

<b>Item No.</b> 18.	<b>Classification:</b> Open	<b>Date:</b> 22 October 2013	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Publication/Submission Draft Canada Water Area Action Plan (AAP)	
<b>Ward(s) or groups affected:</b>		Surrey Docks, Rotherhithe, Livesey	
<b>Cabinet Member:</b>		Councillor Fiona Colley, Regeneration and Corporate Strategy	

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

This report seeks cabinet approval to recommend the revisions to the Canada Water Area Action Plan to Council Assembly. The revised plan, if agreed, would then be subject to an examination in public before adoption next year.

The principal reason for the revisions to the Area Action Plan is the relocation of the Daily Mail Group print works from Harmsworth Quays, making a very substantial area of land available for redevelopment. Our vision is to prioritise non-residential uses on the site, in particular education uses including the opportunity for a new campus for Kings College London. This vision was strongly supported in the consultation on the proposals.

Southwark Council owns the freehold of the Harmsworth Quays site and so, alongside the changes to the AAP, officers in the regeneration team are working closely with Kings College and British Land (who have acquired the Daily Mail Group's lease on the site). We hope to come back to cabinet within the next few months to agree a process for developing a masterplan for the area which meets the vision as set out in the AAP revisions.

## **RECOMMENDATIONS**

That cabinet recommends that Council Assembly:

- 1 Considers the publication/submission draft Canada Water area action plan (Appendix A), proposed changes to the adopted policies map (Appendix B), the sustainability appraisal (Appendix C), the equalities analysis (Appendix D), the consultation plan (Appendix E), the consultation report (Appendix F) and the Appropriate Assessment (Appendix G).
- 2 Agrees the publication/submission draft Canada Water area action plan for publication and submission to the Secretary of State provided no substantive changes are necessary following consultation, and
- 3 Delegates the approval of any minor non-substantive amendments resulting from its meeting or consultation on the publication/submission draft Canada Water area action plan to the director of planning in consultation with the cabinet member for regeneration and corporate strategy prior to its submission to the Secretary of State.

## BACKGROUND INFORMATION

- 4 In March 2012 the council adopted the Canada Water area action plan (AAP). The purpose of the AAP is to help shape the regeneration of Canada Water. Like the Core Strategy (2011) it is a spatial plan which provides a vision, objectives and policies designed to help manage development and growth at Canada Water. It is a development plan and alongside the Core Strategy and saved Southwark Plan policies, it is used as the basis for determining planning applications in the area. As part of the development plan, the AAP must be consistent with the Core Strategy and in general conformity with the London Plan (2011).
- 5 Work on the AAP commenced in 2007 and its adoption followed four rounds of public consultation, as well as an examination-in-public (EIP) in which members of the public, developers and other stakeholders were able to set out their views to an independent planning inspector. The inspector found the AAP to be “sound”, subject to a number of amendments.
- 6 In August 2011, the Daily Mail which occupies the Harmsworth Quays printworks confirmed that it would be relocating its printing operations to a site in Essex. Because the Daily Mail had previously indicated that it would be staying at Harmsworth Quays, the adopted AAP is predicated on the printworks remaining in situ. However, the availability of Harmsworth Quays generates a number of opportunities. It is a strategic site in the core of the action area and its availability opens a significant opportunity for redevelopment. It also helps unlock development opportunities on adjacent sites, particularly the Surrey Quays Leisure Park, Site E on Surrey Quays Road and the Mulberry Business Park. At the EIP the council committed to undertaking a review of the AAP to put in place policy to guide a redevelopment of Harmsworth Quays and the adjacent sites. The inspector agreed with the council that any review of the AAP could take place within the scope of the vision and objectives set out in the adopted AAP. However, amendments to the plan should address the land uses and quantum of development, the infrastructure required to support additional development, pedestrian and cycle connectivity and urban design, including the building heights strategy.
- 7 The review of the AAP is being carried out in several stages, comprising of the following:
  - i. Stage 1 - consultation on a sustainability appraisal scoping report carried out over five weeks from 31 October 2012;
  - ii. Stage 2 - informal consultation on the revisions to the AAP which took place over quarter three and quarter four 2012/13;
  - iii. Stage 3 - consultation on a draft revised Canada Water AAP
  - iv. Stage 4 – consideration of comments on the draft CWAAP and preparation of the final revised plan for publication in the autumn
  - v. Stage 5 (the current stage) – Invitation of representations on the final plan and subsequent submission to the Secretary of State for an examination-in-public
  - vi. Stage 6 - Adoption of the final revised CWAAP as part of Southwark’s local plan in late 2014.
- 8 The council is currently at stage v. in this process. Consultation on the draft revised AAP took place between May and July 2013 and all the comments made

on this document have now been assessed. Subject to the agreement of council assembly, the publication/submission draft Canada Water AAP will be published for public consultation and subsequently submitted to the Secretary of State for an examination-in-public held by an independent planning inspector. It is expected that the latter would take place in summer 2014 with adoption by the end of the year.

- 9 The publication/submission draft Canada Water AAP has been subject to a sustainability appraisal (SA) (Appendix C), an equalities analysis (Appendix D) and an appropriate assessment to screen any impacts on EU protected wildlife habitats (Appendix G). It is also accompanied by detailed OS based maps showing changes to be made to Southwark's adopted policies map (Appendix B).

