

Item No. 8.	Classification: Open	Date: 14 May 2013	Meeting Name: Cabinet
Report title:		Draft Revised Canada Water Area Action Plan (AAP)	
Ward(s) or groups affected:		Surrey Docks, Rotherhithe, Livesey	
Cabinet Member:		Councillor Fiona Colley, Regeneration and Corporate Strategy	

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

In March 2012 council assembly adopted the Canada Water area action plan following several rounds of public consultation and an examination in public.

In summer 2011 the Daily Mail Group confirmed that it would be moving its printing operation away from Canada Water, vacating the Harmsworth Quays printworks by 2014. However, the adopted plan assumes that the Harmsworth Quays printworks remains at Canada Water.

Harmsworth Quays is a large, strategic site and its availability creates an exciting opportunity which can help deliver the AAP vision to regenerate the town centre. We have therefore revised the AAP to provide a planning framework to guide a redevelopment of the site. Our aim is to maximise the amount of non-residential space which can be provided on the site and we are keen to work with the local community, King's College London, British Land and other landowners to deliver this. Non-residential uses, such as offices, higher education facilities, shops and leisure facilities have the potential to boost the day-time economy, create much needed jobs and deliver the AAP vision to create a thriving centre at Canada Water.

In view of the opportunity to expand the town centre eastwards, we have also revised our guidance on building heights, recognising that some tall buildings, in the right locations, can create more public realm, an environment which is easier to walk and cycle around, as well as provide facilities which help create an animated and vibrant town centre.

We have also reviewed the infrastructure which is needed to support growth. We are reiterating our commitment to refurbishing the Seven Islands Leisure Centre to extend its life by up to 10 years, while recognising the potential to provide a new leisure centre in the town centre in the longer term.

In line with our recently adopted open space strategy, we are also proposing to protect three additional open spaces and give the former nursery metropolitan open land (MOL) status.

We have also updated the plan to reflect the up to date position on secondary school places - that a new free secondary school will be opening just outside the plan's boundaries in Bermondsey rather than on the previous proposal at Rotherhithe Primary.

We will consult on the draft revised AAP over the next three months and listen carefully to all the responses we receive. We aim to publish the final plan for a further round of consultation in the autumn before submitting it to the Planning Inspectorate for an examination next year.

RECOMMENDATIONS

That cabinet

1. Approve the draft revised Canada Water area action plan (Appendix A) for formal public consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012 (“the Regulations”).
2. Note the sustainability appraisal (Appendix B), the equalities analysis (Appendix C), the consultation plan (Appendix D) and appropriate assessment (Appendix E).

BACKGROUND INFORMATION

3. In March 2012 the council adopted the Canada Water area action plan (AAP). The purpose of the AAP is to help shape the regeneration of Canada Water. Like the Core Strategy (2011) it is a spatial plan which provides a vision, objectives and policies designed to help manage development and growth at Canada Water. It is a development plan and alongside the Core Strategy and saved Southwark Plan policies, it is used as the basis for determining planning applications in the area. As part of the development plan, the AAP must be consistent with the Core Strategy and in general conformity with the London Plan (2011).
4. Work on the AAP commenced in 2007 and its adoption followed four rounds of public consultation, as well as an examination-in-public (EIP) in which members of the public, developers and other stakeholder were able to set out their views to an independent planning inspector. The inspector found the AAP to be “sound”, subject to a number of amendments.
5. In August 2011, the Daily Mail which occupies the Harmsworth Quays printworks confirmed that it would be relocating its printing operations to a site in Essex. Because the Daily Mail had previously indicated that it would be staying at Harmsworth Quays, the adopted AAP is predicated on the printworks remaining in situ. However, the availability of Harmsworth Quays generates a number of opportunities. It is a strategic site in the core of the action area and its availability opens a significant opportunity for redevelopment. It also helps unlock development opportunities on adjacent sites, particularly the Surrey Quays Leisure Park, Site E on Surrey Quays Road and the Mulberry Business Park. At the EIP the council committed to undertaking a review of the AAP to put in place policy to guide a redevelopment of Harmsworth Quays and the adjacent sites. The inspector agreed with the council that any review of the AAP could take place within the scope of the vision and objectives set out in the adopted AAP. However, amendments to the plan should address the land uses and quantum of development, the infrastructure required to support additional development, pedestrian and cycle connectivity and urban design, including the building heights strategy.

