

APPENDIX 1 - Southwark Council's vision for our Planning System Our vision for our Planning System is for Delivery, Digital and Diversity

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Foreword – Cllr Johnson Situ – Cabinet Member for Climate Emergency, Planning and Transport

Southwark is committed to improving the lives of our communities through providing genuinely affordable homes, green accessible spaces; affordable works space and reducing health and income inequalities. Our planning policies is also at the heart of our approach to ensure the benefits of growth in the borough benefit all. Consequently, we are incredibly proud that in recent years we have seen major increases in the number of social and genuinely affordable housing approved, with the last financial year seeing Southwark top the list of London boroughs with social housing starts on site. We have also placed our response to the Climate Emergency at the heart of our vision for the borough, which we have already started introducing into planning policy.

However, all of our gains are now under threat with the current Government consultation on the planning white paper, which has been criticised by planning experts, community groups and politicians across the political spectrum. This Government will have the public believe that these proposals will enable more homes to be built, that another reform of the planning system will unlock the a wave construction, we disagree and we point to a study by the LGA that found only half of homes consented in recent years have actually been built. We are clear, these proposals are flawed and will not provide the conditions in which we can improve the wellbeing of our residents. Our concerns are that these proposals present are a threat to local democracy, a threat to delivery of genuinely affordable homes and barely mentions the biggest threat to our way of live in the coming decades, the Climate Emergency. These proposed reforms to the planning system are not based on evidence.

In short, this council will not stand by as this Government introduces planning policies, which will risk the gains we have achieved in recent years. We acknowledge the planning system is not perfect and we will support changes that are considered, seek to retain the voice of local democracy and enable local authorities to continue to deliver for our residents. We will join our community groups, local authorities across the country and planning experts in continuing to campaign against these regressive proposals.

Pillar One Questions

1. What three words do you associate most with the planning system in England?

A: At it's best we have identified four words and would like these to be Delivery, Diversity, Digital, and Democracy

To deliver a plan-led Planning service that sets out simply where and how the borough is going to develop and how we will decide whether developments have made an appropriate contribution. This should improve places and deliver jobs, homes, schools, healthy activities, shops and accessibility to benefit our communities. The plan and development must be accessible to all of our communities so that they can understand, engage, inform and influence this ambition for sustainable development.

We are redesigning our Planning Service to achieve our Delivery, Digital, Diversity and Democracy vision.

2. Do you get involved with planning decisions in your local area?

A: Yes we make the Planning Decisions and write plans that determine them, collect CIL and negotiate Section 106. We also carry out Enforcement, Transport Planning and monitor the success of the development plan and planning applications service.

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

A: We fundamentally disagree, the suggestions by this consultation that communications can be automated would remove the opportunity for the community to have their say on planning applications that impact on their communities and places. We are concerned that such a move would dilute the role of democracy in the planning process, thus making planning process less accountable to communities.

The plans and applications need to have clear, accessible content. There needs to be more emphasis on less information, photographs, illustrations and summaries of information that is needed to make decisions and provide guidance.

The most effective ways for Councils to share the clear, accessible content of Local Plans and planning applications are Social media, online news / Newspapers and the Council website which includes Southwark maps. We also have set up mailing lists online for those who are interested in different areas of planning and planning applications within different areas. Certain application types are best advertised by letter to neighbours as there is no other way to ensure that those residents have received a notification. We have a spatial map-based system which includes planning policy areas and constraints. In this way property owners are able to find out which policies apply to their property and find out how they can meet or exceed these policies. However this needs to be closely defined to those where there is an impact.

There are also many of our residents who do not have access to broadband that cannot download these documents or who find it difficult to access information on the internet. There needs to be significant support to enable access for everyone to these issues. Furthermore there needs to be local, well considered consultation on every planning application that may require resources to ensure that local people and others where the scheme has an impact are consulted and can have their say.

Consultation on Major and Strategic applications will have a significant impact on local communities. We have led the way in challenging applicants on how they engage how our communities and set out how additional consultation should be carried out in our Development Consultation Charter which is part of our Statement of Community

Involvement. This puts existing communities at the heart of the consultation process. It asks questions about the current use of the site and the surroundings by those communities and requires the developers to listen to local communities and respond to their comments.

4. What are your top three priorities for planning in your local area?

A: Southwark's strength is its diverse set of communities and urban centres which are linked together and therefore it is not possible to compartmentalise local planning into three priorities. The purpose of planning is to ensure that all of the complex and challenging issues and relationships are considered to deliver the most meaningful developments within existing communities that welcome those who will be using them. We have set out three priorities but they are inter-related and cover a wide range of issues that should not be compartmentalised.

- Building homes for all of our local residents particularly social rented and intermediate homes. The housing needs is so significant in Southwark that we can not provide for the affordable housing need even if we built all of our housing target as affordable homes. These proposals will reduce the provision of affordable homes by 37% or 3050 units over the next decade which would be an absolute disaster for providing places where people can afford to live.
- Building workspace to enable our local businesses to be able to operate in Southwark - particularly affordable business space.
- Ensuring growth and change benefits the quality of places particularly healthy activities, schools, supporting the high streets, local economy and our town centres.