## **Consultation**

- 10 Consultation on the Canada Water AAP has been carried out in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (amended 2008) and the council's Statement of Community Involvement (SCI). The council consulted extensively in preparing the adopted Canada Water AAP. Formal consultation was undertaken on an issues and options report, a preferred options report, the publication AAP and further alterations to the publication AAP.
- 11 Because a significant amount of consultation has already taken place and because the vision and objectives of the AAP are already established, the council did not consider it necessary to reconsult on an issues and options report in revising the AAP. Instead, the council carried out informal consultation which informed the draft revised AAP. A public consultation event was held in November 2012 in Alfred Salter primary school which aimed to provide a forum in which the public and other stakeholders could have their say on the future of Harmsworth Quays and the adjacent sites. In addition to this event, letters were sent to all the TRAs in the area, inviting people to submit their views on the future of Harmsworth Quays and indicating that officers would be happy to attend meetings to discuss, if requested.
- 12 The council consulted on the draft revised Canada Water area action plan over a period of 12 weeks from 7 May until 30 July 2013, including a formal period of consultation of 6 weeks ending on 30 July.
- 13 The plan was published on the council's website and made available at Canada Water library and at the Abbeyfield Road housing services office. An advert publicising the AAP was put in the press, the council sent written notification to around 1000 contactees on the Planning Policy mailing list and a flyer advertising the AAP was sent to every address in the AAP area. Officers gave presentations on the AAP at Bermondsey and Rotherhithe community council, the area housing forum and at the Canada Water consultative forum. Exhibitions were held at Canada Water library and Surrey Quays shopping centre and 6 drop-in sessions were arranged on different days and times at these venues. In addition, officers had a stall with the exhibition and activities at Bermondsey Carnival and Rotherhithe Festival.
- 14 In all 70 responses were received from a range of individuals, landowners, developers and other stakeholders. These included 46 responses to a questionnaire. These responses have been broken down into 340 individual comments on the AAP. The comments made and questionnaire responses are summarised below.

## Questionnaire responses (46 respondents)

Question	Agree (%)	Disagree (%)	Unsure/not filled in (%)
Do you agree that we should we should prioritise non-residential uses on Harmsworth Quays and the adjacent sites?	78	9	13
Do you agree that the design and layout of Harmsworth Quays should make it easy for pedestrians and cyclists to move around?	89	2	9
Do you agree with the changes to leisure facilities and schools in the AAP?	61	24	15
Do you agree that we should use some tall buildings to help create more public space and make developments easy to walk and cycle around?	50	46	4
Do you agree with our proposals to protect additional open spaces?	85	2	13

## Summary of comments made

### Local residents/amenity groups

- The proposed site allocation for Harmsworth Quays and the adjacent sites which seeks to maximise the amount of non-residential space was supported. In particular there was support for more cafes and restaurants, a new university campus and more accommodation which provides space for local businesses and which generates jobs.
- There was support for promoting walking and cycling and extending the cycle hire scheme to Canada Water. Some respondents considered that improvements could be made to cycle facilities, including segregated routes and more clearly signposted routes. There was support for continuing the strategy to simplify the Lower Road gyratory, although some respondents considered it to be unnecessary.
- There was support for the proposed protection of open spaces. Some respondents considered that more open space is needed. An additional space adjacent to the St Olavs City Business Park should be protected.
- Housing policies: A number of respondents stated that more social housing is required.
- Some respondents stated that more community facilities are needed, including facilities for children and young people, health facilities and space for churches.
- The strategic cultural area should be extended to the south to cover the Scandinavian churches on Albion Street.
- Views on the changes to the tall buildings policy were mixed (as suggested by the questionnaire responses). Some respondents supported them and others considered them inappropriate. Many responses emphasised that the tall buildings need to be of the highest quality and should not create overshadowing. Those respondents who objected to tall buildings did so on many grounds, including impacts on wildlife, local character, water bodies including the Canada Water basin and Albion channel, views and overshadowing; loss of light; density;

lack of community; false choice between tall buildings and public space; and the policy should be more prescriptive.

- There were mixed views on leisure facilities. Some considered that 7 Islands should be refurbished urgently and others considered it to be in the wrong place and not capable of providing modern leisure facilities and therefore a new site should be found.
- Schools: Irrespective of the proposal for a new school in Bermondsey, some respondents considered that the council should continue to press for a new school in Rotherhithe. There were a number of objections to the Bermondsey proposal on the grounds that people did not support the principle of free schools.

