

Item No. 6.1	Classification: Open	Date: 17 October 2012	Meeting Name: Council Assembly
Report title:		Peckham and Nunhead Area Action Plan – Publication/Submission version	
Ward(s) or groups affected:		Peckham, The Lane, Livesey, Peckham Rye, Nunhead	
From:		Cabinet	

RECOMMENDATIONS

That council assembly consider the recommendations of the cabinet and:

1. Agree to publish the Peckham and Nunhead Area Action Plan (AAP) publication/submission version (Appendix A).
2. Note the supporting documents: the consultation report (Appendix B), the consultation strategy (Appendix C), the consultation plan (Appendix D), the sustainability appraisal (Appendix E), the equalities appraisal (Appendix F), the appropriate assessment (Appendix G) and the schedule of proposed changes to the adopted policies map (Appendix H).
3. Approve the Peckham and Nunhead AAP publication/submission version for submission to the Secretary of State for Communities and Local Government provided no substantive changes are necessary following consultation.
4. Delegate the approval of any minor amendments resulting from consultation on the publication/submission AAP to the director of planning in consultation with the cabinet member for culture, sport, the Olympics and regeneration (South).

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. Once adopted the AAP will form part of the council's development plan and because of its status as a development plan, the AAP must be taken to Council Assembly for agreement for formal consultation and submission to the secretary of state.
6. The AAP covers the majority of the area covered by the Peckham and Nunhead community council, covering Livesey, Peckham Rye, The Lane, Peckham, and Nunhead wards. Small parts of Livesey and Peckham Rye wards 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 sixth 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*.
 - The fifth stage of consultation was the *preferred option* (January to April 2012). It set 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.
9. This sixth and final stage of consultation proposes the same document for both the publication and submission to the Secretary of State for examination in public. The publication/submission AAP will be out for consultation until December 2012. We are inviting representations on its soundness.
10. Following close of consultation, the AAP will be submitted to the Secretary of State for independent examination in December 2012. The AAP will be subject to an examination in public held by a planning inspector appointed to act on behalf of the Secretary of State. This is planned to take place in March 2013. 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.
11. The inspector will then publish a report with binding recommendations, expected for receipt in summer 2013. We will then choose to adopt the final AAP or to withdraw and go back to informal consultation. If we choose to adopt the AAP, it will be taken to council assembly for adoption in October 2013.

KEY ISSUES FOR CONSIDERATION

Changes from the preferred option AAP

12. The publication/submission AAP carries forward the same overall approach as the approach consulted on at the preferred option stage of consultation.
13. The significant changes are:
 - **Targets/capacity.** We have amended targets to take into account further work considering capacities and the viability of development as follows:

- Up to 8,000 sqm of retail (previously up to 15,000)
- Up to 4,000 sqm of business (previously up to 8,000)
- A minimum of 2,000 new homes (this has remained the same).

We have explained throughout the AAP, specifically within the section on proposals sites that the capacities are indicative and will be determined through planning applications, so the figures could be higher or lower.

- Policy 11 – active travel. The publication/submission AAP includes a map to show cycling routes (we previously had one in the AAP at the towards a preferred option stage but took it out as our approach changed). Figure 15 shows indicative cycling routes (rather than detailed routes).
- Policy 26 – building heights. At the preferred option, we set out the there could be a taller element on five sites (Aylesham, Wooddene, Copeland Road car park, Copeland Industrial Park and the cinema site) of between 6-10 storeys. The publication/submission AAP amends this approach to take into account our urban design and tall building modeling and consultation feedback to set out an approach for taller buildings as set out in the following section.
- Delivering and implementation section
We have expanded this section to include:
 - An infrastructure plan
 - Information on CIL
 - A monitoring table.

