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| Item No. 14. | Classification: Open | Date: 7 February 2012 | Meeting Name: Cabinet |
| Report title: | | Peckham and Nunhead Area Action Plan Preferred Option | |
| Ward(s) or groups affected: | | Livesey, Peckham, The Lane, Nunhead, Peckham Rye | |
| Cabinet Member: | | Councillor Fiona Colley, Regeneration and Corporate Strategy | |

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

This report recommends the next stage of consultation on the Peckham and Nunhead Area Action Plan, called the "preferred option". The preferred option sets out our vision for long lasting improvements to the area and includes detailed policies for SE15, including policies on shopping, employment, retail, transport, community facilities, open spaces, sustainability and design. We set out visions and policies for each of our five character areas within Peckham and Nunhead, as well as detailed guidance on key development sites.

We believe the area has the potential to provide more than 2,000 new homes over the next 15 years. Alongside this we think there is capacity for an increase of up to 15,000sqm of retail floorspace to include a range of different types of shops, and up to 8,000sqm of employment floorspace. Most of this change will take place in and around Peckham town centre where there are many development sites. The surrounding areas will see less development and more emphasis on improving and protecting the existing local character.

We have already carried out a lot of consultation and the area action plan has changed as a result of feedback received through consultation. At this stage we are asking residents, businesses, landowners, developers and community groups to comment on our preferred option to see whether they think it will develop the type of Peckham and Nunhead we all want and whether our vision and policies are deliverable.

With the right policies in place we will be able to build on the best of Peckham – its diversity, the growing arts and cultural buzz – and consign the ill deserved negative images to the past where they belong.

RECOMMENDATIONS

That Cabinet:

1. Considers the Peckham and Nunhead Area Action Plan (AAP) Preferred Option (Appendix A).
2. Notes the consultation report (Appendix B), the consultation strategy (Appendix C) and the consultation plan (Appendix D).

3. Notes the interim Sustainability Appraisal (Appendix E), the Equalities Impact Assessment (Appendix F), the Appropriate Assessment (Appendix G) and the schedule of proposed changes to the proposals map (Appendix H).
4. Adopts for consultation the Peckham and Nunhead Area Action Plan (AAP) preferred option.

BACKGROUND INFORMATION

5. We are preparing an area action plan (AAP) for Peckham and Nunhead. Once adopted, the AAP will form part of Southwark's development plan and will be used to make decisions on planning applications. Whilst the AAP must be in general conformity with the London Plan (2011) and the core strategy (2011), it can adapt some of these policies to reflect specific issues in Peckham and Nunhead. Alongside the core strategy, it may replace some of the saved Southwark Plan (2007) policies.
6. The AAP covers the two community council areas of Peckham, and Nunhead and Peckham Rye. Small parts of both community council areas are outside the AAP boundary.
7. The AAP sets out a detailed vision for Peckham and Nunhead which builds on the vision in the core strategy. It sets policies to make sure that over the next fifteen years we get the type of development to deliver the vision. It includes a section on delivery which sets out how the policies and necessary infrastructure will be implemented.
8. We are currently at the fifth stage of preparing the AAP:
 - The first stage was the sustainability appraisal scoping report (November 2006-February 2007).
 - The second stage was a *Future Peckham* vision paper, which set out the key issues that the AAP would consider (March-April 2008).
 - The third stage was the issues and options consultation, which was the first big stage of consultation (September to May 2009). This set out the key issues and challenges for Peckham and Nunhead and possible options to overcome these issues. These options were fairly broad, but established distinct and viable alternative approaches to regeneration and redevelopment.
 - The fourth stage introduced a further stage of consultation on options to ensure that we had fully consulted on all of the possible options before we selected the preferred options (May to September 2011). This was called the *towards a preferred option*.
9. This fifth stage of consultation sets out our preferred option for Peckham and Nunhead, setting out our strategy for each of the issues identified through the issues and options and towards a preferred option.
10. The final stage of consultation will propose the same document for both the publication and submission to the Secretary of State for examination in public in autumn 2012. This document will be published in September 2012 and representations as to its soundness will be invited. At the end of this period the same version of the document and representations received as to its soundness will be submitted to the Secretary of State for independent examination. The

submission will be subject to an examination in public held by a planning inspector appointed to act on behalf of the Secretary of State. The inspector will consider representations made by interested parties to test the soundness of the draft AAP. This will involve the inspector asking further questions about issues and examining relevant evidence. The inspector will then publish a report with binding recommendations. We will then choose to adopt the final AAP or to withdraw and go back to informal consultation.