### **Developers/landowners**

- The promotion of a business cluster in the core area on the sites identified is supported.
- It is unhelpful to refer to a specific quantum of development on Harmsworth Quays as proposals should be assessed on a case by case basis.
- Residential use should be a “required” use on Harmsworth Quays and not just an “acceptable” use. As a minimum residential uses should be seen as being equally important in both place making terms and in ensuring that the AAP vision is deliverable.
- King’s College’s masterplan includes sports facilities and King’s would intend to deliver these in association with a wider campus development. It is envisaged that these facilities would also be available for public use and therefore this aspect should be considered as part of the council’s long term options and strategy for the area.
- The AAP should not make it a requirement that proposals for large student housing schemes should also provide other university campus facilities.
- The council should set out the limit of the number of student homes it would consider acceptable.
- The town centre boundary should be redrawn to include the entirety of Harmsworth Quays, Mulberry Business Park and the Surrey Quays Leisure Park.
- The proposed changes to policy 17, Building heights, are supported; tall buildings should be allowed both in the town centre and outside where there is justification; here is no justification for a change of approach on the shopping centre site; the plan should state that a tall building will be allowed on the Surrey Quays Leisure Park site.
- The wording of the affordable housing policy should place stronger emphasis on the need to ensure the viability and deliverability of development.
- The allocation for the old Surrey Docks stadium should be updated to reflect Fairview’s proposal to refurbish the sports facilities at the nearby St Pauls Sports Ground and convert the MOL land on Salter Road into a park. The residential capacity estimate should be changed back to 100 homes.

### **Surrey Docks ward councillors**

- On page 39 there is a reference to closing the southern end of Surrey Quays Road at its junction with Redriff Road. What is the reasoning behind this?
- Additional tall buildings beyond Ontario Point and a 10-15 storey building on the shopping centre were never envisaged. What is the rationale behind the change to the building heights policy?
- In para. 4.5.28 the reference to considering more detailed proposals for St Paul’s Field has gone. Whilst there is no suggestion in the document that it would remain anything other than open land, a more detailed proposal could have been

included to aid future implementation.

- The suggestion that the Compass school will solve all the present and future local secondary school provision shortfall appears very complacent and references to possibly expanding other secondary school places does not provide a solution.
- The timescale for the implementation of improvements to Lower Road (2016-2020) is unacceptable. The right turn into Surrey Quays can be separated from the project and implemented independently.
- Para 4.7.21 is very woolly on providing increased NHS facilities and when they would be provided. The proposal seems predicated on getting more housing into the area first, which does not make sense.
- Unless King's College are going to provide a new leisure centre, the idea of a refurbishment which extends the life of 7 Islands by up to 10 years should be dropped and a proper job done. There is not going to be another site in the town centre.

## **GLA**

- Policy 22 of the AAP should explicitly identify affordable rent as a type of affordable housing. As currently proposed, the AAP would not be in general conformity with the London Plan.
- The Mayor welcomes the council's new tall building strategy and its approach to building heights in the core area; the amended Policy 26 on 'Schools' is supported as well as the identification of a new primary school site (para 4.7.7a); the proposed amendment to the town centre boundary to include Harmsworth Quays and Site E and to enable the town centre to expand to the east is welcomed.

## **Transport for London**

- TfL considers that the document is in general conformity with the transport policies of the London Plan.

## **English Heritage**

- Further clarification should be given on what constitutes a special building (Policy 17: Building heights). There could be greater clarity in respect of the Canada Water basin and public spaces around it. It would be useful to see the underlying evidence that supports this suggested change in focus for tall buildings in this location.

## **Environment Agency**

- No objections.

## **Sport England**

- Sport England objects to the proposed loss of sports facilities and car parking ancillary to the Surrey Docks Stadium and recommends that this site is removed from the schedule of proposals sites.

## **Port of London Authority**

- There is no target or indicator in the document for monitoring river transport

usage and the document needs to be updated to reflect the target in the River Action Plan to increase passenger journeys on the River Thames to 12 million a year by 2020 and maximise its potential for river travel

### **Thames Water**

- No objections.
- 15 The consultation report (Appendix F) provides a detailed analysis of the consultation undertaken on the draft revised Canada Water AAP. Council officers have reviewed all the representations made and made an individual response to each (see the consultation report). The comments made have been taken into account in preparing the publication/submission draft Canada Water AAP.
  - 16 The council will invite the public and other stakeholders to make representations on the publication/submission draft Canada Water AAP in accordance Regulation 19 and the council's statement of community involvement. Subject to the approval of council assembly, the publication/submission draft will be published for a period of 6 weeks between 3 December 2013 and 14 January 2014. The publication/submission draft will be made available on the website, in local libraries and council offices. An advertisement will be put into the press and the council will write to contacts on the Planning Policy database to advise of the consultation. A plan for publicising the publication/submission draft is included in appendix E.

### **KEY ISSUES FOR CONSIDERATION**

- 17 The availability for Harmsworth Quays for development generates a number of opportunities both on that site and on the adjacent sites. These opportunities relate to land uses, supporting infrastructure, pedestrian and cycle connectivity and urban design.
- 18 Land uses: The AAP vision seeks to consolidate Canada Water as a major town centre in the borough's town centre hierarchy through intensification of town centre uses, such as shops, offices, cafes, restaurants, civic and leisure uses. The availability of Harmsworth Quays for development would enable the town centre to expand to the eastern side of Surrey Quays Road. Because of the need to ensure that development across Harmsworth Quays, Site E, Mulberry Business Park and Surrey Quays Leisure Park is coordinated to achieve the right combination of land uses, a network of routes and a coherent urban design, we have drawn these sites together into a single land use allocation, proposals site CW AAP 24 in appendix 5 of the AAP.
- 19 Site allocation CW AAP 24 requires development proposals to maximise employment generation and the contribution to the regeneration of the town centre. A range of criteria would be used to assess this policy, including demand for space and financial viability. Non-residential uses could include retail, business space, leisure facilities (including the retention of the existing leisure space on the Surrey Quays Leisure Park) and education, including higher education. King's College London, which currently has an option to acquire Mulberry Business Park and recently received a resolution to grant planning consent, is exploring options to expand its portfolio to meet its need for a range of spaces which include teaching and research space, offices and supporting infrastructure. New academic and research facilities could make a strong contribution to the mix of activities in the town centre. Such facilities would

generate jobs, strengthen the day-time economy and support other town centre uses such as shops and offices. Relocating a faculty or providing a significant amount of academic space could also help boost the town centre's profile.