6. The review of the AAP will be carried out in several stages, comprising of the following:
 - i. Stage 1 - consultation on a sustainability appraisal scoping report carried out over five weeks from 31 October 2012;
 - ii. Stage 2 - informal consultation on the revisions to the AAP which took place over quarter three and quarter four 2012/13;
 - iii. Stage 3 (the current stage) - consultation on a draft revised Canada Water AAP
 - iv. Stage 4 - consideration of comments on the draft CWAAP and preparation of the final revised plan for publication in the autumn
 - v. Stage 5 - Invitation of representations on the final plan and subsequent submission to the Planning Inspectorate for an examination-in-public
 - vi. Stage 6 - Adoption of the final revised CWAAP as part of Southwark's local plan in summer 2014.

7. The draft revised AAP has been subject to a sustainability appraisal (SA) (Appendix B), which takes into account comments made on the SA scoping report, an equalities analysis (Appendix C) and an appropriate assessment to screen any impacts on EU protected wildlife habitats (Appendix E).

CONSULTATION

8. The Planning and Compulsory Purchase Act 2004 (amended 2008) and the council's Statement of Community Involvement (SCI) require consultation at issues and options stage to be ongoing and informal. To guide the overall approach to consultation on the draft revised CWAAP, prepared a detailed consultation plan (Appendix D).

9. The council consulted extensively in preparing the adopted Canada Water AAP. Formal consultation was undertaken on an issues and options report, a preferred options report, the publication AAP and further alterations to the publication AAP. Because a significant amount of consultation has already taken place and because the vision and objectives of the AAP are already established, the council did not consider it necessary to reconsult on an issues and options report in revising the AAP. Instead, the council has carried out informal consultation which has informed the draft revised AAP.

10. On 17 November 2012 the council held a public consultation event at Alfred Salter school which aimed to provide a forum in which the public and other stakeholders could have their say on the future of Harmsworth Quays and the adjacent sites. The event was advertised on the council's website and invitations were sent to 400 groups and individuals on the Planning Policy database and around 400 contacts on the Bermondsey and Rotherhithe community council mailing list. In all, 46 people attended. Two workshops were held at the event: the first involved a facilitated discussion around four themes and the second involved playing a scenario game. The key messages which emerged from the event were that:
 - There is strong support for a university campus which could generate jobs, bring daytime activity to the town centre and raise the area's profile.
 - There was also support for other employment generating uses such as office and business uses, shops and community facilities which contribute to the town centre.

- There should be a green link connecting the Canada Water basin with the planned connection to Russia Dock Woodland through the Quebec Industrial Estate.
 - There was support for straightening Surrey Quays Road to provide an attractive link to the cinema and leisure facilities and Greenland Dock.
 - Building heights should be lower on the periphery of the sites adjacent to Redriff Road and Quebec Way. There is scope for more intensive development away from existing residential areas.
 - Views on tall buildings were mixed. Some felt they were appropriate and others not. It is important that the environment around tall buildings is comfortable and not overshadowed or windy.
 - Development should provide affordable housing.
 - Open space would be appropriate and should provide children's play facilities, space for food growing etc.
11. In addition to this event, letters were sent to all the TRAs in the area, inviting people to submit their views on the future of Harmsworth Quays and indicating that officers would be happy to attend meetings to discuss, if requested.
12. Between 31 October 2012 and 4 December 2012 the council consulted formally on the sustainability appraisal (SA) scoping report. The key comments made on this report were:
- Reference should be made to the following documents in the SA: English Heritage's Guidance on the Environmental Assessment, Sustainability Appraisal and the Historic Environment (2010); National Flood and Coast Erosion Management Strategy (July 2011); London River Restoration Action Plan (LRRAP) (English Heritage and the Environment Agency).
 - The final SA needs to take surface water flooding, land contamination and waste handling into account.
 - The approach is supported and the level of detail is appropriate.
13. The comments made during the informal consultation period and on the scoping report have informed the draft revised AAP. The draft revised AAP is a formal stage of consultation (Regulation 18 consultation). In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the council's statement of community involvement, the council will consult for 12 weeks, commencing on 7 May and including a formal consultation period between 18 June 2013 and 30 July 2013. Consistent with the 2012 Regulations and SCI the documents will be made available on the council's website and in the local library. An advertisement will be placed in the press and notification letters will be sent to around 3000 contacts on the Planning Policy database. Officers will offer to present the AAP or hold workshops at Bermondsey and Rotherhithe community council and will be available to attend other meetings as requested. An exhibition will be also be held to publicise the proposals. A consultation plan is contained in Appendix D.

