

Item No. 9.	Classification: Open	Date: 22 March 2011	Meeting Name: Cabinet
Report title:		Core Strategy Final adoption	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Fiona Colley, Regeneration and Corporate Strategy	

FOREWORD – COUNCILLOR FIONA COLLEY, CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY

1. The Core Strategy is the key part of the local development framework, the system of planning introduced under the Planning and Compulsory Purchase Act 2004. It gives the area action plans and supplementary planning documents their overall sense of direction and explains the borough’s vision for change and improvement for the next 15 years until 2026.
2. It has been through extensive public consultation in several phases over the last 3 years culminating in an Examination in Public held in July 2010. The inspector who carried out the examination produced his report in January and declared the strategy ‘sound’, meaning that he was satisfied that, among other things, it was based on robust evidence, had taken full account of sustainability and other national and regional policy and had been properly consulted on. He has recommended some changes which are binding on the council in that we can either adopt the Core Strategy with these changes or not adopt it.
3. Disappointingly, he has recommended that the improved internal space standards for new homes we urgently need should not be included in this overarching strategic document. He has not rejected the standards themselves but requires that we use the lower tier documents - area action plans, supplementary planning documents etc. – to set them. That is why we are making some of the changes to the Canada Water Area Action Plan and the Residential Design Standards SPD which are being considered on this agenda.
4. He also recommended that the Core Strategy should not be used to designate protection of open spaces and their recognition as Sites of Importance for Nature Conservation (SINCs) so these are also to be followed up in other documents.
5. It is a not insignificant achievement to produce a sound Core Strategy within 3 years and its adoption by Council Assembly will provide an invaluable corporate strategic statement to take forward our programmes and make regeneration work for people.

RECOMMENDATIONS

That Cabinet provide recommendations for Council Assembly to:

6. Consider the binding report of the Planning Inspector on the Core Strategy - final draft Feb 2011 (appendix B) incorporating the binding recommendations of the Inspector.
7. Consider the final Core Strategy 2011 (appendix A), sustainability adoption statement

(appendix C), consultation report (appendix D) sustainability appraisal (appendix E), equalities impact assessment (appendix F) and appropriate assessment (appendix G).

8. Consider the comments of Planning Committee on the Core Strategy 2011 (appendix H – TBC) and the Inspector’s report (appendix B)
9. Adopt the Core Strategy – final 2011 (appendix A) incorporating the binding recommendations of the Inspector

BACKGROUND INFORMATION

10. The Core Strategy provides the overarching planning framework for Southwark. It is a spatial plan which delivers the vision and objectives for Southwark as set out in the sustainable community strategy ‘Southwark 2016’. Looking forward to 2026 sets out the kind of place we want Southwark to be. This shows the areas where we expect growth, locations for employment uses, and Southwark’s approach to maintaining a stable and balanced community through the delivery of schools, affordable housing, and protection of open space and leisure facilities. Like all development plans, the Core Strategy must be consistent with national planning guidance and in general conformity with the London Plan. It must show how Southwark will deliver its regional housing target, as well as targets set for the opportunity areas (Elephant and Castle and Bankside, Borough and London Bridge) and our area for intensification (Canada Water). The Core Strategy focuses on implementation and shows how and when development in strategic areas will be delivered. It also addresses how the transport and social infrastructure which are needed to support growth will be provided.
11. Legislation (the Planning and Compulsory Purchase Act 2004), national guidance (Planning Policy Statement 12) and local planning guidance set out the requirements for the preparation of a core strategy. We have complied with these requirements. Preparation of the core strategy has taken place over a number of stages:
 - The first stage involved preparing and consulting on the sustainability appraisal scoping report (July to September 2008).
 - The second stage involved consulting on issues and options (October until December 2008). These set out two different approaches that could be taken forward for development in Southwark.
 - The third stage involved a consultation on preferred options (April to July 2009). These established a direction for policies such as the amount of new housing, tenure, transport, open spaces, schools and health facilities.
 - The fourth stage proposed the same document for both the publication and submission to the Secretary of State for examination in public. This document was then published and representations as to its soundness were made until February 26 2010. At the end of this period the same version of the document and representations received as to its soundness were submitted to the Secretary of State for independent examination. The council had consulted on all of the issues, options and the preferred option during previous stages. Council Assembly approved the Core Strategy for publication/submission following consideration of all of the consultation and evidence for consideration and deemed it sound. Representations were provided to the Secretary of State for consideration and duly considered by the Inspector as part of the examination process.
 - The submission core strategy was subject to an examination in public held by a planning inspector appointed to act on behalf of the Secretary of State. The inspector considered representations made by interested parties to test the