KEY ISSUES FOR CONSIDERATION

11. The key issues for consideration are set out below. The full preferred option paper is set out in Appendix A to this report.
12. The AAP provides overarching policies for the action area as a whole, as well as detailed policies which describes how this should be applied to individual character areas. The area has been divided into five character areas: Peckham core action area, East Peckham, North Peckham, South Peckham, and Nunhead, Peckham Rye and Honor Oak. Most of the change will take place in Peckham core action area, which is focused around Peckham town centre. The wider area will see smaller scale development, mostly infill development and improvements to the supporting infrastructure. The preferred option makes minor amendments to the boundary of the wider action area to include the whole of Peckham Rye Park and Common. It also amends Peckham core action area boundary to focus on the main area of change.
13. The AAP promotes the provision of new shopping space to help maintain and enhance Peckham town centre as a major town centre in Southwark's hierarchy and broaden its appeal to a wider catchment. The AAP states that we will work with landowners to improve and expand shopping floorspace by between 15,000 and 20,000sqm of new floorspace across the key sites of the Aylesham shopping centre, Copeland Road Industrial Park, Peckham Rye Station and the land between the railway arches.
14. New developments should provide a range of unit sizes, including larger units and we will use planning conditions to prevent sub-division to ensure that there is adequate space for multiple retailers.
15. The AAP promotes building on Peckham's reputation for creativity include providing space for creative industries under the railway arches and building new cultural facilities around Peckham Square, Peckham Rye Station and Copeland Road Industrial Park. It also continues to support the provision of a cinema in Peckham town centre as well as working with businesses to facilitate the provision for more cafes and restaurants, making Peckham a better place to go out in the evening. It sets out that a cinema should be retained on the existing site in Rye Lane unless an alternative facility is provided. It sets out that an alternative location could be at Eagle Wharf or Copeland Road Industrial Park.
16. The AAP maintains the status of key shopping parades as 'protected shopping frontages', in accordance with the saved Southwark Plan and Core Strategy policies. It also supports the provision of small scale shops within the wider AAP area, particularly along Commercial Way and on the former Wooddene Estate.
17. The AAP has a policy to ensure that the proportion of units which are hot food takeaways (A5 Use Class) does not rise above 5% in Peckham town centre and Nunhead local centre. It also does not allow takeaways within 400 metres (10

minutes walking distance) of secondary schools. This will ensure that these centres continue to be viable and vital and that there is a balance of uses within these centres, as well as improving the health of residents within Peckham and Nunhead.

18. The AAP supports the introduction of up to 8,000sqm of new business space in Peckham town centre, specifically on the Copeland Road Industrial Park, Peckham Rye Station, cinema/multi-storey car park and the land between the railway arches. The AAP also requires existing business floor space within the town and local centres to be retained unless replaced by an alternative town centre use. This also applies to the Print Village on Chadwick Road.
19. Our strategy for community facilities is to locate local facilities together so that the services required by the community, including services for young people, health centres and community space, are provided in accessible locations. The AAP also requires new development to contribute towards the provision of new or enhanced facilities through a section 106 planning obligation or community infrastructure levy.
20. The AAP says where the council will deliver improvements to schools, addressing the need for more school places.
21. The AAP sets out that the council will work with NHS Southwark to improve the health of residents in Peckham and Nunhead, with the preferred centre for future investment as the Lister Health Centre on Peckham Road.
22. The AAP encourages active travel, including walking, jogging, cycling, skating or scootering. It prioritises improvements to links between key destinations such as the town centre, stations and schools, as well as working with partners to deliver the cycle superhighway along Queens Road and lobbying TfL for the extension of the Mayor's cycle hire scheme.
23. The AAP sets out that the council will continue to work with partners to improve public transport. Specifically it sets the key priorities to include the extension to the Bakerloo line and the cross river tram or an alternative high quality public transport service. The AAP sets out that the 'Flaxyard' site will be either safeguarded for a tram or alternative terminus, or developed for mixed use development.
24. The AAP sets out where there are committed improvements to the road network.
25. Our strategy for parking for shoppers and visitors in Peckham is to create a balance between providing enough parking to support town centre uses whilst encouraging people to use public transport and active modes of travel. The AAP says which car parks will be maintained and which car parks will be developed for alternative uses over the next 15 years. Of the council owned car parks, it sets out that Copeland Road car park and the multi storey car park on Cerise Road can both be developed for mixed use, allocating both these sites as proposals sites. The AAP sets out that Choumert Grove car park will be maintained as a car park and removes the suggested proposal site designation (from *Towards a preferred option*) of allowing this site to be developed.
26. For residential car parking, the AAP encourages car free development in the core action area, with a maximum of 0.3 spaces per residential unit and, within the

wider area, maximum car parking standards of 1 space per unit in the urban zone and 1.5-2 spaces per unit within the suburban zone.

