
Report to the Council of the London Borough of Southwark

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 19 June 2015

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION OF THE REVISED CANADA WATER AREA ACTION PLAN

Document submitted for examination on 6 May 2014

Examination hearings held between 30 September and 7 October 2014

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Abbreviations Used in this Report

AAP	Area Action Plan
CIL	Community Infrastructure Levy
CWAAP	Canada Water Area Action Plan
FALP	Further Alterations to the London Plan
LDS	Local Development Scheme
LP	Local Plan
MMOD	Main Modification
MOL	Metropolitan Open Land
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PSED	Public Sector Equality Duty
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy

Non-Technical Summary

This report concludes that the Revised Canada Water Area Action Plan provides an appropriate basis for the planning of this part of the Borough over the period leading up to 2026 providing a number of main modifications are made to the Plan. Southwark Council has specifically requested me to recommend any main modifications necessary to enable the Plan to be adopted. All of these were proposed by the Council. I have nevertheless amended detailed wording where necessary. In making recommendations to include the main modifications I have considered the representations from other parties.

The Main Modifications can be summarised as follows:

- Extending the boundary of the town centre to include the entirety of Harmsworth Quays, the Surrey Quays Leisure Centre, the Mulberry site and Site E within it;
- Raising the target number of homes from 2,500 to 4,500 in the Core Area;
- Making the link between expanding retail space and improvements to Lower Road and the gyratory more explicit;
- Designating land between Blick House and St Olav's Court, Lower Road as open space;
- Providing that large student developments should have good links to university campuses; and
- Confirming that residential homes and student housing will form part of the mix of uses on site allocation CWAAP24 (Site E, Mulberry Business Park, Harmsworth Quays and Surrey Quays Leisure Park) provided that they do not prevent business uses coming forward or the establishment of a science cluster.

Introduction

1. This report contains my assessment of the Revised Canada Water Area Action Plan (CWAAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the publication/submission draft of November 2013 which is the same as the document published for consultation in January 2014.
3. In accordance with section 20(7C) of the 2004 Act the Council has requested that I should recommend any modifications needed to ensure that the CWAAP satisfies the requirements of the Act and is sound. The report explains why Main Modifications are necessary and they are identified in bold (**MMOD**). The Appendix contains the Main Modifications in full and all relate to matters that were discussed at the examination hearings.
4. Following this, the Council prepared a schedule of proposed main modifications and updated its sustainability appraisal, equality analysis and Habitats Regulations Assessment. This schedule was subject to public consultation between 16 March and 14 May 2015. I have taken account of the responses made in coming to my conclusions. In the light of these I have made some minor amendments to the detailed wording of the Main Modifications for the sake of clarity. None of these changes significantly alters the content of the Main Modifications published for consultation or undermines the participatory processes and sustainability appraisal undertaken.

Duty to Co-operate

5. Section 20(5)(c) of the 2004 Act requires that I determine whether the Council complied with any duty imposed on it by section 33A in relation to the Plan's preparation. Given the scale of development envisaged and the proximity to the Borough of Lewisham the CWAAP includes strategic development that would have a significant impact on at least two planning areas.
6. The Council has provided considerable detail about the ways in which it has engaged with the prescribed bodies including the Mayor of London, Transport for London and neighbouring Boroughs¹. Furthermore, no strategic issues in relation to the CWAAP have been raised by these organisations and no objections have been made on the basis of a failure to co-operate. Overall I am satisfied that the Council has engaged constructively, actively and on an on-going basis and that this duty has therefore been met.

