

Item No. 7.1	Classification: Open	Date: October 20 2004	Meeting Name: Council Assembly
Report title:		Pre-inquiry changes for deposit Southwark Plan 2004 (Unitary Development Plan)	
Ward(s) or groups affected:		All	
From:		Strategic Director of Regeneration	

RECOMMENDATIONS

1. That, in light of the representations received as part of the consultation on the second draft of the Southwark Plan, the Council Assembly considers any recommendations from the Executive and approves the suggested changes in the pre-inquiry deposit Southwark Plan (as set out in appendices 1 and 2).

Note: This recommendation is not a general invitation to make changes to the plan as a whole, but merely an opportunity to consider those areas where officers are suggesting a change in the revised draft in the light of the consultation.

2. That Council Assembly considers any recommendations from the Executive and approves the draft Consultation Plan for the pre-inquiry changes to the Southwark Plan (Appendix 5).

Note: A hard copy version of appendices 1, 2 and 5 has been circulated separately to all councillors with a covering letter dated October 7 2004. Members are requested to bring this document with them to the Council Assembly meeting.

BACKGROUND

3. The current Southwark Unitary Development Plan (UDP) was adopted on 19 July 1995 and was intended to operate for a period of ten years. Significant growth and change has occurred within Southwark over the last eight years since it was adopted. This and the changing government and mayoral policies towards cities, the use of land and transport and the Southwark Community Plan have resulted in a plan that requires an urgent review.
4. Pre-deposit consultation was carried out in 2000/2001. This involved:

Environmental appraisal (completed April 2000) – The environmental appraisal analysed the existing plan to see what the effects of all its policies and proposals were on the environment in line with criteria which were discussed and agreed with the public;

Key issues paper (Issued June 2001, Consultation completed August 2001) – The Key Issues Paper focused on the future directions for the use and development of land in Southwark to find out what people thought the big issues were and stimulated a discussion involving as many people as possible from the community, businesses and other interest groups; and

Local issues paper (Issued September 2001, Consultation completed November 2001) – Each of the six Local Issues Papers reflected back all of the comments received following the Key Issues Paper and considered how they related to local issues in each of the six areas in Southwark. Forums were also set up within each of the areas to facilitate future consultation.

The **first draft** of the new plan was placed on deposit in December 2002 and at the same time consultation started on 27 draft supplementary planning guidance documents. Placing the plan on deposit allowed residents, community groups, developers, landowners, businesses and others to make representations.

The **second, or revised, draft** of the plan was placed on deposit in March 2004. Changes made between the first and second drafts were mainly seeking to overcome objections. However, further representations on any new or changed policies and proposals within the second draft could be made at that stage.

5. The second draft of the plan will be considered at the Public Inquiry. The purpose of these pre-inquiry changes is to indicate to the inspector what further changes to the policies and designations the Council would wish to make. Agreeing these changes will reduce time at the public inquiry, (which is planned to begin in April 2005) and also add further weight to the policies (weight is gained as objections are met and can be withdrawn).

