

Item No. 5.	Classification: Open	Date: January 27 2010	Meeting Name: Council Assembly
Report title:		Deputation requests	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

RECOMMENDATION

1. That council assembly considers whether or not to hear the following deputations on the Aylesbury Area Action Plan (see agenda item 7.2) from:
 - 1) Burgess Park Action Group
 - 2) Aylesbury tenants and residents.

BACKGROUND INFORMATION

2. When considering whether to hear the deputation request, council assembly can decide:
 - to receive the deputation at this meeting or a future meeting; *or*
 - that the deputation not be received; *or*
 - to refer the deputation to the most appropriate committee/sub-committee.
3. A deputation shall consist of no more than six people, including its spokesperson. Only one member of the deputation shall be allowed to address the meeting for no longer than 5 minutes. After this time members may ask questions of the deputation for up to 5 minutes. At the conclusion of the questions, the deputation will be shown to the public gallery where they may listen to the remainder of the open section of the meeting.

KEY ISSUES FOR CONSIDERATION

Burgess Park Action Group

4. The deputation request from the Burgess Park Action Group states:

“1/ We request the maintenance of the Southwark Plan’s provisions opposing high-rise tower blocks along the Albany Road and support the deletion of the changes to this policy proposed in the AAAP.

“2/ We request the Council to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the potential catastrophic CO2 implications of the project, by outside independent analysts such as AEA or others.

“We therefore request the Council to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the huge CO2 implications of the project, by outside independent analysts

such as AEA and to then reconsider in the light of such advice as to the advisability of a demolition approach in favour of a refurbishment approach.”

A full copy of the deputation request is set out in Appendix A, together with the officer response.

Aylesbury tenants and residents

5. The deputation request from Aylesbury residents states:

“The deputation will be led by the chair of the Aylesbury Tenants and Residents Association, who will speak in support of the Area Action Plan. The other members of the deputation will include members from other Aylesbury Tenants and Residents Associations and the Aylesbury Leaseholder Group, all of whom have been closely involved in the extensive consultation which took place during the development of the AAP.

“The residents represent a group who have been working with the council and NDC over the past two years assisting in the development of the area action plan (AAP) which reaches its final approval from the council at Council Assembly on 27 January 2010, hence their desire to attend to support the AAP.”

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

6. The response from the strategic director of regeneration & neighbourhoods to the deputation from the Burgess Park Action Group is set out in Appendix A.

APPENDICES

Appendix	Title
Appendix A	Burgess Park Action Group deputation request and officer response to the issues raised

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Deputation Request File	Town Hall, Peckham Road, London SE5 8UB	Lesley John 020 7525 7228

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Lesley John/Virginia Wynn-Jones, Constitutional Officer	
Version	Final	
Dated	January 15 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Title	Comments sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	Yes	Yes
Finance Director	No	No
Executive Member	No	No
Date final report sent to Constitutional Team		January 15 2010

**BURGESS PARK ACTION GROUP DEPUTATION REQUEST
AND
OFFICER RESPONSE TO THE ISSUES RAISED**

“Re: The Burgess Park Action Group would like to request a deputation to speak at the January Assembly meeting on the discussion of the Aylesbury Area Action Plan.

Whilst grateful to the council for already agreeing to restore various sections of the park removed from previous maps used to identify the boundary of Burgess Park in the AAAP following our representations and for agreeing to the Inspectors instruction after the Public Inquiry to address the open space protection of Burgess Park in the AAAP, there are a number of outstanding issues that we would like to see addressed in how the AAAP impacts on Burgess Park and on the local environment.

We wish to request the executive to consider two items in particular:

1/ We request the maintenance of the Southwark Plan’s provisions opposing high-rise tower blocks along the Albany Road and support the deletion of the changes to this policy proposed in the AAAP.

2/ We request the Council to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the potential catastrophic CO2 implications of the project, by outside independent analysts such as AEA or others.

Item 1/

We request the maintenance of the Southwark Plan’s provisions opposing high-rise tower blocks along the Albany Road and support the deletion of the changes to this policy proposed in the AAAP.

The AAAP proposal to break from the provisions in the Southwark Plan for high rise housing to be only situated in Central Activities Zones and instead to allow the lining of almost the entire north boundary of Burgess Park with 10, 15 and 20 storey high-rise blocks has profound implications for the hundreds of thousands of annual users of the park.

