

working for planning balance

Harpreet Aujla explains how the planning advice service set up by the Southwark Law Centre has been working to balance the scales of justice in planning through community advice and representation

I write this article at a desk in Peckham, where Southwark Law Centre has been based for the best part of the last 50 years. In this time, many places in the borough of Southwark—which stretches from London Bridge in the north to leafier and more residential Dulwich in the south—have developed and changed beyond recognition. The northern riverside has been heavily developed, former factories in and around Bermondsey have turned into luxury housing,¹ and a central area, Elephant and Castle, has seen two landmark developments, the Heygate Estate and the Elephant and Castle Shopping Centre, demolished under two separate massive redevelopment projects.

Advising on planning and developments was an area of work that Southwark Law Centre undertook in the 1970s, again in a time of huge change in the borough. In the years leading up to 2017, enquiries about planning applications and proposed developments were coming forward in increasing numbers. It was also clear that a lot of agreed planning applications in Southwark were doing significant harm. In many places, such as the large redevelopments on the Heygate and Aylesbury Estates, the result was the displacement of people from their homes and communities, with very little affordable housing or community facilities provided in replacement.² Many homes lay empty—something which became more apparent during the pandemic; in fact, Southwark has been ranked as the London borough with the most empty homes.³

We have argued that Southwark Council's planning committee has not always been properly advised about their duties under equalities legislation, and consideration has not always been given to the psychological harm that can be caused by regeneration, including the disproportionate impact on certain groups—those from lower socio-economic backgrounds, black and ethnic minority groups, older people, and families. There is

also a huge environmental cost to demolition and poor development.

Southwark Law Centre applied for funding for a pilot planning advice service—Southwark Planning Voice—in the hope that planning outcomes could be improved, and that the democratic and decision-making processes could be influenced to ensure that Southwark Council's planning officers and committee members enforced their policies, and that they developed robust policies for the future. We questioned how people are expected to exercise their democratic right to participate in planning if they are not given support in dealing with planning officers and the legions of planning consultants. Since we have received funding, our project has been trying in a small way to address this balance.

Our evaluation report on Southwark Planning Voice, which is available online,⁴ gives details of the work that we have done, so this article reflects on the opportunities that we have followed up and the challenges that we have faced and overcome in the past four years. We have balanced analysing and disseminating information about major planning applications (such as those in the Greater London Authority-designated Old Kent Road Opportunity Area) with providing the public with advice on them. We have also provided general training on how to get involved with either responding to a planning application or influencing planning policy. Compared with planning consultants and private developers, we have extremely limited resources and a huge amount of work to do in a short time.

It is also striking—and a significant barrier to fair decision-making—that council planning officers and developers have access to pre-decision-making briefings with planning committees to discuss significant applications. Committee members can attend site visits with planning officers, but these visits are not open to local people. Planning officers almost inevitably deepen their relationships with

developers over the course of many discussions on applications, from pre-application stage and over a number of months and years; but the community is never given such unfettered access to the planning decision-makers. So we have recently been lobbying for a community briefing, led by local people, so that they can raise their comments on planning applications with planning officers and committee members.

People who want to influence planning need resilience and determination. We are lucky that there are many committed people, campaigners and local activists that can help others, including the indispensable network and peer-to-peer support provided by Southwark Planning Network (which links people in community groups across the borough working on the effects of planning and regeneration) and the overarching, independent tenants and residents organisation Southwark Group of Tenants Organisation. Through working together, we have been able to scrutinise consultation practices, planning applications, and Southwark Council's policies on regeneration.

One example highlighted in the evaluation report is our work with a local organisation, Southwark Traveller Action Group, with support from London Gypsies and Travellers, to make representations about a discriminatory policy included in the draft of the new Local Plan. This was subsequently changed after the intervention of the planning inspector, following representations made about the Public Sector Equality Duty and the right to be free from discrimination.

We have also been holding Southwark Council to account over the Elephant and Castle shopping centre regeneration, which has been hugely controversial and has displaced a number of long-standing independent traders. The charity Latin Elephant has been working with traders since 2014, and, having made representations on the plans, Southwark Planning Voice has organised training events to engage with the application. Since 2018 we have been scrutinising the trader relocation strategy and trying to obtain more space in the area for displaced traders. This has been a mammoth task, and the displacement that has followed this planning application has shown the damage that regeneration can do to a successful independent business community.

We have also had climate change at the forefront of our minds. Southwark Council declared a climate emergency in March 2019, and we have been working with local people and activists to ensure that this translates to meaningful action in terms of policies which decarbonise buildings, set obligations on developers at all stages of the development process, prioritise re-use and retrofit as much as possible, and conserve and protect natural spaces.

Responding to planning applications and raising representations on planning policy is still only half of

the picture, as so many community benefits are left for negotiation when planning permission is granted subject to an agreed Section 106 agreement. These agreements are not currently monitored effectively, and there is no easy route for community scrutiny. We have evidence of social housing being lost through planning committee decisions on Section 106 agreements and through failures by developers to provide what has been agreed in Section 106 agreements.

Finally, we have forums through which we can talk to council officers about how planning and regeneration is, or is not, working in the borough. We bring together officers from public health, regeneration and planning to talk about the overlapping issues that each department faces, with the shared goal of making a healthier, happier and fairer borough. This is a particularly important initiative, even if just for making sure that planning decisions are not siloed but connected with all other local council goals.

There is much work to be done and built upon, but the Southwark Planning Voice project has proved that, with public access to advice and representation, outcomes can be improved at every stage of the planning process. This approach is something that we would like to see taken on by other law centres and, in places where there is where there is no law centre, organisations that provide advice in areas of increasing development.

We want to see good development which serves the needs of people and communities—an aim that should be the bedrock of our planning system.

● *Harpreet Auja* is a Planning Solicitor at the Southwark Law Centre. The views expressed are personal.

Notes

- 1 At the time of writing, the cheapest home available at London Square Bermondsey, on the site of the former Crosse and Blackwell factory, is a one-bedroom flat offered for £675,000
- 2 For further details, see 'Elephant Park MP5 – the final chapter'. Webpage. 35% Campaign, Aug. 2019. www.35percent.org/posts/2019-08-05-elephant-park-final-phase-affordable-housing/; and O Wainwright: 'Revealed: how developers exploit flawed planning system to minimise affordable housing'. *The Guardian*, 25 Jun. 2015. www.theguardian.com/cities/2015/jun/25/london-developers-viability-planning-affordable-social-housing-regeneration-oliver-wainwright
- 3 D Wiggins: 'London property: The London borough with the highest number of empty properties in capital, worth £1.25bn'. *My London*, 21 Jul. 2021. www.mylondon.news/news/property/london-property-london-borough-highest-21111906
See also *Nobody's Home* and *Empty Homes in England 2019*. Action on Empty Homes. www.actiononemptyhomes.org/publications-and-research
- 4 *Southwark Planning Voice: Project Independent Evaluation, 2022*. Alex Evans Community Consulting, for Southwark Law Centre, Jan. 2022. www.southwarklawcentre.org.uk/wp-content/uploads/2022/01/SLC-Planning-Voice-Evaluation-FINAL-Jan-22.pdf