KEY ISSUES FOR CONSIDERATION

14. The availability for Harmsworth Quays for development generates a number of opportunities both on that site and on the adjacent sites. These opportunities relate to land uses, supporting infrastructure, pedestrian and cycle connectivity and urban design.

15. Land uses: The AAP vision seeks to consolidate Canada Water as a major town centre in the borough's town centre hierarchy through intensification of town centre uses, such as shops, offices, cafes, restaurants, civic and leisure uses. The availability of Harmsworth Quays for development would enable the town centre to expand to the eastern side of Surrey Quays Road. Because of the need to ensure that development across Harmsworth Quays, Site E, Mulberry Business Park and Surrey Quays Leisure Park is coordinated to achieve the right combination of land uses, a network of routes and a coherent urban design, we have drawn these sites together into a single land use allocation, proposals site CW AAP 24 in appendix 5 of the AAP.
16. To inform the site allocation for CW AAP 24 the council has undertaken a Non-residential uses study. This study estimated that over the plan period (2011-2026) there would be demand for at least 5,300sqm of business uses based on current market share, generated mainly by small and medium sized (SME) businesses needing flexible office accommodation. However, the impact of regeneration and provision of complementary uses, such as shops, education and hotels is likely to make the area much more attractive for businesses and substantially increase the scope for the provision of business uses.
17. In addition to this general demand for business space, there may also be specific end users which require a much greater amount of space. An example is King's College, London. We are aware that King's College is exploring options to expand its portfolio to meet its need for a range of spaces which include teaching and research space, offices and supporting infrastructure. King's College currently has an option to acquire Mulberry Business Park. New academic and research facilities could make a strong contribution to the mix of activities in the town centre. Such facilities would generate jobs, strengthen the day-time economy and support other town centre uses such as shops and offices. Relocating a faculty or providing a significant amount of academic space could also help boost the town centre's profile.
18. Given the amount of retail space in the shopping centre and around the Canada Water basin we do not envisage that this part of the town centre would become a shopping destination. However, there is scope to provide shops, cafes and restaurants which will serve the local population and will also help enliven streets and public spaces. In view of good public transport accessibility and given Canada Water's proximity to central London and Docklands, our evidence base suggests that there could be demand for hotel space at Canada Water.
19. Site allocation CW AAP 24 requires development proposals to maximise employment generation and the contribution to the regeneration of the town centre. A range of criteria would be used to assess this policy, including demand for space and financial viability. Residential homes and student homes will be appropriate uses, providing that the maximum employment generation is secured. Student homes can contribute to widening the mix and choice of homes in the area. However, the appropriate level of student housing will depend on the accompanying mix of uses. If a significant number of student homes are proposed, this should be justified by other benefits associated with university campus development. The latter has also been emphasised in a new policy on higher education and student housing which has been inserted into the plan (policy 29a).

