

Item No.	Classification: Open	Date: October 20 2009	Meeting Name: Executive
Report title:		Core Strategy Publication/Submission version	
Ward(s) or groups affected:		All	
From:		Strategic Director of Regeneration and Neighbourhoods	

RECOMMENDATIONS

That the Executive:

1. Agrees the core strategy publication/submission version (appendix A) to send to the council assembly for agreement for consultation.
2. Considers the changes suggested (as set out in table 1) and make necessary changes to the core strategy publication/submission version.
3. This report is accompanied by a sustainability appraisal, equalities impact assessment, consultation plan, consultation report setting out details of consultation carried out to date and appropriate assessment (appendices B to E and G).
4. Agrees to 'save' the Southwark plan policies as set out in Appendix F.

BACKGROUND INFORMATION

5. The Core Strategy will provide the overarching planning framework for the borough. It will be a spatial plan which delivers the vision and objectives for Southwark set out in Southwark 2016. Looking forward to 2026, it will set out the kind of place we want Southwark to be, showing the areas in which growth will be expected to occur, those areas Southwark wishes to protect, such as open spaces, locations for employment uses, and Southwark's approach to maintaining a stable and balanced community through the delivery of schools, affordable housing and leisure facilities. Like all development plans, the Core Strategy must be consistent with national planning guidance and in general conformity with the London Plan. It must show how Southwark will deliver its regional housing target, as well as targets set for the opportunity areas (Elephant and Castle and London Bridge/Bankside) and areas for intensification (Canada Water). It will also need to focus on implementation and show when development in strategic areas will be delivered. It will also need to address how the transport and social infrastructure such as schools, which are needed to support growth, will be provided.
6. Legislation and national guidance sets out the requirements for the preparation of a core strategy. We have complied with these requirements. Preparation of the core strategy takes place over a number of stages: -
 - The first stage involved preparing and consulting on the sustainability appraisal scoping report (July to September 2008).
 - The second stage involved consulting on issues and options (October until December 2008). These set out two different approaches that could be taken for development in Southwark.
 - The third stage involved a consultation on preferred options (April to July 2009). These established a direction for policies such as the amount of

new housing, tenure, transport, open spaces, schools and health facilities.

7. The council is now at the fourth stage in which the publication/submission version is consulted on and then submitted to the Secretary of State for independent examination.
8. The draft submission core strategy will then be subject to an examination in public held by a planning inspector appointed to act on behalf of the Secretary of State. The inspector will consider representations made by interested parties to test the soundness of the draft core strategy. This may involve the inspector asking further questions about issues and examining relevant evidence. He will then provide the council with a binding report with changes that the council has to make. The council will then make the changes set out in the inspector's report and finally agree the core strategy or reject the changes and make a decision about whether to return to issues and options or to take another way forward.
9. We are faced with many challenges in making sure the Core Strategy meets the needs of our diverse population and environment. These include:
 - How we can achieve sustainable development by balancing environmental, social and economic needs to ensure a good quality of life for now and in the long term;
 - How we can build more housing and how it can meet the needs of such a diverse population. This includes how we can provide family housing, housing for first time buyers, social rented housing and different types of housing such as flats and houses.;
 - How we can balance the need for more housing with other demands on the land such as for community facilities, open spaces, new offices and leisure centres;
 - How we can ensure that development happens through implementation.
10. Based on the feedback we received on our issues and options report, we decided to take forward mainly the growth areas approach, with some ideas from the housing led approach. This prioritises development in the growth areas:
 - Central Activities Zone
 - Bankside, Borough and London Bridge opportunity area
 - Elephant and Castle opportunity area
 - Peckham and Nunhead action area
 - Canada Water action area
 - Aylesbury action area
 - West Camberwell action area
 - Old Kent Road action area.
11. Most new development will happen in the growth areas. We are aiming to balance providing as many homes as possible with growth of other activities that create successful places such as places to work, leisure, arts and culture, sports, health centres and tourist activities. We will encourage developments to focus on the strengths of places that make the different areas of the borough distinctive.
12. The core strategy policies will replace some of the policies in the Southwark Plan. Under the planning and compulsory purchase act 2004, unless expressly replaced by a new policy, old policies (adopted Southwark plan policies) must

be saved for 3 years from the date it was approved (July 2007). We need to seek the Secretary of State's agreement to save policies. We need to submit to the Government Office for London our list of proposed saved policies with reasons by January 2010 as they require them 6 months before the 3 year deadline. The government have set out the criteria that they consider should be taken into account when saving policies. Planning policy statement 12 paragraph 5.15 says that policies to be extended should comply with the following criteria:

- Where appropriate, there is a clear central strategy;
- Policies have regard to the community strategy;
- Policies are in general conformity with the London plan;
- Policies are in conformity with the core strategy;
- There are effective policies for any parts of Southwark's area where significant change in the use or development of land or conservation of the area is envisaged;
- Policies are necessary and do not repeat national or regional policy;
- The government will have particular regard to;
- Policies that support the delivery of housing, including unimplemented site allocations, up to date affordable housing policies, policies relating to the infrastructure necessary to support housing;
- Policies on MOL;
- Policies that support economic development and regeneration, including policies for retailing and town centres;
- Policies for waste management, including unimplemented site allocations;
- Policies that promote renewable energy, reduce impact on climate change and safeguard water resources.

CONSULTATION

13. The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008) and the council's Statement of Community Involvement require consultation to be ongoing and informal to guide the overall approach to consultation on the Core Strategy. The council has prepared overarching consultation strategies for each of the documents. At each stage in preparing the documents, the council has prepared detailed consultation plans.
14. The council will consult until February 26 2010 in line with the requirements of the SCI, the second half of this period will comprise a period of formal consultation. All documents will be available on the internet, in council offices, libraries and area housing offices. Adverts will also be placed in the press.
15. It is important to recognise that a considerable amount of consultation has taken place over the last few years. The council aims to build on this process and demonstrate that previous comments have been taken into account to try and avoid consultation fatigue.
16. There were 708 comments on the consultation. The key points raised were:

Policy 1 - Sustainable development

- We should make it clear that equalities issues need to be addressed through early consultation of residents in applications and through design and access statement
- We should clarify if we are asking for sustainability assessments from all schemes?

- We need to be flexible in our approach and not impose rigid targets that might affect the viability of development.

Policy 2 Sustainable transport

- General support for asking for planning contributions to transport schemes
- Requesting more detailed policies such as setting out cycling routes across the borough

Policy 3 Shopping, leisure and entertainment

- General support for the hierarchy of town and local centres for new retail development and support for proposed additional shopping and leisure floorspace.
- Request for a review of the hierarchy of town and local centres to be undertaken, to include some redesignation of centres.
- Support for the protection of local parad;is of shops;
- Policy should promote residential development above shops, and encourage development on existing retail and commercial premises to encourage efficient use of land;
- Conclusions of retail study should be included in the Core Strategy, with commentary on the potential distribution, phasing and quantum of future retail development to meet need;
- Policy should reflect PPS6 guidance i.e. Need, impact, sequential approach, scale and also reflect PPS4 draft which recognises out of centre sites as part of sequential approach to site selection

Policy 4 Places to learn and enjoy

- Need to make sure that planning contributions for community facilities are related to the new development;
- If a developer demonstrates that there is no longer a need for a community facility, then the building should be allowed to be used for a different use;
- Policies should be included specific to health;
- Need to ensure flexibility in the approach to community buildings and educational facilities.

Policy 10 Jobs and businesses

- Policy 10 should not seek to protect all business space in the locations set out. It should be more flexible and allow other uses where there is no demand, high vacancy etc.
- The policy should recognise the employment generating potential of other forms of business space eg. hotels.
- The policy should only protect PILs where there is a need. It should be more flexible and allow mixed use development in the PILs. It should also allow places of worship subject to criteria, such as a 24 month period of vacancy.
- The following sites should be released from PILs, in the light of surrounding residential land use and the contribution which the sites could make towards housing growth: The Rich Industrial Estate, Crimscott Street; the Surrey Canal Triangle, Ilderton Road; 347-359 Ilderton Road.

- Southwark needs to provide an additional 2500 hotel bed spaces by 2026 to meet projected need. The CAZ is the most appropriate area to accommodate hotel growth.