5. Do you agree that Local Plans should be simplified in line with our proposals?

A: No

The purpose of Local Plans is to supplement National and London policy with the issues that are necessary for consideration locally. The issues that Councils in England need to consider are very different depending on the local communities and places. Where local issues are the same as National and London policy they should not be repeated in Local Plans and Councils use the National and London policy. Where they are different Councils prepare Local Plans. This means that there is no duplication. In some instances the policies might be similar however the local circumstances lead to different justifications and applications. Therefore a simple system of policies will not take into account local circumstances and would lead to significant harm to local places. We therefore oppose this proposal as it has the potential to create conflicting frameworks, which in turn could cause major disruption to our planning approach.

Our Local Plans are simple, visual and short. We integrate design guidance with land uses in all of our Area Action Plans so that they work together to set out guidance for development proposals. The plans are simple and succinct. The plans set out the strategy with detailed site allocations and area designations that are very prescriptive about the types of development that can take place. There is detailed design guidance which enables clarity of approach whilst leaving the opportunity for world leaders in architecture to ensure that each scheme responds to the local environment and contributes positively to local places.

Growth, Renewal and Protection

The definition of the zones is unclear as this has not been set out clearly in the consultation.

Does the Growth Zone apply to Southwark or is this for greenfield sites? Is the Renewal Zone for the Growth Areas that we have already identified in our New Southwark Plan or is this now a new zone that we need to adapt to? The zone for Protection sets out an expectation that this area is the only area to be protected and suggests that there is an additional level of care that is not to be applied to the rest of our borough.

The three zones in any form can not be applied in London. This is because the complex nature of cities where conservation and growth takes place side by side needs more sophisticated assessments. The proposals for growth, renewal and conservation work well in areas where there are specific uses that can be zoned. Zoning is too blunt a tool for complex urban areas with a fine grained mix of uses, scales and character areas. In a central London borough such as Southwark most of the development takes place in or around conservation areas. The urban grain is too fine to distinguish between uses as a mix of vibrant activity alongside employment, industry and homes contribute to the different communities that have developed in and around town centres. We are concerned that adopting this simplified approach would not facilitate effective planning decisions, but rather would create an unworkable framework for our borough.

The borough's main growth areas are already defined as AAP's which in most cases are also London Plan Opportunity Areas. Nonetheless in a city like London it is difficult to define exactly where particular characters start and end. The mix of central, urban and suburban isn't always neat and ordered. Past attempts to split the borough into central, urban and suburban by the GLA were hugely contentious with local communities. This is a risk that could be repeated, slowing plan making before it has started. One way to deal with this would be to allow for greater flexibility in setting these zones, and not requiring the entire area to be defined as one or the other.

This can not be implemented without a detailed area character assessment and historic area assessment of the entire borough. At the moment, we have area character assessments for our Opportunity and Action Areas as well as our adopted conservation areas. In addition a large proportion of the borough is also identified as an Archaeology Priority Area. Undesignated heritage assets like archaeology are specifically not mentioned in the White Paper. For this to be implemented in the spirit of the White Paper, the proposed simplification of the categories of development areas will need extensive and detailed analysis of the entire borough and its historic development including undesignated heritage assets like archaeology. Local Authorities would need to be resourced to carry out this process.

If growth areas are considered to be greenfield sites then there will not be any in Southwark. If they are considered to be areas where there is growth as in the current system the relationships between the buildings and of the buildings to each other are too complex for simple zoning. The current system of Opportunity and Action Areas with cores enables clear policy for areas with complex characteristics. These would be the renewal areas. The remainder of the borough is a conservation area. This issue is that the proposed protection areas if this includes conservation areas are part of our growth and

renewal areas and would hinder development or make unnecessary zones in areas where there is already considerable development.

The UK is in the midst of a housing crisis, which is being felt most acutely in London and in borough like Southwark. With over 13,700 households on waiting lists for social housing and with demand for affordable homes still rising, our priority is the delivery of high quality homes for all of our local resident's particularly social rented and intermediate sectors. The housing need is so significant in Southwark that we can not provide for the affordable housing need even if we built all of our housing target as affordable homes. These proposals will reduce the provision of affordable homes by 37% or 3050 units over the next decade which would be an absolute disaster for providing places where people can afford to live. Proceeding with these proposals in their current form will be disastrous for the delivery of Southwark's housing targets.

Timescale and consultation

Plans could not be prepared within 30 months for boroughs such as Southwark. The complexity and volume of issues and the considerable consultation that is required is far too great to be shortened so considerably. Plans should be continuously reviewed and updated rather than an entire refresh every 30 months. This would assist with resources and it would enable more effective preparation of policy as focus could be on less issues at one time. All plans should be subject to a review every 30 months so that the strategy, each policy and allocation can be reviewed to ensure it is up to date.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

A: No

A suite of off the peg policies would not take into account particular circumstances that would justify having a local approach. The borough would generally adopt the core policies, and if not would set out why they felt a different approach was justified in their area.

Examples of local policies which can not be standardised that require local consideration, strategy, monitoring and implementation to meet local and very varied needs are set out below. The standardisation and nationalisation of these policies would cause considerable concerns as they would have significant impacts on the equalities target groups and all of our communities in Southwark.

These are:

- 1) Affordable housing, new family homes, private rented homes and student homes where local circumstances of need and the cost of housing vary considerably and therefore local authorities need to justify different approaches. - Building homes for all of our local residents particularly social rented and intermediate homes. The housing needs is so significant in Southwark that we can not provide for the affordable housing need even if we built all of our housing target as affordable homes. These proposals will reduce the provision of affordable homes by 37% or 3050 units over the next decade which would be an absolute disaster for providing places where people can afford to live.

