

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> July 29 2009	<b>Meeting Name:</b> Executive
<b>Report title:</b>		Canada Water Preferred Options Report	
<b>Ward(s) or groups affected:</b>		Rotherhithe, Surrey Docks	
<b>From:</b>		Strategic Director of Regeneration and Neighbourhoods	

## RECOMMENDATIONS

1. That the executive approve for consultation the Canada Water Area Action Plan Preferred Options Report as set out in appendix A.
2. That the executive note the consultation plan (appendix B), the report on consultation carried out at issues and options stage (appendix C), the representations received on the Canada Water Issues and Options Report and the council's response (appendix D), the Sustainability Appraisal (appendix E), the Equalities Impact Assessment stage 2 report (appendix F) and the Appropriate Assessment (AA) carried out under the EU Habitats Directive (appendix G).

## BACKGROUND INFORMATION

3. The council is preparing an area action plan (AAP) for Canada Water and the surrounding area. The AAP is being prepared under the new planning system and will comprise localised policies which help shape the regeneration of Canada Water. Like the core strategy it must be a spatial plan and concentrate on how change will be managed and achieved. Once adopted it will be a development plan document in the council's local development framework (LDF) and will be used as the basis for determining planning applications in the area. Together with the core strategy and other local development framework documents, it will replace the Southwark Plan.
4. Preparation of an AAP takes place over a number of stages. The first stage involved preparing and consulting on the sustainability appraisal scoping report (March-April 2008) and the second stage involved consulting on issues and options (reported to Executive in November 2008).
5. We are currently at the third stage of preparing the AAP which is consultation on preferred options. The preferred options establish a clear direction for the regeneration of the area with regards to issues such as shopping and town centre uses, design and building heights, proposals for open spaces, schools and health facilities etc. Following consultation on the preferred options, at the fourth stage the council will prepare the draft AAP. The publication/submission version will be brought back to members in January 2010 for adoption for consultation and submission to the Secretary of State.
6. The preferred options report is accompanied by a consultation plan (appendix B), a consultation report setting out details of consultation carried out to date (appendix C), a table of representations received during consultation on the Issues and Options Report and the council's response (appendix D), a sustainability appraisal (appendix E), an equalities impact assessment (appendix F), and an Appropriate Assessment (AA) carried out under the EU

Habitats Directive assessing the impact of the preferred options on EU Protected wildlife habitats (appendix G).

## CONSULTATION

7. Prior to commencing work on the AAP, the council prepared an overarching consultation strategy to guide the overall approach to consultation on the AAP. All consultation carried out on the AAP has been consistent with this strategy and also with the requirements of the Statement of Community Involvement (SCI).
8. The council consulted on the Canada Water Issues and Options report over a period of 4 months between November 2008 and February 2009. This is summarised below (full details are provided in the consultation report in appendix C):
  - **Publicity:** The council consulted informally on the Issues and Options Report from November 25 2008 when the document was approved by executive. Formal consultation took place over a 6 week period between January 9 2009 and February 20 2009. Consultation was widely publicised through a mailout to statutory consultees and contacts on Southwark's Planning Policy database, information on Southwark's website and the Canada Water Regeneration website, an advertisement in the Southwark News, information made available and posters displayed in libraries and council offices and a newsletter sent to most residents in the AAP area.
  - **Events and exhibitions:** Five exhibitions took place at various locations around the Canada Water Area during the consultation period. These sought feedback on the issues and options from any interested parties.
  - **Stakeholder/ community group meetings:** Officers attended various group meetings during the course of the issues and options consultation period. These included the Canada Water Consultative Forum, Rotherhithe Community Council and the Bermondsey and Rotherhithe Green Enthusiasts.
9. In all representations were received from 120 organisations and people in response to the issues and options report, as well as a petition relating specifically to the Fish Farm. Consultees were asked to select their preferred option, A or B. Option A represented growth focused on housing. Option B represented mixed regeneration with growth led by housing, retail, offices and leisure. The following is a summary of preferences and views:
  - **Boundary of the AAP:** 68 people agreed with the proposed boundaries of the AAP and core area and 17 disagreed. The exclusion of Albion Street from the core area was the main subject of disagreement.
  - **The Vision and objectives:** 48 people agreed with the vision and objectives and 37 disagreed. Of those that disagreed, some people felt that the area does not need any more development and are happy with the areas current characteristics.
  - **Town centre:** 57 people chose option B and 19 chose option A. The main concerns were the quality of any new retailers and a need for smaller, independent local retailers. Street markets were supported. With regard to