Peckham and Walworth have thankfully among the lowest car-ownership in the UK. However, this means that for many of us, Burgess Park is the nearest we get to open countryside and parkland. To have the park's boundary destroyed by over-bearing huge tower blocks would be a travesty to the vision established so long ago by the Abercrombie Plan for a green lung for the inner-city. If not changed, the council will be in effect turning a precious and valued green-lung into an iron lung

Indeed over 70% of written responses on this issue to the consultation on the AAAP opposed such high-rise landmark buildings.

To get across our point, we would like the executive members to take a moment to honestly imagine Dulwich Park boundary being lined with such 10-20 storey tower-blocks and what their response to such a proposal would be?

Officer response

Officer response to item 1

1. AAP policy PL4 states that building heights generally on the park frontage will be in the range of 7 to 10 storeys. The frontage will be punctuated by three buildings of between 10 and 15 storeys and one building of between 15 and 20 storeys.
2. Officers consider that there are good reasons for this policy. The proposed tall buildings will help mark key routes in the area and more importantly, enable densities to be reduced in the majority of the new neighbourhood. Maximising the number of houses which could be built was a priority for the council and strongly supported during consultation.
3. In contrast to the existing 14 storey buildings of Bradenham, Chiltern and Wendover which because of their great length dominate their surroundings, policy PL4 states that buildings over 10 storeys must be elegant and slender and avoid microclimate effects associated overshadowing and wind funnelling. We have undertaken a visual impact assessment of these buildings from views within the park and do not consider that they will be overbearing or intrusive. By ensuring that new development faces the park, rather than turning its back as current buildings do and transforming the character of Albany Road to help reduce its barrier effect, we are confident our proposals will significantly improve the northern frontage to Burgess Park.
4. The policy is consistent with policies in the emerging Core Strategy. At the exhibition which publicised the first stage of consultation on the AAP (issues and options) 36% of respondents supported options with tall buildings on the Burgess Park frontage. During the exhibition held at the second stage of consultation (preferred options) stage exhibition, 71% agreed with the council's approach to building heights and 16% disagreed. At the final stage (Revised Preferred Options) 94% stated they agreed with the building heights policy.

Item 2/

We request the assembly to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the potentially catastrophic CO2 implications of the project, by outside independent analysts such as AEA.

We have serious concerns that the proposed demolition and rebuild of an estate only completed 32 years ago, has massive implications for the borough's carbon emissions that officers have completely failed to alert the executive to.

The carbon debt incurred by the original demolition and rebuild of the Aylesbury Area 30 years ago, will remain in the atmosphere for another 70 years. The huge carbon debt proposed for yet another comprehensive demolition and rebuild will remain for 100 years. At the recent public inquiry, council officers agreed that their definition of the proposed AAAP was a "zero carbon growth project" actually meant that the emissions from the estate after the demolition/rebuild would be the same ie zero carbon growth means the same as zero carbon reduction. A Freedom of Information request revealed that officers had no idea whether the carbon emissions resulting from the demolition/rebuild would result in thousands or millions of tonnes. It is

therefore our view that the AAAP as proposed will potentially guarantee that Southwark instead of succeeding as a 10:10 council or of achieving its 2050 targets would be impossible. Officers in response to submissions to the Core Strategy have so far refused to agree that large projects like the AAAP should have carbon projections for the existing buildings to be refurbished placed against the carbon projections for the demolition/ rebuild.

We therefore request the Council to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the huge CO2 implications of the project, by outside independent analysts such as AEA and to then reconsider in the light of such advice as to the advisability of a demolition approach in favour of a refurbishment approach.

Otherwise you are in danger of placing the council and the local Bermondsey MP in the ridiculous position of advocating and promising specific CO2 reduction targets, whilst refusing to count the potentially largest sources of CO2 emissions in the Borough, over the next two decades.

Different aspects of the deputation are supported by a range of local groups including The Burgess Park Action Group, Aylesbury Tenants First, The Peckham Society, The Camberwell Society, The Friends of Burgess Park and Friends of the Earth Southwark.”

Officer response

Officer response to item 2

Planning Inspector's conclusion

5. The planning inspector considered energy during the EIP and in paragraphs 3.11 and 3.12 of his report he concluded that the council's assessment of energy and policy was soundly based:

The Council accepted at the hearing that the overall calculation of the carbon neutrality of the proposals in the AAP had not taken account of the emissions likely to arise from demolition and construction activities associated with the proposal. However, no evidence was available on this point and, whilst I accept that the CO₂ emissions from this aspect of the scheme are likely to be material, I have to set them against the long term benefits of improved energy efficiency of the resultant buildings. I am not convinced that the Council's calculations were so skewed on this matter as to render them unreliable.