Policy 11 Open spaces and wildlife

- The Core Strategy should identify other possible green chains and routes
- We need to clarify the boundary of Burgess Park MOL and SINC
- The tram corridor through Burgess Park should be designated as a traffic-free corridor
- MOL protection should not be eroded by AAPs and building heights should be restricted along park boundaries to avoid overshadowing
- The Core Strategy should protect back gardens from being built on
- There should be a reference to food growing and preparing a food strategy

Policy 12 Design and conservation

- The Core Strategy has not justified why tall buildings are not suitable across most of the borough.
- The Core Strategy needs to clarify the approach to building heights in the Thames Special Policy Area. There should not be a blanket height restriction.
- The tall building zone should not extend down Walworth Road.
- The tall building zone boundary on Blackfriars Road should be extended north. No rationale is provided for the boundary.
- The Core Strategy needs to clarify how buildings on the periphery of the tall building zone will be treated.
- The Dulwich Hospital should be identified as an APZ

Policy 13 High environmental standards

- We should address the whole carbon life-cycle of a scheme,
- We should reference the climate change strategy target
- We should include reference to passive design and natural ventilation
- We should refer to PPS25 and development needing to reduce flood risk
- The Core Strategy should require development to be designed to cope with climate conditions over lifetime of the development
- We should make reference to specific retrofitting projects
- We need to be flexible in our approach and not impose rigid targets that might affect the viability of development.

Policy 14 Implementation

- An implementation policy is required to show how we will deliver

Areas

- We need to justify the rationale for boundary of the BBLB opportunity area. It is not consistent with the Central London SRDF.
- We need to put in more detail for some of the areas, specifically the Blue and Camberwell
- We need to explain what we mean when we refer to targets and growth in different areas
- Camberwell section needs to be more positive

- Support tall buildings approach in core action areas such as Canada Water. But proposals map only identifies tall buildings zone within Bankside and Borough Opportunity area. Suggestion that a reference is made to Canada Water Area Action Plan which will refer to a tall buildings zone.
- Redesignation of Canada Water as suburban zone from an urban zone is inappropriate and would prejudice development within the area. It is contrary to national and strategic guidance which promotes higher density development in areas of high levels of public transport accessibility. Also runs contrary to Canada Water action area designation, and aspirations to promote CW as major town centre.
- Old Kent Road regeneration area should be expanded to include sites on Ilderton Road. Homes and Jobs targets should be set out.
- The Blue together with the Tower Bridge Business Complex should be designated a growth area.

Implementation

- Community Infrastructure Levy, we need to consult on this if we are going to require it
- Section 106 obligations must be fair and reasonable, relevant to planning more information is needed on how we will implement the core strategy

General

- Support for the growth areas approach
- Need to allow more flexibility

Planning committee, Government office for London and Greater London Authority comments

17. These will be provided as an addendum on the evening.

KEY ISSUES FOR CONSIDERATION

18. The policies that we use to implement our growth areas approach are based on themes and objectives in the Sustainable Community Strategy (Southwark 2016). The purpose of the policies is to set out a strategy to create sustainable places in Southwark. More detailed area and development management policies are provided in area action plans and development plan documents such as the one on development management. They are summarised below with any issues that require consideration:

- **Policy 1 Sustainable development** We want to make sure that all new development is sustainable with the best development for each place based on an assessment of social, economic and environmental needs. We will retain requirements for sustainability assessment to measure this. We will also require planning obligations and tariffs.
- **Policy 2 Sustainable transport** to make Southwark very accessible so that people can get around the borough and to destinations outside the borough very easily. In particular, we want to make Southwark accessible by sustainable types of transport, such as walking, cycling and public transport where possible, rather than the car. This approach will reduce congestion and pollution and make places easier to get to and around. We also want to improve our town centres so that people do not need to travel far to get to shops, libraries, open spaces, health and leisure

centres. We will retain requirements for transport assessments to measure this.