- soundness of the draft core strategy. This involved the inspector asking further questions about issues and examining relevant evidence.
- Following the Examination in Public, the Inspector asked for clarification of the evidence in support of the proposed extension of the suburban density zones. We submitted further evidence on this and invited everyone on the Core Strategy database to comment on this further evidence. Consultees had three weeks to comment on the further evidence, and their comments were submitted to the Inspector in November 2010.
12. We received the Inspector's draft report on 29 January 2011. We completed a 'fact check' of the Inspector's Report, in accordance with paragraph 4.29 of PPS12. The fact check provided an opportunity to identify any factual errors and to ask for clarification on any conclusions that were unclear. It did not provide any scope to question the Inspector's conclusions. The fact check was forwarded to The Planning Inspectorate on 3 February 2011
 13. The Inspector issued his final report on 3 February 2011, which contained an assessment of the Core Strategy's soundness along with recommendations and the reasons for them, as required by s20 (7) of the 2004 Act. The Inspector also confirmed that the documents submitted alongside the Core Strategy (appendixes C to G) show that the requirements in the Regulations regarding consultation have been met.
 14. The Inspector has concluded that there should be three minor amendments. These binding amendments are incorporated into the final Core Strategy (appendix A). These binding amendments along with the changes proposed through our consolidated table of changes which are incorporated into the final draft of the Core strategy will make the Core Strategy sound and will satisfy the requirements of s20 (5) of the Planning and Compulsory Purchase Act 2004 and accords with the advice of PPS12.
 15. The three binding amendments are:
 - i. Minor changes to the wording of the density policy – strategic policy 5 (Providing new homes) of the Core Strategy. The Inspector did not agree the boundary of the Canada Water Action Area Core. Sites 24-28 Quebec Way and Quebec Way Industrial Estate are currently located in the urban density zone. The Canada Water Action Area Core boundary and whether these sites should be part of the urban area or the suburban area will be decided through the Examination in Public into the Canada Water Area Action Plan. The Inspector has agreed in principle that that remainder of the area proposed as suburban through the core strategy should be suburban..
 - ii. Delete the table of minimum dwelling sizes in strategic policy 7 (Family homes) as set out in the table below.
 - iii. Delete the proposed changes to the proposals map for new open spaces and new Sites of Importance for Nature Conservation (SINCs). We cannot allocate new open spaces or SINCs through the Core Strategy as shown in the map and table two below.

Table one – minimum dwelling sizes. To be deleted.

Number of Bedrooms	Minimum overall gross internal area (sqm)
Studios	36
1 bedroom	50