20. Supporting infrastructure: The adopted AAP recognises that improvements to the surface transport network are required in order to accommodate growth at Canada Water. The AAP provides a strategy to reintroduce two way traffic movement on Lower Road as part a wider set of improvements to the Lower Road gyratory. The council is undertaking a more detailed feasibility study for this project and will use the Rotherhithe Multi Modal Model to retest the growth envisaged on Harmsworth Quays, to ensure that impacts can be addressed.
21. With regard to schools, in policy 26 the AAP notes that the council will keep the need to expand existing primary schools under review. There may also be the potential to accommodate new primary schools, including on Harmsworth Quays, depending on the quantum of non-residential uses provided on that site. Anticipated demand for secondary school places would be met by provision of a new school in Bermondsey, approved to open in September 2013 and exploring the possibility of expanding existing secondary schools. The allocation of Rotherhithe Primary School for a new secondary school is deleted.
22. Funding is committed in the council's capital programme to refurbish the Seven Islands Leisure Centre. The revised AAP policy 12 suggests that this could be used to extend the life of the Seven Islands by up to 10 years. In the long term however, there is an opportunity to provide a new leisure centre in the town centre.
23. Pedestrian and cycle connectivity: A key aspiration of the AAP is to ensure that the town centre is well connected to the rest of Rotherhithe through a network of pedestrian and cycle routes. The new site allocation for Harmsworth Quays and the adjacent sites provides indicative routes.
24. Urban design: The site allocation for Harmsworth Quays emphasises the desirability of creating a network of streets and spaces that have a town centre and urban feel and which are not dominated by cars. At the EIP, the council recognised that the tall building strategy should be reviewed and the inspector concurred with this in his recommendation. The revised AAP maintains the guidance in the adopted AAP that building heights in the core area should generally be between 4 and 8 storeys. While these general heights should be maintained, officers recommend that the approach to tall buildings be revised.
25. The availability of Harmsworth Quays for development, the scope to expand the centre eastwards and bring in new land uses, such as business and higher education, provide an opportunity to rethink the approach to town centre development. Currently the footprint of the existing large sheds in the centre make it difficult to move around the area. With the exception of the plaza outside the library the public realm is uninspiring and offers little to residents, visitors or shoppers. A key advantage of tall buildings is that they can utilise much smaller footprints, enabling the creation of more public realm and making it easier for pedestrians to move around. The design policies in the AAP have been revised to make provision of new public realm a crucial element of new development.
26. The key to a vibrant and successful town centre is a range of shops, leisure opportunities and businesses which create a destination. Tall buildings can provide a range of uses to help animate the base of the building and contribute to the vibrancy of the centre. They are an important source of capacity and will help deliver the range of non-residential uses which are sought by the AAP vision.

27. Policy 17 in the revised AAP states that buildings will be appropriate in important locations in the town centre, where they reinforce the character and function of the centre. In particular, they will help to define the importance of the Canada Water basin and surrounding public spaces as the focal point within the town centre. The policy requires tall buildings which are significantly higher than existing tall buildings in the area (20-25 storeys) to make an exceptional contribution to the regeneration of the area and where feasible, contain a facility accessible to the public which takes advantage of spectacular views from upper floors.
28. Since adopting the AAP in March 2012, the council has also adopted its Open Space Strategy (2013). In accordance with this strategy, three additional spaces are proposed for designation as "other open space": Cumberland Wharf, Neptune Street park and Surrey Docks Adventure Playground. In addition to this, it is also proposed that the former nursery is designated as metropolitan open land. Together with Southwark Park, the former nursery is part of a clearly distinguishable break in the built environment which would justify extending the MOL designation over the site.
29. In his report on the adopted AAP, the inspector noted the lack of allotments and food growing spaces in the area. The open spaces policy has been amended to state that new development will be expected to provide opportunities for food growing. It is not envisaged that a significant new open space would be provided on Harmsworth Quays, given the proximity of Russia Dock Woodland and Southwark Park. However some provision would be made to provide play facilities, informal recreation, food growing, etc. The guidance states that a green link connecting Canada Water basin and Russia Dock Woodland should be incorporated.
30. Factual updates: A number of minor amendments have also been made in the revised AAP to reflect factual changes, changes in policy (eg. the fact that CIL can be used to fund infrastructure required to support growth, rather than s106 planning obligations) and progress in developments which have been completed, are under construction or are the subject of new planning applications.
31. The draft revised Canada Water AAP will be subject to three months of consultation in line with the Statement of Community Involvement. All documents will be available on the internet, in council offices, libraries and area housing offices. Adverts will also be placed in the press. The council will consider all representations made on the draft plan and take these into account in preparing the final version of the plan, which will be published for consultation in the autumn.