14. The minor changes are:

- Factual updates to explain what happens at this final stage of consultation.
- Minor wording tweaks to the vision, policies and justifications to policies to make the final policies more clear.
- Removal of the policy to allow residential above shops within policy 1, as national planning policy has since changes allowing this.
- Inserting a figure to show the exclusion zone around secondary schools for hot food takeaways for policy 4.
- Making it clear within policy 6 on business space that business space will be retained within certain locations unless an exception can be demonstrated in accordance with our borough-wide policies.
- Removing the reference to wheelchair housing within policy 18, as this is already covered within the Saved Southwark Plan and will be reviewed through the preparation of our Local Plan.
- Policy 19 – open spaces. We have removed Brimington Allotments from being put forward as a new protected open space.
- Have included more detail within the character area policies to reflect comments from consultation and to focus more on each area's unique character, as required by English Heritage.

The publication/submission AAP

15. The key issues for consideration within the publication/submission AAP are set out below. The full publication/submission AAP is set out in Appendix A to this report.

16. The key issues for consideration are set out below. The full publication/submission AAP is set out in Appendix A to this report.
17. The AAP provides overarching policies for the action area as a whole, as well as detailed policies which describes how these 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 AAP amends the existing Peckham core action area and town centre boundary from that adopted through the Core Strategy, to be more focused on the area of change and the town centre.
18. The AAP sets out an overarching vision for Peckham and Nunhead, and detailed visions for both Peckham and Nunhead. It sets out a number of objectives to help us achieve the vision which guides the policies and proposals across the AAP area.
19. 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, with the capacity for around 8,000sqm of new floorspace across the key sites of the Aylesham shopping centre, Copeland Industrial Park, Peckham Rye Station and the land between the railway arches.
20. 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.
21. The AAP promotes building on Peckham's reputation for creativity including 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 Industrial Park.
22. 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 proposals site.
23. 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.

24. The AAP supports the provision of new markets and street trading areas to increase the variety of retail offer. It sets out that we will establish a site for markets in a new location in Peckham town centre, possibly on the land to the rear of Peckham, Rye Station and/or on the land between the railway arches.
25. The AAP identifies the capacity for around 4,000sqm of new business space in Peckham town centre, specifically on the Copeland 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 Peckham core action area and the town and local centres to be replaced if development comes forward, unless an exception can be demonstrated in accordance with our borough-wide policies. The AAP also allocates the Print Village Industrial Estate on Chadwick Road as a proposals site, requiring the existing business floorspace to be replaced if a development comes forward on this site
26. 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.
27. The AAP says where the council will deliver improvements to schools, addressing the need for more school places.
28. The AAP sets out that the council will work with NHS Southwark to improve the health of residents in Peckham and Nunhead, and will consider opportunities to improve local health services through new developments in the area.
29. 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 adjoining areas including Camberwell and Dulwich. It sets out that the council will continue to work with partners to deliver the cycle superhighway along Queens Road and lobby TfL for the extension of the Mayor's cycle hire scheme.
30. 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.
31. 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.

32. 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.
33. The AAP indicates there is capacity to provide a minimum of 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 and a housing trajectory shows when we expect these new homes to be delivered.
34. 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 required the affordable housing to be of an appropriate mix of dwelling type and size to meet the identified needs of the borough.
35. 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.
36. The AAP follows the core strategy and saved Southwark Plan policies and protects important open spaces from inappropriate development. It also seeks to protect some new open spaces, including Brayards Green, Jowett Street Park and Cossall Park, and some new sites of importance for nature conservation including Surrey Canal Walk.
37. 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 and exceed the Core Strategy policies on water, energy and flooding.
38. 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.
39. 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.
40. The AAP sets out policies to strengthen the character of Peckham and Nunhead by sustaining and enhancing it heritage.
41. Most buildings in the wider action area are between 2 and 4 storeys and within Peckham core action area up to 7 storeys. The AAP policy is to retain the current character with most new development having heights similar to existing. Within five sites in Peckham core action area, taller buildings may be appropriate. These sites are identified as: Aylesham centre (up to 20 storeys), former Wooddene Estate (up to 15 storeys), Copeland Road car park (up to 8 storeys), Copeland Industrial Park and 1-27 Bournemouth Road (up to 10 storeys) and the cinema/multi-storey car park (up to 10 storeys). The AAP sets out that a taller local landmark could help to provide definition to these sites