¹ Document CDLR10

Assessment of Soundness

Background

7. The Canada Water Area Action Plan (AAP) was adopted in March 2012. During the course of the examination in 2011 the Harmsworth Quays print works site, operated by the Daily Mail group, unexpectedly became available due to re-location out of the area. The site is within the central Core Area and comparatively large. In his report² the Inspector accepted that the Council's intention of an early review of the adopted Plan was necessary and unavoidable to ensure a reasoned and deliverable set of outcomes for the site. The CWAAP now under examination has been produced in this light.
8. Whilst focussing on the site allocation for Harmsworth Quays other material changes in circumstance have been taken into account in preparing the CWAAP. These include the publication of the NPPF and, more recently, the Planning Practice Guidance (PPG); progress on the Council's Community Infrastructure Levy (CIL) Charging Schedule; publication of the Further Alterations to the London Plan (FALP) in January 2014; provision of a new free secondary school in Bermondsey; adoption of an Open Space Strategy in 2013 and other changes 'on the ground'.
9. Following receipt of the examiner's report on the Revised Draft Charging Schedule the Council brought the Southwark CIL into effect on 1 April 2015. The FALP were published and incorporated into the London Plan in March 2015. This consolidated spatial development strategy is known as The London Plan 2015. The Greater London Authority has confirmed that the CWAAP, as proposed to be modified, is in general conformity with it. The Council consulted on an options version of the New Southwark Plan in October 2014.
10. The PPG indicates that reviews should be proportionate to the issues in hand³. The Council's approach is consistent with that guidance. Furthermore, the main focus on testing for soundness relates to the changes made compared with the adopted AAP. Nevertheless, this does not preclude modifications being recommended to other parts of the CWAAP that are unaltered if necessary to ensure that the Plan as a whole is sound. As far as this report is concerned I shall not comment on matters or policies where, in the light of the evidence presented, there has been no significant material change since the last examination. Furthermore, it will deal with the main matters relating to soundness and legal compliance and not every point raised by representors.

Main Issues

11. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified six main issues upon which the soundness of the Plan depends.

² Document CDLA2

³ ID 12-008-20140306

Issue 1 – Is the overall strategy for development within the CWAAP area sound having regard to its needs and demands; the relationship with other plans, national policy and Government objectives and the evidence base and preparatory processes?

12. The vision within the CWAAP is to transform Canada Water into a town centre to create a new heart for Rotherhithe based on its excellent public transport links. It is envisaged that this will involve doubling the size of the existing retail floorspace, the provision of other employment generating and education uses and a large number of new homes whilst ensuring that new development is 'knitted in' to the surrounding area. Tall buildings are allowed for in the Core Area in order to stimulate re-generation and to create a distinctive sense of place. This strategy has largely been carried forward from the AAP. However, it has been adjusted to make reference to higher education, cafes, restaurants and leisure facilities as suitable uses to broaden the appeal of the town centre rather than rely on retail and office development for job creation.
13. The London Plan of 2011 designated Canada Water as an area for intensification with a minimum homes target of 2,500 and a jobs estimate of 2,000 and noted that it is a district centre with high potential for growth. The London Plan 2015 identifies Canada Water as an Opportunity Area in Policy 2.13. Annex 1 indicates that it may evolve to become a major town centre and the scope for a substantial increase in the minimum new homes target and employment capacity should be explored. The minimum target for new homes is raised to 3,300.
14. Given this background; the 4,000 units already with planning permission in the CWAAP area; the estimated capacity from other sites and the potential for housing on Harmsworth Quays, the figure of 3,300 net new homes in Policy 21 both within and outside the Core Area is not ambitious enough. Even though this is a minimum figure it does not fully reflect the Government's aim of boosting significantly the supply of housing as expressed in the NPPF.
15. The Council's proposed modification to increase the minimum total within the Core Area to 4,500 homes would properly and fairly reflect the above factors, the aspirations for growth in the CWAAP area and be consistent with national policy. It would also accord with the specific provisions of The London Plan 2015 and also with Policy 3.3 which seeks to increase housing supply generally. For these reasons main modifications are necessary to make the CWAAP sound (**MMOD1, 20 & 21**).
16. Policy 21 is also proposed to be modified to specify capacity for 600 additional homes outside the Core Area and the minimum number of affordable homes is to be increased from 875 to 1,000 in Policy 22. These changes are necessary to reflect the up-to-date position and for the delivery of affordable homes to be linked to the increase in overall numbers. Without them the policies would not be justified or effective and accordingly I recommend main modifications to this effect (**MMOD1, 20, 21, 22 & 23**).
17. However, there is no evidence to indicate that the proposed expansion of retail floorspace by around 35,000 sq m (net) should be further increased. This quantum of additional shopping floorspace is also referred to in Strategic Policy 3 of the Core Strategy. Nevertheless Policy 1 confirms that Canada

Water will move up the hierarchy of centres to become a major town centre and does not preclude additional development. **MMOD5** updates the CWAAP by acknowledging developments that have been completed at Maple Quays and Toronto and Montreal Houses.