2 bedrooms	70
3 bedrooms	86
4+ bedrooms	95

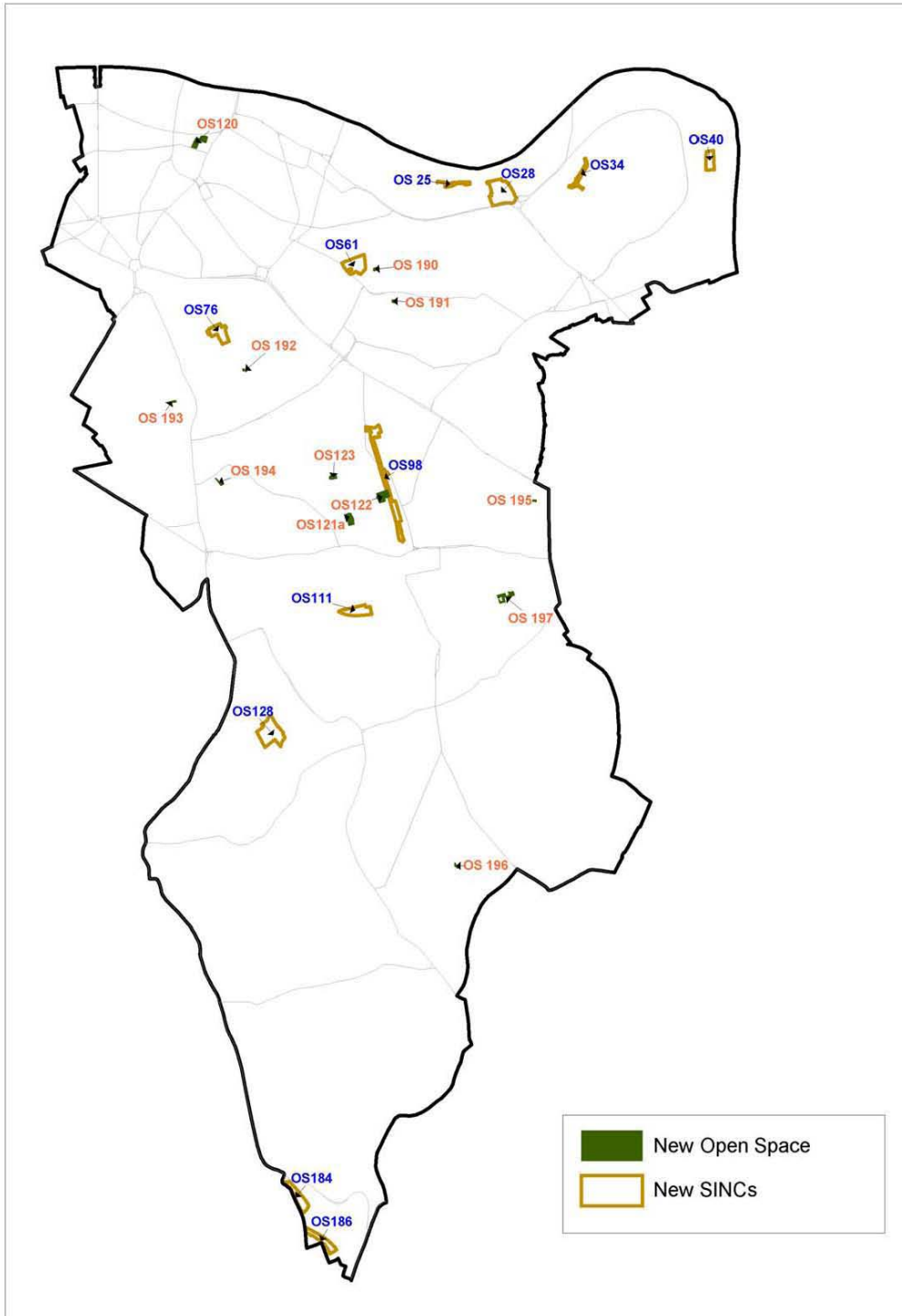
Table Two – Proposed new open spaces and SINC's to be deleted

Proposed open spaces

Schedule_ID	Name	Designation
OS121a	Central Venture Park	Other Open Space
OS123	Calypso Park	Other Open Space
OS 190	Alscot Road Allotments	Other Open Space
OS 191	Reverdy Road Allotment Gardens	Other Open Space
OS 192	Aylesbury Road Allotments	Other Open Space
OS 193	Fielding Street Allotments	Other Open Space
OS 194	Caspian Street Allotments	Other Open Space
OS 195	Brimmington Estate Allotments	Other Open Space
OS 196	Dunston Road Allotments	Other Open Space
OS 197	Brayards Green	Other Open Space
OS122	Jowett Street Park	Borough Open Land
OS120	Cross Bones Graveyard	Borough Open Land