- 20 CW AAP 24 and its promotion of non-residential uses was broadly supported during consultation. There was particularly strong support for provision of more cafes and restaurants and developments which brings jobs. In the light of the support for non-residential space and the benefits of diversifying the economic base of the town centre, officers are recommending a minor change to the AAP vision which articulates this support.
- 21 Residential homes and student homes will be appropriate uses on site CW AAP 24, providing that the maximum employment generation is secured. The council received an objection stating that residential use should be a required use on the site. However, officers consider that position taken in the draft revised AAP is justifiable in the light of the AAP vision which seeks to consolidate Canada Water as a town centre.
- 22 Few changes were proposed to the housing policies in the adopted AAP because these largely rely on and must be consistent with the Core Strategy policies. However, the GLA has stated that the failure to update the AAP policy to explicitly acknowledge affordable rent would undermine the strategy in the London Plan and is therefore not in general conformity. Following the recent examination-in-public into the Peckham and Nunhead AAP, the inspector has recommended that the council delete references to the split between social rented homes and intermediate homes. The council is now recommending a similar course of action with regard to the Canada Water AAP. It is important to note that the affordable housing policies in the Core Strategy would continue to apply at Canada Water i.e. the council would continue to seek 35% affordable housing in new developments and a 70%/30% split between social rented and intermediate provision. The issue of affordable rent would be considered at a borough-wide level, through the review of the local plan. This is considered to be a more appropriate way of addressing the issue than through ad-hoc amendments to area-based planning documents such as AAPs. In the meantime, the council's policy position on affordable housing at Canada Water is not weakened.
- 23 Student homes can contribute to widening the mix and choice of homes in the area. However, the AAP states that the appropriate level of student housing will depend on the accompanying mix of uses. This is emphasized in CW AAP 24 and policy 29a on higher education and student housing. The council received an objection stating that the link between student accommodation and other on-site university facilities is not needed; developments for student accommodation should be acceptable, irrespective of size provided that they have a satisfactory management plan and have convenient access to campus facilities elsewhere. However, officers do not consider that the principle expressed in the policy should be altered. Provision of a large student housing development on its own would not bring the range of regeneration benefits that would be generated by provision of teaching space and other facilities and would not deliver the council's aspiration to maximise non-residential use.
- 24 Supporting infrastructure: The adopted AAP recognises that improvements to the surface transport network are required in order to accommodate growth at Canada Water. The AAP provides a strategy to reintroduce two way traffic movement on Lower Road as part a wider set of improvements to the Lower



Road gyratory. With regard to timing, 2016-2020 is the timescale set out in the adopted AAP and was based broadly on when the council expects development to occur and trigger the need to carry out improvements and when sufficient funding may be available. The council and TfL are currently undertaking a more detailed feasibility study for this project which is due to report in the autumn. This study is looking at a number of options, including delivery in 2015 in order to meet TfL's deadline for the implementation of the cycle superhighway on Lower Road.

- 25 With regard to schools, in policy 26 the AAP notes that the council will keep the need to expand existing primary schools under review. There may also be the potential to accommodate new primary schools, including on Harmsworth Quays, depending on the quantum of non-residential uses provided on that site. Anticipated demand for secondary school places would be met by provision of a new school in Bermondsey, approved to open in September 2013 and exploring the possibility of expanding existing secondary schools.
- 26 Funding for improvements to the Seven Islands Leisure Centre is committed in the council's capital programme for the years 2014/2015 and 2015/2016. The revised AAP policy 12 suggests that this could be used to extend the life of the Seven Islands by up to 10 years. In the long term however, there is an opportunity to provide a new leisure centre in the town centre. The representations contained a mix of view of leisure facilities: some stated that refurbishment should be carried out as a matter of urgency and others considered that a new site should be found. King's College has proposed a new leisure centre as part of their proposals for a new campus and the council is keen to explore this further with King's College and British Land.
- 27 The area around St Mary's Rotherhithe has a number of arts, culture and tourism uses including, St Mary's Church itself, the Brunel Museum, the Mayflower Inn and Sands Film Studios is designated as a strategic cultural area (SCA). The council received a representation suggesting that the SCA be extended to the south to include St Olav's church and the Finnish church, both of which are important centres for the Scandinavian community in London. The current boundary was designated during the preparation of the Southwark Plan following a recommendation by the Southwark Plan (2007) Inspector. The SCA includes the concentration of cultural and tourism uses around St Mary's Church. The two churches on Albion Street are relatively isolated from the SCA and there are a lot of residential streets between the SCA and Albion Street. On balance it is not considered that there is justification to extend the boundary.
- 28 Pedestrian and cycle connectivity: A key aspiration of the AAP is to ensure that the town centre is well connected to the rest of Rotherhithe through a network of pedestrian and cycle routes. The new site allocation for Harmsworth Quays and the adjacent sites provides indicative routes.
- 29 Urban design: The site allocation for Harmsworth Quays emphasises the desirability of creating a network of streets and spaces that have a town centre and urban feel and which are not dominated by cars. At the EIP, the council recognised that the tall building strategy should be reviewed and the inspector concurred with this in his recommendation. The revised AAP maintains the guidance in the adopted AAP that building heights in the core area should generally be between 4 and 8 storeys. While these general heights should be maintained, officers recommend that the approach to tall buildings be revised.