18. The overall vision for Canada Water is consistent with The London Plan 2015 and the Core Strategy of 2011. Having set this course it is understandable if the Council has pursued the implementation of the chosen approach rather than becoming 'side-tracked'. The NPPF indicates that regard should be had to the cumulative impact of development. This is the basis of sound plan-making and the CWAAP has had regard to the likelihood of different types of development coming forward and the need for infrastructure and social and community provision including open space to accompany that development.
19. There is criticism that the evidence base for the CWAAP is not up-to-date. However, the Council has not simply relied on documentation prepared for the adopted AAP but has produced papers covering such matters as business and retail; an urban design study; housing; infrastructure and viability⁴. A further Sustainability Appraisal has been undertaken and an Open Space Strategy adopted⁵. Of course, the nature of the process means that evidence produced will have aged slightly by the time that the examination and hearings take place. However, where necessary, detailed matters have been updated and the documents relied upon are not so ancient as to be unreliable. The expectations for a proportionate evidence base set out in paragraph 158 of the NPPF and elaborated upon in the PPG have been met.
20. The Core Area incorporates areas to the west of the London Overground line and Lower Road including the Hawkstone Estate. Policy 22 indicates that the preferred approach is now to refurbish homes on the Estate. There is nothing in the CWAAP to imply that it is proposed to demolish it and replace it with a business cluster after 2025 which is, in any event, outside the Plan period. The last Inspector found that, whilst less clear cut, the rationale for the inclusion of this predominantly urban residential area was warranted⁶. There is no evidence of a change of circumstances to justify a different finding.
21. Policy 32a on Sustainable Development reiterates the NPPF. The PPG⁷ indicates that there is no need to do this and consequently this policy should be removed as unjustified (**MMOD32**).
22. Subject to the main modifications outlined above the CWAAP is positively prepared to meet development and infrastructure requirements. The vision is clearly articulated and the overall strategy is sound.

Issue 2 – Are the policies for shopping and transport justified, likely to be effective and consistent with national policy?

23. Figure 5 of the CWAAP shows an indicative revision to the town centre boundary. The intention is to settle the boundary via the New Southwark Plan once the actual physical extent of the town centre has taken shape. However,

⁴ Documents CDLR13, CDLR14, CDLR15, CDLR16, CDEV2 & CDEB1

⁵ Documents CDLR6 & CDEE1

⁶ Document CDLA2 – paragraph 20

⁷ ID 12-010-20140306

other policies in the CWAAP rely on a defined town centre for their proper interpretation. The most obvious example of this is Policy 16 which is specifically concerned with town centre development. Furthermore, paragraph 23 of the NPPF indicates that local planning authorities should define the extent of town centres. Therefore the CWAAP is neither clear nor effective in this regard.