- 2) Regeneration that works for all is a policy which addresses the local impacts of change and regeneration and sets out the local issues that need to be taken into account.
- 3) Design frameworks and local design policies which set out the strategy and framework for local areas to ensure that there is context and clarity and detailed consideration of local issues.
- 4) Local landmarks such as the River Thames require local policy to ensure that the strategy and policy is considered at the local level for successful implementation.
- 5) Tall buildings policy is very different depending on the context and many local residents regard their input as very important to the process of preparing this policy and the consideration of location, impact and functionality along with the ground floor strategy is a very local issue.
- 6) The strong local economy considers the impacts of the local economy and how the different pressures for resources and space should be balanced based on the local area. The local centres and high street underpin local communities, local journeys, sustainability, accessibility and healthy streets.
- 7) Access to employment and training varies depending on the location and should be a local policy to meet the local need. Employment and skills are key strategic priorities for Southwark and we support various frontline programmes to help residents into work, support local businesses and promote a strong local economy. Section 106 employment and skills obligations ensure that new developments bring sustained jobs to the borough and create apprenticeships, as well as funding bespoke training opportunities which can be targeted towards key local employment sectors and the filling of localised skills gaps. Since 2015 Southwark's section 106 policy has led directly to the creation of over 500 additional jobs per annum for local residents, either through direct employment on development sites or through employment and skills programmes funded by financial offsets paid by developers under section 106 agreements.
- 8) Strategic protected industrial land is a policy set at the London level. This needs to be an area policy to consider the strategy for development and how it can be most effectively progressed to ensure provision for London.
- 9) Office and business development varies considerably within Southwark and requires local consideration to ensure the most appropriate balance and mix in a strategy.
- 10) Affordable workspace varies considerably between different areas, the need and type of space along with the developer's ability to pay a contribution are a local issue.
- 11) Business relocation is a key part of Southwark's strategy to manage change in a positive way for local businesses. The requirements are specific to Central London and local places within Southwark and are required at a local level to ensure that businesses do not lose the opportunity to operate in the borough.
- 12) Pubs, betting shops, pay day loan shops and takeaways all have very different requirements based on local circumstances. They all require local consideration and policy as small changes in their provision can have significant negative impacts on local communities.
- 13) Transport infrastructure requires local expertise and strategy as part of a London approach to movement. This policy needs London policy in addition to local policy to ensure that there is adequate consideration of all of the issues and impacts. To ensure a development is sustainable this test should include transport impacts by avoiding the building from increasing motor vehicle use and by increasing walking, cycling, public transport and zero emission deliveries.

- 14) Car parking and cycle parking are very different in central London to in the rest of England. These issues need careful local consideration.
- 15) Climate Change is a significant local issue where planning is playing a central role. Southwark has a target of being a carbon neutral borough by 2030. In order to achieve this local policies which consider the issues and put in place policies to address them are essential.
- 16) Local policies are required to ensure that development encourages healthy eating choices by limiting the convenience of unhealthy food and increasing the convenience of healthy food. We need to use planning tools to encourage healthy food environments, tackle food deserts and increase food security in the borough. Additional to hot food takeaway restrictions a healthy food environment supports proximity to affordable shops and markets and easy walking/cycling routes providing connectivity to affordable shopping areas, access to community kitchens, water fountains, community growing spaces. Boroughs should be able to map food deserts and map provision of food security assets by area. Can that evidence be used to encourage developments that responds to gaps/needs for particular areas of need
- 17) We would consider it important to retain the ability to include local environmental policy in the local plan.
- 18) We can appreciate the benefits of automatic screening of environmental assessments as a tool to aid our review however we would consider it crucial that most environmental issues continue to also be reviewed by qualified professionals. Many environmental issues can be site-specific or include significant elements of subjectivity which require human consideration. There is also significant scope for manipulation of outcomes that would not easily be picked up by an automatic computer system. It is likely to be extremely difficult to fully capture the complexity of environmental assessments in an automatic review of compliance against a fixed policy outcome.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

A: No

The replacement of the legal and policy tests with a simplified process for assessing the environmental impact of plans would not continue to satisfy the requirements of UK and international law and treaties. The consolidated test of sustainable development which would consider environmental impact would be water down the assessments and would lead to issues being ignored and not considered effectively. Furthermore the democratic role of the Council to ensure that we gain the views of our communities would be eroded on these essential issues, we would particularly concerned about the impact on the Climate Emergency, Air Quality, Health and Movement.

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

A: In London there are many groups that address cross boundary issues and London issues. These groups consider strategic issues for London and area issues. This pan-London focus is particularly important for housing, transport and employment. It is useful to retain a London strategic consideration for these issues particularly with regards to movement, meeting the needs for housing and job creation. Boroughs have local clusters and talk to each other and work together regularly. The GLA and the Mayor also have a role along with TfL to lead on housing and transport issues for London.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

A: No

We are opposed to this proposal on grounds that it does not provide an effective framework for addressing housing need and the local context of London. We consider the London scale to be the most appropriate for the housing requirements and housing targets. Whilst the methodology always sets a challenging target and requires London boroughs to work together to meet the housing need. It would be helpful if the London Plan was more spatial and the process of producing it more cooperative. It could provide clarity and a degree of leadership/arbitration about cross borough issues. As boroughs we could also reflect each others plans and if they have more graphic representation it should be easier to see where the gaps are.

Standard methodology

A standard method would enable consistency in the consideration of housing requirements. There is such a difference between London and the rest of the country that it is difficult to compare.