- 30 The availability of Harmsworth Quays for development, the scope expand the centre eastwards and bring in new land uses, such as business and higher education, provide an opportunity to rethink the approach to town centre development. Currently the footprint of the existing large sheds in the centre make it difficult to move around the area. With the exception of the plaza outside the library the public realm is uninspiring and offers little to residents, visitors or shoppers. A key advantage of tall buildings is that they can utilise much smaller footprints, enabling the creation of more public realm and making it easier for pedestrians to move around. The design policies in the AAP have been revised to make provision of new public realm a crucial element of new development.
- 31 The key to a vibrant and successful town centre is a range of shops, leisure opportunities and businesses which create a destination. Tall buildings can provide a range of uses to help animate the base of the building and contribute to the vibrancy of the centre. They are an important source of capacity and will help deliver the range of non-residential uses which are sought by the AAP vision.
- 32 Policy 17 in the revised AAP states that buildings will be appropriate in important locations in the town centre, where they reinforce the character and function of the centre. In particular, they will help to define the importance of the Canada Water basin and surrounding public spaces as the focal point within the town centre. The policy requires tall buildings which are significantly higher than existing tall buildings in the area (20-25 storeys) to make an exceptional contribution to the regeneration of the area and where feasible, contain a facility accessible to the public which takes advantage of spectacular views from upper floors.
- 33 The summary of consultation responses above suggests that views on the potential for tall buildings are mixed. Those representations which supported provision of tall buildings in principle emphasised the need for high quality of design and careful analysis to ensure that impacts on wind and overshadowing are avoided. Officers consider that the criteria which are proposed in policy 17 are robust and should serve to secure well designed buildings and an attractive and comfortable public realm. English Heritage suggested that the concept of “special buildings” should be more clearly defined and amendments are proposed to the publication/submission draft in this respect.
- 34 Since adopting the AAP in March 2012, the council has also adopted its Open Space Strategy (2013). This recommended that three additional spaces be protected as “other open space”: Cumberland Wharf, Neptune Street Park and Surrey Docks Adventure Playground. In addition to this, it is also proposed that the former nursery is designated as metropolitan open land. Together with Southwark Park, the former nursery is part of a clearly distinguishable break in the built environment which would justify extending the MOL designation over the site. Protection of these spaces was broadly supported during consultation. During consultation, protection of an additional space (the space between St Olav’s Court and Blick House on Lower Road) was also suggested. However, officers consider that it is late in the AAP revision process to introduce a new designation which has not been the subject of any consultation. There will be opportunities to review the site in the future, including through the New Southwark Plan.
- 35 Sport England have recommended that the site allocation for the former Surrey docks stadium be deleted. However, this allocation was included in the adopted AAP and has already been subject to an examination-in-public. The site has

been acquired by Fairview New Homes who plan to compensate for the loss of the existing sports pitch by refurbishing the St Paul's playing field, enabling future use by Fisher Athletic and other users.

- 36 In his report on the adopted AAP, the inspector noted the lack of allotments and food growing spaces in the area. The adopted open spaces policy has been amended to state that new development will be expected to provide opportunities for food growing. It is not envisaged that a significant new open space would be provided on Harmsworth Quays, given the proximity of Russia Dock Woodland and Southwark Park. However, some provision would be made to provide play facilities, informal recreation, food growing, etc. The guidance states that a green link connecting Canada Water basin and Russia Dock Woodland should be incorporated.
- 37 Factual updates: A number of minor amendments have also been made to the adopted AAP to reflect factual changes, changes in policy (eg. the fact that CIL can be used to fund infrastructure required to support growth, rather than s106 planning obligations) and progress in developments which have been completed, are under construction or are the subject of new planning applications.
- 38 Subject to the approval of council assembly, the council will invite representations on the publication/submission draft Canada Water AAP over a 6 week period. The council will consider all representations made and if appropriate suggest minor changes to the AAP to address these. It is anticipated that the AAP would then be submitted to the Planning Inspectorate for an examination in public.

### **Community impact statement**

#### **Equalities analysis**

- 39 In preparing the adopted AAP (2012), the council completed equalities impact assessment (EqIA) report. This highlighted the AAP would have a number of beneficial impacts for all members of the community, including new job opportunities, more homes, improved community facilities and more opportunities for walking, cycling and using public transport. The EqIA has been updated to reflect the policies in the publication/submission draft AAP. Site allocation CW AAP 24 would have a broadly positive impact on people with protected characteristics as it would encourage new uses on the site which would provide jobs and increase the activity in the town centre as well as providing opportunities for new public spaces and routes through the area which would make it more accessible to all. It also has the potential to provide more new homes, potentially including some student homes.