Proposed SINC's

Schedule_ID	Name	Designation
OS 25	Cherry Gardens	Site of Importance of Nature Conservation
OS111	Warwick Gardens	Site of Importance of Nature Conservation
OS128	Greendale Playing Fields	Site of Importance of Nature Conservation
OS184	Long Meadow	Site of Importance of Nature Conservation
OS186	Gypsy Hill Railway Cutting	Site of Importance of Nature Conservation
OS28	King Stairs Gardens	Site of Importance of Nature Conservation
OS34	Deal Potters Walk	Site of Importance of Nature Conservation
OS40	Durand's Wharf	Site of Importance of Nature Conservation
OS61	Bermondsey Spa Park	Site of Importance of Nature Conservation
OS76	Nursery Row Park	Site of Importance of Nature Conservation
OS98	Surrey Canal	Site of Importance of Nature Conservation



16. These amendments are binding on the council. Appendix A shows the updated Core Strategy to take into account these binding changes. Appendix B is the Inspector's final report and sets out the reasons for these changes.

KEY ISSUES FOR CONSIDERATION

17. The Core Strategy has been examined in public by an independent inspector and we have received a binding report. The Inspector's overall conclusion is that the Core Strategy is sound and therefore there are no significant issues that need to be addressed.

18. Prior to and during the examination in public we provided the Inspector with a list of proposed changes to the Core Strategy to provide factual updates or minor amendments arising from the consultation period. These were minor changes. The Inspector agreed with the council that these changes would improve the document and has confirmed that they should be incorporated into the final Core Strategy. These are set out in appendix A of his final report (appendix B of this report).
19. The Inspector has also proposed changes that he considers are necessary to ensure that the Core Strategy is sound. The council 'is bound' to make these changes on adoption of the Core Strategy. These changes are set out in appendix B of his final report (appendix B of this report). The changes have a number of implications for the council.
20. The change to the wording of the density policy (strategic policy 5) is a minor change which does not impact on the overall strategic policy. The lack of decision on the Canada Water core area boundary and the deferral of this issue to the Examination in Public on the AAP means that sites 24-28 Quebec Way and Quebec Way Industrial Estate are currently located in the urban density zone. The Inspector has agreed in principle that that remainder of the area proposed as suburban through the core strategy should be suburban.
21. The Core Strategy sought to prescribe minimum flat sizes in order to drive up the quality and standard of residential development. However, the inspector deleted the minimum dwelling sizes, stating that the approach made no allowance for levels of intended occupancy within different dwelling types. The inspector also stated that floor space standards could be placed reasonably in a supporting development plan document. We are recommending that a table of dwelling sizes be inserted into the Canada Water Area Action Plan and Affordable Housing SPD and that there is an update to the Residential Design Standards supplementary planning document (SPD). We may also need to consider whether to include this within our planning documents such as the Elephant and Castle Opportunity Area OAF/SPD
22. In his report on the core strategy, the inspector has not accepted the council's proposal to designate SINC's, as in the case of dwelling sizes, stating that it would be more appropriate to do this in lower tier documents such as AAP's. Three open spaces were proposed as SINC's in the core strategy: Durand's Wharf, Deal Porter's Walk and King's Stairs Gardens. The council considers that there is sound evidence to designate these as SINC's and is proposing to designate these in the AAP. Their removal will have an impact on other planning documents being prepared such as Canada Water AAP, Peckham and Nunhead AAP and the Elephant and Castle OAF/SPD as they will need to include new protection for SINC's and open spaces. We are recommending changes to Canada Water Area Action Plan to designate further SINC's.