24. The Council's proposed modification expands the existing boundary to include all of Site CWAAP24 (encompassing Harmsworth Quays) within the town centre. Widening the area should ensure that the needs for retail, leisure, office and other main town centre uses are met in full. At the same time, explanatory text confirms the Council's aspiration of placing non-residential uses in locations which maximise the potential for linked trips and which contribute towards establishing a town centre with character and identity. This is in line with Policy 2.15 of The London Plan 2015. It is also emphasised that residential and student housing uses are appropriate in the town centre as referred to in paragraph 23 of the NPPF. These main modifications are necessary for soundness (**MMOD2, 4, 6, 15, 40 & 45**).
25. There is no firm commitment to closing the southern end of Surrey Quays Road as set out in Policy 16. Therefore referring to its realignment in the long term would achieve effectiveness (**MMOD14**). For the same reason it should also be confirmed that Masterplans will be prepared for the main proposals sites (**MMOD16**).
26. It is accepted that traffic queues and delays around the gyratory and on Lower Road would worsen if no improvements were undertaken. It is expected that the scheme to introduce two-way movements and to allow for right turns into Surrey Quays Road will begin in 2016. There is some dispute as to whether traffic locally has reduced. But there is no firm evidence that the Council's survey was skewed by roadworks or that waste and delivery lorries have significantly added to vehicle flows. Moreover, the CWAAP is unchanged in this respect compared with the adopted AAP and there is no clear indication that the development of Harmsworth Quays would lead to an increase in traffic compared with the previous newspaper delivery lorries. In any event, future proposals would be the subject of full Transport Assessments which should take into account the latest position including any future growth. The text should be expanded to confirm this in the interests of effectiveness (**MMOD7**).
27. There is nothing to contradict the Council's view that the proposed increase in shopping floorspace would be the most likely cause of additional vehicular movements. Equally there is nothing to suggest that a particular level of floorspace should 'trigger' any of the improvements to Lower Road. However, there is uncertainty about how and when the existing funding 'gap' for the scheme will be filled and whether section 106 contributions and CIL would raise sufficient monies to cover it. Although referred to in a general way by Policy 1 there is insufficient detail to ensure that road improvements will keep pace with retail development. The Council's proposed modification would address this (**MMOD3**). I recommend it to ensure that infrastructure will be delivered in a timely manner and that the CWAAP is effective in this regard.
28. The aspiration to extend the London cycle hire scheme to Canada Water in Policy 6 does not provide a clear indication of how a decision maker should

react to a development proposal and should be deleted as inconsistent with the NPPF (**MMOD8 & 9**). For accuracy and clarity Policy 8 should refer to improvements to the roundabout at the entrance to the Rotherhithe Tunnel rather than signalisation (**MMOD10, 11 & 12**).

29. There is concern that the focus on development around Canada Water basin would be at the expense of older and more traditional shops and other services along Lower Road and Albion Street. However, Policies 30 and 31 include measures to regenerate and improve these areas. Furthermore, Policy 16 refers to the creation of strong physical and visual links to Lower Road.
30. Overall, with the recommended main modifications, the policies for shopping and transport are justified, effective and consistent with national policy.

Issue 3 – Are the policies for places and homes justified, likely to be effective and consistent with national policy?

31. Detailed criteria for all tall buildings over 30m in height are set out in Policy 17 and expect an exemplary standard of design in line with Strategic Policy 12 of the Core Strategy. The third bullet point does not clarify that the expectation is for town centre uses to be located on the ground or lower floors. The words "elegant" and "slender" do not properly reflect the intention to achieve a strong vertical emphasis. Expecting buildings to be "recessive" implies that they should be set back in some way rather than ensuring that the tops of buildings add interest to the skyline. In these respects the policy is not effective but the revised wording would remedy this deficiency (**MMOD17**).
32. Policy 17 also provides that minimum space standards should be significantly exceeded and this is part of the expectation for exemplary design set out in the *Residential Design Standards* Supplementary Planning Document⁸. Given that accommodation within buildings of this height is unlikely to have ready access to outdoor space this criterion is justified and is not inconsistent with the Written Ministerial Statement of March 2015. Furthermore, there is no reason to suppose that this would alter the requirements for affordable housing set out in Policy 22. Tall buildings are also expected to provide a mix of unit types in order to promote housing choice. The policy also affords sufficient protection to heritage assets and protected views.
33. There is reference to special buildings but the proposed locations would not strictly mark the gateways to the town centre. Nevertheless there is scope for them to be attractive features in their own right and to add to the sense of place. The modification proposed is therefore required for clarity (**MMOD17**).
34. The criteria in Policy 15 that heritage assets and their settings should simply be preserved or enhanced does not take into account the possible need to balance any harm against public benefits in line with the NPPF. **MMOD13** is therefore necessary to ensure consistency with national policy.
35. How any schemes are judged against the criteria within the CWAAP is, ultimately, a matter for the Council and the soundness of the Plan is not affected by whatever role a Design Review Panel might or might not have.