The methodology needs to take into account the ability of the market to deliver and not the size of existing urban settlements and the affordability of places. Urban settlement size is not an appropriate measure as there is no assessment of the land that has already been developed and the capacity for development. Affordability of places is not a useful measure as this does not have any impact on delivery of development.

The new target for Southwark would be 3547 rather than 2736 which is the current target and 2146 which is the current delivery. Southwark currently builds around half of the number of permissions. The targets method needs to assess why the developments have not been delivered as part of the assessment.

Affordable Housing Threshold

Changing the threshold for affordable housing is extremely damaging. In the past five years, schemes of 11 to 49 units have delivered 759 affordable homes. Furthermore 501 affordable homes could have been potentially delivered from the minor developments (i.e. 1 to 9 unit schemes), which could lead to over 1,200 affordable homes provided from those schemes under 50 units.

Affordable home contribution from schemes under the new proposed threshold

Year/ Scheme size	10 - 49 unit schemes	1 - 9 unit schemes (indicative)
2014 – 2015	114	110

2015 – 2016	120	148
2016 – 2017	181	81
2017 – 2018	26	95
2018 – 2019	60	81
Total	501	515

In the past five years, schemes providing between 11 and 50 units accounted for an average of 37% of the total net homes delivered in Southwark. Based on the historical record, there will likely be 8,716 units coming forward from those schemes over the coming ten years under the housing target of at least 2,355 homes per year for Southwark. Were the threshold to be in place, there would be a potential loss of at least 3,050 affordable homes (in line with our 35% Affordable Housing policy requirement)? Pursuing with this Government proposals would cripple our ability as borough to deliver the affordable and intermediate housing our local communities desperately need.

This would also inflate the land value for homes of under 50 units which would mean that either less land would come forward or the land would provide less CIL.

Extension of Permission in Principle would be extremely damaging. The level of information and consideration needed to establish a permission in principle would not be provide the information that was needed to secure planning permission, and the extent to which the public could interact and understand the information would be challenging.

Barriers to delivery

We have gathered evidence from a wide range of sources and views from colleagues and key stakeholders involved in the planning and housing delivery process in order to understand the potential influencing factors and obstacles to housing delivery. This information has been considered alongside direct knowledge of local sites, land and development capacity through working with developers and the GLA. The identified key issues and barriers are set out below:

1. Site specific

- **Brownfield sites in high value areas**, such as inner London are almost never unoccupied but, on the contrary, are occupied by people who have leases that often have several years to run. So the typical major/strategic application is made by the prospective developer some years before the expiry of these leases to safeguard their ability to get vacant possession in due course.
- **Buying and selling land**: undeveloped sites being in private ownership as an investment can lead to a delay in delivery as owners wait for the value to increase or obtain planning permission to develop the land and then sell it at a profit. This can delay and prevent housing delivery.
- **Reliance on a number large strategic sites and growth areas** that take a long time to be developed.
- **Competition for land** results in high land prices.

2. Planning process and planning obligations

- **Community engagement and consultation** helps generate interest and input to planning decisions, but can also raise inappropriate expectations amongst consultees which can cause delays for both developers and consultees.

- **Agreeing developer contributions** to affordable housing and infrastructure can delay delivery.
- **Strong local opposition** and a default position to object can cause delays for housing delivery.
- **Better quality applications**, detailed pre-application advice, consultation responses on time and more resources are needed to assess planning applications.
- **Compulsory Purchase Order and Judicial Review** procedures are lengthy processes, preventing developments to come forward in an efficient and timely manner.

3. Finance and infrastructure

- **Larger sites are often built out much more slowly**, as they are often reliant on new services and infrastructure before the new development.
- **Lack of funding** to deliver infrastructure.
- **Awaiting wider infrastructure delivery.**

4. Resources

- **Funding cuts** from central government lead to pressures in how LPAs provide services.
- **Housing delivery is dependant on the supply of materials** and skilled professionals of which there is a shortage.
- **Better collaboration and coordination** is needed between LPAs, Housing Associations, developers and the GLA.
- **Inefficient back office and data management system** delays processing and determining applications.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

A: We are unsure what this question means?

Existing urban areas such as Southwark do deliver the highest numbers of housing and affordable housing. This is significantly more difficult as we have a dense borough with no greenfield sites and many of the sites already have buildings on them and need to be development to a higher density.

Affordability of housing is one of the most important indicators measuring the success of planning. However this is not linked to the quantity of development in Southwark. This is a very significant issue. If the argument is that by changing the developments that have to provide affordable housing from 10 to 50 that housebuilding would increase and that more housing and affordable housing would be provided then this is not the case. The higher numbers of housing would not be affordable housing for Southwark residents who predominantly earn less than 25k(social rented) and 40k (London Living rent) and 60k (Intermediate rent) per year. This would lead to less housing available to meet local need compounding the current issues. In order to tackle the housing crisis, the planning system needs to enable authorities to secure the best deal for their communities, the most obvious example being the yield of affordable housing and social rent homes.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (areas) with faster routes for detailed consent?

A: No

This is too crude a measure for dense urban areas with complex networks of uses.

The development plan should provide an outline consent for development as site allocations in growth areas if it's doing its job properly. It should establish broad scale, location and use, but allow for some flexibility to be negotiated into the detail. That should help limit land value speculation. Outline permission for areas for substantial development does work with faster routes for detailed consent where the planning application proposes a development as set out in the development plan. The reason why planning applications take so long is because planning applications are larger, have more impact or would like to provide less benefit than is set out in the development plan. Furthermore there is no consideration of developments that are automatically approved and it later transpires that they have not met certain criteria. Will they automatically be demolished or charged?