Community impact statement

Equalities analysis

32. In preparing the adopted AAP (2012), the council completed equalities impact assessment (EqIA) report. This highlighted the AAP would have a number of beneficial impacts for all members of the community, including new job opportunities, more homes, improved community facilities and more opportunities for walking, cycling and using public transport. The EqIA has been updated to reflect the preferred option for Harmsworth Quays. Site allocation CW AAP 24 would have a broadly positive impact on people with protected characteristics as it would encourage new uses on the site which would provide

jobs and increase the activity in the town centre as well as providing opportunities for new public spaces and routes through the area which would make it more accessible to all. It also has the potential to provide more new homes, potentially including some student homes. In preparing the final revised AAP, we will review the equalities analysis again to make sure we have taken all the impacts into account and used this information to shape the approach.

Sustainability appraisal

33. The adopted Canada Water AAP was accompanied by a detailed sustainability appraisal that informed the development of the final strategy and policies. The AAP had an overall positive impact on all the sustainability indicators, although some issues were identified around the possibility of new development increasing the risk of climate change, waste and flooding. The SA has been updated to take the changes to the AAP into account and assess their impact. Overall, the preferred option for CW AAP 24 and the other policies which have been changed as a result of this site coming forward for redevelopment, have a positive effect on the sustainability indicators. In particular, SDO 1 To tackle poverty and encourage wealth creation and SDO 5 To promote social inclusion, equality, diversity and community cohesion scored very well overall. This is due to the positive impacts of providing more new homes, attracting new business and investment which will increase the number of jobs in the area as well as providing an improved landscape and townscape. The findings of the SA and any consultation comments will be used to develop the updated AAP and refine our approach before the next stage of consultation.

Financial implications

34. There are no immediate financial implications arising from consultation on the draft revised Canada Water AAP.
35. Any potential additional costs from any specific proposals emerging from the preparation and adoption of the plan or any queries thereof will be submitted as separate reports for consideration in line with the appropriate protocols.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services (RM)

36. The recommendation seeks cabinet's approval of the draft revised Canada Water AAP (CWAAP) for formal public consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012 ("the Regulations") and for the cabinet to note the Sustainability Appraisal (Appendix B), the Equalities Analysis (Appendix C), the Consultation Plan (Appendix D) and Appropriate Assessment (Appendix E) undertaken in respect of the proposed draft amendments to the CWAAP.
37. Regulation 18 provides that in the preparation of a local plan a Local Planning Authority must notify specific consultation bodies, that have an interest in the subject of a local plan, and such general consultation bodies and members of the public as the Local Planning Authority consider appropriate. The Regulation further provides that the Local Planning Authority should invite such consultees to make representations about what the respective local plan should contain. In preparing the local plan the Local Planning Authority has a statutory duty to take into account any representation made to them in this respect.

38. The approval of a development framework document for consultation is delegated to the cabinet member for regeneration and corporate strategy who may take individual executive member decisions (“IDM”) for her area of responsibility. However, the cabinet member has the option of taking the decision herself or to refer it the cabinet for decision. The cabinet member for regeneration and corporate strategy has exercised the option to refer the recommendation to the full cabinet for a decision and cabinet is requested to approve the draft revised Canada Water AAP for public consultation and to note the following background documents, that inform the draft revised CWAAP: the Sustainability Appraisal (Appendix B); the Equalities Analysis (Appendix C); the Consultation Plan (Appendix D); and the Appropriate Assessment (Appendix E) , in place of the cabinet member for regeneration and corporate strategy..
39. As advised at paragraph 3 of the report, the CWAAP was adopted by council Assembly on 28 March 2012 to shape the regeneration of Canada Water and the surrounding area. This followed an Examination in Public (“EiP”), conducted by an Inspector appointed by the Secretary of State, who found the plan to be ‘sound’.
40. Regulation 7 provides that an Area Action Plan must be a Development Plan Document (DPD). The CWAAP is identified as a DPD in the Council’s revised Local Development Scheme, which came into effect in June 2011. As set out in the report, the CWAAP was subject to an examination in public (EiP) by a planning inspector appointed by the Secretary of the State this took place in August 2011.
41. The purpose of the independent examination is set out in section 20(5) of the 2004 Act. This is required to determine whether the submitted DPD is sound and has been prepared in accordance with:
- Certain statutory requirements under s19 (as to preparation) & s24(1) (as to conformity with regional / London Plan policies) of the 2004 Act and
 - The associated Regulations (*The Town and Country Planning (Local Development) (England) Regulations 2004;SI.2004 No. 2204*);
42. In making an assessment of soundness, the CWAAP was examined against the requirements set out in Planning Policy Statement 12 – Local Spatial Planning (PPS 12) – namely as to whether it is justified, effective and consistent with national policy. The Inspector concluded in his decision, dated 22 November 2011, that the CWAAP was considered to be sound subject to his recommended amendments set out in his report.
43. During the plan making process the Harmsworth Quays Print Works (“CWAAP12”), a strategic site within the core of the Action Area, announced its proposal to vacate and relocate its business from its current location. In view of the advanced stage that the CWAAP had reached at this juncture, the CWAAP was submitted for EiP and subsequently adopted without the addressing the implications that this would have in planning policy terms for the area.
44. The Inspector acknowledged the advanced stage that the plan had reached and that the fundamental vision and objectives of the plan were unlikely to be altered by the intended vacation of the site. The Inspector held that any delay of the CWAAP examination to enable the council to formulate and consult upon options for the Site, prior to revised submission, would cause substantial delay. It was