Albion street, consultees wanted the retail units to be protected and enhanced with better links to Canada Water tube station.

- Transport: Consultees agreed that the road network needs to be improved. Some favoured less parking to reduce traffic whilst others were keen to protect parking to support local businesses and retailers. There was support for improved public transport and improvements related to walking and cycling.
  - Leisure: It was felt that a swimming pool and associated facilities should be retained in the area. Tourism option B was supported; some consultees questioned whether South Dock Marina is a suitable location for a hotel due to its remote location.
  - Places: In relation to tall buildings, 43 consultees favoured a mix of heights including some tall buildings, as against 30 who wished to see more restrictive heights. The protection of existing open spaces and improvements to waterways was supported.
  - Housing: Local residents living around the Fish Farm objected to its inclusion as a potential site for new homes. Generally more consultees favoured fixing affordable housing at 35% and increasing the proportion of family units.
  - Community: There was some support for the provision of new business space. The main concerns regarding children's services were the need and location for a new secondary school with objections to St Paul's playing field being developed. Many people felt that the police station should remain as a fully operational police station and police presence should not be reduced.
  - GLA: The GLA noted that both option A and B were compliant with London plan policy and overall they broadly support option B as it would fit better with London plan policies. They noted that the delivery section of the document needs strengthening in line with the comments from Government Office for London and that a monitoring section needs to be added.
  - GOL: GOL indicated that further information would be needed on delivery and implementation in order to ensure that the AAP was robust and effective.
  - Natural England and English Heritage: These organisations generally supported the AAP and the sustainability objectives in the sustainability appraisal.
10. The council's response to all these representations is set out in the table of responses to consultation (appendix D of this report).
11. At the current stage (preferred options), the council will use a number of channels to both raise awareness of consultation on the AAP and enable people to provide comments. These will include press adverts, information being made available on the website and in libraries, public exhibitions and newsletters. These are set out in more detail in the consultation plan (appendix B). Consultation will take place informally over a 3 month period, with a formal element comprising 6 weeks in September and October.

12. The preferred options report was reported to planning committee on 28 July. Members' comments will be reported within an addendum report.