#### **Sustainability appraisal**

- 40 The adopted Canada Water AAP was accompanied by a detailed sustainability appraisal that informed the development of the final strategy and policies. The AAP had an overall positive impact on all the sustainability indicators, although some issues were identified around the possibility of new development increasing the risk of climate change, waste and flooding. The SA has been updated to take the changes to the AAP (including changes in the publication/submission draft) into account and assess their impact. Overall, the preferred option for CW AAP 24 and the other policies which have been changed as a result of this site coming forward for redevelopment, have a positive effect

on the sustainability indicators. In particular, SDO 1. To tackle poverty and encourage wealth creation and SDO 5 To promote social inclusion, equality, diversity and community cohesion scored very well overall. This is due to the positive impacts of providing more new homes, attracting new business and investment which will increase the number of jobs in the area as well as providing an improved landscape and townscape. The sustainability of the plan is strengthened in the publication/submission version by the addition of a policy which explicitly states that there is a presumption in favour of sustainable development.

### **Financial implications**

- 41 There are no immediate financial implications arising from consultation on the publication/submission draft Canada Water AAP and submission to the Planning Inspectorate.
- 42 Any potential additional costs from any specific proposals emerging from the preparation and adoption of the plan or any queries thereof will be submitted as separate reports for consideration in line with the appropriate protocols.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Legal Services (RMK)**

- 43 The recommendation of the report requests that cabinet provide recommendations for Council Assembly to both consider the publication/submission of the draft CWAAP, proposed changes to the Adopted Policies Map, the Sustainability Appraisal, the Equalities Analysis, the Consultation Plan, the Consultation Report and the appropriate Assessment set out at (Appendices A - G), agree the publication/submission of draft CWAAP to the Secretary of State, subject to the necessity of any substantive changes following consultation, and delegate the approval of any minor non-substantive amendments resulting from the respective consultation to the director of planning, in consultation with the cabinet member for regeneration and corporate strategy, prior to its submission to the Planning Inspectorate.
- 44 The draft revised CWAAP will comprise several stages of consultation, identified as Stages 1-6 at paragraph 7 of the report. Paragraph 7 advises that the draft CWAAP is currently at the publication and submission stage of the development plan process, headed 'Stage 5'. Subject to the approval of both, the recommendation to cabinet and approval of Council Assembly to the recommendations, the draft revised CWAAP will be consulted upon prior to its submission to the Secretary of State. As the CWAAP is a Development Plan Document the proposed draft revisions to the CWAAP will be subject to Independent Examination (EiP) by an Inspector appointed by the Secretary of State, pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the Act') and the requirements of the Town and Country Planning (Local Planning)(England) Regulations 2012 ('the Regulations'). This will take place following the closure of proposed round of consultation and review of any further representations received in response to the consultation. cabinet is advised that it is expected that the revised draft CWAAP will be adopted as part of the Southwark Local Plan in 2014 (Stage 6).
- 45 The report confirms that the council consulted extensively upon on the adopted AAP, including formal consultation on an Issues and Options report, a Preferred

Options report, the Publication AAP and further alterations to the publication AAP. Further, consultation on the draft revised AAP took place between May and July 2013. All the representations received in response have been fully assessed and taken into account by the council in preparing the publication/submission draft (Appendix F). Due to the extent of the consultation previously undertaken upon the Issues and Options as part of the adopted AAP the council did not consider it necessary to re-consult on this issue as part of the revised draft AAP.

- 46 Cabinet will note that this stage of consultation is a statutory requirement and has been carried out in accordance with the requirements of the Act and Regulations. Regulation 18 sets out the criteria for the preparation of a local plan and provides that a local planning authority must notify specific consultation bodies, that have an interest in the subject of a local plan, and such general consultation bodies and members of the public as the Local Planning Authority consider appropriate. The Regulation further provides that the Local Planning Authority should invite such consultees to make representations about what the respective local plan should contain. In preparing the local plan the Local Planning Authority has a statutory duty to take into account any representation made to them in this respect. The council has satisfied this requirement
- 47 Regulation 19 sets out the criteria for the publication of a local plan. It provides that prior to submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1). Subject to cabinet's agreement to make the recommendations sought by the report, to Council Assembly, and Council Assembly's subsequent approval, the council will invite the public and other stakeholders to make representations on the publication/submission draft in accordance with Regulation 19 and the council's Statement of Community Involvement for a period of 6 weeks. Following this consultation period, and the making of any necessary non-material amendments by the director of planning, the draft plan will be submitted to the Secretary of State for an Examination in Public (EiP).
- 48 The approval of a Development Framework Document for consultation is delegated to the cabinet member for regeneration and corporate strategy who may take Individual Executive Member decisions ("IDM") for her area of responsibility. However, the cabinet Member has the option of taking the decision herself or to refer it the cabinet for decision. The cabinet member for regeneration and corporate strategy has exercised the option to refer the recommendations to the full cabinet for a decision and cabinet is requested to approve the recommendations for Council Assembly approval.
- 49 Paragraph 10, Part 3A: Council Assembly of the Southwark Constitution 2012/13 reserves the agreeing the policy framework including Development Plan Documents (which form part of the development plan framework) to Council Assembly. The report requests that cabinet provide recommendations to Council Assembly to agree the publication/submission of the draft CWAAP to the Planning Inspectorate, provided that no substantive consequential changes are

required following the receipt of the consultation responses in accordance with Regulation 22. The Secretary of State will then undertake an Examination In Public ('EiP') into the plan.