27. The AAP indicates there is capacity to provide around 2,000 new homes. At least 1,500 of these will be within the core action area and the majority of these will be on proposals sites. There will be a minimum of 700 affordable homes and 700 private homes, implemented through policies requiring a minimum of 35% of new development to be private housing and a minimum to be affordable housing. This is in accordance with the core strategy.
28. The AAP amends saved Southwark Plan policy 4.4 to require 50% of the affordable homes to be intermediate homes and 50% to be social rented homes. It also requires a minimum of 20% of homes to be family homes within the core action area and the urban zone and a minimum of 30% within the suburban zone. It sets the minimum floor areas which should be met.
29. The AAP follows the core strategy and saved Southwark Plan policies and protects important open spaces from inappropriate development. It also seeks to protect new open spaces and two new sites of importance for nature conservation at Surrey Canal Walk and Warwick Gardens.
30. Our strategy to meet high environmental standards is to reduce the energy use of new developments and support the provision of an efficient energy network for Peckham and Nunhead. The AAP also requires new development to meet the Core Strategy policies on water, energy and flooding.
31. It is important to maintain and improve the provision of street trees and the AAP has policies expecting development to retain and enhance trees wherever possible.
32. The AAP sets out key principles to ensure the high quality design of public squares, streets and spaces, and sets out detailed public realm guidance for each of the five character areas. It also has policies to ensure the high quality design of buildings for the whole area and each character area.
33. Most buildings in the action area are between two and four storeys. The AAP policy is to retain the current character with most new development having heights similar to existing. Within some sites in the core action area, taller buildings of between six and ten storeys may be appropriate. These sites are identified as: Aylesham centre, former Wooddene Estate, Copeland Road car park, Copeland Road Industrial Park and the cinema/multi-storey car park.
34. The AAP will allocate proposals sites on the proposals map, setting out the type and amount of development suitable on each of these sites. Most of the proposals sites are within the core action area.
35. The council cannot deliver the vision for Peckham and Nunhead alone, and the AAP contains detail on how the policies and objectives will be delivered. This includes progressing committed developments, developing the council's own sites, and working with other stakeholders such as Transport for London, NHS Southwark, community groups, developers and Network Rail.
36. At the next stage of consultation more detail will be set out on how the supporting infrastructure will be funded and the timescales for delivery.

CONSULTATION

37. The Planning and Compulsory Purchase Act 2004 (amended 2008) and the council's statement of community involvement (2008) set out the consultation requirements for area action plans.
38. The consultation strategy (Appendix C) sets out how we will consult on the AAP throughout the entire AAP preparation process and the key groups we seek to involve. The consultation plan (Appendix D) sets out the consultation for the preferred option. The AAP will be available for public inspection from 31 January to 24 April 2012.
39. It is important to recognise that a considerable amount of consultation has taken place over the last few years on the Peckham and Nunhead AAP. The council aims to build on this process and demonstrate that previous comments have been taken into account to try and avoid consultation fatigue. Comments received at each stage of consultation have been considered as part of the preparation of the next stage of the AAP. The consultation report (Appendix B) sets out how we have taken all these comments into consideration.
40. The most recent stage of consultation – *towards a preferred option* – took place from 9 May to 30 September 2011. We received comments from 122 groups and individuals. This amounted to 476 individual representations and 22 questionnaire responses. There was also a petition signed by 261 residents objecting to Choumert Grove car park being identified as a development site.
41. The key points raised are set out below. Many of these comments are addressed in the "key issues for consideration" section above. Where there are further specific changes resulting from these comments these are set out below.
42. The consultation report (Appendix B) includes a more detailed summary of all the representations received at each stage of consultation as well as appendices which includes the full representations and our officer comments on how we have taken these comments into account in preparing the preferred option. The largest numbers of representations received were about Choumert Grove car park and restricting the number of takeaways.