## **KEY ISSUES FOR CONSIDERATION**

13. Canada Water Area Action Plan preferred options are attached as appendix A. The Canada Water AAP preferred options are grouped under 7 key themes which are town centre/neighbourhood facilities, transport, leisure, places, homes, social and economic opportunities and finally the delivery of the AAP. The focus of the AAP is a core area around the shopping centre, although it will also be important to ensure that impacts in the wider peninsula are addressed.
14. At issues and options stage, the council consulted on two broad options: regeneration with a focus on homes (option A) and mixed regeneration (option B). The preferred option has mainly taken forward Option B. Improvements common to both options are also taken forward. This could help claw back retail expenditure which is currently spent outside the borough, provide more choice for local people and boost the local economy.
15. Town centre: Canada Water has around 40,000 sq m of shopping floorspace and is a district town centre in the London Plan. The shopping centre would be reconfigured or redeveloped and replaced by mixed use developments that would feel much more like a town centre. The amount of shopping space would be increased significantly. This would mean that a much greater range of shops could be provided, including a new department store.
16. Improved transport links: Lower Road is very congested at peak times when there is a conflict between local and through traffic. The traffic gyratory around Lower Road, Bush Road, Rotherhithe Old Road and Rotherhithe New Road creates a poor environment for residents who live around it and the town centre area is poorly connected to the wider peninsula. The preferred option notes that the council is working with TfL to explore options to improve traffic movement in the area. These include the reintroduction of two-way traffic movement on Lower Road, the introduction of a right-hand turn into Surrey Quays Road off Lower Road and the signalisation of the roundabout at the entrance to Rotherhithe Tunnel.
17. Leisure: The peninsula has the potential to become a great leisure destination. The council will endeavor to keep the Seven Islands Leisure Centre operating and will refurbish this subject to the funding becoming available through the capital programme. There are currently no alternative sites available for building a new leisure centre so this can not be provided at the moment. The preferred option seeks to generate more activity around Greenland and South Docks. St George's Wharf (the boatyard) is identified as having the potential to provide a mix of uses, including boatyard.
18. Places: The town centre is currently characterised by bland and lifeless architecture. A key objective of the AAP is to create a centre which is more distinctive with the Canada Water basin as its focus. The AAP seeks to ensure that a range of heights are provided in the core area, generally below 10 storeys. The exception to this includes a building of comparable height to the Canada estate towers on Site A, and a building of around 10-15 storeys on the south-west corner of the shopping centre. The tall buildings would act as landmarks in the area and help mark the town centre and key locations such as the new plaza and the tube stations. They can variety to the character of an

area and help make the skyline more interesting. It is very important that they are of the highest architectural quality and that they are designed carefully to avoid overshadowing or wind tunnel effects.

19. Better homes: The preferred options largely take forward the core strategy preferred option. This includes the redesignation of much of the AAP area as suburban, a requirement to ensure that a minimum of 30% of units have three or more bedrooms and that 35% of new homes are affordable.
20. We have considered the feasibility of redeveloping John Kennedy House and the low-rise blocks on the Hawkstone estate. However, we think that refurbishing homes in these blocks is a more financially viable option. This will take place when funding becomes available through the decent homes programme.
21. Enhanced social and economic opportunities: The AAP promotes a cluster of businesses uses around Harmsworth Quays printworks. Rotherhithe Primary School is identified as the preferred location for a new secondary school in the area. This option could streamline resources for both Rotherhithe Primary School and new secondary school and provide students with access to a greater range of facilities than they could access in a single school. Both schools would work in a complementary way with the sports facilities in Southwark Park.
22. St Pauls playing field is currently allocated as a community space in the Southwark Plan. We have considered the requirement to protect this space through our open spaces strategy review, we are awaiting the final results however the initial results show that the space is not required to be protected as there is no additional need for leisure facilities in Rotherhithe. The space could be a useful community or open space if the funding can be found to manage the facilities and therefore it could be protected as such in the Canada Water Area Action Plan. The space could also be used to build housing which would contribute towards our housing targets, providing affordable and family housing and could also generate capital receipts of £2.5m. Therefore the space could be allocated for housing in the Canada Water Area Action Plan. There seems to be more of a need for housing than open space in the Canada Water area. However members have expressed a preference for the space to be protected for community facilities or as open space therefore this has been allocated in the Area Action Plan.
23. The Fish Farm is currently not allocated in the Southwark Plan. We have considered the requirement to protect this space through our open spaces strategy review. This does not meet the criteria for open space and the initial results of the open space study show that there is no need for more open space in this area as it is not an area of open space deficiency. This space could be a useful open space for allotments or recreation if the funding can be found to manage the facilities and therefore it could be protected as such in the Canada Water Area Action Plan. The space could also be used to build housing which would contribute towards our housing targets, providing affordable and family housing and could also generate capital receipts of £0.5m. Therefore the space could be allocated for housing in the Canada Water Area Action Plan. There seems to be more of a need for housing than open space in the Canada Water area. However members have expressed a preference for the space to be protected for allotments, as open space or for community uses therefore this has been allocated in the Area Action Plan.

