

Item No. 8.	Classification: Open	Date: 15 September 2015	Meeting Name: Cabinet
Report title:		Revised Canada Water Area Action Plan	
Ward(s) or groups affected:		Rotherhithe, Surrey Docks and Livesey	
Cabinet Member		Councillor Mark Williams, Regeneration and New Homes	

FOREWORD – COUNCILLOR MARK WILLIAMS, CABINET MEMBER FOR REGENERATION AND NEW HOMES

We have a clear vision for Rotherhithe and this Revised Canada Water Area Action Plan (RCWAAP) updates our ambitious plans for the area. The original area action plan was adopted in early 2012 on the basis of the Daily Mail printworks remaining, they have now moved out and we can include this key site in the new RCWAAP. We want to create a new properly mixed town centre at Canada Water, rather than the out of town shopping centre which is currently there. We have the opportunity to build many more new homes, including affordable homes, but also increase employment and bring in new facilities for local residents.

The area between Blick House and St Olav’s Court on Lower Road will be protected as ‘Other Open Space’, and this was recently named as Christopher Jones’ Square after the captain of the Mayflower, who is buried at the nearby St Mary’s Churchyard.

This report includes the binding recommendations of the government’s planning inspector, we do have concerns about the change to policy 29 on student housing as we want any new student housing to be part of a proper campus and wider academic offer. However, we will use our other interests in the area, most notably our landholdings, to make sure that this happens.

In addition to the planning framework set out in the report, we are also working closely with Transport for London and the Greater London Authority to make sure that the area has the transport connections that it needs to meet current and future demand.

RECOMMENDATIONS

1. That cabinet recommends that council assembly:
 - considers the Planning Inspector’s report on the Revised Canada Water Area Action Plan (Appendix A).
 - adopts the revised Canada Water area action plan (Appendix B) and the revisions to the adopted policies map (Appendix C), as amended by the Inspector’s main modifications (Appendix D) and the council’s minor modifications (Appendix E).
 - notes the sustainability appraisal (Appendix F), sustainability appraisal statement (Appendix G), equalities analysis (Appendix H), consultation report (Appendix I) and appropriate assessment (Appendix J).

BACKGROUND INFORMATION

2. 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 (2015).

3. 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.
4. In August 2011, the Daily Mail which occupied 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 would need to 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.
5. The preparation of the Revised Canada Water Area Action Plan (RCWAAP) has been 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 RCWAAP
 - iv. Stage 4 – Consideration of comments on the draft RCWAAP and preparation of the final revised plan for publication
 - v. Stage 5 – Invitation of representations on the final plan and subsequent submission to the Secretary of State for an examination-in-public (EIP).
 - vi. Stage 6 – Adoption of the final RCWAAP as part of Southwark’s local plan in autumn 2015 (the current stage).
6. The council is currently at stage vi in this process. On 27 November 2013 council assembly agreed to publish the final version of the RCWAAP (the publication/submission version), invite representations and subsequently submit the document to the Secretary of State for an EIP. The RCWAAP was submitted for examination on 6 May 2014 and the public hearings took place on 30 September 2014, 1 October 2014 and 7 October 2014.
7. On 17 October 2014 the inspector issued a post hearing letter in which he identified modifications which he considered that the council should propose in order to ensure that the RCWAAP would be “sound”. Public consultation on the modifications took place between 16 March 2015 and 14 May 2015. Representations which were received were forwarded to the inspector.

8. On 19 June 2015 the inspector issued his final report (Appendix A) in which he concluded that the council has met all the necessary legal and procedural requirements for preparing an area action plan, and that subject to making the modifications (Appendix D) previously identified and consulted on, the RCWAAP (Appendices B and C) can be adopted by the council.