⁸ Document CDS8

36. As agreed by the Council at the hearing the space between Blick House and St Olav's Court on Lower Road meets the descriptors for Other Open Space set out in the Glossary of terms⁹. Strategic Policy 11 of the Core Strategy refers to the protection of small spaces of local importance. Omitting this land from Policy 18 which protects 3 other similarly designated areas is not justified but this is rectified by **MMOD18, 19 & 44**.
37. Policy 18 also seeks to protect the former nursery adjoining Southwark Park as Metropolitan Open Land (MOL). The evidence confirms the longstanding historical links of this narrow strip of land with the Park and it appears to have been in use as a nursery by 1872. Having regard to the definitions in Policy 7.17 of The London Plan 2015 and the Glossary I am satisfied that this designation is justified as it contributes to the physical structure of London by being clearly distinguishable from the built up area. This is because of its currently undeveloped nature, the 'break' it provides between the housing that backs onto it and the past associations with the Park which is also MOL.
38. The Inspector's Report on the examination of the AAP commented that some open space provision, including amenity green space, will require further consideration and analysis as to how standards will be set and provision made¹⁰. In the light of this the text was supplemented and paragraph 4.5.26 of the AAP refers to the importance attached to amenity green space. The Open Space Strategy of January 2013 has now been produced¹¹. This gave consideration to amenity spaces which provide opportunities for informal recreation close to residential areas and have potential to be improved as a biodiversity and community gardening resource. The Council's approach is to improve existing areas and to ensure that adequate provision is made for new development in accord with its Supplementary Planning Document standards.
39. Whilst the NPPF highlights the importance of open space because of the contribution it can make to the health and well-being of communities it does not require that all pieces of undeveloped land be protected. It also comments that the Local Green Space designation will not be appropriate for most green areas or open spaces. Furthermore, the context is that the Canada Water and Rotherhithe sub-area is well provided for in terms of open space with the quantity standard for both parks and natural greenspaces exceeded by more than 100%. There is therefore, in my view, no imperative to designate additional areas of land as open space. The definition of Other Open Space also excludes areas that are ancillary to, and/or within the curtilage, of a building.
40. More to the point, whilst acknowledging the importance attached to existing housing amenity areas by the community, the absence of further open space designations does not render the CWAAP unsound when judged against the relevant criteria in the NPPF. In addition, despite claims to the contrary, the definition of Green Infrastructure in the Glossary is consistent with the NPPF.
41. The purpose of Policy 29a is to prevent student housing from overwhelming the Core Area in the interests of providing for a mixed and balanced community and to facilitate a wide range of uses within the town centre.

⁹ Document CD55

¹⁰ Document CDLA 2 – paragraph 82

¹¹ Document CDEE1

Strategic Policy 8 of the Core Strategy also establishes that student homes should not harm local character.

42. The Council's threshold of 300 bedspaces for large student housing is likely to 'catch' most future developments given that 500 is regarded as the optimum. Any such developments would be judged against a more restrictive set of criteria than elsewhere in the Borough. However, this accommodation would be part of the new sense of place at Canada Water rather than 'grafted' onto an existing environment. Nevertheless to require that all large student developments should be part of a campus would be unduly restrictive and potentially hinder the pace of development on Site CWAAP24. With Strategic Policy 8, with the overriding provision that developments should be part of mixed use schemes and with master planning, sufficient safeguards would exist to prevent the creation of a 'student only' zone. Adding a clause to the first bullet point that sites should be linked to a campus by good public transport links would nevertheless allow for greater flexibility in the interests of soundness (**MMOD28 & 29**).
43. Recently permitted developments have achieved higher densities than those referred to in Policy 24. However, including the Core Area within the urban density range of 200-700 habitable rooms per hectare is consistent with Strategic Policy 5 of the Core Strategy. Whilst elevating the status of Canada Water to a Central Activities Zone might be considered in future the policy is sound as it stands especially as higher densities are allowed for as an exception when development has an exemplary design standard.
44. Paragraph 193 of the NPPF indicates that information requirements for applications should be proportionate and local planning authorities are encouraged to publish a list. There is nothing to indicate that the parameters for outline applications should be included within Local Plans.
45. As long as the main modifications are undertaken the policies for homes and places are sound having regard to the criteria set out in Issue 3.

Issue 4 – Are the policies for leisure and enhanced social and economic opportunities justified, likely to be effective and consistent with national policy?