24. Delivery: The final part of the report describes how the plan can be delivered. A number of sites in the core area have planning permission. This includes the library and Site B. The council will continue to work with landowners and developers to facilitate development on privately owned sites in the core area. Delivery is a key part of the overall plan and when the AAP is examined, the council will need to be able to demonstrate to the inspector, that it is realistic, viable and can be implemented.

## **RESOURCE IMPLICATIONS**

### **Financial Implications**

25. There are no immediate resource implications arising from this report in approving the consultation for the Canada Water Area Action Plan Preferred Options report. Future development schemes emerging from the final approved Canada Water Area Action Plan will be subject to separate reports which will provide detailed and robust analysis of the financial implications of the individual schemes.
26. However, as stated in paragraphs 22 and 23, the current preferred options report for consultation, proposes the retention of Fish Farm and St Pauls Playing sites as open spaces and precludes the sites for housing developments which could produce capital receipts for the Council, subject to planning policy approval.
27. Current estimates indicate that potential capital receipts that could be generated from the Fish Farm and St Pauls Playing Field sites for residential housing development are £0.5m and £2.5m respectively.
28. Currently there is funding available through Southwark Building Schools for the Future to fund the development of a secondary school in the Canada Water planning area. The choice of location for this school would appear to favour locating the new school on the site of the Rotherhithe Primary school, which is also seeking funding for re-build through the Primary Capital Programme. The co-location of the development could lead to economies of scale arising through the joint procurement of the building contract and the potential decrease in energy and maintenance costs. The location of the Secondary school on the Primary school site may also create potential increased use of sports facilities within Southwark Park, as the intention is that the school would have an underlying sporting excellence theme.
29. In developing the model for the school, attention must be paid to the timing of the project, to ensure that the funding streams complement each other and maximise the efficiency of the funding. The project must be contained within any budget identified for the financing of the scheme.

### **Community Impact Statement**

30. The purpose of the AAP is to facilitate regeneration and deliver the vision of Southwark 2016 in a sustainable manner ensuring that community impacts are taken into account.
31. In preparing the preferred options report, the council has also completed Equalities Impact Assessment (EqIA) stage 2 report (available on the website).

This 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 the council has prepared a consultation strategy which sets out the principles of how it will consult and the importance of reducing barriers to consultation. This emphasises that particular needs such as access, transport, childcare and translation need to be considered, as well as a strategy to broaden the appeal of consultation and make it attractive to a diverse range of people and groups. At each stage, participation will be monitored and analysed to see whether any particular groups have not been engaged and whether this can be addressed at the next stage.

32. Other issues which the EqlA highlights, include access to housing for all groups. There are particular groups who are impacted by the size of housing and have a need for family sized units. We also need to consider the benefits of regeneration of areas versus improvements to tenants' homes to ensure that we consider the needs of current residents in addition to how areas can be improved. 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.
33. 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 in accordance with representations received at the preferred options stage.
34. A sustainability appraisal has been prepared to ensure the wider impacts of development are addressed. Both the sustainability appraisal and the EqlA will be taken forward and revised at publication/submission stage.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Communities, Law and Governance**

35. Under Part 3F, paragraph 7 of the Constitution, it is the Planning Committee's function to comment on successive drafts of local development documents such as the Canada Water Area Action Plan (CWAAP) and make recommendations to the executive as appropriate.
36. On July 28 2009, the planning committee considered the CWAAP Preferred Options Report together with the accompanying documents (namely the consultation plan, the consultation report, the representations received on the Canada Water Issues and Options Report and the council's response, the Sustainability Appraisal, the Equalities Impact Assessment stage 2 report and

the Appropriate Assessment carried out under the EU Habitats Directive). The comments of the planning committee and recommended changes to the AAP are set out in the Addendum Report and Table 1 for the consideration of members of the Executive.