- **Policy 3 Shopping, leisure and entertainment** to make sure we have a network of successful town centres which have a wide range of shops and services and things for people to do. Our centres will be well used because they are vibrant, easy to get to, friendly and safe. We will retain requirements for larger and busier developments to go into the town centres.
- **Policy 4 Places to learn and enjoy**, to make sure we have enough community facilities, such as schools, libraries, health centres to help meet people's needs. These facilities can improve people's lifestyles, make places unique and help create areas which are friendly and safe. We want to ensure that larger facilities are located in town centres and places which are easy to travel to. Smaller facilities that only serve the local community can be located anywhere. To do this we need a more joined up approach to how we will use our existing community buildings, schools and facilities. Along with building new schools and improving existing schools (Southwark Schools for the Future) to provide education for children in Southwark, we will continue to ask for payments for community facilities and schools that new people living in an area will use.
- **Policy 10 Jobs and business** Increase the numbers of jobs in Southwark and reduce the barriers that prevent local people from finding people work. To achieve this we need to maintain and encourage a wide range of businesses within an environment so that they can thrive. The main places for this will be the Central Activities Zone, town centres, the core action areas and strategic cultural centres. We will protect and encourage small business units, tourist facilities, culture and creative industries and preferred industrial locations. We are proposing also to protect the Parkhouse Street industrial area for a tram or alternative depot and to remove protection of industrial uses as the Tower Industrial Estate to allow a wider range of uses. We will also target new jobs and training to local people through planning obligations. Hotels may be becoming dominant in particular areas so we are considering restricting them in these places and encouraging them where they would enhance areas. We will set out the detail of how to achieve this in the development management development plan document.
- **Policy 11 Open spaces and wildlife** Protection and improvement of open space to make places attractive and popular and provide sport and leisure opportunities. We will protect metropolitan open land, borough open land and other open space. We will protect nature reserves, woodlands, wildlife and trees. We will protect allotments and sports grounds. We will ask for new open spaces with developments, create and improve outdoor sports facilities., review open spaces to find out if more need protection and protect some spaces as part of the green chain walk. We will also ask for payments for improving open spaces, access to open spaces, sports facilities, trees and nature conservation from developments so that we can try to create more and improve open spaces especially in dense areas where there is lots of development.
- **Policy 12 Design and conservation** High standards of design to create distinctive places which are attractive and fit well with their surroundings, which are safe, easy to get around and feel comfortable to live, work,

study and relax in. We are also trying to make sure that Southwark's places of historic value, including its conservation areas, listed buildings, archaeological priority zones and monuments, are protected or improved.

- **Policy 13 High environmental standards** to achieve positive designs to improve the quality of places, provide higher living and working standards, improve the environment and reduce the impacts on climate change. To achieve this will introduce a policy for the highest possible standards for all development and we will set code for sustainable homes and BREEAM levels as standards. We will also allocate a site to process our waste.
 - **Policy 14 Implementation** to set out how we will encourage and facilitate development, partnership and involvement in planning.
 - **Areas** There are also area policies setting out what we expect places in Southwark to be like and how we will protect or change them.
 - **Implementation and delivery** We need to set out a delivery and implementation plan to show how will ensure that the policies are delivered. This needs to show that the core strategy will happen including the way in which we will make land available for development, how supporting infrastructure will be provided, how we will work with partners and how we will continue to require planning obligations.
 - **Monitoring** We need to set out targets to review progress using indicators, we will review this annually through the Annual Monitoring Report.
19. We are suggesting that a number of the Southwark plan policies are saved and a number are removed based on the introduction of the core strategy policies and our assessment based on the government guidance. These are set out in appendix F.

Community Impact Statement

20. The purpose of the Core Strategy is to facilitate regeneration and deliver the vision of Southwark 2016 in a sustainable manner ensuring that community impacts are taken into account.
21. In preparing the submission version, the council has also completed Equalities Impact Assessment (EqIA) scoping reports (available on the website). These highlight a number of key issues that need to be addressed in preparing the Core Strategy and 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 Core Strategy and AAPs are open and accessible to all members of the community. To help address this issue the council has prepared consultation strategies which set out the principles of how it 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 taking part in 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.
22. 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.