Community impact statement

23. The purpose of the Core Strategy is to facilitate regeneration and deliver the vision of Southwark 2016 in a sustainable manner ensuring that community impacts are taken into account.
24. Sustainability appraisals have been prepared at each stage to ensure the wider impacts of development and the strategic objectives of the Core Strategy are addressed as set out in appendix D. This is available on the website and in the members' offices.

25. Equalities Impact Assessments been prepared at each stage to ensure the wider impacts of development and strategic objectives of the Core Strategy are addressed as set out in appendix E. This is available on the website and in the members' offices. At each stage, participation has been monitored and analysed to see whether any particular groups have not been engaged and whether this can be addressed at the next stage as set out in the consultation report appendix C. This is available on the website and in the members' offices.
26. The appropriate assessment (appendix G) has been carried out under the EU Habitats Directive assessing the impact of the publication/ submission version on EU Protected wildlife habitats. This is available on the website and in the members' offices.
27. We also set out our final sustainability adoption statement (appendix C) which summarises all of the consultation and shows how we have met the Regulations.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

Functions and Responsibilities

28. Under Part 3F of the Southwark Constitution, it is the function of Planning Committee to comment upon the adoption of local development framework documents (LDF's) and to make recommendations to Cabinet in relation to LDF documents such as the Core Strategy.
29. Under Part 3B of the Constitution, Cabinet has responsibility for formulating the Council's policy objectives and making recommendations to Council Assembly. More specifically, the function of approving preferred options of DPDs, which form part of the LDF, is reserved to Cabinet (Para 20, Part 3C).
30. The Core Strategy is now at the adoption stage. By virtue of Regulation 4(1), paragraph 3(d) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the 2000 Regulations") (as amended by the Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2005 - Regulation 2, paragraph 4) the approval of a DPD is a shared responsibility with Council Assembly and cannot be the sole responsibility of Cabinet.
31. Accordingly, members of Cabinet are requested to consider the content and recommendations of the binding Inspector's Report in respect of the adoption of the Core Strategy and accompanying documents, and recommend to Council Assembly that the Core Strategy be adopted together with the accompanying sustainability appraisal.
32. Under Part 3A, paragraph 9 the function of adopting development plan documents is reserved to Council Assembly. Accordingly, Council Assembly will upon recommendations from Planning Committee and Cabinet be requested to adopt the AAP with the Inspector's binding recommendations.
33. The recommendations of the Inspector are binding upon the Council. The Council must either (i) adopt the recommendations, thus the Core Strategy, in full as recommended by the Inspector or commence a process of consultation and production afresh.

Examination in Public

34. Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ('the Regulations') provides that a Core Strategy must be a development plan document ("DPD"). The Core Strategy is identified in the Council's revised Local Development Scheme, which was approved in May 2008.
35. As set out in the report, the Core Strategy was subject to an examination in public (EiP) by a planning inspector appointed by the Secretary of the State in July 2010.
36. The purpose of the independent examination is set out in section 20(5) of the 2004 Act. This is required to determine whether the submitted DPD has been prepared in accordance with certain statutory requirements under s19 & s24(1) of the 2004 Act and the associated regulations (*The Town and Country Planning (Local Development) (England) Regulations 2004; SI.2004 No. 2204*); and whether it is sound.
37. In making an assessment of soundness, the Core Strategy was examined against the requirements set out in Planning Policy Statement 12 (2008) – *Local Spatial Planning* (PPS 12) – namely as to whether it is justified, effective and consistent with national policy.
38. The Inspector concluded in his binding decision dated 28 January 2010 that the Core Strategy is considered to be sound subject to his recommended amendments set out in his report. Members' are advised that the Inspector findings are binding upon the council. Therefore, the Core Strategy must be adopted in a form which incorporates the Inspector's recommendations. If members were not minded to accept the Inspector's recommendations, the entire process would need to be re-commenced and fresh consultation undertaken.