37. The CWAAP Preferred Options together with the accompanying documents and comments of the Planning Committee are presented to the executive for consideration and approval of the CWAAP Preferred Options for consultation.
38. The council's constitution reserves the adoption of the preferred options of DPDs to the full executive (Para 20, Part 3C). The approval of a development framework document for consultation is delegated to the Individual Executive Member (IDM) for Regeneration and Housing (Para 14, Part 3D). However, the IDM has the option of taking the decision him or herself or referring it to full executive for decision. The executive member for regeneration has exercised the option to refer the matter to the full executive for a decision. The executive is accordingly requested to have regard to the contents of and the background documents appended to this report before approving the CWAAP Preferred Options Report consultation in accordance with the SCI.
39. The director of communities, law and governance has for the purposes of this report evaluated only the CWAAP Preferred Options report, the reports to planning committee and the executive. This concurrent is provided in that context, to assist members in providing their comments by keeping in mind the objectives of the CWAAP and accompanying documents.
40. The CWAAP is a development plan document (Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ("the Regulations")) and will be subject to independent examination by an inspector of the Secretary of State.

### **The Consultation Plan/Consultation Report**

41. The production of the CWAAP is required to follow principles for community engagement in planning. In particular Regulations 24 and 25 of the Town and Country Planning (Local Development) (England) Regulations 2004 ('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. The involvement of the public and stakeholders across different sectors in preparing the CWAAP must therefore follow the approach set out in the council's SCI. This means that the council and the Local Strategic Partnership should take a strategic approach to community involvement.
42. The council is required to undertake timely, effective and conclusive discussion with key stakeholders on what option(s) for a CWAAP are deliverable. This should help ensure that the CWAAP is sound and in fact deliverable.

### **The CWAAP Preferred Options**

43. In devising its strategy the council is required to be consistent with national policy and in general conformity with the London Plan. This means that the

choices made regarding, for example where growth should take place should be consistent with national and regional policy. The CWAAP should be concentrating on establishing a clear direction for the regeneration of the area with regards to specific issues that have been identified as being of local importance such as the town centre, leisure, transport.

44. The CWAAP should align and coordinate with the Local Development Framework, the council's Sustainable Community Strategies and the Core Strategy which provides the overarching strategic objectives for the borough. In that regard it is key to delivering the corporate and community aspirations for the local area. Therefore the key spatial planning objectives for the Canada Water area should be in alignment with priorities identified in the SCS and CS. The interrelationship between the objectives of the CWAAP, the Council's other AAPs and those of neighbouring boroughs, such as Lewisham and Tower Hamlets, should also be considered.
45. The CWAAP must be justifiable. It must be founded on a robust and credible evidence base as well as **the most appropriate strategy when considered against the reasonable alternatives.**
46. The council must be able to demonstrate at the public examination that the preferred option(s) are the most appropriate when considered against reasonable alternatives delivers confidence in the strategy. It requires the council to seek out and evaluate *reasonable* alternatives promoted by themselves and others.

### **Sustainability Appraisal**

47. The Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) to be prepared for all emerging development plan documents and therefore this applies to the CWAAP. For the purposes of this Report, Director of Communities, Law and Governance has not had the opportunity to inspect the SA but understands that an independent consultant has been retained to prepare the document in accordance with the statutory requirements and regulations.
48. The Sustainability Appraisal required by section 19(5) of the Planning and Compulsory Purchase Act 2004 is an appraisal of the economic, social and environmental sustainability of the plan.
49. The Sustainability Appraisal performs a key role in providing a sound evidence base for the plan and is an integral part of the plan preparation process, hence it also forms part of the consultation process for the CWAAP preferred options. The SA should inform the evaluation and selection of alternatives. It will also provide a means of proving to decision makers, and the public, that the plan is the most appropriate given reasonable alternatives.
50. In summary the CWAAP must be effective. This means must be deliverable, flexible and capable of monitoring.
51. Deliverability is demonstrated by showing how the vision, objectives and strategy for the area will be delivered and by whom, and when. This includes making it clear how infrastructure which is needed to support the strategy will be provided and ensuring that what is in the plan is consistent with other relevant plans (such as other DPDs) and strategies relating to adjoining areas.