Planning committee

43. The *towards a preferred option* document was taken to planning committee for comment on 7 June 2011.
 - Transport links to Dulwich, as well as links to the north of the borough should be addressed. The maps and the AAP have been updated to refer to transport links more widely including links to Dulwich.
 - The PNAAP should address the design of future developments to ensure that they are of high quality.
 - The PNAAP should ensure that opportunities to improve Rye Lane as a key shopping link between Peckham and Nunhead are not missed.
 - The PNAAP should ensure that the need for new primary school places is addressed adequately.
 - Questions should be asked as to whether the PNAAP should continue to safeguard land for the cross river tram.

- The preferred option document is welcomed so that the area can get much needed care and attention and as it out for public consultation until 30 September, members of the public should be encouraged to make comments during this period.

Retail, cultural and employment use

44. There was overall support for focusing new retail use on Copeland Road Industrial Park and the land between the railway arches.
45. There was overall support for increased cultural use in the town centre, both in the Copeland Road Industrial Park and the land between the railway arches, and around Peckham Square.
46. There was strong support for a cinema to remain in Peckham.
47. There were a lot of representations supporting the restriction of takeaways and comments on the number of takeaways currently along Rye Lane. There were also many comments supporting the restriction of takeaways near to schools.
48. The representatives of the Aylesham Centre suggested that the more expansive option of developing more retail in the town centre at Copeland Road Industrial Park should only be pursued once the first option (focusing on the Aylesham Centre and the north of Rye Lane) is delivered with existing retail floor space being improved and occupied. The current supermarket in the Aylesham Centre also raised concern that Copeland Road Industrial Park could be the location for a new food store. We will continue to meet these key landowners at every stage of consultation to ensure the capacities are viable and deliverable.
49. There was support for improvements to the Asda (previously Netto) site along Rye Lane to improve the existing retail parade. The preferred option designates this as a proposals site.
50. There was general support to concentrate additional employment floor space around Peckham Rye Station and Copeland Road Industrial Park, including support for around 8,000 sqm of new business space.

Transport

51. Reducing the reliance on cars and promoting walking and cycling was broadly supported by residents and statutory consultees.
52. Several residents stated that bicycle storage needs to be promoted if the level of cycling is to increase. The preferred option refers to the Southwark Plan bicycle parking standards. It also includes a table on minimum dwelling standards to ensure there is adequate space inside dwellings for storage.
53. NHS Southwark offered their support to the extension of the Mayor's cycle hire scheme to Peckham and Nunhead. However TfL stated that they currently have no plans to extend the scheme to Nunhead.
54. NHS Southwark supported the safeguarding of the 'Flaxyard' site for a tram terminus, whilst TfL would prefer the policy to refer to a broader range of public transport interventions. There were also representations to allow a more proactive use of the land in the meantime such as for food growing.

55. Several local residents requested reference in the policy to specific interventions that might improve pedestrian and vehicle flow, for example, around Bellenden Road and Choumert Grove.
56. There were many representations on the use of car parks. In particular, a petition was submitted objecting to development on the Choumert Grove car park. The petition stated that a 4 storey development (as suggested in *Towards a Preferred Option*) would be inappropriate and that the site should be used as park/open space for the community. At the Nunhead and Peckham Rye community council on 19 September 2011, many traders objected to developing on the town centre car parks and that Choumert Grove car park should remain as a car park and not be a development site. Other objectors such as Living Streets objected to all options encouraging car use.
57. There was support for either car-free development or up to 0.3 spaces per residential unit for residential car parking in the core action area.

Housing

58. English Heritage requested clarity on the impact of the proposed capacity increase on the historic environment as they were concerned about the increased density on heritage. The preferred option takes forwards the same approach to density as the adopted core strategy. It sets out where we expect most new homes to be delivered, the majority of which will be within the core action area.
59. There were some concerns that the increased amount of new homes especially in the town centre may lead to overcrowding. There was also concern expressed about new homes putting pressure on schools and community facilities.
60. There were some representations asking how the new product “affordable rent” is being dealt with. The preferred option includes affordable rent within the fact box on affordable housing and refers to the forthcoming consultation on the Affordable Housing supplementary planning document, which will look in more detail at affordable rent.
61. There were mixed views on whether there should be more student homes. The preferred option follows the core strategy approach to student housing.