KEY ISSUES FOR CONSIDERATION

Response to the consultation on first and second drafts

6. Placing the plan on first deposit gave rise to 1441 comments of which 1288 were objections and 153 were supporting statements. The second deposit gave rise to around 2299 comments of which 1780 were objections and 519 were supporting statements. Of the total objections, 105 objections have been unconditionally withdrawn, 6 objections have been conditionally withdrawn and 27 have been partially withdrawn. Furthermore 161 objections have not been duly made. These comments were made by 533 organisations and individuals. These figures will change as negotiations progress with objectors. Appendix 7 to this report is a consultation statement giving further details of the consultation carried out. The officer comments expressing the officer's recommendation of how the council should respond to each objection are detailed in appendix 4 to this report. The summaries of officer comments expressing the officer's recommendation of how the council should respond to each objection are categorised by policy and proposals site and listed in appendix 3 to this report.
7. The representations included those made by the Government Office for London seeking to ensure that the Southwark Plan complies entirely with all appropriate regulations. Representations were also received from the Mayor of London, who is seeking to ensure that the plan is in conformity with the London Plan. These representations have been taken into account in the revised draft and pre-inquiry changes, however, there are some points at issue that are explained below. Since the first draft of the Southwark Plan was placed on deposit, the draft London Plan has been through an examination in public (EIP). It was adopted in February 2004.
8. Officers have met many of the objectors to discuss revisions to the plan that may overcome their objections. As a result many of the first deposit objections have been withdrawn, it is now expected that the pre-inquiry changes should enable many second deposit objections to also be withdrawn.
9. Objections from the Greater London Authority (GLA) that should be drawn to Members attention concern density, the Elephant and Castle Opportunity Area early housing sites, Potters Field former coach park, designation of The Thames as Metropolitan Open Land, and the housing requirements within Preferred Office Locations.
10. The GLA has also objected to the designation of the northern suburban zone (policy 4.2, appendix 3 to the plan and the proposals map).
11. The GLA has objected to 3 sites designated for early housing sites at the Elephant and Castle Opportunity Area, (9P Dickens Square, 46P Nursery Row car park, Wadding and Brandon Street, and 48P Nursery Row car park and Brandon Street on the proposals map and in appendix 4 to the plan) which they perceive to be a loss of open space for housing development. The council officers' view is that the Elephant and Castle must be considered as a regeneration area, rather than concentrating on specific sites. These three sites are essential for the viability of the Elephant and Castle regeneration programme to meet early housing provision. Furthermore, the proportion of open space within these sites will be reprovided within the masterplan for the Elephant and Castle and therefore development of housing on these sites will not result in a net loss of open space.

12. The GLA has also expressed concerns about the Potters Field former coach park due to any significant loss in the housing capacity of this site. It is expected that the housing capacity study, together with the estimated housing capacity in appendix 4 to the plan and Part 1, 10.3.2, will assist in addressing these concerns by demonstrating that there is sufficient housing capacity within the borough to meet targets.
13. The GLA has objected to the designation of the River Thames as Metropolitan Open Land. The officer view is that the Thames requires the Metropolitan Open Land designation to protect the special character.
14. The GLA has objected to the Preferred Office Location policy 1.4 on the grounds that the restrictions on housing provision in favour of office provision do not conform with London Plan policy 3B.4, which requires the provision of an element of housing where increases in office floorspace are proposed in the Central Activities Zone (which includes the Preferred Office Location). Also, the GLA is concerned that Southwark can not meet the housing targets, and requires all opportunities to be taken to enable the borough to provide further housing, especially affordable housing.
15. The aim of the Preferred Office Location is to protect the current level of office capacity and to encourage further office provision. This is required to improve the economic and enterprise capacity of Southwark for providing strategic London-wide and local borough-wide employment, and delivering regeneration in the north of the borough as part of the Central Activities Zone.
16. The 2004 London Office Policy Review indicates that while Southwark should seek to promote additional office floorspace to meet identified needs, the borough has a substantial supply of office floorspace in the pipeline, sufficient to meet 133% of the projected demand in 2016. In these circumstances, it is considered that Southwark should continue to resist loss of office floorspace, other than in the circumstances set out in emerging policy 1.4. It is proposed that emerging policy 1.4 encourages growth in office floorspace while allowing for and encouraging in most circumstances growth in housing and other uses in conjunction with office developments in the Preferred Office Locations.

Comments by Planning Committee

17. The Planning Committee made the following comments:
 - The report to Council Assembly should provide more detail on the issue of general conformity with the London Plan, particularly with regard to Preferred Office Locations and the Suburban North density zone.
 - Paragraph 9.3 in Part I referring to car parking in Peckham should be explicit about whether the council would be building on current surface car parks (which is a proposals map issue) or discouraging further surface car parking (the intended meaning).
 - Further clarity was sought on OS 187 Dulwich Hamlet Football Ground designation as Other Open Space.
 - Further clarification was sought of the protection status of MOL, BOL and OOS

Key issues for Inquiry

18. The new Southwark Plan has undergone a Sustainability Appraisal at each stage. The proposed changes to the plan to be considered here will also be appraised and information on this will be provided to Council Assembly. This appraisal will include equalities impacts of the plan.
19. There are still a number of outstanding objections which are not likely to be resolved by pre-inquiry changes, which may require consideration at the Southwark Plan Public Inquiry in April 2005. These are outlined below with officer comments and detail in appendices 3 and 6.
20. Peckham Action Area Part 1, Section 9.3 Planning Guidance has been rewritten with further clarification of the guidance for proposals sites. Greater importance has been placed on improvements to the main retail area particularly around Peckham Rye Station, which has

been designated on the proposals map (73P on the proposals map and appendix 4 to the plan). It has also been clarified that the residential development of existing car parking sites is conditional on provision of suitable car parking elsewhere within the town centre close to the southern end of the designated shopping frontage on Rye Lane.