CONSULTATION

9. Consultation on the RCWAAP has been carried out in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”), 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.
10. As a significant amount of consultation had 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 RCWAAP. 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 tenants and residents associations (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.
11. The council consulted on the draft RCWAAP 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. The plan was published on the council’s website and hard copies were made available locally. An advert publicising the AAP was put in the press, the council sent written notification to around 1,000 contactees on the Planning Policy mailing list and a flyer advertising the RCWAAP was sent to every address in the AAP area. Officers gave presentations on the RCWAAP 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.
12. At publication/submission stage, the RCWAAP was available for public inspection from 15 October 2013. It was formally published on 14 January 2014 with representations invited over a six week period ending on 25 February 2014. The RCWAAP was published on the council’s website and made available at libraries, one stop shops and the council’s Tooley Street offices. An advert publicising the RCWAAP was put in the press and the council sent written notification to around 1000 contactees on the Planning Policy mailing list. Officers gave presentations on the RCWAAP at Bermondsey and Rotherhithe community council and the Canada Water consultative forum.
13. The council consulted on the Proposed Modifications to the RCWAAP over a period of 8.5 weeks (which exceeds the minimum of 6 weeks cited in the 2012 Regulations) from 16 March 2015 to 14 May 2015. This, period, together with the consultation period of 12 weeks between May and June 2013 and 20 weeks in 2014/15 would satisfy the council’s statement of community involvement (SCI)

which advises a period of 12 weeks. The council published the Proposed Modifications on the website and placed hard copies at Canada Water library, Rotherhithe area housing office and at 160 Tooley Street SE1. An advertisement was placed in the press and written notification was sent to contactees on the Planning Policy mailing list.

14. The council received 11 representations on the proposed modifications, as follows:

Residents

- Open space between St Olav's Court and Blick House on Lower Road: The site should not be designated as an open space and is needed to provide housing (1 representation).
- Schools: The increase in the school population needs urgent consideration (1 representation).
- Tall buildings: Buildings at Canada Water should be no higher than 4-6 storeys (1 representation).
- The inspector should be aware that the Surrey Quays Leisure park has been purchased for development by BL. Residents consider this to be a significant and substantial matter that was not adequately considered at CWAAP hearings because we had no update from Aviva during the EIP. It is unclear how this change will affect the current proposals and the Town Centre boundary etc.

Developers and partners

- British Land support the majority of modifications. The change to policy 29a on student housing is not supported. The changes to the housing targets are supported. The supporting text should state that the number of affordable homes to be delivered will be dependant on viability.
- Kings College, London, supports the proposed modifications.
- Guy's and St Thomas' NHS Foundation Trust supports the modification to policy 29a on student housing and the increase in the target for affordable housing.

Statutory organisations

- GLA state that the RCWAPP is in general conformity with the London Plan 2015. The increase the housing target from 2,500 homes to 4,500 homes is welcome. The proposed modifications requiring retail development to provide adequate mitigation of transport impacts are supported by TfL.
- Historic England note that throughout the document and particularly within 7.2 Appendix 2: SWOT analysis of the AAP area, a number of the dates or events mentioned are now out of date. The inclusion of policy 13: Arts, culture and tourism is welcomed. It would be helpful to provide a map identifying heritage assets. The clarity of policy 17 is improved, although it still lacks a robust evidence base.
- Natural England support the designation of the open space between Blick House and St Olav's Court. NE would encourage the incorporation of green infrastructure into the plan. The importance of access to natural greenspace is emphasised.
- Environment Agency have no further comments.
- Thames Water recommended that developers contact Thames Water as early as possible to discuss water and wastewater requirements and agree any required drainage strategy. The use of SUDs and the text in sections 6.4.12 and 6.4.13 of the AAP are supported.

15. A full consultation report is available in Appendix I.

KEY ISSUES FOR CONSIDERATION

16. The Canada Water AAP was originally adopted in March 2012. Towards the end of the plan preparation process, the landowner of one of the largest sites in the area, Harmsworth Quays, announced they would be leaving the site and consequently it would become available for development. A redevelopment of Harmsworth Quays provides a significant opportunity to provide more homes and other uses and creates scope to review the layout and function of the town centre, building heights and urban design and pedestrian and cycle connectivity. The RCWAAP builds on the adopted AAP and provides a planning policy framework to guide a redevelopment of Harmsworth Quays.
17. The vision in the RCWAAP seeks to consolidate the current out of centre style development into a mixed use town centre, which includes new homes, an increase in shopping space, new business space and potentially higher education facilities. Pedestrian and cycle connectivity are particularly important for ensuring sustainable growth in the area. The plan also envisages significant improvements to the Lower Road gyratory to help manage the impacts of growth and also improve pedestrian and cycle access.
18. The look and feel of development should be appropriate for an urban and town centre location. This would be reflected in the scale of new buildings, as well as in the aspiration to make better use of surface car parks and move away from the covered shopping mall format to an open street environment. The RCWAAP identifies the potential to provide tall buildings in the town centre, with the tallest being located around the public realm that connects to the Canada Water basin.
19. On Harmsworth Quays and the adjacent sites (the former Mulberry Business Park, the Surrey Quays Leisure park and Site E/What! Retail store) the RCWAAP seeks to maximise the potential to provide employment generating uses and also identifies capacity for new homes. The form and layout of development would reflect the objective of increasing cycle and pedestrian permeability with a scale of development appropriate for an urban setting.
20. The examination-in-public into the RCWAAP took place in September and October 2014 and the inspector subsequently wrote to the council outlining a number of main modifications which he considered would be necessary to make the plan "sound" (Appendix D).