Open spaces and sites of importance for nature conservation (SINCS)

62. NHS Southwark would like to see more consideration of open space that is part of social housing and private housing estates. The preferred option requires new housing developments to provide amenity space as part of the development.
63. There was support for protecting more open spaces.
64. There was a representation to suggest that amendments need to be made to boundary of Peckham Rye Common, needing to make a clearer distinction between Peckham Rye and Peckham Rye Park. This has been corrected in the preferred option.

Design

65. English Heritage identified the need for a robust evidence base to identify the location of tall buildings. We also need to ensure the AAP reflects PPS5. We have prepared a tall buildings and design background paper alongside the preparation of the preferred option.
66. Several representations commented that they support taller landmark buildings.
67. There were suggestions to include a policy on public realm improvements.

Peckham town centre

68. There were comments on the need to improve the existing environment, including shop fronts. The preferred option includes detailed design and public realm policies specific to the core action area (which includes the town centre) to help improve the appearance of the town centre.
69. There was overall support for improving the town centre and respondents agreed with the strengths of the town centre identified in *towards a preferred option*. There was also support for a strategy to increase non-food retail, attract more large retailers and increase the number of people living in the town centre. The preferred option includes more detailed policies on key sites within the town centre which have the potential to provide units for non-food retailer and attract more larger retailers.

Nunhead local centre

70. English Heritage commented that the strategy for Nunhead local centre should be aligned closely with Nunhead Green Conservation area and the need to preserve and enhance the character. The preferred option provides detailed policies on heritage for the Nunhead character area.
71. There were comments on the lack of variety of shops in Nunhead town centre and that the new shop fronts are all the same and should be more independent. The preferred option includes policies on public realm for this character area, land use (including retail) and design.
72. There were comments on the loss of shops due to them being converted into homes and that Nunhead has the potential to encourage small business and create a vibrant town centre. Nunhead local centre, including the shops along Evelina Road are already protected shopping frontages, protected through the core strategy and the saved Southwark Plan.
73. Concern around the loss of open space at the Nunhead Early Years site. The preferred option sets out detailed guidance on the development of this site. The greenness of this site is not protected open space, and the site is identified as a development site.
74. There was also concern expressed at knocking down the previous Nunhead community centre. The preferred option sets out why this is the best option for the site.

Community impact statement

75. The purpose of the AAP is to facilitate regeneration and deliver the vision of the sustainable community strategy, Southwark 2016, ensuring that community impacts are taken into account. We have prepared an equalities impact assessment (EQIA) and an interim sustainability appraisal to make sure that the AAP is having a positive impact on different groups and that the AAP is delivering the most sustainable option for Peckham and Nunhead.
76. Both the EQIA and the sustainability appraisal will be taken forward and revised at the next stage of consultation on the publication/submission AAP.

Equalities impact assessment

77. An equalities impact assessment (EqIA) stage 2 report (Appendix F) has been carried out alongside the preparation of the preferred option to assess the impact the AAP will have on groups with protected characteristics. EqIA scoping reports were also carried out at the issues and options and towards a preferred option stage of consultation.
78. The EqIA highlights a number of key issues that need to be addressed in preparing the AAP. The first of these is the need to ensure that the methods used to consult and engage people in the preparation of the AAP are open and accessible to all members of the community. To help address this issue we have prepared a consultation strategy which sets out the principles of how we will consult and the importance of reducing barriers to consultation. These emphasise that particular needs such as access, transport, childcare and translation need to be considered, as well as a strategy to broaden the appeal of consultation and make it attractive to a diverse range of people and groups. At each stage, participation will be monitored and analysed to see whether any particular groups have not been engaged and whether this can be addressed at the next stage.
79. Other issues which the EqIA highlights include access to housing for all groups. There are particular groups, such as BME communities, who are impacted by the size of housing and have a need for family sized units. It will also be important to ensure that homes are adaptable and meet lifetime homes needs, and that homes which can be easily adapted to wheelchair use are provided. The latter are important considerations for the elderly and people with disabilities. It will also be important that the plans help reduce barriers to work which are experienced by those with low skills, single parent families, and people with disabilities in particular. This will have implications for a number of the council's equalities target groups, including the young and older people, people with disabilities and people in BME communities whose first language is not English.
80. Other important issues include access to facilities, to shops, jobs, schools etc. It will be important to ensure that provision is located in areas which are accessible. This can be particularly important for groups who are less likely to have access to cars, including the young and elderly. While it will be important to improve access to public transport and reduce parking requirements, it should be borne in mind that some groups rely on cars, particularly families and the elderly.
81. The action area is expected to undergo significant change through the development and implementation of the Peckham and Nunhead AAP. This will see increased investment and development activity, which provides significant