21. Proposals to designate a site to accommodate the tram on Bournemouth Road (63P on the proposals map and in appendix 4 to the plan) have not received many objections, and some support has been offered. Further clarity on the detail of the proposals both for the tram depot on the site, and also for the tram route through Peckham have been requested. Furthermore, there is one objection from a site owner. Officers are meeting Transport for London to ensure that the most contemporary, detailed proposals can be designated on the proposals map.
22. Canada Water Action Area Part 1, Section 9.4.2 “vision” gained a great deal of local objection. This has been reworded to meet objections.
23. Canada Water site designations (25P to 35P on the proposals map and in appendix 4 to the plan) gained a great deal of objection. Objectors required further clarity of the different types of land uses that would be permitted on the sites. Confusion was caused through the lack of a strategic policy explaining that “uses required” in appendix 4 to the plan are initially the only land uses allowed on sites. This is to ensure that the most effective development takes place on each of the designated sites. Once the land uses that are required (for example housing or offices) have been provided, if there is a part of the site remaining other land uses may be considered. These are the land uses set out in the “other acceptable uses” in appendix 4 to the plan (which have been clarified). This strategic policy has now been included within Part 1 section 11 and the uses have been included in appendix 4 of the plan to clarify the points above.
24. Affordable housing percentages and thresholds in policy 4.4 have received a great number of objections. Officers are confident that the current policies are the appropriate requirements to provide for housing need within Southwark. However with the objections being both for more restrictive and less restrictive policies, the officer response is to provide the most appropriate, clear policies within the national, London and local framework and for outstanding policy issues to be considered by the Inspector at the inquiry.
25. Tall buildings (policy 3.20), sustainability (policy 3.3), renewable energy (policy 3.5), and car parking standards (policy 5.6 and appendix 16 of the plan) are all controversial policies. The policy criteria have been made clearer in the pre-inquiry changes, however with the objections being both for more restrictive and less restrictive policies, the officer response is to provide the most appropriate, clear policies within the national, London and local framework and for outstanding policy issues to be considered by the Inspector at the inquiry.
26. The Metropolitan Open Land, Borough Open Land and Other Open Space (3.25 to 3.27) policies have generated considerable comment for both more and less prescriptive policies. Again officers have redrafted to provide further clarity and the Inspector will consider the outstanding policy issues at the inquiry.
27. Particular employment sites have gained objection from owners requiring less restrictive designations within the Preferred Industrial and Office Locations (policies 1.3 and 1.4) and also within the sites that are affected by the mixed-use policy (1.5). The boundaries of the designations have been reconsidered and officers consider these to be appropriate, any outstanding policy issues will require consideration by the Inspector at the inquiry.
28. A large proportion of the objections to the retail policies (1.8 to 1.12) were requiring further conformity with Planning Policy Guidance Note 6, and draft Planning Policy Statement 6. The policies have been redrafted which should enable withdrawal of most of the objections.
29. The waste management site (70P on the proposals map and in appendix 4 of the plan) which has been designated on Old Kent Road has a small number of local objections, along with objection from the site owners. Officers are working with the owners to find a way to resolve their objection. If this can not be achieved this site will require consideration by the Inspector at the inquiry.

30. The Varcoe Road education site (51P on the proposals map and in appendix 4 of the plan) has been removed from the proposals sites. This will meet a large number of local objections, and is considered appropriate as the provision of school places can now be met through extension of other local schools.
31. Quebec Way education site (36P on the proposals map and in appendix 4 of the plan) has one objection from the owners of the site.
32. Potters Field and Lambeth College (3P and 4P on the proposals map and appendix 4 of the plan) have also been subject to a small number of objections from interested parties. The GLA has also expressed concerns about any significant loss in the housing capacity of this site. Officers are working with the owners to find a way to resolve the objection, however the designation of the school may require consideration by the Inspector at the Inquiry.

