

| | | | |
|------------------------------------|--------------------------------|---|---------------------------------|
| Item No. 13. | Classification: Open | Date: 18 October 2022 | Meeting Name: Cabinet |
| Report title: | | Local Development Scheme 2022 – 2025 | |
| Ward(s) or groups affected: | | All | |
| From: | | Councillor James McAsh, Climate Emergency and Sustainable Development | |

FOREWORD - COUNCILLOR JAMES MCASH, CABINET MEMBER FOR THE CLIMATE EMERGENCY AND SUSTAINABLE DEVELOPMENT

In February this year, council assembly adopted the Southwark (Local) Plan after a prolonged period of deliberation and consultation. This is the local authority's primary planning policy but it does not cover everything. It is like a newly built house: it has walls and windows, and there are a few appliances too. It's perfectly adequate to live in but it does not have everything you'd look for in a home. That's where the Local Development Scheme (LDS) comes in.

Over the coming three years, the council will develop, consult and approve a series of planning documents and the LDS sets out the timetable. We want to see the Southwark Plan evolve to reflect our changing world so there will be two early reviews to amend the plan. The subjects of these reflect two of the council's highest priorities: the climate emergency and our town centres. The early reviews are to the Southwark Plan what DIY projects are to a new house: alterations and additions to improve the original scheme.

Sitting beneath the Southwark Plan are "Supplementary Planning Documents" (SPD), offering further details on key issues. The LDS rescinds two of these which cover topics that are now integrated into the Plan itself. More significantly, it sets out a schedule to formulate new SPDs. These will tackle some of the most important issues in our borough. How can we ensure that homes are genuinely affordable? How can we make sure that communities benefit from development? What makes a good quality home? Where does urban development fit within our natural environment, and how does it contribute towards tackling the climate emergency? What is genuinely affordable workspace? There will be an SPD for each of these questions - developed in consultation with the local community. These will enhance the Southwark Plan like furniture in an empty house.

Whether it's the huge construction projects in the north of the borough or the extensions and alterations in the south, Southwark is changing rapidly. Our planning documents offer structure to this change: prohibiting or encouraging different approaches to development in each part of the borough, and striving

to share the benefits amongst all of the community. The LDS identifies the policy areas to prioritise and sets out a timetable for tackling them. To take the construction analogy to its conclusion, the LDS helps to transform an empty house into a home.

RECOMMENDATIONS

1. That Cabinet agree the Local Development Scheme (“LDS”) appended to this report as Appendix 1 and 2 is brought into effect in October 2022.
2. That Cabinet rescind the Blackfriars Road Supplementary Planning Document (SPD) (2014) and the Elephant and Castle SPD (2012).

BACKGROUND INFORMATION

3. The Local Development Scheme is a timetable for consultation on, and finalisation of planning documents¹. The most important document is the Southwark (Local) Plan which was finalised and adopted by Council Assembly on 23 February 2022. This sets out a vision, strategy, policies and site allocations for future development in Southwark. These are continuously reviewed to consider whether updates are needed. The Southwark Plan addresses future needs and opportunities for housing, the economy, community facilities, transport, the historic environment and infrastructure. Alongside protecting the environment, adapting to climate change and securing good design. The Climate Emergency and Town Centres are some of the council’s biggest priorities and so these will be reviewed first.
4. This LDS will replace the September 2020 LDS. The next step is for the LDS to be formally brought into effect and published on the council’s website. This requires a formal decision by the cabinet.

KEY ISSUES FOR CONSIDERATION

Policy framework implications

5. The recently adopted Southwark Plan 2022 sets out the strategy for development with strategic policies, development management policies, implementation policies, site allocations and area visions. These are used to determine the type of development that can take place so that developments enhance our diverse areas. The Plan deals with land-use and development whilst also reflecting other strategies of the council. The policies focus on implementation and set out delivery mechanisms as drivers for change.
6. The Southwark Plan 2022 adoption superseded the Saved Southwark

¹ Required by the Planning and Compulsory Purchase Act 2004

Plan 2007, Core Strategy 2011, the Aylesbury Area Action Plan 2010, the Peckham and Nunhead AAP 2014 and the Canada Water AAP 2015.