42. The AAP designate new and amends existing proposals sites on the adopted policies map, setting out the type and amount of development suitable on each of these sites. Most of the proposals sites are within the Peckham core action area.
43. 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. It sets out the many projects already being progressed including the significant improvements to Peckham Rye Station and Queens Road Station.
44. The section on implementation includes an infrastructure plan looking at the key infrastructure projects planned for the next 15 years. This includes completing the cycle superhighway 5 along Queens Road, creating a new access to Queens Road Station and improving Peckham Rye Station and its surroundings.
45. It also sets out information on section 106 planning obligations and Community Infrastructure Levy (CIL), linking to the council's current consultation on the CIL preliminary charging schedule. It sets out the current consultation proposed CIL charges for Peckham and Nunhead.
46. The AAP includes a monitoring table, setting out how the objectives of the plan will be measured through our AMR.
47. It also includes a section on risk, setting out the main risks to delivering the vision and objectives of the plan, and how these risks are mitigated.

Consultation

48. 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.
49. 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 publication/submission stage. The AAP will be available for public inspection until 4 December 2012.
50. 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.
51. The most recent stage of consultation – *the preferred option* – took place from 31 January to 24 April 2012. We received comments from 56 groups and individuals. This amounted to 341 individual representations and 9 questionnaire responses.
52. 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, or where we could not make changes to the AAP, these are set out below.

53. 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 publication/submission version.

Planning Committee

- The preferred option AAP was taken to planning committee for comment on 28 February 2012. The committee noted the AAP and supporting documents and had no comments on the content of the AAP.

Theme 1: Enterprise and activity

54. Some respondents wanted the wider impacts of encouraging residential use on the vacant upper floors of ground floor shops to also be considered in the strategy, such as the effect on later trading hours of businesses. Criteria are set out in policy 1 to ensure this is taken into account.
55. Concern was raised about a trend of the proliferation of the same kinds of retail offers such as betting shops and pay-day loan shops. The AAP sets out that at the moment we cannot control this effectively through the planning system but that we are looking at opportunities to change this in the future.
56. Policy 4 – takeaways. Several comments were received from local GPs who support the policy to restrict further A5 use on the basis of helping to improve the health of the local population
57. Some respondents wanted the policy to be more robustly worded to create a higher bar for planning applications in future. It was stated that in many parts of the area, the numbers of A5 uses has already gone beyond the proposed 5% saturation point and this needed to be acknowledged. The AAP policy has been amended to reflect that in some of the protected shopping frontages over 5% of the units are already takeaways.
58. Concern was raised about rising rents and other costs which small traders are facing in the town centre. The AAP supports a range of different retail units, including both larger units in some of the key proposals sites such as the Aylesham Centre, and new markets to help provide self-employment opportunities with low-entry costs.

Theme 2: Community and well-being

59. A number of objectors stated the need for additional facilities/meeting spaces that could be used as a base for local groups. The schedule of proposal sites sets out where there is capacity for an increased amount of community space.
60. The need for public toilets in the town centre, potentially as part of proposals at Peckham Rye Station, was also raised. This is too detailed for the AAP to provide guidance on, and is already covered under existing Southwark Plan policies.

61. A few respondents stated that the AAP should acknowledge the challenges presented by future healthcare reforms and changes to education provision, in terms of the focus on Academies and the prospect of free schools, and how they could impact on local service provision.
62. The provision and improvement of sports facilities was generally supported. Some respondents highlighted specific spaces that they saw as being important.