opportunities to improve the built environment in the area. Improvements to the public realm and the environmental quality of the area will need to be of high quality to ensure that certain groups do not feel threatened walking through the area such as members of certain faith groups, members of the BME community, young people, older people and women. Within the wider AAP area, the protection of areas for heritage and conservation purposes may limit development which may limit the opportunities for creating new jobs and housing for those that are seeking employment or better quality housing.

Sustainability appraisal

82. An interim sustainability appraisal has been prepared to help identify the environmental, social and economic issues that the AAP needs to address. The preparation of a scoping report was the first stage of the sustainability appraisal to assist in the preparation of the AAP and its sustainability appraisal. The scoping report set out the sustainability objectives and indicators that will be used to measure the impacts of the policy upon sustainable development. Baseline information was gathered to draw attention to key environmental, social and economic issues facing the borough, which may be affected by development in Peckham and Nunhead.
83. An interim sustainability appraisal was carried out for the issues and options and towards a preferred option reports. We have updated our sustainability appraisal for this stage of consultation to assess the impact of the preferred option.
84. The current stage of the process involved appraising the preferred option for Peckham and Nunhead against the sustainability objectives. The results of the appraisal showed that the overall impact of the preferred option policies was positive. The key findings of the sustainability appraisal are that the overall impact was positive especially for policies relating to town centre growth and protection of open spaces. Whilst there were uncertain impacts identified, overall, the appraisal indicated that the policies are likely to have a positive contribution to directing development in Peckham and Nunhead, the AAP policies in particular will help to achieve sustainable development objectives:
 - SDO1 To tackle poverty and wealth creation
 - SDO3 To improve the health of the population
 - SDO4 To reduce the incidence of crime and the fear of crime
 - SDO5 To promote social inclusion, equality, diversity and community cohesion
 - SDO15 To provide everyone with the opportunity to live in a decent home
85. Some negative impacts were identified, however these were in relation to the environmental impacts of development. Mitigation measures have been identified which will need to be put in place to minimise impacts. Many of these mitigation measures are policy requirements in either the core strategy or supplementary planning documents (SPDs) such as the sustainable transport SPD, residential design standards SPD, sustainable design and construction SPD and sustainability assessment SPD. For example: Strategic Policy 13 in the core strategy, which sets out the council's targets for development to minimise their impacts upon climate change. Possible negative impacts will need to be reviewed and appropriate mitigation measures will need to be identified if these options are carried forward to the submission version AAP.

Resource implications

86. There are no immediate resource implications arising from this report as any additional work required to complete the work towards a preferred option will be carried out by the relevant policy team staff and budgets without a call on additional funding.
87. However, future development schemes emerging from the final approved Area Action Plan will be subject to separate reports which will provide detailed and robust analysis of the financial implications of the individual schemes.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance (NS20110111)

88. The PNAAP preferred option together with the accompanying documents and comments of the planning committee are presented to cabinet for consideration and approval of the PNAAP preferred options for consultation.
89. Under Part 3C, paragraph 20 of the constitution the adoption of the preferred options of DPDs to the cabinet. The approval of a development framework document for consultation is delegated to the individual cabinet member (IDM) for regeneration and corporate strategy under Part 3D, paragraph 17 of the constitution. However, the IDM has the option of taking the decision herself or referring it to cabinet for decision. The cabinet member for regeneration & corporate strategy has exercised the option to refer the matter to Cabinet for a decision. The cabinet is accordingly requested to have regard to the contents of and the background documents appended to this report before approving the PNAAP preferred options report consultation in accordance with the SCI.
90. The PNAAP is a development plan document (Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ("the Regulations")) and will be subject to independent examination by an Inspector of the Secretary of State.