considered that such a time period could impact materially upon the delivery of the council's vision as laid out in the Core Strategy and impinge upon the effective planning of development within Canada Water. The Inspector held that any future review of the CWAAP, to deal with this site, could take place within the scope of the vision and objectives set out in the adopted CWAAP to consolidate Canada Water as a major town centre. The Inspector further held, that amendments to the plan should address the land uses and quantum of development, the infrastructure required to support additional development, pedestrian and cycle connectivity and urban design, including the building heights strategy.

45. Cabinet is advised that the relocation of the Harmsworth Quays Print Works has a significant impact upon the content of the adopted CWAAP. The site is comparatively large and offers significant development opportunities both on-site and in respect of adjacent sites. The existing CWAAP was predicated on the site remaining as a print works and employment use. The option that the site could come forward as a development site during the lifetime of the plan was not considered. As set out in paragraph 15 of the report, the availability of this site for development would enable the town centre to expand to the eastern side of Surrey Quays Road and incorporate additional sites into a new single land use allocation proposal site ("CWAAP24"). This would deliver the benefits set out in paragraphs 15-29 and Appendix 5 of the report as required by the Inspector.
46. The council has prepared a draft revised CWAAP to address the site allocation for the Harmsworth Quays Print Works site, parts of the CWAAP that are affected by the site becoming vacant have also been revised and updated. As part of this process, the draft revised CWAAP has been subject to a Sustainability Appraisal (Appendix B), the Equalities Analysis (Appendix C), Consultation Plan (Appendix D) and Appropriate Assessment (Appendix E). The recommendation of this report seeks cabinet approval of the draft revised Canada Water AAP (CWAAP) for formal public consultation and it is considered that the approval of the recommendation is within the remit of the decision making functions of cabinet.
47. As advised at paragraph 6 of the report, the draft revised CWAAP will comprise several stages of consultation, identified as Stages i-vi. cabinet will note, that in view of the fact that the vision and objectives of the CWAAP are already established and the significant amount of formal consultation that has previously been undertaken, the council has not reconsulted on proposed revisions to the adopted issues and options report. However, the council has carried out informal consultation, which combined with the responses received in respect of the sustainability appraisal scoping report, have informed the draft revised CWAAP and are summarised at paragraph 9 of the report.
48. Subject to the approval of the recommendation by cabinet, the draft revised CWAAP will be subject to three months of consultation in accordance with council's statement of community involvement. The statement of community involvement provides an additional six weeks of consultation concerning planning policy documents, in addition to the six weeks of statutory consultation that is required.
49. As the CWAAP is a development plan document (Regulation 7) provides that the proposed draft revisions to the CWAAP will be subject to independent examination by an Inspector appointed by the Secretary of State. This will take

place at Stage vi of the consultation process as set out at paragraph 6 of the report.