Sustainability Appraisal

39. Section 19(5) of the Planning and Compulsory Purchase Act 2004 requires sustainability appraisal of the economic, social and environmental sustainability of plans in DPDs. Accordingly, a sustainability appraisal was prepared to ensure the wider impacts of the Core Strategy policies are addressed. The Sustainability Appraisal provides a sound evidence base for the plan and forms an integrated part of the plan preparation process. The iterative Sustainability appraisal in respect of the Core Strategy has informed the evaluation of reasonable alternatives namely promoting growth areas and housing growth. The Council has opted for a combined approach which the Inspector deemed "*justified and consistent with national policy*". It will also provide a means of proving to decision makers, and the public, that the plan is the most appropriate given reasonable alternatives.
40. The iterative Sustainability Appraisal has fully informed the preparation of the Core Strategy and is recommended for adoption by Members. The SA should be expressly adopted along with the Core Strategy and must have a separate adoption statement pursuant to Environmental Assessment of Plans and Programmes Regulations 2004 (16) (3) and (4) which summarises "*...how environmental considerations have been integrated into the plan or programme... the reasons for choosing the plan or programme as adopted, in light of other reasonable alternatives dealt with, and the measures decided concerning maintaining...*" (Article 9(1), SEA Directive)

Equalities

41. Positive equalities obligations are placed on local authorities, sometimes described as

equalities duties with regard to race, disability and gender.

42. Gender equality duties were introduced by the Equality Act 2006, which amended the Sex Discrimination Act 1975. The general duties in summary require local authorities to have due regard to the need to:
 - (a) “eliminate unlawful discrimination and harassment and;
 - (b) promote the equality of opportunity between men and women.”
43. Race equality duties were introduced by the Race Relations Amendment Act 2000 which amended the Race Relations Act 1976. The general duties in summary require local authorities to give due regard to the need to:
 - (a) “eliminate unlawful discrimination and harassment;
 - (b) promote the equality of opportunity; and
 - (c) promote good race relations between people of different racial groups”
44. Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995. The general duties in summary require local authorities to carry out their functions with due regard to the need to:
 - (a) “promote equal opportunities between disabled persons and other persons;
 - (b) eliminate discrimination that is unlawful under the Act;
 - (c) eliminate harassment of disabled persons that is related to their disabilities;
 - (d) promote a positive attitude towards disabled persons;
 - (e) encourage participation by disabled persons in public life; and
 - (f) take steps to take account of disabled person’s disabilities even where that involves treating disabled persons more favourably than other persons.”
45. Section 71 of the Race Relations Act 1976, section 49A(i) of the Disability Discrimination Act 1995 and section 76A of the Sex Discrimination Act 1975, require local authorities to act in accordance with the equalities duties and have due regard to these duties when we are carrying out our functions, which is particularly important in the context of the Core Strategy as it will be important to ensure and continue to monitor that it does foster the creation of mixed communities.
46. Throughout the production process of the Core Strategy from Issues and Options, Preferred Options to a publication / submission, the council has undertaken thorough iterative Equalities Impact Assessment (EqIA) involving the council’s Equality and Diversity Panel including assessment of borough’s demographics and the potential impacts of the plan on its diverse communities with particular regard to its equalities duties. The council’s EqIA processes extend beyond its current statutory equalities duties to incorporate religion/belief, sexual orientation and age. It is notable that the Inspector’s Report deemed the council’s iterative EqIA process to be “*adequate for the strategic vision contained in the CS*”.

General Conformity of the Core Strategy

47. Section 24(1)(b) of the Planning and Compulsory Purchase Act 2004 requires that local development documents (LDDs) issued by the Council, such as the Core Strategy, must be in general conformity with the spatial development strategy, namely the London Plan (consolidated with alterations since 2004). On submission of the final draft of the Core Strategy to the Secretary of State for independent examination, the Council sought the Mayor’s opinion in writing as to whether the Core Strategy was in general conformity (Reg 30, the Regulations). Following negotiation in relation to

certain matters relating to student housing and transport, the Council and the GLA reached common ground. Accordingly the Mayor and the Inspector following examination have both confirmed that the Core Strategy is in general conformity with the London Plan and its emerging draft replacement. The purpose of the independent examination is to ensure legal compliance with the legislative framework, including consultation and soundness of the Core Strategy (Section 20(5)(b) of the Act).