Modifications suggested by the inspector

Boundary of the town centre

21. The inspector considered that the boundary of the town centre should be clearer and should incorporate the entirety of site CWAAP24 (Harmsworth Quays, Site E, Mulberry Business park and Surrey Quays Leisure Park).

Number of homes

22. The inspector suggested that the target number of homes be increased from the 2011 London Plan/Core Strategy figure of 2,500 to a figure that reflects recent planning permissions and an updated capacity analysis. The modified figure is a minimum of 4,500 new homes and including a minimum of 1,000 affordable homes. The minimum target for affordable housing assumes that all schemes with

planning consent (including student housing schemes) are delivered as proposed and that future schemes provide 35% affordable housing.

Transport infrastructure requirements

23. The inspector considered that the link between expansion of retail space and the need to improve road infrastructure should be made clearer.

Tall buildings policy criteria

24. The inspector considered that the requirements for tall buildings to be “recessive” “elegant” and “slender” were too prescriptive and unnecessary as the policy requires exemplary design in any event. He suggested using the words “strong vertical emphasis” instead.

Open space designation

25. The inspector considered that the space between Blick House and the City Business Centre on Lower Road met criteria for the designation of “other open space” and should be designated as such.

Student housing

26. In the inspector’s view, the requirement for large student housing developments to be part of a wider campus development, as set out in policy 29a, was overly onerous and unnecessary as CWAAP24 requires a mix of uses in any event. It is proposed to change the policy by stating that large student housing developments should have good links to university campuses.

Proposals sites policy

27. A clarification is proposed to policy 32 to state that the council will take viability concerns into account in assessing provision of the “required uses” which are identified in proposals sites policies.

Site CWAAP7 (Decathlon site, Surrey Quays Shopping Centre and overflow car park)

28. A minor change is proposed to the site capacities to state that the quantum of retail space should be “around” rather than “up to” 34,000sqm to make the policy consistent with AAP policy 1.

Site CWAAP24 (Site E, Mulberry Business Park, Harmsworth Quays and Surrey Quays Leisure Park)

29. The inspector suggested that CWAAP 24 be amended to state that it is anticipated that residential use and student housing will form part of the mix of uses. However, these should not prevent either the minimum amount of employment floorspace identified in policy 25 from being delivered (12,000sqm) or the aspiration in the London Plan to establish a science cluster.

Sustainability policy

30. In the inspector’s view, policy 32a in the AAP relating to sustainability repeated national policies in the NPPF and was therefore unnecessary and could be deleted.

Health and education uses

31. Minor amendments are proposed to reflect the fact that the new health centre on the Downtown site has opened and that new pre-school facilities could be provided in the core area, including the town centre (as drafted the AAP only referred to the parts of the core area which are outside the town centre).

Masterplanning

32. The inspector also considered that it would be beneficial to state explicitly that a masterplan would be expected to accompany the first phase of development on Harmsworth Quays and this is proposed in the modifications.

Minor amendments

33. Through the course of the examination-in-public the council also proposed a number of minor modifications to the Revised AAP (Appendix E). The minor modifications do not alter the substance of the RCWAAP. Their purpose is broadly as follows:
 - Updates to reflect the fact that the Mayor of London published an updated London Plan in March 2015 which identified Canada Water as an opportunity area with potential for growth in homes and jobs.
 - Factual updates regarding developments taking place, to the housing trajectory and to the risk section of the AAP.
 - Editorial amendments to correct typographical errors.
 - Minor updates to infrastructure provision, including TfL projects and recognition of the need to upgrade superfast broadband.