52. Flexibility is demonstrated by showing that the CWAAP can deal with changing circumstances. Area Action Plans should look over a long time frame – 10-15 years usually but more if necessary.
53. It is important to note that it may not always be possible to have maximum certainty about the deliverability of the strategy, particularly in the current economic climate. However, given the timeframe of the CWAAP it should also be borne in mind that it is likely to endure a number of economic cycles, each presenting different constraints and opportunities. The CWAAP preferred options should therefore demonstrate flexibility and the alternative strategies that have been prepared to handle this uncertainty.
54. The CWAAP Preferred Options must have clear arrangements for monitoring and reporting results to the public and civic leaders. Monitoring is essential for an effective strategy and will provide the basis on which the contingency plan(s) within the strategy would be triggered. The delivery strategy should contain clear targets or measurable outcomes to assist this process.

### **Equality Impact Assessment**

55. The council published its Equality Scheme 2008-2011 in May 2008. This sets out the council's overall policy for addressing equality, diversity and social cohesion in the borough. This policy recognises that people may face discrimination, or experience adverse impact on their lives as a result of age, disability, ethnicity, faith, gender or sexuality.
56. The carrying out of an EqIA in relation to policy documents such as the CWAAP 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 CWAAP needs to consider the impact of the proposed strategies on groups who may be at risk of discriminatory treatment and has regard to the need to promote equality among the borough's communities.

### **Soundness of the CWAAP**

57. Under the Planning and Compulsory Purchase Act 2004 S 20(5)(a) an Inspector is charged with firstly checking that the plan has complied with legislation and is otherwise sound. Section 20(5)(b) of the Act requires the Inspector to determine whether the plan is 'sound'. The 'soundness test' includes in particular ensuring that the plan:-
  - (i) has been prepared in accordance with the Local Development Scheme
  - (ii) is in compliance with the Statement of Community Involvement and the Regulations;
  - (ii) has been subject to Sustainability Appraisal;
  - (iii) has regard to and is consistent with national policy;
  - (iii) conforms generally to the Spatial Development Strategy, namely the London Plan;
  - (iv) has regard to other relevant plans, policies and strategies such as other DPDs which have been adopted or are being produced by the Council, or indeed, those of neighbouring boroughs particularly on cross-cutting issues such as transport;

- (v) has regard to any sustainable community strategy for its area; and
  - (vi) has policies, strategies and objectives which are coherent, justified, consistent and effective.
58. 'Justified' means that the document must be founded on a robust and credible evidence base and that it must be the most appropriate strategy when considered against reasonable alternatives. 'Effective' means that the document must be deliverable, flexible and able to be monitored. These are the overarching principles that should be in members' minds when providing comments on the documents before them.
59. On the basis of reports reviewed there is no reason to believe that a CWAAP based on the present Preferred Options will not be sound. However, prior to the finalisation of the publication / submission draft further issues will need to be considered and developed further. These include: -
- a) cross boundary implications in light of other borough's policies (if relevant);
  - b) how the CWAAP will be flexible enough to accommodate changes in policy within the London Plan or the Council's other DPDs;
  - d) as indicated in the Preferred Options document, how the proposals will be implemented and, in particular, the infrastructure implications and tariffs. A clear strategy for delivering (and paying for) the required infrastructure will need to be developed;
  - e) the mechanisms that will be used to monitor the implementation of the CWAAP; and
  - f) approaches to be taken to address changes in circumstances or policy.

### Human Rights Considerations

60. 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 CWAAP Preferred Options, a number of rights may be relevant: -
- **The right to a fair trial (Article 6)** – giving rise to the need to ensure proper consultation and effective engagement of the public in the process;
  - **The right to respect for private and family life (Article 8)** – for instance the selection of preferred options from a number of alternatives could impact on housing provision, re-provision or potential loss of homes as a result of re-development. Other considerations may include significant impacts on amenities or the quality of life of individuals;
  - **Article 1, Protocol 1 (Protection of Property)** – this right prohibits interference with individuals' right to peaceful enjoyment of existing and future homes. It could be engaged, for instance, if the delivery of any plan necessitates CPOs;
  - **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.
61. 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 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. 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.