Soundness of the Core Strategy

48. Under the Planning and Compulsory Purchase Act 2004 S 20(5)(a) the Inspector has examined the Core Strategy on behalf of the Secretary of State to ensure that the plan complies with stature and is otherwise sound. Section 20(5)(b) of the Act requires the Inspector to determine whether the plan is 'sound' and:
- a. Has been prepared in accordance with the Local Development Scheme;
 - b. Is in compliance with the Statement of Community Involvement and the Regulations;
 - c. Has been subject to Sustainability Appraisal;
 - d. Has regard to and is consistent with national policy;
 - e. conforms generally to the London Plan;
 - f. Has regard to other relevant plans, policies and strategies such as other DPDs which have been adopted or are being produced by the Council;
 - g. Has been subject to an Appropriate Assessment pursuant to the Habitats Directive to ensure that the Core Strategy or any of its policies are not likely to have any significant discernible impacts on European protected species;
 - h. Has regard to any sustainable community strategy for its area; and
 - i. Has policies, strategies and objectives which are coherent, justified, consistent and effective.
49. Subject to his binding recommendations and amendments, the Inspector was satisfied that the Core Strategy is sound and complies with statutory requirements.

Human Rights Considerations

50. The decision to adopt the Core Strategy potentially engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. In the case of the Core Strategy, a number of rights may be engaged: -
- **The right to a fair trial (Article 6)** – giving rise to the need to ensure proper consultation and effective engagement of the public in the process;
 - **The right to respect for private and family life (Article 8)** – for instance the Core Strategy has opted for a combined growth areas and housing growth approach which impacts on housing provision, re-provision or potential loss of homes. Other considerations may include impacts on amenities or the quality of life of individuals;
 - **Article 1, Protocol 1 (Protection of Property)** – this right prohibits interference with individuals' right to peaceful enjoyment of existing and future property / homes. It could be engaged, for instance, if the delivery of any plan necessitates CPOs;
 - **Part II Protocol 1 Article 2 Right to Education** – this is an absolute right enshrining the rights of parents' to ensure that their children are not denied

suitable education. This is a relevant consideration in terms of strategies in the plan which impact on education provision.

51. It is important to note that few rights are absolute in the sense that they cannot be interfered with under any circumstances. 'Qualified' rights, including the Article 6, Article 8 and Protocol 1 rights, can be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by a local planning authority in the policy making process against potential interference with individual human rights. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions.
52. This approach has been endorsed by *Lough v First Secretary of State* [2004] 1 WLR 2557. The case emphasised that human rights considerations are material considerations in the planning arena which must be given proper consideration and weight. However, it is acceptable to strike a balance between the legitimate aims of making development plans for the benefit of the community as a whole against potential interference with some individual rights.
53. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions. The approach and balance between individual and community rights set out in the publication/submission is within justifiable margins of appreciation.
54. The council has undertaken robust public participation, iterative sustainability and equalities assessments throughout the production of the Core Strategy as well as engaging with the issue of human rights at each decision making process. Therefore the Core Strategy is not deemed to interfere with any human rights which may be engaged and strikes the appropriate balance between making strategic policies for its communities against any potential interference. In deciding upon the adoption of the Core Strategy, members are reminded to have regard to human rights considerations and strive to strike a fair balance between the legitimate aims of making development plans for the benefit of the community against potential interference with individual rights.