50. Following the current stage of consultation (Stage iii), the council will consider consultation responses, prepare the final revised plan for publication (Stage iv), invite representations on the final plan (Stage v) and subsequently submit it to the Planning Inspectorate for an EiP. Cabinet is advised at paragraph 6 of the report that it is expected that the revised CWAAP will be adopted as part of the Southwark Local Plan in 2014 (Stage vi).
51. The CWAAP focuses on implementation of planning policy, by providing an important mechanism for safeguarding development of an appropriate scale, mix and quality for the Canada Water area. The report before cabinet seeks approval of the amendments made to the CWAAP, in the form of the draft revised CWAAP, for public consultation. These amendments seek to address the land uses, quantum of development, the infrastructure required to support development, pedestrian and cycle connectivity, urban design, including a building heights strategy for the new proposal site CWAAP24. This will form part of the development plan document process which will be followed by formal consultation with the community and submission of the final draft revised CWAAP for EIP in summer 2014.
52. In preparing the final draft revised CWAAP the council must have regard to:
 - a) National Policies and Guidance
 - b) The London Plan
 - c) The Community Strategy
 - d) Any other DPDs adopted by the council
 - e) The resources likely to be available in implementing the proposals in the draft revised CWAAP

General conformity

53. Section 24(1)(b) of the Planning and Compulsory Purchase Act 2004 (as amended) (“the Act”) requires that local development documents (“LDDs”) issued by the council, such as this AAP, must be in general conformity with the spatial development strategy, namely the London Plan (consolidated with alterations since 2004). On submission of the final draft of the revised CWAAP to the Secretary of State for independent examination, the council will be required to simultaneously seek the Mayor’s opinion in writing as to whether the final draft revised CWAAP is in general conformity (Regulation 30). The purpose of the independent examination is to ensure legal compliance with the legislative framework, including consultation and soundness of the AAP (Section 20(5)(b) of the Act). General conformity must be determined as a matter of law and policy practice.
54. General conformity is not a defined term anywhere within the legislative framework. However, the Court of Appeal decision of *Persimmon Homes (Thames Valley) Ltd & Oths v Stevenage Borough Council* [2005] EWCA 1365 considered the judicial construction of the term and contains authoritative guidance. The term is to be given its ordinary meaning and take into account the practicalities of planning control and policy, namely the long lead times for the implementation of planning policy and the exigencies of good planning policy which are liable to change. The ‘general conformity’ requirement must accommodate these factors and on its true construction allow a ‘balanced

approach' favouring 'considerable room for manoeuvre within the local plan' in the measures taken to implement the structure plan (the London Plan) so as to meet the changing contingencies that arise.

55. The word 'general' is therefore designed to allow a degree of flexibility in meeting London Plan objectives within the local development plan. The fact that the statutory regime makes provision for the possibility of conflict between the London Plan and local plan to be resolved in favour of the latter subject to general conformity envisages that 'general conformity' requirement allows for flexibility at local level and not strict compliance with every aspect of the London Plan (Section 46(10) of the 1990 Act as substituted by the Act). This is provided that the effectiveness of the London Plan strategic objectives are not compromised and there is local justification for any departure.

Sustainability appraisal

56. Section 19(5) of the Planning and Compulsory Purchase Act 2004 requires Sustainability Appraisal ("SA") of the economic, social and environmental sustainability of plans in DPDs. Accordingly, a SA has been prepared to ensure the wider impacts of the draft revised CWAAP policies are addressed. The SA focuses on those areas of the plan which have been amended. While this has been the focus, to ensure that the plan remains coherent, all policies have been reassessed in full. The sustainability appraisal provides a sound evidence base for the plan and forms an integrated part of the plan preparation process.

Equalities

57. 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").
58. 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).
59. 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".
60. 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"

61. The adopted CWAAP was subject to a full Equalities Impact Assessment ("EqIA") which assessed the equalities impacts at each stage of drafting and consultation. The Equalities Assessment appended at Appendix C of this report represents an updated analysis that builds on the previous EqIA and reassesses the draft revised CWAAP and its revisions in light of the 2010 Equality Act.

Human rights considerations

62. The draft revised CWAAP 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 draft revised CWAAP, a number of rights may be engaged: -

- **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 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 property / homes. It could be engaged, for instance, if the delivery of any plan necessitates CPOs or results in blight or loss of businesses/homes;
- **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 is a relevant consideration in terms of strategies in the plan which impact on education provision.