46. Policy 25 promotes a business cluster of around 12,000 sq m and identifies Sites CWAAP7 and CWAAP24 as key for this purpose. The evidence is that there is demand for up to 9,500 sq m of Class B1 floorspace¹². However, whilst short term demand may be limited it is reasonable to expect that over the Plan period other developments will act as a catalyst so that the attractiveness and perception of this part of Rotherhithe as a place to do business will change. In any event, planning permission has already been granted for 2,800 sq m of B1 floorspace at Site E and for 4,490 sq m at the Mulberry Business Park. Canada Water is also mooted as a possible location for the Centre for Science and Urban Progress¹³ and Annex 1 of The London Plan 2015 refers to a new science cluster linked to an academic institution. The anticipated quantum of development is unchanged from the AAP and I find

¹² Document CDEB1

¹³ Hearing statement CDEX15 – Appendix 1

that it is sound. However, the provisions about the phasing of development are not clear and **MMOD24** is necessary as a safeguard to ensure the delivery of business floorspace.

47. Many parts of Rotherhithe do not have access to superfast broadband. The situation is acknowledged in the CWAAP but a more forceful policy response is not warranted.
48. The Council's school places strategy of July 2014¹⁴ does not indicate that there is any immediate need to allocate sites within the CWAAP area. No need for additional health care provision has been identified by NHS Southwark and preferred locations are identified for early years provision. Hence Policies 26, 28 and 29 are broadly sound subject to changes to widen the preferred locations for pre-school and health facilities and to update the position in relation to the Downtown site. I therefore recommend **MMOD25, 26** and **27** in the interests of effectiveness.
49. The policies covered by this issue are therefore sound provided that the main modifications are included.

Issue 5 – Are the policies for specific places and sites justified, likely to be effective and consistent with national policy?

50. All of the schedules for the Proposals Sites under Policy 32 refer to "required" and "other acceptable" land uses. This distinction derives from saved Policy SP20 of the Southwark Plan which stipulates that permission may be granted for the latter provided that development for the uses required is, or has been, secured. Given the mixture of uses proposed for the various sites, especially the larger ones, this strict definition runs the risk of stymying new development. The policy is therefore not effective as it stands.
51. The main modifications make the relationship between the 2 types of uses clearer. They also allow for greater flexibility whilst ensuring that the delivery of required land uses is not compromised and/or can be supported by other acceptable uses to make them viable and deliverable (**MMOD30 & 31**).

CWAAP7 (Decathlon site, Surrey Quays Shopping Centre and overflow car park)

52. Both the Vision and Policy 1 refer to the provision of around 35,000 sq m (net) of additional retail floorspace. The total for this site should be adjusted to 34,000 sq m to reflect a previous commitment at Surrey Quays Leisure Park. However, limiting retail development to "up to" that figure is inconsistent with other parts of the CWAAP as well as the Core Strategy. It would also place an artificial 'cap' on development. The proposed modification refers to "around" 34,000 sq m of shopping floor area and would overcome this soundness issue (MMOD33). Furthermore, the estimated site capacity is too prescriptive in the light of recent permissions and the need for flexibility and should be assessed through the planning application process. Without MMOD34 the CWAAP would not be justified in this respect.

¹⁴ Hearing statement CDEX14 – Appendix 1

CWAAP10 (24-28 Quebec Way)

53. The required land uses for this site comprise residential, business and community use. Subject to clarification that this can include education and health uses (**MMOD35 & 36**) this allocation is sound.

CWAAP24 (Site E, Mulberry Business Park, Harmsworth Quays and Surrey Quays Leisure Park)