Adoption Process – Procedural Requirements

55. Members' are advised that should the Core Strategy be adopted by Council Assembly, following the recommendation of Cabinet, a number of statutory requirements will need to be complied with by the council. These requirements are set out in Regulations 35 and 36 Town and Country Planning (Local Development)(England) Regulations 2004 (as amended by the 2008 Regulations) and must be complied with as soon as reasonably practicable after the date of adoption.
56. In summary, Regulation 35 (1) requires that the Council complies with section 20(8) of the Planning and Compulsory Purchase Act 2004 to publish the Inspectors recommendations and reasons as follows :
 - (a) That the recommendations of the Inspectors report be deposited for the purposes of public inspection at the same venue that the pre-submission proposal documents were deposited;
 1. That Inspectors recommendations be published upon the council's web-site; and

2. That notification of publication be provided to those persons who requested to be notified of the recommendations publications.
57. Regulation 36 further provides that the council make available for inspection the following documents at the same place where the pre-submission documents were deposited:
- a) The Core Strategy;
 - b) An adoption statement, and
 - c) The sustainability appraisal report
 - d) Publish the adoption statement on the council's web-site;
 - e) Give notice by local advertisement of the adoption statement and details of where it can be inspected
 - f) Send the adoption statement to any person who has asked to be notified of the adoption of the Core Strategy; and
 - g) Send the Core Strategy and adoption statement to the Secretary of State.

Application to the High Court

58. The Core Strategy has been prepared in accordance with the relevant legislation and regulations. If adopted this final version will establish the strategic planning policy framework for Southwark. Under Section 113 of the 2004 Act, any party aggrieved by the adoption of the Core Strategy may make an application to the High Court within 6 weeks of the publication of the adoption statement. Such applications may only be made on limited grounds namely that: -
- a) The document is not within the appropriate power and / or
 - b) That a procedural requirement has not been complied with.
59. Officers believe this risk is minimal. The Core Strategy has been prepared in accordance with the relevant regulations and guidance, due process has been followed as endorsed by the Inspector's finding of soundness.

Saved UDP Policies

60. If this Core Strategy is not adopted planning applications in the council's area will continue to be assessed against saved policies of the Unitary Development Plan, namely the Southwark Plan 2007 and such other DPDs and AAPs as have been adopted by the Council, for example the Aylesbury AAP.

Departmental Finance Manager

61. This report asks Cabinet to consider and adopt the binding report of the planning inspector on the core strategy and agree the draft affordable supplementary planning document.
62. Although there are no financial implications directly attributable to this report, any costs arising from the implementation of this report should be reported for approval by the Cabinet

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Statement of Community Involvement 2008	Planning Policy Team	Sandra Warren 020 7525 5380
Southwark Plan 2007	Planning Policy Team	Sandra Warren 020 7525 5380
Core Strategy Issues and Options 2008	Planning Policy Team	Sandra Warren 020 7525 5380
Core Strategy Preferred Option 2009	Planning Policy Team	Sandra Warren 020 7525 5380
Core strategy Publications/Submission 2009	Planning Policy Team	Sandra Warren 020 7525 5380

APPENDICES

No.	Title
Appendix A	Core strategy final version and proposals map changes (available on the internet and circulated separately to members)
Appendix B	Inspector's report on the Core Strategy (available in the members offices and on the internet)
Appendix C	Sustainability adoption statement (available in the members offices and on the internet)
Appendix D	Core strategy publication/submission version consultation report (available in the members offices and on the internet)
Appendix E	Core strategy publication/submission version sustainability appraisal (available in the members offices and on the internet)
Appendix F	Core Strategy publication/submission version equalities impact assessment (available in the members offices and on the internet)
Appendix G	Core Strategy publication/ submission version appropriate assessment (available in the members offices and on the internet)
Appendix H	Planning Committee comments – to be inserted

AUDIT TRAIL

Cabinet Member	Councillor Fiona Colley, Cabinet Member for Regeneration and Corporate Strategy	
Lead Officer	Eleanor Kelly, Deputy Chief Executive	
Report Author	Julie Seymour, Head of Planning Policy	
Version	Final	
Dated	9 March 2011	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Departmental Finance Manager	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Support Services	9 March 2011	