The consultation plan / consultation report

91. The production of the PNAAP is required to follow principles for community engagement in planning. Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004 ('the Regulations') deals with public participation in the preparation of a development plan documents. Accordingly, the council must notify specified bodies of the PNAAP and invite each of those bodies to make representations about what it ought to contain. The specified bodies are identified as specific consultation bodies as the LPA considers may have an interest in the PNAAP, general consultation bodies as thought appropriate and persons who are resident or who carry on business in the area. In preparing the PNAAP, the local planning authority must then take into account any representations made to them in response to the consultation or invitation to make representations.
92. Section 19(3) of the Planning and Compulsory Act 2004 ("the Act") specifically requires local planning authorities to comply with their adopted SCI. In so far as the SCI exceeds the consultation requirements of the Regulations, it must be complied with. The involvement of the public and stakeholders across different

sectors in preparing the PNAAP must therefore follow the approach set out in the council's SCI.

93. The council is required to undertake timely, effective and conclusive discussion with key stakeholders on what option(s) for a PNAAP are deliverable. This should help ensure that the PNAAP is sound and in fact deliverable.

The PNAAP preferred option

94. In devising its strategy the council is required to be consistent with national policy and in general conformity with the London Plan. This means that the choices made regarding, for example where growth should take place should be consistent with national and regional policy. The PNAAP should be concentrating on establishing a clear direction for the regeneration of the area with regards to specific issues that have been identified as being of local importance such as the town centre and transport.
95. The PNAAP should align and coordinate with the local development framework, the council's sustainable community strategies and the core strategy which provide the overarching strategic objectives for the borough. Therefore the key spatial planning objectives for the Peckham and Nunhead area should be in alignment with priorities identified in the statement of community involvement and the core strategy.
96. The PNAAP must be justifiable. It must be founded on a robust and credible evidence base as well as the most appropriate strategy when considered against the reasonable alternatives.
97. The council must be able to demonstrate at the public examination that the preferred option(s) are the most appropriate when considered against reasonable alternatives delivers confidence in the strategy. It requires the council to seek out and evaluate *reasonable* alternatives promoted by themselves and others.

Sustainability appraisal

98. The Planning and Compulsory Purchase Act 2004 requires a sustainability appraisal (SA) to be prepared for all emerging development plan documents and therefore this applies to the PNAAP.
99. The sustainability appraisal required by section 19(5) of the Planning and Compulsory Purchase Act 2004 is an appraisal of the economic, social and environmental sustainability of the plan.
100. The sustainability appraisal performs a key role in providing a sound evidence base for the plan and is an integral part of the plan preparation process, hence it also forms part of the consultation process for the PNAAP preferred options. The Sustainability Appraisal should inform the evaluation and selection of alternatives. It will also provide a means of proving to decision makers, and the public, that the plan is the most appropriate given reasonable alternatives.
101. In summary the PNAAP must be effective. This means it must be deliverable, flexible and capable of monitoring.

102. Deliverability is demonstrated by showing how the vision, objectives and strategy for the area will be delivered and by whom, and when. This includes making it clear how infrastructure which is needed to support the strategy will be provided and ensuring that what is in the plan is consistent with other relevant plans (such as other DPDs) and strategies relating to adjoining areas.
103. Flexibility is demonstrated by showing that the PNAAP can deal with changing circumstances. Area action plans should look over a long time frame – 10-15 years usually but more if necessary.
104. It may not always be possible to have maximum certainty about the deliverability of the strategy, particularly in the current economic climate. However, given the timeframe of the PNAAP it should also be borne in mind that it is likely to endure a number of economic cycles, each presenting different constraints and opportunities. The PNAAP preferred options should therefore demonstrate flexibility and the alternative strategies that have been prepared to handle this uncertainty.
105. The PNAAP preferred options must have clear arrangements for monitoring and reporting results to the public and civic leaders. Monitoring is essential for an effective strategy and will provide the basis on which the contingency plan(s) within the strategy would be triggered. The delivery strategy should contain clear targets or measurable outcomes to assist this process.

Equality impact assessment

106. 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”).
107. 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).
108. 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”.
109. 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."
110. The carrying out of an EqIA in relation to policy documents such as the PNAAP improves the work of Southwark by making sure it does not discriminate and that, where possible, it promotes equality. The EqIA ensures and records that individuals and teams have thought carefully about the likely impact of their work on the residents of Southwark and take action to improve the policies, practices or services being delivered. The EqIA in respect of the PNAAP needs to consider the impact of the proposed strategies on groups who may be at risk of discriminatory treatment and has regard to the need to promote equality among the borough's communities.

