## EIA Quality Mark Case Study

### 596-608 Old Kent Road & Land at Livesey Place

#### Key Issues:
Given that the Livesey Place and Civic Centre sites were under separate ownership, at the outset, separate, stand-alone developments were planned on both sites. However, the schemes shared a project team and were designed to complement one another. It was proposed that the two planning applications would be submitted concurrently to the London Borough of Southwark ("LB Southwark").

As design development progressed, it became clear that the limited size of the sites presented a number of constraints. It was eventually established that the only feasible vehicle access strategy for both schemes comprised a shared access route via the Livesey Place site, making the schemes functionally interdependent.

Despite initial concerns from the landowners, the decision was made to combine the schemes into a single planning.

Later in the design process, the opportunity arose to purchase the adjacent site to the north (Topps Tiles) and integrate it into the scheme. Following negotiations between the two landowners and the owner of the Topps Tiles site, the two landowners set up a joint venture (Old Kent Road Regeneration Ltd) to purchase the site.

The changes to the scheme, planning application strategy and application site boundary that arose because of these decisions, posed challenges for the delivery of the EIA.

#### Purpose of the Project:
Through the provision of new residential units, as well as flexible office/light industrial floorspace, community-scale retail/cafe space and a new fit-for-purpose place of worship tailored to the requirements of the Everlasting Arms Ministries, the development will assist in meeting the identified need for new homes and jobs in the Old Kent Road Opportunity Area. The joint applicants were Civic Centre Ltd, Shaviram Development Ltd and Old Kent Road Regeneration Ltd.

#### Description of the Project:
The application site was 0.43 hectares in size, lying adjacent to Old Kent Road in the London Borough of Southwark. It encompassed three adjacent sites, each under separate ownership:
- 600-608 Old Kent Road ("Civic Centre");
- Livesey Place;
- 596-598 Old Kent Road ("Topps Tiles").

The proposals comprised demolition of the existing buildings and construction of three new buildings, arranged around a central plinth, ranging in height from 10 to 38 storeys, above basement, ground and mezzanine floors, providing 372 residential units, a place of worship, ground floor retail, and office/light industrial floorspace. The proposals also included access and parking provision, public realm improvements, energy centre/plant and servicing areas, and associated ancillary works.
EIA Learning Outcomes

Lessons learnt:

CBRE were instructed to advise on the EIA strategy shortly after scheme inception. One of the early decisions to be made was whether to screen the proposals or to voluntarily submit an Environmental Statement (ES) in due course. The proposed building on the Civic Centre site was approximately 40 storeys in height at this time and was expected to provide in excess of 200 residential units. It was therefore considered likely to require EIA if considered alone. While, at 25 storeys, the proposed building on the Livesey Place site was relatively tall, it was only expected to provide around 135 residential units so, if considered alone, it would fall outside the scope of the EIA Regulations.

Given that the schemes shared a project team and were designed to complement one another, to avoid any accusations of ‘salami slicing’, it was agreed that they should be considered together as a ‘worst case’ in any decision regarding EIA. Under this scenario, significant environmental effects were expected so the decision was made not to submit a request for a screening opinion.

At the time the Scoping Report was being prepared, the two schemes remained separate; however, the design team were becoming increasingly aware of the range of issues arising because of these limitations. The project programme would not allow for a delay to submission of the Scoping Report so to ensure that a possible unification of the two schemes in the future was allowed for, the two applications were considered both individually and together within the Scoping Report. As speculated, following issue of the Scoping Opinion, the landowners made the decision to combine the schemes into a single development. As this scenario had been considered in the Scoping Report, the Scoping Opinion remained appropriate and robust despite the change in planning strategy.

Lessons learnt continued:

However, the subsequent decision to acquire the Topps Tiles site had not been anticipated. With the additional building now included in the proposals and the associated extension of the application site boundary, it was agreed that an addendum to the Scoping Report would be submitted to LB Southwark to keep them abreast of the changes and to ensure that the scoping exercise remained robust. While the scope was re-confirmed with LB Southwark without any notable issues, through issue of an updated scoping opinion, the exercise resulted in delays to the project programme, due to both the re-consultation process itself and the additional survey effort required for the new site area. Conversely, should the changes to the scheme not have been noted and dealt with so promptly, more significant issues could have arisen, such as longer delays to the programme, Regulation 25 requests post submission or increased risk of Judicial Review challenge.

Major changes to the design of a scheme are sometimes unavoidable and, as this case study illustrates, this can particularly be the case for constrained sites where creative solutions are sometimes necessary. To ensure that design changes are picked up within the EIA process, without resulting in significant program delays or other more serious consequences, it is important to stay vigilant to such changes and have an awareness of potential design uncertainties. Future proofing of Screening and Scoping Reports, taking into account potential uncertainties, can also be a useful approach.

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