Community Impact Statement and Sustainability Appraisal

34. In preparing the adopted AAP (2012), the council completed an equalities impact assessment (EqIA) report and a sustainability appraisal (Appendices F and H). These have been updated to take account of the inspector's main modifications. The modifications have some beneficial impacts including:
 - Establishing a higher housing target and a higher number of affordable homes will be of particular benefit to those in need of housing, including low incomes groups and people with disabilities.
 - Providing greater clarity on the need to deliver transport improvements in line with expanding retail developments gives greater certainty that these improvements will be delivered and can help reduce the need to travel by car.
 - Designating an additional open space on land adjacent to Blick House will have beneficial impacts on all groups.
35. No negative impacts are identified. However, the increasing number of homes reinforces the need for mitigation to reduce energy and water consumption and reduce waste.
36. The council also screened the RCWAAP for impacts on protected habitats (Appendix J) and no negative impacts were identified.

Financial implications

37. There are no immediate financial implications arising from the Modifications to the publication/submission draft RCWAAP and the request to the inspector to recommend them.

38. 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

39. Under Part 3B of the Constitution under the heading Policy at paragraph 3, Cabinet has responsibility for formulating the Council's overall policy objectives and making recommendations to Council Assembly for approval. Under Part 3C paragraph 20 Cabinet has responsibility for adopting the preferred options of development plan documents, of which the RCWAAP is one. This power isn't Cabinet's alone as Regulation 4(1), paragraph 3(d) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) ("the 2000 Regulations") states that the approval of a development plan document is a shared responsibility with Council Assembly and cannot be the sole responsibility of Cabinet. The next stage of the process is therefore adoption of the RCWAAP by Council Assembly by virtue of Part 3A paragraph 10 of the Constitution.
40. 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 RCWAAP and accompanying documents and recommend to Council Assembly that the RCWAAP be adopted together with the accompanying documents which can be found in the appendices to this report.
41. The RCWAAP has been subject to an independent examination in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and the Inspector has endorsed the RCWAAP subject to some main modifications which have been made in accordance with section 20(7C) of the 2004 Act, (as amended by the Localism Act 2011). The Inspector's main modifications can be found in the Appendix to the Inspector's Report (Appendix D). Under section 20(7C) of the 2004 Act the Council can ask the Inspector to recommend modifications to the development plan document in order to ensure that the RCWAAP satisfies the requirements of the 2004 Act and is "sound". The Council consulted upon these main modifications from 16 March 2015 to 14 May 2015 in order to comply with its obligations under the 2012 Regulations. The Council has also publicised the minor modifications which it is not under a legal duty to consult upon as they do not materially affect the policies set out in the RCWAAP.

General conformity

42. Section 24(1)(b) of the 2004 Act requires that local development documents, such as the RCWAAP must be in general conformity with the spatial development strategy, namely the London Plan 2015. The Council sought the Mayor's opinion as to whether the RCWAAP was in general conformity. The GLA has confirmed that the RCWAPP, as proposed to be modified, is in general conformity with the London Plan 2015.

Soundness of the RCWAAP

43. Under section 20(5) of the 2004 Act the Inspector has examined the RCWAAP on behalf of the Secretary of State and has found that the plan complies with the legislative framework and is sound.

Sustainability appraisal

44. Section 19(5) of the 2004 Act requires a sustainability appraisal of the economic, social and environmental sustainability of plans in development plan documents. Accordingly, a sustainability appraisal was prepared to ensure the wider impacts of the RCWAAP policies are addressed. The Sustainability Appraisal provides a sound evidence base for the plan and forms an integrated part of the plan preparation process.
45. The Sustainability Appraisal has fully informed the preparation of the RCWAAP and is recommended for adoption by Members. The Sustainability Appraisal should be expressly adopted along with the RCWAAP and must have a separate adoption statement pursuant to the Environmental Assessment of Plans and Programmes Regulations 2004, regulation 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 that are taken to monitor the significant environmental effects..." .

Equalities

46. The Equality Act 2010 ("2010 Act") brought together, into a single act, the numerous acts and regulations that previously formed the basis of anti-discrimination law in the UK. . Most of the provisions of the new Equality Act 2010 came into force in October 2010 ("the 2010 Act").
47. In April 2011, a single "general duty" was introduced, being the Public Sector Equality Duty (PSED), , merging the existing race, sex and disability public sector equality duties and extending the duty to cover other protected characteristics namely age, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation, (including marriage and civil partnership).
48. The PSED in Section 149(1) of the 2010 Act requires that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Relevant protected characteristics are defined as: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation (Section 149(7) 2010 Act). Having due regard for advancing equality of opportunity involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low (Section 149(3) 2010 Act). The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities (Section 149(4) 2010 Act). Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding (Section 149(5) 2010 Act).