54. This is a sizeable and significant site within the CWAAP area. A key aspiration of the Council is that proposals should maximise the amount of employment generated which could include uses within Classes A, B1, C1 or D of the Use Classes Order. In general terms this approach, which treats residential and student housing as other acceptable uses, is sound particularly in the light of the main modifications recommended for Policy 32.
55. However, to ensure effectiveness it should be clarified that residential homes will form part of all 4 of the separate sites within CWAAP24, that it is not the intention to prevent them coming forward in advance of employment generating uses but that the delivery of business floorspace should not be compromised. The provisions regarding phasing are also unclear. In line with Policy 16 it should be confirmed that a Masterplan is required to ensure that development proceeds coherently and comprehensively. These matters are all covered in the Council's proposed modifications which are necessary to achieve soundness (**MMOD37, 38, 39, 41, 42 & 43**).
56. The 2014 Viability Study Update¹⁵ was produced to address issues raised by the CIL Examiner in his initial findings. Whilst for different purposes it nonetheless contains up-to-date appraisals of sites within the CWAAP area including Harmsworth Quays and the other component parts of CWAAP24. It shows that all of them, apart from Site E, are unviable either with or without CIL. Paragraph 173 of the NPPF refers to the need to ensure viability and delivery. The PPG indicates, amongst other things, that assessments should ensure that policies are realistic and provide high level assurance that plan policies are viable¹⁶. Moreover, assessing the viability of plans does not require individual testing of every site or assurance that they are viable¹⁷.
57. Since the close of the hearings the Surrey Quays Leisure Park has been acquired by British Land. This company also has interests in Harmsworth Quays which is part owned by the Council. From the evidence provided it is apparent that the Council is committed to bringing this site forward for development as a major regeneration project and is working co-operatively with British Land to this end. That company also refers to its partnership with the Council. The purchase of the Leisure Park has completed the land assembly process and makes re-development more rather than less likely. Similar considerations apply to the Surrey Quays Shopping Centre (CWAAP7) where the Council and British Land also have joint interests.
58. The PPG says that policies should not be based on the expectation of future rises in value at least for the first 5 years of the plan period. However, the re-

¹⁵ Document CDEIP22

¹⁶ ID 10-005-20140306

¹⁷ ID 10-006-20140306

development of this site is a long-term project and it is expected that market conditions will improve over the medium term. Given the site's size it is inevitable that development will take place on a phased basis. Overall the Council has a direct interest in making re-development 'happen' and there is also a developer 'on-side'. It is these factors that provide sufficient confidence that the plans for Site CWAAP24 are deliverable during the plan period.

CWAAP25 (Land at Roberts Close)

59. The allocation of this undeveloped site within the Core Area for residential uses is sound in principle. The qualities of the adjacent Russia Dock Woodland could be protected by sensitive siting and design as indicated in the supporting text. This part of the Borough has no allotments. The Open Space Strategy indicates that deficiencies will be tackled by creating community gardens at existing open spaces and by requiring new housing development to provide food growing opportunities. This provision is included in Policy 18 and would apply to the site. Indeed, having regard to the Council's approach there is no justification for reserving the land solely for allotments or other open space.

Conclusion on Issue 5

60. The policies for places and sites are justified, likely to be effective and consistent with national policy subject to the main modifications.

Issue 6 – Does the CWAAP have clear and effective mechanisms for implementation, delivery and monitoring?

61. Section 6 of the CWAAP is concerned with delivery and Policy 33 deals with planning obligations and CIL. Appendices 2 and 3 also contain a monitoring framework and details of infrastructure projects including timescales. These provisions give an indication about how the Plan will be implemented and contain a method for review. Whilst some representors cast doubt on the likely outcomes given the Council's 'track record' these are matters of local decision making and accountability. The CWAAP provides adequate assurance that policy delivery can be assessed and that this is likely to be effective.

Assessment of Legal Compliance

62. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The CWAAP is identified within the LDS of October 2014 and its timing is compliant with it.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2008 and consultation has been compliant with its requirements, including that on the proposed main modifications.
Sustainability Appraisal (SA)	SA has been carried out, including an Update to assess the proposed main modifications in March 2015, and is adequate.

Habitats Regulations Assessment	The Habitats Regulations Assessment: Screening Appropriate Assessment of April 2013 (updated March 2015) concludes that none of the policies or guidance including the proposed main modifications are likely to have any significant discernible adverse impact on European sites.
National Policy	The CWAAP complies with national policy except where indicated and where main modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Equality Analysis of October 2013 (updated in March 2015) provides evidence of compliance with the PSED.
2004 Act (as amended) and 2012 Regulations.	The CWAAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

63. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
64. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended Main Modifications set out in the Appendix the Revised Canada Water Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Smith

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.