50 The purpose of the independent examination is set out in section 20(5) of the Act. This is required to determine whether the submitted DPD is sound and has been prepared in accordance with:

- Certain statutory requirements under s19 (as to preparation) & s24(1) (as to conformity with regional / London Plan policies) of the 2004 Act and
- The associated Regulations (*The Town and Country Planning (Local Development) (England) Regulations 2004; SI.2004 No. 2204*);

51 As advised at paragraph 4 of the report, the AAP was adopted by Council Assembly on 28 March 2012 to shape the regeneration of Canada Water and the surrounding area. The AAP focuses on implementation of planning policy, by providing an important mechanism for safeguarding development of an appropriate scale, mix and quality for the Canada Water area. This followed an ("EiP"), conducted by an Inspector appointed by the Secretary of State, who found the plan to be 'sound'. During the plan making process the Harmsworth Quays Print Works ("CWAAP12"), a strategic site within the core of the Action Area, announced its proposal to vacate and relocate its business from its current location. In view of the advanced stage that the AAP had reached at this juncture, the CWAAP was submitted for EiP and subsequently adopted without the addressing the implications that this would have in planning policy terms for the area.

52 The Inspector acknowledgement of the advanced stage of the plan and the fact that the fundamental vision and objectives of the plan were unlikely to be altered by the intended vacation of the site. He therefore held that any future review of the AAP, to deal with this site, could take place within the scope of the vision and objectives set out in the adopted AAP. The Inspector further held, that amendments to the plan should address the land uses and quantum of development, the infrastructure required to support additional development, pedestrian and cycle connectivity and urban design, including the building heights strategy.

53 In response to this, the council has prepared a draft revised CWAAP to address the site allocation for the Harmsworth Quays Print Works site, parts of the CWAAP that are affected by the site becoming vacant have also been revised and updated. These amendments seek to address the land uses, quantum of development, the infrastructure required to support development, pedestrian and cycle connectivity, urban design, including a building heights strategy for the new proposal site CWAAP24. As part of this process, the publication/submission draft revised CWAAP has been subject to a Sustainability Appraisal (Appendix C), the Equalities Analysis (Appendix D), and Appropriate Assessment to screen any impacts on EU protected wildlife (Appendix G).

54 In preparing the final draft revised CWAAP the council must have regard to:

- a) National Policies and Guidance.
- b) The London Plan.
- c) The Community Strategy.
- d) Any other DPDs adopted by the council.

- e) The resources likely to be available in implementing the proposals in the draft revised CWAAP.

### **General Conformity**

- 55 Section 24(1)(b) of the Act requires that Local Development Documents (“LDDs”) issued by the council, such as the CWAAP, 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 revised CWAAP to the Secretary of State for independent examination, the council will be required to simultaneously seek the Mayor’s opinion in writing as to whether the final draft revised CWAAP is in general conformity (Regulation 30). The purpose of the independent examination is to ensure legal compliance with the legislative framework, including consultation and soundness of the AAP (Section 20(5)(b) of the Act). General conformity must be determined as a matter of law and policy practice.
- 56 Paragraph 22 of the report advises that the Greater London Assembly have advised that the council’s failure to update the draft revised CWAAP to explicitly acknowledge the tenure of affordable rent would undermine the strategy set out in the London Plan and is therefore not in general conformity. The council recently received a decision from the Secretary of State in regards to the EiP into the Peckham and Nunhead AAP, which also dealt with this particular issue. The Inspector has suggested that the council should not seek to define any particular tenures of affordable housing as part of its policy requirement to provide 35% affordable housing in new developments. The council will now be seeking to adopt a similar approach in regards to the draft CWAAP. The council will be addressing the issue of Affordable Rent tenures at a borough-wide level, through the review of the Local Plan, and it’s therefore considered that the provision of affordable housing at Canada Water is not jeopardised by this issue.
- 57 Cabinet is advised that general conformity is not a defined term anywhere within the legislative framework. However, the Court of Appeal decision of *Persimmon Homes (Thames Valley) Ltd & Oths v Stevenage Borough Council* [2005] EWCA 1365 considered the judicial construction of the term and contains authoritative guidance. The term is to be given its ordinary meaning and take into account the practicalities of planning control and policy, namely the long lead times for the implementation of planning policy and the exigencies of good planning policy which are liable to change. The ‘general conformity’ requirement must accommodate these factors and on its true construction allow a ‘balanced approach’ favouring ‘considerable room for manoeuvre within the local plan’ in the measures taken to implement the structure plan (the London Plan) so as to meet the changing contingencies that arise.
- 58 The word ‘general’ is therefore designed to allow a degree of flexibility in meeting London Plan objectives within the local development plan. The fact that the statutory regime makes provision for the possibility of conflict between the London Plan and local plan to be resolved in favour of the latter subject to general conformity envisages that ‘general conformity’ requirement allows for flexibility at local level and not strict compliance with every aspect of the London Plan (Section 46(10) of the 1990 Act as substituted by the Act). This is provided that the effectiveness of the London Plan strategic objectives are not compromised and there is local justification for any departure.