7. It is recommended that cabinet formally rescinds the Elephant and Castle SPD 2012 and the Blackfriars Road SPD 2014 as these have also been superseded by the visions, policies and site allocations in the Southwark Plan 2022.
8. The Old Kent Road is a designated Opportunity Area in the London Plan. The development is a significant opportunity for the area with 20,000 new homes, new offices, town centres and the Bakerloo line extension. The draft Area Action Plan/Opportunity Area Framework is planned within the LDS towards final adoption which will incorporate a final round of formal consultation in 2023.
9. The LDS sets out the timetable for preparing an Early Review of the Southwark Plan. The proposed timetable will contribute to ensuring that Southwark has an effective strategy to adopt up to date documents that provide an effective set of policies for decision making on planning applications.
10. By focusing on updating important planning policy priorities as opposed to a full plan review, policies may be adopted and implemented more quickly. We intend to prioritise relevant policies relating to the Climate Emergency and the environment in the Early Review. A town centre policy review will follow.
11. The LDS also proposes the consultation and adoption of five SPDs. These will contain guidance that supports the implementation of the Southwark Plan 2022. Further guidance in the Affordable Housing and Viability SPD and the Section 106 and CIL SPD will assist the effective implementation of affordable housing policy and required financial contributions in Section 106 Agreements.
12. A new Environment and Climate Emergency SPD will be prepared in advance of the Early Review consultation. This will ensure our adopted energy policy (which already exceeds the London Plan requirements) can be implemented most effectively. The SPD will assist applicants and developers to successfully implement the new energy policy (P70) to reduce on-site emissions through each stage of the energy hierarchy and achieve sustainable design.
13. There will also be an update to the Residential Design Standards SPD to provide more advice for householder applications. An Affordable Workspace and Commercial SPD is scheduled in 2024. Following consultation earlier this year, the Statement of Community Involvement and Development Consultation Charter will be updated and adoption is planned for late 2022. The draft Local List is open for consultation from August 2022 for 12 weeks, closing 30 November 2022.

14. The Old Kent Road AAP and the SPDs will be completed at the earliest opportunity following the adoption of the Southwark Plan 2022. Authority Monitoring Reports are available on our website.

COMMUNITY, EQUALITIES (INCLUDING SOCIO-ECONOMIC) AND HEALTH IMPACTS

Community impact statement

15. The LDS sets out the timetable and priorities for the preparation of Southwark's planning documents. The planning documents that are programmed in this scheme will impact on the achievement of the Council's vision. All local development plan documents will have a sustainability appraisal to assess social, economic, environmental and health impacts. They will also meet the requirements of the Statement of Community Involvement for meaningful public participation. This includes publishing Consultation Plans and Consultation Reports. Equalities impact assessments are also carried out for all Development Plan Documents (DPDs) and SPDs.

Equalities (including socio-economic) impact statement

16. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 ("the Act") 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.

17. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
18. The purpose of the LDS is to timetable planning documents in the borough and deliver the vision of the principles and values in the Borough Plan, ensuring that community and equalities impacts are taken into account. All DPDs and SPDs are supported by an Equalities Impact Assessment. An Equalities Impact Assessment is also required by the Development Consultation Charter for planning applications.

Health impact statement

19. The Southwark Plan 2022 Strategic Policy SP5 (Thriving neighbourhoods and tackling health inequalities) sets out how we will seek to maintain and improve the health of our residents, encouraging healthy lives by tackling causes of ill health and inequalities. This will be achieved through the policies in the Plan, including Policy P45 (healthy developments) which sets out the requirements for developments to encourage healthy lifestyle choices.
20. DPDs are supported by a Sustainability Appraisal which assesses potential health impacts, both positive and negative, of the policies proposed.

Climate change implications

21. The council has declared a Climate Emergency with the ambition to reach carbon neutrality by 2030. The Southwark Plan 2022 is a stepping stone towards meeting this 2030 carbon neutrality target. There is a climate change thread running throughout the Plan to mitigate against and adapt to address climate change. The Southwark Plan 2022 requires the reduction of emissions onsite by 100% on 2013 Building Regulations for major residential developments, and 40% for major non-residential.
22. The LDS includes the timetable for preparing the Climate Emergency and Environment SPD which will deliver further guidance for the effective delivery of the Southwark Plan 2022 policies. This LDS also includes an early review of the Plan to set out greater requirements for climate change mitigation and adaptation, including on site carbon reduction performance targets for small sites, exploration of embodied and whole lifecycle carbon, review of the heating and cooling and heat and energy sources onsite and reuse and retrofitting.

Resource implications

23. The LDS is required to identify the resources needed to complete the programme and these are all being met from existing budgets.

Financial Implications

24. There are no immediate resource implications arising from this report. Resourcing requirements are contained within existing departmental budgets.