Theme 3: Transport and traffic

63. Promoting and enabling active travel generally supported by a range of respondents.
64. A number of comments were submitted to request that we reinstate the map of cycle routes that appeared at the previous, Towards a Preferred Option stage. There was concern that its removal signaled that cycle routes were deemed to be less important. A new map has been inserted into the AAP showing indicative cycle routes/directions of travel.
65. General support for the Cross River Tram and extension of the Bakerloo Line in principle, but a number of respondents stated that the AAP should provide more detail about these schemes. Some concerns expressed as to whether there was a realistic chance of provision of these schemes.
66. There was some concern over the loss of the Southern line service between London Bridge and Victoria expressed through written reps and at consultation events. No change to the AAP, as the loss of the Southern line has already been agreed.
67. Limited, but mixed, response on town centre car parking. Comments ranged from supporting reduced surface level car parking in favour of new development to urging caution that spaces were not unnecessarily removed because it could harm local trade.
68. The retention of Choumert Grove car park was welcomed by a number of respondents
69. Transport for London requested specific reference to safeguarding land for public transport, including the bus garage and bus station.

Theme 4: High quality homes

70. The GLA generally support the housing policies although they have concerns around consistency with London Plan policy 3.14 which require the re-provision of all affordable housing with regard to the proposals site guidance for the former Wooddene estate site. The supporting text for the Wooddene site has been amended to refer to London Plan policy 3.14.
71. Notting Hill Housing Trust commented that: the council should include affordable rent in the housing policies and that our policies (tenure and space standards specifically) should be applied flexibly in the context of site specific circumstances and scheme viability in order to ensure deliverability. The AAP continues to follow the Core Strategy and saved Southwark Plan policy requiring social rent and intermediate housing, based on our evidence base and housing need.

72. A number of comments were concerned with the levels of amenity space, particularly for family sized housing.
73. Some comments referred to the need for more family sized homes.
74. There were some comments on the need to ensure that density reflects the character of the surrounding area, particularly where the highest densities are being considered.

Theme 5: Natural environment

75. Natural England welcomed the references to green infrastructure and to street trees, green/brown roofs, living walls.
76. The GLA noted that the PNAPP should make reference to the All London Green Grid SPG. The AAP now refers to this SPG.
77. There was some concern about the lack of protection in planning policies against overuse of open space.
78. It was commented that the code for sustainable homes level 4 should be expressed as a minimum target.
79. There was support for a wider commitment to planting in parks and open spaces.

Theme 6: Design and heritage

80. Comments supporting more listed buildings (and locally listed buildings) and wanting to see more. There will be a separate consultation on locally listed buildings in 2013.
81. A request for further conservation areas. The Peckham Society have asked to have a new conservation north west of Queens Road Station around Asylum Road. Other residents also supported this idea. Another resident suggested a slightly different boundary to link in with the Peckham Hill Street conservation area. The AAP does not recommend the designation of a new conservation area as the feeling at the moment is that there is not sufficient evidence to meet the criteria to be designated as a conservation area. We will continue to review this, and future conservation areas can be designated outside of the AAP process.
82. English Heritage in general support of design and heritage policies. The GLA were also supportive of the policies.

Character areas

83. Peckham core action area: overall support for a range of shops. Some comments on needing more of an emphasis on improving the A202.
84. Nunhead and Peckham Rye character area: A number of comments supporting and liking the range of shops in Nunhead. There were also a number of comments requesting a lift at Nunhead Station and a new pedestrian entrance to the station from Evelina Road.

85. Peckham South: very few comments, but supportive of the proposed of the Bellenden one-way systems, and also support for the criteria seeking to restrict backland development.
86. Peckham North. Very few comments received, with the key comment being for an improved cycle link between Rye Lane, Peckham Square and Surrey Canal Walk.
87. Peckham West. No comments received.
88. Detailed comments on some of the proposals sites which have been addressed through the AAP.
89. Overall support for the vision with a couple of comments suggesting us should be more detailed and specific.
90. Comments on needing a risk assessment as part of the AAP

Cabinet comments

91. The AAP was taken to cabinet on 25 September 2012. Cabinet agreed the recommendations in the report.

Community impact statement

92. 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 a 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.

