and Governance | Yes | Yes |
| Departmental Finance Manager | Yes | Yes |
| Cabinet Member | Yes | No |
| Date final report | 11 August 2021 | |