23. Sustainability appraisals have been prepared at each stage to ensure the wider impacts of development are addressed. (available on the website).
24. We have set out how we have consulted and how we will consult with officer comments on responses in the consultation plan and consultation statement.
25. The appropriate assessment (appendix G) has been carried out under the EU Habitats Directive assessing the impact of the publication/ submission version on EU Protected wildlife habitats. (available on the website)

Resource/Financial Implications

26. There are no specific financial implications associated with this paper. The financial implications of any particular policy or strategy should be addressed as part of any specific proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law and Governance

27. Members are further advised that the main legal implications are set out in the body of the report, as the preparation and the adoption of the Core Strategy is a statute led process. This supplementary advice will therefore focus on reminding members of the processes involved.
28. Members are advised that Part 6 of the Town and Country Planning (Local Development) (England) Regulations 2004 ("the Regulations") there are procedural requirements that need to be prepared in the process of preparing the Core Strategy which are summarised as follows:
 - i. pre-submission consultation with particular bodies (complete);
 - ii. pre-submission public participation (to begin when Council Assembly approval has been obtained);
 - iii. submission of the Core Strategy to the Secretary of State;
 - iv. representations on the Core Strategy;
 - v. representations on the site allocation representations which have been made;
 - vi. the examination;
 - vii. adoption of the Core Strategy.
29. This next stage is formal consultation of the proposals for the Core Strategy. The council is required to make available for public inspection in person and on its website the proposals for the DPD, any supporting documents and details of how to make representations. Representations can be made within a six-week period (Regulation 27(2)) and the council must consider the representations before proceeding to prepare the Core Strategy and submit it to the Secretary of State (Regulation 27(3)).
30. The Core Strategy will then be sent to the Secretary of State as required by section 20(1) of the Planning and Compulsory Planning Act. This will be sent along with the sustainability appraisal report, the SCI and statements setting out the main issues raised and how these have been addressed in the Core Strategy and any supporting documents (Regulation 28(1)). It will also include

a submission proposals map. This will then be followed by an independent examination.

31. Members are finally advised that the processes followed appear to be in compliance with the legal requirements set out in the Planning and Compulsory Purchase Act 2004 and accompanying regulations and statutory guidance.
32. In relation to the proposals to save policies, Members attention is particularly drawn to the paragraphs in the body of the report that focus on the saved policies. Members are asked to note.
33. Members of the Executive are being asked to agree the recommendations set out at the beginning of this report to Council Assembly under Part 3C, paragraph 3 of the Constitution that provides that the Executive is to approve for recommendation to Council Assembly those proposals and plans contained in the council's budget and policy framework.

The consultation plan/report

34. The production of the Core Strategy 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 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.
35. Where 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 Core Strategy must follow the approach set out in the Council's SCI. This means that the Council is required to undertake timely and effective consultation. The approach outlined in the attached consultation documents is legally compliant and appropriate.

The Core Strategy publication/submission

36. In devising its Core 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 follow national and regional policy.
37. The Core Strategy is key to delivering corporate and community aspirations. Therefore the key spatial planning objectives for the Southwark area should be in alignment with priorities identified in the SCS.
38. The Core Strategy must be justifiable. It must founded on a robust and credible evidence base and should be the most appropriate strategy when considered against the reasonable alternatives.
39. The ability to demonstrate that the plan is 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.
40. The Core Strategy must be effective. This means that it must be deliverable, flexible and able to be monitored.

41. Deliverability is demonstrated by showing how the vision, objectives and strategy for the area will be delivered, 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.
42. Flexibility is demonstrated by showing that the Core Strategy can deal with changing circumstances. Core strategies should look over a long time frame – 15 years usually but more if necessary.
43. It is important to note that it is not always possible to have certainty about the deliverability of the strategy. In with a strategic approach to community involvement.
44. these cases the Core Strategy should show what alternative strategies have been prepared to handle this uncertainty and what would trigger their use.
45. A Core Strategy must have clear arrangements for monitoring and reporting results. Monitoring is essential for an effective strategy and will provide the basis on which the contingency plans within the strategy would be triggered. The delivery strategy should contain clear targets or measurable outcomes to assist this process.