The Next Stage – Consultation on the proposed changes

33. The draft pre-inquiry changes to the new Southwark Plan are provided as Appendices 1 and 2 to the report. These pre-inquiry changes establish the Council's amendments to the proposed strategy for the use and development of land in the borough. It is now considered appropriate to consult with the community and give individuals, groups and businesses the opportunity to object or support these changes to the Plan.
34. If approved, these changes will be consulted upon for a period of six weeks from the end of October 2004. The draft consultation plans for each community council area and a borough wide plan are attached for consideration by members as appendix 5 to this report.
35. There is not a statutory requirement to consult on the proposed changes to the plan at this stage but it is considered good practice to publicise the changes widely. It is intended to advertise the plan in local newspapers and this will be supplemented by extensive mailouts to businesses, residents, community and voluntary groups, schools and institutions as well as statutory consultees and adjoining boroughs. Information about the plan will also be made available through the Community Councils, the internet, public meetings and existing regeneration partnerships. This will be further supplemented by public meetings, area forums, the Internet, the local press and through existing regeneration partnerships.

What Happens Next?

36. Following consultation on the pre-inquiry changes to the Southwark UDP the plan will continue to evolve as objections are responded to. The Council may then prepare a further inquiry draft of the plan which will be considered along with the proofs of evidence and written representations (appendices 3 and 6) being prepared for the Inquiry by Councillors in January 2005.
37. A public inquiry will be held to deal with any objections that cannot be successfully addressed for any reason. The independent government inspector will hear all objections and make recommendations for revisions to the plan before it can be adopted.
38. Following the successful completion of all the steps outlined above, the Council may formally adopt the Southwark Plan and replace the existing UDP. It is hoped that the Southwark Plan may be adopted in late 2005 or early 2006.

Resource/Financial Implications

39. The Southwark Plan (Unitary Development Plan) Inquiry is planned for April and May 2004. Provision has been made for £100, 000 in the 2004/5 planning policy budget to meet preparation costs. Further funding is being sought within the 2005/6 Planning and Transportation budget to meet the costs of holding the inquiry. The largest proportion of the funding is will be required for the cost of holding the inquiry, Inspector and barrister fees.
40. The Inquiry is a statutory requirement as part of the adoption process of a Unitary Development Plan (the Southwark Plan). It is essential that the short timescales are continued for adoption of the Southwark Plan. This is because outstanding issues around the strength of various controversial policies when making development control planning decisions can be very costly to the Council. The costs mainly arise when developers appeal

against the Council's planning decisions questioning the strength of decisions based on policies which have not been considered at a public inquiry. These appeals have a significant cost to the Council.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Borough Solicitor

41. As indicated in the report work on the review of the Unitary Development Plan to date has proceeded under the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Plan) (England) Regulations 1999 ("the Development Plan Regulations").
42. The Planning and Compulsory Purchase Act 2004 received Royal Assent in May 2004 and certain parts of the Act, but not all of it, came into force in August with further provisions being brought into with effect from 28 September 2004.
43. Among the provisions that have recently come into force are those concerning Regional Development Frameworks and Local Development Frameworks ("LDFs"). Local Development Frameworks will replace Unitary Development Plans and new regulations also come into force concerning the content and preparation of LDFs. The Government has also issued Planning Policy Statement 12 ("PPS 12") which gives advice on the preparation of LDFs which replaces PPG 12.
44. The transitional provisions in the Act and the Regulations mean that the Southwark Plan will continue to be prepared under the previous legislation and regulations and that the policies in the plan will continue in force for a period of 3 years from the date when the plan is finally adopted.
45. Members will receive a report at a future date on the arrangements that will be put in place to prepare a LDF in accordance with the new requirements and should note that much of the work to date on the revised UDP has taken account of the changes which are now coming into force.
46. Because the transitional provisions apply in the case of the Southwark Plan members should have regard to the following advice, which reflects the provisions of the Town and Country Planning Act 1990 rather than those of the Planning and Compulsory Purchase Act.
47. The procedures for preparing a replacement UDP are detailed in PPG12: Development Plans (1999) and the Town and Country Planning (Development Plan) (England) Regulations 1999 ("the Development Plan Regulations"). The processes adopted by the Council to date in preparing the revised UDP, detailed in the main report comply with Government guidance. The requirements of the Development Plan Regulations concerning publicity for the second deposit draft and the opportunity for comment and objection are summarised in the main report. Members should note that the opportunity to lodge formal objections to the second deposit draft of the UDP are limited to objections to the changes made in the second deposit draft, all material and substantial objections should already have been lodged in response to the first deposit draft.
48. The terms of reference of the Planning Committee include commenting in the successive drafts of the Unitary Development Plan and making recommendations to the Executive as appropriate. The Planning Committee considered the proposed changes to the deposit draft of the UDP at its meeting on 29 September 2004 and the comments made are included in this report. Final approval of the revised deposit draft of the Southwark Plan is the responsibility of Council Assembly.