Equalities appraisal

93. An equalities analysis (Appendix F) has been carried out alongside the preparation of the AAP to assess the impact the AAP will have on groups with protected characteristics. Equalities analysis has replaced the equalities impact assessments that were previously carried out on our planning documents, including for the issues and options, towards a preferred option and preferred option stages of consultation on the Peckham and Nunhead AAP.
94. The EA 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 has been monitored and analysed to see whether any particular groups have not been engaged and whether this can be addressed at the next stage.

95. Other issues which the EA highlights include access to housing for all groups. There are particular groups, such as Black and Minor Ethnic communities (BME), 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.
96. 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.
97. 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

98. A 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.
99. An interim sustainability appraisal was carried out for the issues and options, towards a preferred option and preferred option reports. We have updated our sustainability appraisal for this stage of consultation to assess the impact of the publication/submission AAP.
100. The current stage of the process involved appraising the publication/submission for Peckham and Nunhead against the sustainability objectives. The results of the appraisal showed that the overall impact of the 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

101. 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

102. There are no immediate resource implications arising from this report as any additional work required to complete the work will be carried out by the relevant policy team staff and budgets without a call on additional funding.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

103. The PNAAP publication/ submission version together with the accompanying documents are presented to council assembly for consideration and approval of the PNAAP for agreement for formal consultation.

104. 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 (SoS).

105. The Peckham and Nunhead AAP Publication Version is at the publication / submission phase. By virtue of Regulation 4, paragraph 3(c) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the 2000 Regulations") (as amended by the Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2005 - Regulation 2, paragraph 4), the approval of a development plan document for submission to the SoS for independent examination is a shared responsibility with council assembly and cannot be the sole responsibility of the cabinet.

106. Under Part 3B of the Constitution, the cabinet has responsibility for formulating the council's policy objectives and making recommendations to council

assembly. As stated above the AAP was taken to cabinet on 25 September 2012 where Cabinet agreed the recommendations in the report.

107. Under Part 3A, paragraph 10 the function of agreeing the policy framework including development plan documents is reserved to council assembly.
108. Accordingly, the council assembly is requested to approve the Canada Water AAP Publication Version for publication and submission for examination in public by the SoS. The purpose of publication is to allow for any representations on the soundness of the document to be made. Any such representations received during publication of the PNAAP Publication Version are to be submitted to the SoS for consideration at EiP
109. Under Part 3F paragraph 7 of the Constitution (as amended) planning committee has the function of commenting on drafts of the local development framework during their consultation periods and making recommendations to the cabinet as appropriate.

Consultation requirements

Prior to publication

110. Regulations 24 and 25 of the Regulations require the council to consult with the community and stakeholders during the preparation of the preferred options and publish an initial sustainability report. Regulation 26 and Section 19(3) of the Planning and Compulsory Act 2004 ("the Act") specifically require 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. This process of consultation in accordance with Regulation 25 (the statutory consultation period of 6 weeks) and the council's adopted SCI (including 6 weeks of informal and 6 weeks of statutory formal consultation) occurred between 10 May and 30 September 2011 and culminated in the Preferred Options. Extensive consultation took place on the council's preferred options on the AAP with the public, statutory bodies and other stakeholders between 31 January 2012 and 24 April 2012. Details of the consultation are set out in the Consultation Plan appended to this report.

Publication/ Submission

111. The PNAAP is now at the formal stage of publication before submission to the Secretary of State. The council is required to make available for public inspection in person and on its website the proposals for the DPD, the supporting documents (contained in the appendices) and details of how to make representations as to the soundness of the document. Representations can be made within a six-week period (Regulation 27(2)). This process is distinguished from a participation or consultation process and simply allows an opportunity for representations as to the soundness of the document. Nonetheless, in line with its usual practices about public engagement under the SCI, the council will publicise the PNAAP for an additional period of 6 weeks.
112. The PNAAP will then be sent to the Secretary of State for examination in public as required by section 20(1) of the Planning and Compulsory Planning Act. This will be accompanied by all the supporting documents including the sustainability appraisal report, the SCI and statements setting out the main issues raised and

how these have been addressed in the AAP and any supporting documents (Regulation 28(1)).