## **Sustainability appraisal**

- 59 Section 19(5) of the Act requires Sustainability Appraisal (“SA”) of the economic, social and environmental sustainability of plans in DPDs. Accordingly, a SA has been prepared to ensure the wider impacts of the draft revised CWAAP policies are addressed. The SA focuses on those areas of the plan which have been amended. While this has been the focus, to ensure that the plan remains coherent, all policies have been reassessed in full. The sustainability appraisal provides a sound evidence base for the plan and forms an integrated part of the plan preparation process.

## **Equalities**

- 60 The Equality Act 2010 brought together the numerous acts and regulations that formed the basis of anti-discrimination law in the UK. It provides for the following “protected characteristics”: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation. Most of the provisions of the new Equality Act 2010 came into force in October 2010 (“the 2010 Act”).
- 61 In April 2011 a single “general duty” was introduced namely the Public Sector Equality Duty (“PSED”). Merging the existing race, sex and disability public sector equality duties and extending the duty to cover the other protected characteristics namely age, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation, (including marriage and civil partnership).
- 62 The single public sector equality duty requires all public bodies to “eliminate unlawful discrimination, harassment and victimisation”, “advance equality of opportunity between different groups” and “foster good relations between different groups”.
- 63 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”
- 64 The adopted CWAAP was subject to a full Equalities Impact Assessment (“EqIA”) which assessed the equalities impacts at each stage of drafting and consultation. The Equalities Assessment appended at Appendix D of this report represents an updated analysis that builds on the previous EqIA and reassesses the draft revised CWAAP and its revisions in light of the 2010 Equality Act.

## **Human Rights Considerations**

- 65 The draft revised CWAAP 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 draft revised CWAAP, 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 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 or results in blight or loss of businesses/homes;
- **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.

- 66 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.
- 67 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.
- 68 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.
- 69 The council has undertaken robust public participation, iterative sustainability and equalities assessments throughout the production of the CWAAP and draft revised CWAAP as well as engaging with the issue of human rights at each decision making process. Therefore the draft revised CWAAP 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 approving the draft revised CWAAP for consultation, cabinet is 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**

- 70 Members' are advised that should the draft revised CWAAP ultimately 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 and must be complied with as soon as reasonably practicable after the date of adoption.
- 71 In summary, Regulation 35(1) requires that the council complies with section 20(8) of the Act to publish the Inspector's recommendations and reasons as follows :
- (a) That the recommendations of the Inspector's report be deposited for the purposes of public inspection at the same venue that the pre-submission proposal documents were deposited;
    - (i) That Inspector's recommendations be published upon the council's web-site; and
    - (ii) That notification of publication be provided to those persons who requested to be notified of the recommendations publications.
- 72 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 draft final revised CWAAP;
  - 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 draft final revised CWAAP; and
  - g) Send the draft final; revised CWAAP and Adoption Statement to the Secretary of State.

## **Application to the High Court**

- 73 If the draft revised CWAAP is ultimately adopted the final version will establish the strategic planning policy framework for Southwark. Under Section 113 of the Act, any party aggrieved by the adoption of the draft revised CWAAP 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.
- 74 The recommendation of this report seeks cabinet approval to recommend that Council Assembly consider and agree the publication/submission draft of the CWAAP, changes to the Adopted Policies Map and the supporting documents (Appendices A -G) for publication and submission to the Secretary of State, subject to any minor amendments resulting from delegation to be submitted to be delegated to the director planning. It is considered that the making of the recommendation is within the remit of the decision making functions of cabinet.

## Strategic Director of Finance and Corporate Services (FC13/067)

- 75 The strategic director of finance and corporate services notes that this report contains no new financial implications and that any additional costs arising from specific schemes will be submitted in separate reports.

### BACKGROUND DOCUMENTS

Background paper	Held at	Contact
Canada Water area action plan (2012) (available on the website: <a href="http://www.southwark.gov.uk/download/7125/adopted_canada_water_aap">http://www.southwark.gov.uk/download/7125/adopted_canada_water_aap</a> )	160 Tooley Street London SE1 2QH	Sandra Warren 020 7525 5471
Core strategy (2011) (available on the website: <a href="http://www.southwark.gov.uk/download/5823/adopted_core_strategy">http://www.southwark.gov.uk/download/5823/adopted_core_strategy</a> )	160 Tooley Street London SE1 2QH	Sandra Warren 020 7525 5471

### APPENDICES

No.	Title
Appendix A	Publication/submission draft Canada Water area action plan (circulated separately)
Appendix B	Proposed changes to the adopted policies map (available on the website)
Appendix C	Sustainability appraisal (available on the website)
Appendix D	Equalities Analysis (available on the website)
Appendix E	Consultation Plan (available on the website)
Appendix F	Consultation Report (available on the website)
Appendix G	Appropriate assessment (available on the website)

### AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Fiona Colley, Regeneration and Corporate Strategy	
<b>Lead Officer</b>	Eleanor Kelly, Chief Executive	
<b>Report Author</b>	Tim Cutts, Team Leader, Planning Policy	
<b>Version</b>	Final	
<b>Dated</b>	10 October 2013	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	10 October 2013	