

**WEDNESDAY 23rd JULY 2003**

**COUNCIL ASSEMBLY**  
**(ORDINARY)**

**PUBLIC QUESTION TIME**

**QUESTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL ASSEMBLY**  
**PROCEDURE RULE 3.6**

**1. QUESTION TO THE CHAIR OF THE PLANNING COMMITTEE FROM MR CHARLES WYNN-EVANS**

Could the Chair of the Planning Committee confirm whether he supports the emergent Unitary Development Plan's provisions on Metropolitan Open Land and whether its introduction could/should have made any difference to the planning decisions relating to Greendale and Herne Hill velodrome ?

**RESPONSE**

I support the policy in the emergent UDP, the Draft Southwark Plan (2001), on the protection of Metropolitan Open Land (MOL). I was involved in lengthy discussions with the Cabinet Member for Regeneration and Economic Development and other Members over the drafting of this policy prior to the publication of the first draft at the end of 2001. Members were agreed that there should be no weakening of the policy to protect MOL and that it needed to be set out in the strongest possible terms. It has been pointed out that the wording of the policy could be tightened up further and we will be looking again at the policy to see how this should be achieved.

I do not think that changes to the wording of the policy between the 1995 plan and the new Southwark Plan would have made any difference to the decisions at Greendale or Herne Hill Velodrome.

The decision to refuse planning permission for the Dulwich Hamlet football stadium on Metropolitan Open Land at Greendale was taken with reference to the adopted Unitary Development Plan (1995) on the grounds that Metropolitan Open Land would be lost to development. That development was initiated by the wish to replace the existing football stadium on nearby land that was not MOL with a new major retail development. The open aspect of that part of the MOL would have been destroyed. The appeal against the Council's refusal of planning permission was recently dismissed. The Herne Hill Velodrome, on the other hand, was primarily a proposal to improve and update an existing sporting facility that had been on the site for over 100 years. The Planning Committee was satisfied that the open aspect of the land would not be adversely affected. The application has been referred to the Government Office for London with a recommendation from the Council that it is approved.

Planning officers provided a detailed examination of the similarities and differences between the proposals in an addendum report to the Planning Committee when the Herne Hill proposal was considered. The proposal was also fully tested against the provisions of both the 1995 plan and the new Southwark Plan 2002 and against the Government's Planning Policy Guidance Note number 2 on Green Belts (Metropolitan Open Land is treated for planning purposes as being the equivalent of green belt) and Planning Policy Guidance Note number 17 on Planning for Open Space, Sport and Recreation.

### **SUPPLEMENTAL QUESTION FROM MR CHARLES WYNN-EVANS**

In relation to the Hearn Hill Velodrome, you say that the Planning Committee believe that the open aspect of the land would not be affected, despite on the Council's own figures a 40% increase on road building and car park. You say that the 2002 Southwark Plan and Planning Guidance are complied with despite the fact that the major part of the new development is indoor not outdoor facilities i.e. either climbing wall and one that is not ancillary to cycling. It is our belief that these are crucial respect is which the grant of planning permission breaches the provision governing development of Metropolitan Open Land as described by the Inspector in his Greendale Report. My question is this, please could you explain specifically why that analysis is incorrect and confirm that these serious concerns will specifically be notified by the Council to the Government Office for London in the appropriate course.

### **RESPONSE**

I would like to thank Mr Wynn-Evans for his supplemental question. He will know, having been at the meeting, that the debate on the Herne Hill Velodrome was a lengthy one. Members had received a considerable amount of correspondence, reports and other papers which they had, I am sure, all read with great care, as I did. Most of us, if not all of us, actually visited the site on at least one occasion, if not more, and everyone who was present at the meeting, I think, had an opportunity to say what they wanted to say and to answer questions from Members.

Obviously it was a difficult decision to make. Decisions relating to many Planning Applications are difficult and as most Members here will know, any decision usually pleases someone and upsets somebody else. However, particularly because this concerned a large area of Metropolitan Open Land, it was an especially difficult one for Members to make.

Perhaps I can do no better at the moment than to quote the emerging UDP which says that within Southwark there are a number of different sites and locations that are designated Metropolitan Open Land. Many of these sites vary in the functions associated with them. By using the open spaces strategy, assessments can be made as to whether limited development on Metropolitan Open Land should be permitted to cater for the needs of the users of an individual site. In this regard, the site has been used for its present purpose for a considerable length of time. It was obvious, I think, that it could not continue to be used and could not continue to be viable unless permission were granted. Outline permission was granted with a number of detailed measures reserved. They will obviously come back to Committee in due course. The application will be referred to the Government Office for London as was already said and no doubt they will express any opinion; if any

member of the public wishes to make representations I am sure they will be received and studied by them.

2. **QUESTION TO THE EXECUTIVE MEMBER FOR ENVIRONMENT AND TRANSPORT FROM MR JEREMY GILLIARD**

What steps are the Council taking in the light of the disappointing verdict of the European Court on Night Flights, and the perceived inadequate action of the UK Government to protect Southwark Residents from the menace of aircraft noise particularly in the early morning ie 5.00am ?

**RESPONSE**

Local authorities have no direct control over aircraft movements. The Civil Aviation Act prevents any action in nuisance for noise caused by aircraft in normal flight. Thus any action taken by Southwark must be indirect. The Council seeks to get the relevant authorities (Department for Transport, CAA, etc) to take action to deal with the problems affecting Southwark residents.

Southwark was not directly involved in the recent case in the European Court of Human Rights. The eight claimants in whose names the case was taken all lived within close range of the airport and suffered extremely high noise levels as a result of aircraft over-flights. These effects are detailed in the Court's judgment. Southwark is about 20 km from the end of the runways and residents of Southwark suffer lesser effects. The view was taken that although the noise of aircraft at night in Southwark is unacceptable, it is not sufficiently severe that a legal case for an infringement of Article 8 of the Convention could be made.

The Council provided £1,500 to HACAN for assistance with their legal fees.

Southwark's view is that night flights into Heathrow should not be permitted. To that end The Mayor of London has also included a policy to that effect in his draft Ambient Noise Strategy. Southwark has supported this policy.

The Department for Transport has proposed that current night flight regime at Heathrow should continue for a further year until 31 October 2005 to allow consideration of this judgment. Southwark has not objected to this continuation, but when the new consultation process commences Southwark will be making representations that night flights should be discontinued.

Southwark is a member of the Air Noise Working Group and of the Strategic Aviation Special Interest Group. We will be discussing the ECHR judgment with other members of these groups and will be seeking to work with them and provide a united response to the Government on these matters. We expect that these groups will receive reports showing whether and to what extent further legal challenges are possible and we will consider the extent to which it may be appropriate for Southwark to be involved in this action.

We will be liaising with other local authorities through these groups in an attempt to ensure a united response to the forthcoming consultation on the night flight regime that is to start in 2005.