Soundness of the Core Strategy

46. Under the Planning and Compulsory Purchase Act 2004 S 20(5)(a) when the Core Strategy is finalised and submitted to the Secretary of State, an Inspector will be 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:
 - a. has been prepared in accordance with the Local Development Scheme
 - b. is in compliance with the Statement of Community Involvement and the Regulations;
 - c. has been subject to Sustainability Appraisal;
 - d. has regard to and is consistent with national policy;
 - e. conforms generally to the Spatial Development Strategy, namely the London Plan;
 - f. has regard to other relevant plans, policies and strategies such as other DPDs which have been adopted or are being produced by the Council;
 - g. has regard to any sustainable community strategy for its area; and
 - h. has policies, strategies and objectives which are coherent, justified, consistent and effective.
47. These are the overarching principles that should be in members' minds when approving the documents before them.
48. On the basis of the evidence that has been reviewed there is no reason to believe that a Core Strategy based on the present publication/submission will not be sound. However, prior to the finalisation of the submission draft further issues will need to be considered and developed further. These include:
 - a. the relationship between the Core Strategy and the policies of adjacent Boroughs where there are cross boundary implications;
 - b. how the Core Strategy addresses the three Area Action Plans (AAPs) that are emerging;

- c. how the Core Strategy will be flexible enough to accommodate changes in policy within the London Plan;
- d. as indicated in the publication/submission document, how the proposals will be implemented and, in particular, the infrastructure implications. 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 CS and what approaches will be taken to address changes in circumstances.

Sustainability Appraisal

- 49. 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 Core Strategy. A strategic environmental assessment (SEA) is required by the Environmental Assessment of Plans and Programmes Regulations 2004 and this normally forms part of the Sustainability Appraisal.
- 50. The Sustainability Appraisal required by section 19(5) of the Planning and Compulsory Purchase Act 2004 should be an appraisal of the economic, social and environmental sustainability of the plan.
- 51. The Sustainability Appraisal should perform a key role in providing a sound evidence base for the plan and form an integrated part of the plan preparation process. Sustainability assessment should also inform the evaluation 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.
- 52. The interim Sustainability Appraisal that has been provided is legally adequate to support the publication/submission. When consultation responses have been received and the submission draft of the Core Strategy is prepared further work will be carried out to ensure that it addresses alternative options, delivery issues and the implications of other elements of the development plan that are already being progressed. It will also make clear those elements of the document that are intended to meet the requirements for Strategic Environmental Assessment.

Equality Impact Assessment

- 53. 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.
- 54. The carrying out of an EqlA in relation to policy documents such as the Core Strategy improves the work of Southwark by making sure it does not discriminate and that, where possible, it promotes equality. The EqlA 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 EqlA in respect of the Core Strategy 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.
- 55. The submitted EqlA meets the reasonable requirements for this stage of the Core Strategy.

Human Rights Considerations

56. 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 Core Strategy erred 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 publication/submission from a number of alternatives could impact on housing provision, re-provision or potential loss of others. 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.
57. 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.
58. This approach has been endorsed by *Lough v First Secretary of State* [2004] 1 WLR 2557. The emphasised that human rights considerations are also 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.
59. The approach and balance between individual and community rights set out in the publication/submission is within justifiable margins of appreciation.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Plan	Planning Policy Team	Sandra Warren 020 7525 5380
Southwark Statement of Community Involvement	Planning Policy Team	Sandra Warren 020 7525 5380
Southwark Local Development Scheme	Planning Policy Team	Sandra Warren 020 7525 5380
Southwark Plan 2007	Planning Policy Team	Sandra Warren 020 7525 5380

APPENDICES

No.	Title
Appendix A	Core strategy publication/submission version/proposals map changes (available with report)
Appendix B	Core strategy publication/submission version consultation plan (available on the internet)
Appendix C	Core strategy publication/submission version consultation report (available on the internet)
Appendix D	Core strategy publication/submission version interim sustainability appraisal (available on the internet)
Appendix E	Core Strategy publication/submission version equalities impact assessment (available on the internet)
Appendix F	Saved policies (available with report)
Appendix G	Core Strategy publication/ submission version appropriate assessment (available on the internet)

AUDIT TRAIL

Lead Officer	Anne Lippitt, Strategic Director of Regeneration And Neighbourhoods	
Report Author	Julie Seymour, Head of Planning Policy	
Version	Final	
Dated	October 12 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law and Governance	Yes	Yes
Departmental Finance Manager	Yes	Yes
Executive Member	Yes	No
Date final report sent to Constitutional Support Services		October 12 2009