This is moving towards a policy of automatic outline permission for areas of substantial development would further threaten and reduce the role that communities and stakeholders play in the local planning system. Accountability is a cornerstone of local government, that requires transparent and open opportunities for community engagement and consultation on planning proposals.

Detailed consent must include proper consideration of all relevant environmental issues. Changes to Permitted Development in recent years have had the effect of completely excluding consideration of a range of environmental issues in certain circumstances. This risks creating poor amenity and low quality development.

9(b). Do you agree with our proposals above for the consent arrangements for Growth and Renewal areas?

A:No

Local issues need to be considered as part of planning applications and local democracy needs to take place to consider the views of our local communities. The consent arrangements would not work if these local issues as set out in question 6 had national policies as there would not be the opportunity to ensure that local need and local issues are addressed. Consultation and involvement of local communities would not be able to take place which is required for engagement because this is such a high level process. These issues need to be considered by a panel of officers or if there are objections by Planning Committee to ensure that local democracy can take place.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

A: No

This is not a planning process that can be trialled on large infrastructure projects such as Thames Tideway and HS2 and the superimposed for large strategic projects in boroughs. This is because the issues are very local for large strategic developments despite the size of the schemes. Southwark has recently delivered strategic applications with new and expanded Major town centres at Canada Water, Elephant and Castle and Old Kent Road. There are also the Strategic Housing Areas such as in Walworth, Elmington and significant sites in Bankside, the Borough and London Bridge through significant consultation and work with local communities. Removing this local element would have

significant equalities impacts reducing the ability of local residents and businesses to be fully involved with significant proposals in their local area.

10. Do you agree with our proposals to make decision-making faster and more certain?

A: No

We are producing shorter more focused plans in areas where there is growth that provide clarity and speed up the process whilst encouraging community engagement. This is a Plan led system.

Decisions about smaller developments can be streamlined and the timescales shortened through digitisation. This work is already taking place and does not require a change to the planning system. We are introducing new digital systems to speed up the provision of planning information and the determination of planning applications online and digitisation of the entire Planning Service. Digital templates, standardisation and a streamlined approach for developers, residents and everyone who wants to find out about a planning application would be welcomed. This requires continuation of the funding and support that the MHCLG are providing and we will continue to work on these projects to lead the way in making our services accessible and available to all of our different communities.

However we know that the Major and Strategic applications development proposals very rarely comply with all planning policies and Councillors and Planning Officers need to balance these issues and make a judgement about their acceptability. Decisions about larger developments are usually slow because developers would like to challenge the system or would like to bring forward innovative design which were not included in the development plan. The unique skills and expertise that planners bring to the process are essential to ensure that communities are heard and that there is value from developments for local communities and enhancement of places.

11. Do you agree with our proposals for accessible, web-based Local Plans?

A. Yes

Southwark is at the forefront of developing accessible, digital, web based plans and development management processes. The vision is for a planning service that is accessible online by all of our different customers. Our goals are to provide a Digital Service to provide an excellent user experience and meets all user needs, user journeys on website, tablet and smartphone (with a responsive design). This must enable customers to find out about all aspects of the planning service online and enable customers to apply for planning permission online and to follow each step of the application process. It is essential that we enable all consultation to be online and the results to be provided online.

Digital technology is very important for more successful high streets with adaptive strategies for high streets and town centres. Monitoring traffic and footfall could help people avoid busy times, while air-quality data would help those with vulnerable immune systems. Wifi accessibility could help remote or nomadic workers stay connected outside of an office environment, and better-managed transport such as increased capacity at times of high demand or data showing riders the least-congested times of day would allow for more effective social distancing. It can also have the benefits of local policy delivery

set out in section 6 which include reducing food waste, monitoring noise pollution, and enabling a local circular economy.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

A: No

Shorter timescales to prepare plans are important to make sure that the planning policy is informed by recent strategy and evidence. However entire plans rarely need updating and therefore regular amendments should be encouraged rather than reviews of entire plans so that Plans can be kept up to date more easily.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

A: Yes

They can provide a useful method for local communities to set out their issues. They need to be part of the same process as the Local Plans.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

A: In the same way as Local Plans. They all need to be the same systems. We use a 3 D model system and this is part of validation for major and strategic applications. This assists with monitoring development and with making developments more accessible to all of the communities within Southwark.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

A: Yes

There could be amendments to the requirements for implementing a permission so that a meaningful start is made. The definition of implementation has arisen through case law not statute and a clearer, more onerous definition in the Act would avoid permissions being saved in perpetuity which encourages speculative land trading and land banking. Permissions should be rescinded after 3 years if work ceases.

Pillar Two Questions

15. What do you think about the design of new development that has happened recently in your area?

A: The increasing use of PD rights has resulted in poor development that is ugly, provides poor quality homes and fails to contribute to affordable housing and business space. Where we use our design expertise to influence and improve the design of development, the results are good.

We have a Head of Design who works in Planning, Housing and across the Council coordinating advice on design. We have a team in Southwark Council that ensures that all of the proposals for development are well designed. We have a pre-application service where designs are considered and changes take place. We also have a new Development Consultation Charter where developers need to demonstrate how they have taken into account feedback from all of our communities about their proposal and the changes that have been made to meet people's concerns or take good ideas on board.