Legal implications

25. Section 15 of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) requires a local authority to prepare and maintain a Local Development Scheme. The PCPA 2004 provides that the LDS must identify:
- Which documents are part of the Local Plan and which are SPDs
 - The subject matter and geographical area to which each document relates
 - Which documents (if any) are to be prepared jointly with one or more other local planning authority
 - The timetable for the preparation and revision of the development plan documents.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance (SC 10/22)

26. The LDS (Appendices 1 and 2 to this report) provides further details as to the changes proposed for the various planning documents which are intended to be introduced in Southwark. The LDS also sets out the proposed timescale. As set out in paragraph 25 of this report, such detailed programming is necessary since section 15 of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) requires a local authority to prepare and maintain a Local Development Scheme. The LDS sets out the development plan documents which will be produced and the timetable within which they will be produced. The LDS provides a brief description of all development plan documents (DPDs) and supplementary planning documents (SPDs) to be prepared and the content and geographic area to which they relate. It also includes the Statement of Community Involvement.
27. Accordingly, the LDS explains how the different DPDs and SPDs relate both to each other and to the Southwark Plan, also suggesting the subject matter and geographical area to which each document relates by its document title. In addition the LDS sets out the timetable for producing DPDs and gives timings for the achievement of the following milestones i.e. consulting statutory bodies on the scope of the Sustainability Appraisal as well as the publication, submission and adoption of the DPDs. It also sets out the timetable for producing SPDs and gives timings for publications of drafts and adoption of SPDs. No documents are to be prepared jointly with any other local planning authority.

28. The report refers to the proposals for community engagement. The National Planning Policy Framework provides guidance and emphasises at paragraph 16 that plans should be shaped by early, proportionate and effective engagement between plan makers and communities. Whilst there is considerable flexibility open to local planning authorities in how they carry out the initial stages of plan production, regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires notification to specific consultation bodies and members of the public as to what the local plan should contain and the Council will have a duty to take into account any representation made in this respect.
29. The processes required to be undertaken in the formulation of local development documents has been outlined in the LDS itself. Equality Impact Assessments are undertaken as part of the preparation of local development documents. An equalities impact assessment is not required for the LDS but future monitoring of the implementation and effectiveness of the local development framework will provide evidence to support changes that could be made to existing policies or proposals for new policies in relation to equalities.
30. Decisions regarding planning policy potentially engage certain human rights under the Human Rights Act 2008 (the HRA). The statutory planning process is designed to ensure conformity with the HRA and as such no human rights concerns arise here.
31. Council Assembly on 14 July 2021 approved a change to the Council's constitution to confirm that all decisions made by the Council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking a decision. This has been considered in the report at paragraphs 21 and 22, above.
32. Under Part 3D, paragraph 9 of the Southwark Constitution, the Cabinet Member for Climate Emergency, Planning and Transport has authority to agree policy and performance priorities for the short to medium term, in relation to their area of responsibility and taking into account the needs of the Council as a whole. Therefore, the decision to bring the revised LDS into effect is within the Member's constitutional remit.

Strategic Director of Finance and Governance (CE22/038)

33. This report is requesting the cabinet to agree the Local Development Scheme ("LDS") appended to this report as Appendix 1 and 2 is brought into effect in October 2022 and to rescind the Blackfriars Road Supplementary Planning Document (SPD) (2014) and the Elephant and Castle SPD (2012).
34. The strategic director of finance and governance notes that there are no new immediate financial implications arising from this report.
35. Staffing and any other costs connected with this report to be contained

within existing departmental revenue budgets.

36. 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 |
|--|-------------------|---|
| Southwark Plan 2022 | Southwark Council | Planning Policy planningpolicy@southwark.gov.uk |
| Link: Southwark Plan 2022 - Southwark Council | | |

APPENDICES

| No. | Title |
|------------|---|
| Appendix A | Local Development Scheme February 2022 to December 2025 |
| Appendix B | Local Development Scheme Timetable |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Cabinet Member | Councillor James McAsh, Climate Emergency and Sustainable Development | |
| Lead Officer | Juliet Seymour, Head of Policy, Building Control and the Historic Environment | |
| Report Author | Laura Hills Planning Policy and Monitoring Innovation Manager | |
| Version | Final | |
| Dated | 6 October 2022 | |
| Key Decision? | Yes | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Cabinet Member for the Climate Emergency and Sustainable Development | Yes | Yes |
| Director of Law and Governance | Yes | Yes |
| Strategic Director of Finance and Governance | Yes | Yes |
| Date final report sent to Constitutional Team | | 6 October 2022 |