49. 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.”
50. The council’s approach to equalities has always been broader than that required under previous legislation by protecting the now extended ‘protected characteristics’.
51. Throughout the production process of the RCWAAP from Issues and Options, Preferred Options to a publication / submission, the Council has undertaken thorough iterative Equalities Impact Assessment (EqIA) 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.

Human Rights Considerations

52. The decision to adopt the RCWAAP potentially engages certain human rights under the Human Rights Act 2008 (“the HRA”) which incorporated into domestic legislation the European Convention on Human Rights. The HRA prohibits, unlawful interference by public bodies with Convention rights. The term ‘engage’ simply means that human rights may be affected or relevant. In the case of the RCWAAP, it is considered that a number of Convention 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 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.
53. It is important to note that few Convention rights are absolute in the sense that they cannot be interfered with under any circumstances. ‘Qualified’ Convention rights, including Article 6, Article 8 and Article 1 Protocol 1, 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.

54. This approach has been endorsed by the Courts in the case of *Lough v First Secretary of State* [2004] 1 WLR 2557. This 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.
55. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions. It is considered that the approach and balance between individual and community rights set out in the RCWAAP is within justifiable margins of appreciation.
56. The Council has undertaken robust public participation, iterative sustainability and equalities assessments throughout the production of the RCWAAP as well as carefully considering human rights issues at each stage of the decision making process. Therefore, it is considered that adopting the RCWAAP would not interfere with any human rights which may potentially be engaged and strikes the appropriate balance between making strategic policies for its communities against any potential interference with individual rights affected. In deciding upon the adoption of the RCWAAP, members are reminded to have regard to human rights considerations and the need 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

57. Members' are advised that should the RCWAAP 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 Regulation 26 of the 2012 Regulations and must be complied with as soon as reasonably practicable after the date of adoption.
58. In summary, Regulation 26 requires that the council must make available in accordance with Regulation 35:
 - i. The local plan;
 - ii. An adoption statement;
 - iii. The sustainability appraisal report; and
 - iv. Details of where the local plan is available for inspection and the places and times at which the document can be inspected.
59. The Council must then send a copy of the adoption statement to any person who has asked to be notified of the adoption of the local plan and must also send a copy of the adoption statement to the Secretary of State.

Application to the High Court

60. The RCWAAP has been prepared in accordance with the relevant legislation and regulations. If adopted this final version will form part of the development plan

documents for Southwark. Under Section 113 of the 2004 Act, any party aggrieved by the adoption of the AAP 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.

61. Officers believe that the risks of a legal challenge being brought are low and the likelihood of any challenge being successful are low. The Inspector has concluded that the RCWAAP has been prepared in accordance with the relevant regulations and guidance and due process has been followed.

Strategic Director of Finance and Corporate Services (FC15/020)

62. 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 Papers	Held At	Contact
Adopted Canada Water Area Action Plan (AAP) (2012)	160 Tooley Street, London SE1 2QH	Tim Cutts 020 7525 5380
Link: http://www.southwark.gov.uk/info/200314/canada_water/2610/adopted_aap_2012		
Core Strategy, 2011	160 Tooley Street, London, SE1 2QH	Tim Cutts 020 7525 5380
Link: http://moderngov.southwark.gov.uk/ielssueDetails.aspx?IId=13179&PlanId=0&Opt=3		

APPENDICES

No.	Title
Appendix A	Inspector's report on the Revised Canada Water AAP
Appendix B	Revised Canada Water Area Action Plan (circulated separately and available on the council's website on the link below)
Appendix C	Revisions to the Adopted Policies Map
Appendix D	Inspector's main modifications
Appendix E	Council's minor modifications
Appendices F – J available on the council's website on the following link: Link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=5139&Ver=4	
Appendix F	Sustainability Appraisal (available on the council's website on the above link)
Appendix G	Sustainability Appraisal Statement (available on the council's website on the above link)
Appendix H	Equalities Analysis (available on the council's website on the above link)
Appendix I	Consultation Report (available on the council's website on the above link)
Appendix J	Appropriate Assessment (available on the council's website on the above link)

AUDIT TRAIL

Cabinet Member	Councillor Mark Williams, Regeneration and New Homes	
Lead Officer	Simon Bevan, Director of Planning	
Report Author	Tim Cutts, Team Leader, Planning Policy	
Version	Final	
Dated	3 September 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		3 September 2015