This level of resources is required to provide support and assistance to the Council's own team to ensure that our development is of the highest quality. Support is required from national policy to set out a framework for design quality, local distinctiveness, urban greening and public realm. This national policy needs to be ensuring a consideration of balance rather than a broad brush set of guides that do not take into account local context and innovation. Local Planning Authorities are best placed to set out local design requirements and frameworks as they understand local context and listen to local communities to find appropriate design solutions that can deliver the land uses, movement and other requirements for each development that puts local communities at the heart of development.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

A: Development that contributes to Places with the highest quality of design

Accessible development which is active by design to improve healthy movement to the development and within places. It must be carbon neutral development and a more urgent response to climate emergency across the broadest range including individual travel minimisation and building efficiency. Development should be useable across a person's lifespan, and provide a mixed, balanced community in terms of age and resources to ensure people's physical and mental wellbeing. Furthermore there needs to be more stringent building regulations for carbon load and more focus on how the Climate Emergency targets are going to be met nationally.

17. Do you agree with our proposals for improving the production and use of design guides and codes?

A: No

The definition of a National Code appears to be an attempt to reduce design to a tick-box exercise, a pre-ordained urban pattern, an agreed palette of materials and a pre-defined lifestyle that the government hopes to impose on communities. When applied at the scale that the government is anticipating this could lead to a discord from the tailored trajectory of development which is embedded into our own design policies.

The purpose of a National Code would be to describe what 'growth', 'renewal' and 'conservation' would look like in every situation and applied to each type of development –

not just housing. Given the unique characteristics of every place, its geography, topography and historic environment, it is hard to imagine the one rule that could apply to all. In our view design is defined by its context and cannot be constrained by one overriding rule or code. In addition, if applied consistently by every developer, a single code could result in a mono-culture of development rather than the rich urban tapestry that we see in our cities and suburbs today.

Production of design codes can be useful in areas where there are large developments with housing or another single use or developments of new, large areas around some active uses.

Design codes are less useful in Central London as areas such as Southwark have established, mixed and complex areas of historic buildings often on a historic, narrow street pattern which are being improved by world class developments to provide particular uses and build distinctive places. These areas benefit from design requirements for smaller areas and sites which are more complex and detailed than codes for wider areas. In the same way, defining beauty is not appropriate for an inner city borough like Southwark which includes enormous steel and glass towers, large inner-city estates, and characterful village-like suburbs, each with their unique urban form, materials and features. By defining 'beauty' rigidly, any legislation runs the risk of stifling innovation, which every designer and developer hope to bring to their project. In Southwark we think there are rules of good urban and architectural design but these are rooted in the character of the place and in peer review. For a National Code to be effective, we believe it should embed the principles of area characterisation and peer review as a minimum. Together with a good set of design standards, this could be a better way forward for development in our established communities.

For more than a decade we have prepared area characterisation studies for all of our Area Action Plan and SPD areas. We have used our area characterisation studies to encourage suitable development, identifying opportunities, and develop management guidance and at the same time recognising those parts of the study area that our communities value, the social infrastructure and patterns of movement and use that define the place. This has led to significant densification in many parts of Southwark in many cases alongside sensitive historic districts resulting in social and economic benefits.

A National Design Code should encourage every local authority to prepare area characterisation studies for their areas and include management guidance for developers about the appropriate pattern of development, the social infrastructure that is necessary to accommodate the anticipated development, and the capacity for change in the area. Where the current plan making system lacks clarity in respect of site specific development, it is acknowledged that this can slow down process, as neither land owners, developers, local communities or local politicians are sure of what is required to go where. This can lead to antagonism and frustration for all involved, undermining trust. We already prepare detailed designed masterplans in our Local Plans and they set the design for new communities to deliver the land uses, movement and other planning requirements. World class architects and local architects then design the specific schemes to ensure that they contribute positively to the local areas that are being developed.

The plans for these areas and sites should provide clarity, whilst also striking the right balance between instruction and flexibility so that they can robustly manage change over the whole plan period. As such they shouldn't be absolutely prescriptive, but the key

principles that they describe will be expected to be delivered. These would include, height, land use, building typology, architectural design principles, servicing, and provision of public amenities such as park space, affordable housing and CIL requirements and consequent site capacity.

This would be a design framework, rather than a design code. The latter implies a rigidity that would be too brittle to survive contact with the real world and could stifle creativity limiting responsiveness to changes in the economy and society, such as COVID. The former would achieve the greater certainty that would be desirable for everyone involved and effected by development, without recreating the problems the White Paper is trying to resolve.

It makes it all the more important that the National Code specifically outlines the required links between the National Code and local area characterisation and management guidelines.

Even allowing for this a National Code will not quite cover all that we would wish to in design terms. There are borough wide themes such as tall buildings and our tall buildings policy, and our protected view policies. Another example is our Housing Standards SPD as a lot of which is dedicated to achieving decent living conditions within high density development (surely an integral part of any design that can be judged as good). A National Design Code would therefore have to allow for the development of borough wide design 'topic' policies/ codes/ SPD's as well as the 'place' policies/ management guidelines that will come via characterisation.

A good example of a framework approach Old Kent Road Area Action Plan as a suggested mechanism for operating a design framework. If you follow the principles of the framework, you get a permission in principle, subject to detailed design, highways, and sustainability sign off. The framework is consulted on and communities input into that process. So you front end initial consultation that way, through the plan process. That legitimises the permission in principle. You then need to take the details to a planning committee via an officer's report. The committee aren't therefore arguing about how high the building is or what it's used for as that is already established, they focus on the finer points of the quality of submission in terms of design, private/public amenity, play space provision, what's the CO2 savings. Neighbours can make representations as existing. Can be refused or approved, and would be subject to appeal. But you narrow down points of contention.