6. As is noted above, the council accepted during the EIP that while it carried out a study which looked at energy use in the new development, it had not calculated emissions generated by embodied energy (energy generated through production of materials, transportation of materials etc involved in the construction of new buildings) and this was confirmed by a subsequent freedom of information request. Notwithstanding the fact that embodied energy is not taken into account in either the government's or Southwark's carbon reduction targets, officers have subsequently made an estimation of the carbon payback period of the development (the period over which emissions generated by building new housing would be offset by savings made through energy efficiency, CHP and use of renewable energy in the new development).

Embodied energy

Officer response

7. It should be noted that the government commitment to reduce CO₂ by 80% by 2050 does not take embodied energy into account. Likewise, neither do Code for Sustainable Homes nor BREEAM.
8. Southwark's Climate Change Strategy targets an 80% reduction by 2050 based on 2003 emissions (which is the earliest reliable data available). It is also only set for the built sector and transport because:-
 - These are the dominant carbon emitting sectors in London
 - We are able to monitor progress via the annual government data on NI 186.
9. As with the government target, it does not include embodied energy. It should also be noted that the 10:10 commitment is not relevant as it only relates to this year and refers to CO₂ from the council's own operations.

Energy generation in the completed development

10. With regard to energy generation in the completed Aylesbury development, the council's energy study found that a combination of biomass heating and CHP would reduce CO₂ emissions to around 50% of existing levels. Since this study was carried out, the council and Dalkia have explored the opportunity to extend the MUSCo to the Aylesbury estate. If the Dalkia plans go ahead, the new Aylesbury neighbourhood would be carbon negative i.e. a net exporter of renewable energy.

Carbon payback period

11. It is not possible to make a very accurate calculation of the total embodied carbon emissions prior to having detailed plans in relation to material types, quantities, transportation of materials etc. Officers have made an assessment using the carbon calculator tool created by the Energy Savings Trust. The assumptions are based on one building type (in practice the Aylesbury scheme will contain a mix of buildings types – low, mid and high rise flats, terraced housing etc) and so the findings must be treated with a lot of caution. Based on reducing CO₂ levels by 50% in the completed development, the payback period would equate to around 20 years. If the MUSCo goes ahead, this would be reduced by half. This does not take the energy generated by demolition into account, nor the "carbon debt" incurred in building the Aylesbury estate. However, the embodied energy of the existing materials will not be completely lost as the council would require contractors to recycle (where possible) the demolished materials.
12. It should also be noted that refurbishment and strengthening to sufficient standards would not be carbon neutral but would also incur a large carbon debt as significant quantities of new materials would be required.
13. While there will be a carbon cost involved in demolishing the estate and rebuilding, this needs to be weighed against the many benefits which the scheme will bring. These include the opportunity to transform the physical environment around the estate and create a more mixed and balanced community. The council also needs to take into account the costs associated with refurbishing and structural strengthening which were reported to Executive in September 2005. For these reasons, officers take the view that when considered holistically, the

Officer response

benefits of the scheme would outweigh disadvantages associated with the carbon cost of rebuilding.

Officer response conclusions

14. The changes suggested by the deputation were presented to the planning inspector at the examination in public held in September 2009. At that time, the inspector considered the submission but chose not to make changes in his report issued in October 2009.
15. The council have to accept the planning inspector's binding recommendations as set out in paragraph 23 (2) and (3) of the Planning regulations 2004. Any changes, other than those the council are directed to make, to the publications/submission version that was considered by the inspector will mean the council cannot adopt the Area Action Plan.
16. The council has no reason not to adopt as per the inspector's report, the Area Action Plan has been deemed sound and in accordance with all statutory requirements. If the council do not adopt the Area Action Plan we would need to start the entire process again, which will compromise the regeneration of the Aylesbury Estate.
17. Further implications of not adopting the Area Action Plan are as follows:
 - If the council did not adopt the AAP that has local support we would need to explain why we have not taken the local opinions into account
 - It has been considered sound by a planning inspector and we would need to explain why we did not consider this an important enough issue to adopt
 - The council would lose the confidence of the HCA and funders over provision of new affordable and private housing with knock on effects for securing money to build new housing
 - There would be reputational issues.
18. Any party aggrieved by the adoption has the remedy of an appeal to the High Court within 6 weeks of the adoption on limited grounds, namely (i) it is not within the council's powers and / or (ii) that a procedural requirement/s has not been complied with.