### **Director of Finance**

62. As this is for consultation purposes only, there are no immediate resource implications arising from this report in approving the consultation for the Canada Water Area Action Plan Preferred Options report.
63. At this point in time it is not possible to assess full financial implications, however when the final approved Canada Water Area Action Plan is reported to members, a full and robust financial analysis covering the whole of the Area Action Plan options will be required.

### **Deputy Director Childrens Services / Education**

64. The Southwark Building Schools for the Future programme contains provision for two new secondary academies, including one within the Canada Water planning area. This is to take account of the increasing number of children as the area becomes home to greater numbers of families with children. Central government in consultation with Southwark Council, has identified Bacon's College as the lead sponsor of this new school.
65. The Primary Capital Programme is central government's equivalent programme to BSF but for primary schools. Rotherhithe Primary School was identified within that as a potential rebuild in the second phase. This school is single storey with large areas of flat roof giving both high energy costs and high maintenance costs.
66. With two new builds planned for the area, there is an exciting opportunity to bring them together to develop a 0-19 school for the area, incorporating a children's centre alongside provision for primary and secondary aged pupils. It is the intention of the Council to work with the governors of Rotherhithe Primary School and the trustees of Bacon's College to develop a model for the new school on the site of Rotherhithe Primary. It would also be the intention of that work to link with developments in Southwark Park to facilitate greater use of the sports facilities in the school by children and young people.
67. Further work is planned in developing youth facilities through this area plan, including establishing bespoke accommodation for our youth council in the new Rotherhithe library.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Plan	Planning Policy Team Chiltern House	Sandra Warren 020 7525 5471
Southwark Statement of Community Involvement	Planning Policy Team Chiltern House	Sandra Warren 020 7525 5471
Southwark Local Development Scheme	Planning Policy Team Chiltern House	Sandra Warren 020 7525 5471
Southwark Plan 2007	Planning Policy Team Chiltern House	Sandra Warren 020 7525 5471

## APPENDICES

There are many appendices that are available on request or on the internet at [www.Southwark.gov.uk/ldf](http://www.Southwark.gov.uk/ldf)

No.	Title	Contact
Appendix A Paper copy with this report	Canada Water Area Action Plan Preferred Options Report	
Appendix B Canada Water Area Action Plan Preferred Options Report Consultation Plan	<a href="http://www.southwark.gov.uk/ldf">www.southwark.gov.uk/ldf</a>	Sandra Warren 020 7525 5471
Appendix C Canada Water Area Action Plan Consultation Report	<a href="http://www.southwark.gov.uk/ldf">www.southwark.gov.uk/ldf</a>	Sandra Warren 020 7525 5471
Appendix D Canada Water Area Action Plan Table of representations made on the Issues and Options Report and the council's response	<a href="http://www.southwark.gov.uk/ldf">www.southwark.gov.uk/ldf</a>	Sandra Warren 020 7525 5471
Appendix E Canada Water Area Action Plan Sustainability Appraisal	<a href="http://www.southwark.gov.uk/ldf">www.southwark.gov.uk/ldf</a>	Sandra Warren 020 7525 5471
Appendix E Canada Water Area Action Plan Equalities Impact Assessment Stage 2 Report	<a href="http://www.southwark.gov.uk/ldf">www.southwark.gov.uk/ldf</a>	Sandra Warren 020 7525 5471
Appendix F Canada Water Area Action Plan Appropriate Assessment	<a href="http://www.southwark.gov.uk/ldf">www.southwark.gov.uk/ldf</a>	Sandra Warren 020 7525 5471

## AUDIT TRAIL

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<b>Report Author</b>	Julie Seymour, Head of Planning Policy	
<b>Version</b>	Final	
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<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director Communities, Law and Governance	Yes	Yes
Departmental Finance Manager	Yes	Yes
Executive Member	Yes	Yes
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