Taking building types and allowing development of existing buildings where conditions are satisfied and increasing densities while maintaining visual harmony based on settings would be problematic as most of Southwark is near or in a conservation area or flood risk zone. Furthermore we have found that applying a typology creates more sterile places that do not reflect the vision of local authorities or neighbourhood planning groups. These are best considered about specific proposals and specific sites at the time of plan preparation and then consideration of the proposal of this against an application. The proposal for design codes should be modified for Central London to consider the specific architecture and urban fabric so that they are for sites. Where they can be within zones these should be for sub areas, town centres, the Central Activities Zone or the different regeneration areas.

Whilst it is probably never going to be possible or desirable to determine development on every potential site, given that that would dissipate resources and focus, it should be possible to do so on major development areas and sites.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

A: We support the principle of improving design on new buildings but would like to see the detail of the new body being proposed.

Support is always welcome as long as this is supplementing local resources and not trying to set policy at the national level where a local policy and approach is required.

Southwark already has a Chief Officer for design and place making and a resourced team working on these issues. The emphasis is on beautiful and distinctive places reflecting what is special about their local area and creating a high quality environment where local people are proud. We also have a design review panel of leading and local architects that provide comments on policy and applications and a community panel in the Old Kent Road that also provides comments on policy and applications.

A National Model Design Codes would not allow for local distinctiveness, historic character local amenity. The National Planning Policy Framework, if properly implemented, enables design innovation whilst protecting the amenity of residents and respecting the local distinctiveness.

Codes work well to ensure that minimum standards are adhered to but can only be implemented through the planning process. They are difficult to apply to permitted development, permissions in principle or outline permissions. Equally, a design principle that may be reasonable on a green field site, is difficult to implement in an inner city site e.g. sunlight/daylight.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

A: Yes

We agree with the Homes England objectives and would like to work with Homes England to ensure the right social and transport infrastructure is in place and use design and place-making as a way of unlocking public and private land. This will require design quality thresholds similar to our 'exemplary design' standards for all undeveloped or underdeveloped sites.

20. Do you agree with our proposals for implementing a fast-track for beauty?

A: No

There is no way to define beauty as it is in the eye of the beholder and it could easily become a way for developers to secure unsatisfactory or even damaging designs or to prevent progressive designs using new technologies and solutions.

This appears to be a top-down assessment of 'beauty' and an emphasis on appearance, not a reinforcement of local distinctiveness, history and place-making. 'Beauty' is subjective and nebulous and for many developers, will depend on what they can afford. It could also imply the loss of historic structures can be justified by beauty alone. NPPF Paragraph 127 says that there are very wide ranging requirements for good design which are much broader than the requirement for beauty which is a narrow definition. We would welcome the reinforcement of local character but this will require borough-wide assessment of character and a thorough knowledge of historic development (see previous responses). We would also encourage a wider definition of 'beauty' to include an emphasis on high quality urban design and architectural design (as set out in the Southwark Plan). Furthermore the consideration of design needs to consider usability not just an arbitrary judgement about what something looks like. This could also stifle innovation as many major house builders already have pattern books.

Pillar Three Questions

21. When new development happens in your area, what is your priority for what comes with it?

A: There can not be one priority because Southwark is so diverse. This is the reason why there needs to be different priorities for different places. Affordable housing, social housing provision and affordable business space are a predominant priority. However, the infrastructure, design and movement, school places, health provision and other elements of communities are also essential to ensure that development is improving places for current and new local neighbourhoods. The Climate Emergency is also a priority and is currently addressed through financial obligations such as the Carbon Offset Fund, public realm and other payments such as tree planting and the development of existing and new green spaces (parks). Any proposals must take account of these set of priorities and crucially our ability to deliver on them in line with existing government policies and targets.

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

A: No

We are deeply concerned by the *possible* implications of this proposal. Specifically its impact on planning authorities' ability to deliver the best deal for local residents in areas including affordable housing provision and investment in local infrastructure.

A simple local CIL levy alongside a process for securing local environmental and movement improvements to developments would be the most effective process.

The purpose of CIL is to gain the funding required for infrastructure and other community benefits required to create and improve places. The method might be more complex however if it is simplified to be more transparent and responsive due to consistency without meeting the main aim then the purpose of CIL has not been met.

Charging at the final value of a development and the levy at the point of occupation are welcomed, as is the greater income from development. There should be locally set

infrastructure charges to replace CIL and S106. This would have a very significant impact on speeding up decision making. They would need to be set at the appropriate level to cover all the 'infrastructure' requirements flowing from a development. This should be broken into 2 parts, one, relating to site specific works (like pavements, crossovers etc.) which is one sum, plus a 'levy' based on floorspace.

The proposal is to including a value based minimum threshold below which the levy is not charged to prevent low viability development becoming unviable. This is to reflect average build costs per square meter, with a small fixed allowance. The proposal suggests that this would reduce risk for developers and reduce cash flow difficulties particularly for SME developers. This should not be taken forward. Affordable housing does not pay the levy and any development type/use class which is not viable does not pay the levy. Therefore this issue has been considered and certain types of development have been removed. The purpose of the levy is to ensure that the places where development is taking place have the necessary supporting infrastructure for the people who are going to live and work there. If the levy is not collected on all development there will not be enough funding for infrastructure, schools, health facilities, public spaces and other amenities which are essential for successful communities and to develop places. If there is just housing or employment without this supporting infrastructure this will not create successful places and will not deliver sustainable development.