Soundness of the PNAAP

111. Under the Planning and Compulsory Purchase Act 2004 S 20(5)(a) an Inspector is charged with firstly checking that the plan has complied with legislation and is otherwise sound. Section 20(5)(b) of the Act requires the Inspector to determine whether the plan is 'sound'. The 'soundness test' includes in particular ensuring that the plan:-
- (i) Has been prepared in accordance with the local development scheme
 - (ii) Is in compliance with the statement of community involvement and the Regulations;
 - (ii) Has been subject to sustainability appraisal;
 - (iii) Has regard to and is consistent with national policy;
 - (iii) Conforms generally to the spatial development strategy, namely the London Plan;
 - (iv) Has regard to other relevant plans, policies and strategies such as other DPDs which have been adopted or are being produced by the council, or indeed, those of neighbouring boroughs particularly on cross-cutting issues such as transport;
 - (v) Has regard to any sustainable community strategy for its area; and
 - (vi) Has policies, strategies and objectives which are coherent, justified, consistent and effective.
112. 'Justified' means that the document must be founded on a robust and credible evidence base and that it must be the most appropriate strategy when considered against reasonable alternatives. 'Effective' means that the document must be deliverable, flexible and able to be monitored. These are the overarching principles that should be in members' minds when providing comments on the documents before them.

Human rights considerations

113. The policy making process 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 PNAAP preferred options, a number of rights may be relevant:
- **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 selection of preferred options from a number of alternatives could

impact on housing provision, re-provision or potential loss of homes as a result of re-development. Other considerations may include significant 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 homes. It could be engaged, for instance, if the delivery of any plan necessitates Compulsory Purchase Orders;
- **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 will be a relevant consideration in terms of strategies in the plan which impact on education provision, e.g. the proposal to provide a new secondary school at Rotherhithe.

114. It is important to note that few rights are absolute meaning they cannot be interfered with under any circumstances. Other ‘qualified’ rights, including the aforementioned 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 which means 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. This approach has been endorsed by *Lough v First Secretary of State* [2004] 1 WLR 2557 and clearly shows that human rights considerations are also material considerations in the planning arena which must be given proper consideration and weight. 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.

Departmental Finance Director

115. This report recommends that cabinet considers and adopts the Peckham and Nunhead Area Action Plan (AAP) Preferred Option (Appendix A) and note the appendices relating to the consultation report, consultation strategy, consultation plan, sustainability appraisal, equalities impact assessment and other relevant appendices.
116. There are no immediate financial implications arising from the adoption of the recommendations, and staff time to effect these recommendations will be contained within existing budgeted revenue resources.
117. Any specific financial implications arising from the final Peckham and Nunhead Area Action Plan will be included in subsequent reports for consideration and approval.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|---|--------------------------------|
| London Plan 2011 | Planning Policy Team, 160 Tooley Street, London SE1 2QH | Sandra Warren 020 7525 5471 |
| Southwark Statement of Community Involvement 2008 | Planning Policy Team, 160 Tooley Street, London SE1 2QH | Sandra Warren 020 7525 5471 |
| Core Strategy 2011 | Planning Policy Team, 160 Tooley Street, London SE1 2QH | Sandra Warren 020 7525 5471 |
| Saved Southwark Plan 2007 | Planning Policy Team, 160 Tooley Street, London SE1 2QH | Sandra Warren 020 7525 5471 |

APPENDICES

| No. | Title |
|------------|---|
| Appendix A | Preferred Option report (circulated separately on a supplemental agenda) |
| Appendix B | Consultation report (available on the internet) |
| Appendix C | Consultation strategy (available on the internet) |
| Appendix D | Consultation plan (available on the internet) |
| Appendix E | Interim sustainability appraisal (available on the internet) |
| Appendix F | Equalities impact assessment (available on the internet) |
| Appendix G | Appropriate assessment (available on the internet) |
| Appendix H | Schedule of proposed changes to the proposals map (available on the internet) |

AUDIT TRAIL

| | | |
|---|--|--------------------------|
| Cabinet Member | Councillor Fiona Colley, Regeneration and Corporate Strategy | |
| Lead Officer | Eleanor Kelly, Deputy Chief Executive | |
| Report Author | Alison Squires, Planning Policy Team Leader | |
| Version | Final | |
| Dated | 26 January 2011 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director of Communities, Law & Governance | Yes | Yes |
| Finance Director / Departmental Finance Manager | Yes | Yes |
| Cabinet Member | Yes | Yes |
| Date final report sent to Constitutional Team | 26 January 2012 | |