63. It is important to note that few rights are absolute in the sense that they cannot be interfered with under any circumstances. 'Qualified' rights, including the 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 whereby 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.

64. This approach has been endorsed by *Lough v First Secretary of State* [2004] 1 WLR 2557. The case emphasised that human rights considerations are material considerations in the planning arena which must be given proper consideration and weight. However, 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.

65. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions. The approach and balance between individual and community rights set out in the publication/submission is within justifiable margins of appreciation.

66. The council has undertaken robust public participation, iterative sustainability and equalities assessments throughout the production of the CWAAP and draft revised CWAAP as well as engaging with the issue of human rights at each decision making process. Therefore the draft revised CWAAP is not deemed to interfere with any human rights which may be engaged and strikes the appropriate balance between making strategic policies for its communities against any potential interference. In approving the draft revised CWAAP for consultation, cabinet is reminded to have regard to human rights considerations and strive to strike a fair balance between the legitimate aims of making development plans for the benefit of the community against potential interference with individual rights.

Adoption process – procedural requirements

67. Members' are advised that should the draft revised CWAAP ultimately be adopted by council assembly, following the recommendation of cabinet, a number of statutory requirements will need to be complied with by the council. These requirements are set out in Regulations 35 and 36 and must be complied with as soon as reasonably practicable after the date of adoption.
68. In summary, Regulation 35(1) requires that the council complies with section 20(8) of the Act to publish the Inspector's recommendations and reasons as follows:
- (a) That the recommendations of the Inspector's report be deposited for the purposes of public inspection at the same venue that the pre-submission proposal documents were deposited;
 - (i) That Inspector's recommendations be published upon the council's web-site; and
 - (ii) That notification of publication be provided to those persons who requested to be notified of the recommendations publications.
69. Regulation 36 further provides that the council make available for inspection the following documents at the same place where the pre-submission documents were deposited:
- a) The draft final revised CWAAP;
 - b) An Adoption Statement, and
 - c) The Sustainability Appraisal report
 - d) Publish the Adoption Statement on the council's web-site;
 - e) Give notice by local advertisement of the Adoption Statement and details of where it can be inspected
 - f) Send the Adoption Statement to any person who has asked to be notified of the adoption of the draft final revised CWAAP; and
 - g) Send the draft final; revised CWAAP and Adoption Statement to the Secretary of State.

Application to the High Court

70. If the draft revised CWAAP is ultimately adopted the final version will establish the strategic planning policy framework for Southwark. Under Section 113 of the 2004 Act, any party aggrieved by the adoption of the draft revised CWAAP may make an application to the High Court within six weeks of the publication of the

adoption statement. Such applications may only be made on limited grounds namely that:

- a) the document is not within the appropriate power; and / or
- b) that a procedural requirement has not been complied with.

Strategic Director of Finance and Corporate Services (FC/13/019)

71. The strategic director of finance and corporate services notes that this report contains no new financial implications and that any additional costs arising from specific schemes will be submitted in separate reports.

BACKGROUND DOCUMENTS

Background paper	Held at	Contact
Canada Water area action plan (2012) (available on the website: http://www.southwark.gov.uk/downloads/7125/adopted_canada_water_aap)	160 Tooley Street London SE1 2QH	Sandra Warren 020 7525 5471
Core strategy (2011) (available on the website: http://www.southwark.gov.uk/downloads/5823/adopted_core_strategy)	160 Tooley Street London SE1 2QH	Sandra Warren 020 7525 5471

APPENDICES

No.	Title
Appendix A	Draft revised Canada Water area action plan (circulated separately and available on the council website)
Appendix B	Sustainability appraisal (available on the council website)
Appendix C	Equalities Analysis (available on the council website)
Appendix D	Consultation Plan (available on the council website)
Appendix E	Appropriate assessment (available on the council website)

AUDIT TRAIL

Cabinet Member	Councillor Fiona Colley, Regeneration and Corporate Strategy	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Tim Cutts, Team Leader, Planning Policy	
Version	Final	
Dated	30 April 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	30 April 2013	