The proposals would not provide greater certainty for communities and developers about contributions as the rate would not be known until occupation after the development is built. Under the current system the rate is known from the decision date.

Throughout the borough there can be fluctuations in land value that change over time. Therefore a differential set of zones are required to apply the appropriate charge. Therefore the consideration of site value would enable a more site specific consideration of value rather than zones. The Community Infrastructure Levy in Central London can not be standardised with the rest of England. The rates vary greatly within the borough and the levy has to be considered carefully to ensure that schemes are viable. This is a local issue where rates can be updated easily through the current process.

A large number of developments benefit from CIL relief such as affordable housing, Office (Zones 2 & 3), certain types of Student accommodation, town centre car parking, industrial and warehousing, public libraries, health and education. When these developments had a negative impact on adjoining developments and the surrounding area these impacts are mitigated through the introduction S106 obligations being financial and non-financial. CIL does not allow for this. Therefore there needs to be provision for negotiating and providing these necessary changes to planning applications in order to ensure local communities are improved and that new developments link in with their surroundings and places. Removal of this would provide a significant negative impact on local communities and would reduce the opportunities for local communities and their needs to be taken into consideration. It would also miss out on the opportunities to improve the development for the new people.

The white paper makes few references to employment, and section 106 targets and obligations for jobs and skills are not discussed so it is difficult to determine the potential impact of the proposals on local business, skills and jobs policy. However, it seems reasonable to infer that individual boroughs may not be able to negotiate individual jobs and skills targets with developers following the proposed changes. This would have a

significant negative impact on Southwark as since 2014 over 1600 jobs and over 400 apprenticeships have been created in the construction and end phases of developments in Southwark under employment obligations in section 106 agreements. Furthermore, in the same period, in excess of 2500 additional jobs have been created through employment programmes funded by s106 agreements where developers chose to pay a financial offset. There is continuing significant demand to build in our borough and if we are unable to separately negotiate section 106 targets for skills and jobs in the construction and end phases of developments, this will limit our ability to maximise employment and career opportunities for our residents.

As the UK plans its recovery from the coronavirus pandemic, tackling unemployment will be a top priority for both the Government and our borough. Any dilution of councils' ability to negotiate jobs, apprenticeships and skills policy within these planning stages would not only damage planning policy in general, it would hinder our economic recovery from the pandemic.

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

A: No

The rates should be set locally as a charge.

22 (c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

A: Yes

The Infrastructure Levy should capture as much value as possible to support greater investment in infrastructure, affordable housing and local communities. Greater investment is required to deliver more sustainable communities.

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

A: Yes

The opportunity to borrow would enable local authorities to provide additional infrastructure for local areas.

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

A: Yes

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

A: Yes

The affordable housing should be at least the same as it is now. The threshold should be 0 as Southwark would lose a predicted 37% of affordable housing per year or 3050 units if there was a change to 50 units. This would have significant impacts on the provision of affordable housing to those who are most in need.

The affordable housing should be non negotiable secured by a legal agreement. This should set out the amount of affordable housing and if it is on or off-site. Any dilution of this approach would severely impact our ability to deliver on our affordable housing targets, in line with Government's commitment towards tackling the housing crisis.

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

A: No

Affordable housing should be separate to the Infrastructure Levy. Affordable housing needs to be provided at 35% or more. The method of provision could be in kind if there is on site development or the developer is building the affordable housing. The in kind provision would only be for the method of providing the affordable housing. The affordable housing would still need to meet all of the other policy requirements.

There could be a discount for council purchases as if this is significant we may be able to buy more affordable housing.

24(C). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

A: The Affordable Housing should be provided in line with the policy and agreement.

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

A: The in kind provision would only be for the method of providing the affordable housing. The affordable housing would still need to meet all of the other policy requirements.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

A: Yes

The approach of allowing local authorities to spend receipts on their policy priorities once core infrastructure obligations have been met is supported.

25(a). If yes, should an affordable housing 'ring-fence' be developed?

A: Yes

Affordable housing should be the priority.

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

A: The national, top down system will reduce the opportunity for people to access information at earlier stages of the planning process rather than when it is clearer about how the process impacts upon them. This top down approach will not be accessible to local communities where the local authorities are much more accessible and understand how each community can best access information and proposals for development.

If the new system reduces the amount of affordable housing and/or affordable business space that can be required then there will be significant negative impacts on people with protected characteristics. The raising of the affordable homes threshold would have a direct consequence of reducing the number of affordable homes built in Southwark significantly at a time where the need is rising sharply.

There would need to be a very detailed assessments Wheelchair units and disabled parking were protected as a non-financial obligation within S106 agreements, and this can only be protected within CIL through a legal agreement in order to protect those people with protected characteristics.

We will ensure that our engagement reflects the diversity of people who live and work in the borough as this is critical to understanding the needs and aspirations of everyone, deliver better services and places and will be one of the ways we are able to deliver a number of key council commitments such as regeneration for all, and placing people at the heart of our decision making. We will put people at the heart of engagement that is:

- Built on trust
- Inclusive
- Collaborative

We will work with businesses, and those that work, live, worship, study and volunteer in Southwark. We will make a particular effort to connect with seldom heard communities and those likely to be most affected by any potential change.