EQUAL OPPORTUNITIES IMPLICATIONS

49. There are positive implications in relation to equal opportunities for both policy setting and inclusion in consultation processes.
50. When planning decisions are made on whether developments should be permitted using the Southwark Plan, they will all be delivering the Community Strategy five key priorities.

51. This is because the Southwark Plan policies have all been evaluated against sustainability and community strategy priorities to demonstrate how the policies deliver these priorities. This is detailed in appendix 4 to this report.
52. Furthermore all developments that meet a set of criteria demonstrating that they may cause social, environmental and economic impacts are required to submit a Sustainability Appraisal and Design Statement with each planning application. These two requirements measure how a development delivers the community strategy priorities and sustainability, considering issues such as: affordable housing which includes social and key worker housing, provision of larger housing units with 3 or more bedrooms for families, accessibility to and around developments for mobility impaired and disabled people, access to open space for residents, provision of small businesses and services for local communities, school place provision, employment opportunities generally and for local residents, provision of childcare and training, locating development in places which are easy to travel to by public transport, wheelchair accessible parking, wheelchair accessible affordable housing (and many others). These positive, measurable impacts which can be considered as part of the application process will enable improvements in provision for many potentially disadvantaged communities within Southwark.
53. It is considered that the new Southwark Plan provides an excellent opportunity for all members of the community to become involved in shaping the future of land use planning and development in Southwark. It is also considered that the variety and scope of consultation procedures intended to be undertaken will aid in engaging all members of the community in the process.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Southwark Plan (2002) – the First Draft for Deposit Southwark Unitary Development Plan	Planning Policy Team Chiltern House	Kirstin Clow

AUDIT TRAIL

Lead Officer	Paul Evans, Strategic Director of Regeneration	
Report Author	Julie Seymour, Planning Policy Manager	
Version	Final	
Dated	7 October 2004	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor	Yes	Yes
Executive Member	Yes	Yes
Date final report sent to Constitutional Support Services		07/10/04

APPENDICES

Note: A hard copy of appendices 1, 2 and 5 has been circulated to all councillors in a separate document with a covering letter dated October 7 2004 from Julie Seymour, Planning Policy Manager. Councillors are requested to bring this document with them to the meeting of Council Assembly.

- Appendix 1 The pre-inquiry changes to the Southwark Plan 2004 (Second Draft Unitary Development Plan)
- Appendix 2 List of figures
- Appendix 3 Summaries of the draft written representations to objections (provided at www.southwark.gov.uk/udp as this is 500 pages – available by request on CD).
- Appendix 4 Responses to the Southwark Plan 2002 and 2004 (First and Second Deposit UDP) – Officer Comments (provided at www.southwark.gov.uk/udp as this is 1500 pages – available by request on CD).
- Appendix 5 Draft Consultation Plan
- Appendix 6 Sustainability Appraisal (provided at www.southwark.gov.uk/udp.) This is available by request as a hard copy or on CD)
- Appendix 7 Consultation Statement (provided at www.southwark.gov.uk/udp.) This is available by request as a hard copy or on CD)