113. On the cabinet's recommendations, members of the council assembly are requested to simultaneously approve the PNAAP publication / submission version for publication and subsequent submission to the Secretary of State. This approach is acceptable provided that representations made do not raise doubt as to soundness or necessitate substantive changes to the PNAAP before submission.

Procedure for adoption of the Peckham and Nunhead AAP

114. Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ('The Regulations') provides that Area Action Plans must be development plan documents (DPDs). This means that the Peckham and Nunhead AAP will form part of the statutory development plan once adopted.

115. The status of the Peckham and Nunhead AAP as a DPD also means that the legislative processes for the preparation of DPDs must be followed. The preparation process is divided into four stages:

- Pre-production – survey and evidence gathering leading to decision to include the Peckham and Nunhead AAP in the Local Development Scheme;
- Production – preparation of preferred options in consultation with the community, formal participation on these, and preparation and submission of the Peckham and Nunhead AAP in light of the representations on the preferred options;
- Examination – the independent examination into the soundness of the Peckham and Nunhead AAP; and
- Adoption – the binding report and adoption.

116. In preparing the Peckham and Nunhead AAP the council must have regard to:

- National policies and guidance;
- The London Plan;
- SSWP 2016, the sustainable community strategy;
- Any other DPDs adopted by the council or in the process of being adopted; and
- The resources likely to be available for implementing the proposals in the Peckham and Nunhead AAP.

Soundness of the PNAAP

117. 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'.

118. The 'soundness test' set out in the National Planning Policy Framework states that the plan should be:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure

requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Strategic Environmental Assessment/Sustainability Appraisal

119. The European Directive 2001/42/EC requires an 'environmental assessment' of plans and programmes prepared by public authorities that are likely to have a significant effect upon the environment. This process is referred to commonly as 'Strategic Environmental Assessment' (SEA) and has been given effect in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regs).
120. The Planning and Compulsory Purchase Act 2004 also requires sustainability appraisal (SA) of all emerging DPDs and therefore the PNAAP too. SA and SEA are similar and to some extent overlapping processes that involve a comparable series of steps. If there is a difference between them, it lies in the fact that SEA focuses on environmental effects whereas SA is concerned with the full range of environmental, social and economic matters. It is acceptable for the same SA document to deal with both SA and SEA aspects providing that there is a clear and substantive audit trail of compliance with both.

Equality impact assessment

121. 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").
122. 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).
123. 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".
124. 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.”

125. 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.

Human rights considerations

126. 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 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.

127. 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 Manager

- 128. This report recommends council assembly adopts the Peckham and Nunhead Area Action Plan (AAP) publication/submission for consultation (Appendix A) and note the appendices relating to the consultation report, consultation strategy, consultation plan, sustainability appraisal, equalities impact assessment and other relevant appendices.
- 129. 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.
- 130. 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	http://www.london.gov.uk/priorities/planning/londonplan	planningpolicy@southwark.gov.uk
Southwark Statement of Community Involvement 2008	http://www.southwark.gov.uk/info/856/planning_policy/1238/statement_of_community_involvement_sci	planningpolicy@southwark.gov.uk
Saved Southwark Plan 2007	http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan	planningpolicy@southwark.gov.uk
The Core Strategy 2011	http://www.southwark.gov.uk/info/200210/core_strategy	planningpolicy@southwark.gov.uk

APPENDICES

No.	Title	Held at
Appendix A	Peckham and Nunhead Area Action Plan publication/submission version	Hard copy circulated separately to all councillors and also available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix B	The consultation report	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix C	The consultation strategy	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix D	The consultation plan	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix E	The sustainability appraisal	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix F	The equalities analysis	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix G	The appropriate assessment	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix H	The schedule of proposed changes to the adopted policies map	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Alison Squires, Planning Policy Team Leader	
Version	Final	
Dated	27 September 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Departmental Finance Manager	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		4 October 2012