

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> March 2010	<b>Meeting Name:</b> Strategic Director of Regeneration and Neighbourhoods
<b>Report title:</b>		Canada Water Area Action Plan Submission Version Report	
<b>Ward(s) or groups affected:</b>		Rotherhithe and Surrey Docks	
<b>From:</b>		Head of Planning and Transport	

## RECOMMENDATIONS

1. That the Director of Regeneration and Neighbourhoods in consultation with the Executive Member for Regeneration:
  - Approve minor amendments to the wording of the Canada Water AAP submission version for submission (appendix A) to the Secretary of State in May 2009 (these are set out in a table of changes in appendix B).
  - Notes the representations received and the officer comments (appendix C).
  - Notes that the Sustainability Appraisal (appendix D), EqlA (appendix E), Consultation Statement (appendix F) and background papers (appendix G) have been updated to correct any errors and to ensure that representations are responded to in full.

## BACKGROUND INFORMATION

2. 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 by council assembly it will be a development plan 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.
3. The council is now at the final stage of preparing the AAP. In 2009 we consulted on the AAP Issues and Options report and Preferred Options report. All comments received were taken into account in preparing the draft AAP. The draft AAP was reported to Council Assembly on 27 January 2010. Assembly agreed to publish and subsequently submit the AAP (appendix A) to the secretary of state in March 2010 together with any representations received. Assembly also delegated the approval of any minor amendments resulting from its meeting or publication to the Canada Water AAP Publication/Submission Version to the Director for Regeneration and Neighbourhoods in consultation with the Executive Member for Regeneration before submission to Secretary of State.
4. The publication/submission AAP was published for consultation on 29 January 2010. The purpose of this stage of consultation is to enable the public and other organisations to make formal representations on the AAP. At this stage the council is not allowed to propose any substantive changes to the plan. The council can however propose to the inspector that minor changes are made to clarify issues of uncertainty, correct factual information or improve consistency.
5. These will be considered during an examination-in-public held by a Planning Inspector appointed by the secretary of state in late 2010/early 2011. The inspector

will test the soundness of the draft AAP. 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.

6. The AAP is also accompanied by a sustainability appraisal, a consultation statement, an equalities impact assessment and a series of background papers which explain and justify the AAP strategy in more detail. These will be updated prior to submission to the secretary of state to ensure they are up-to-date, factually correct and reflective of the council's responses to representations.

## **CONSULTATION**

### **Previous consultation**

7. Consultation has been carried out at all previous stages of the Area Action Plans formation in accordance with the Consultation Plan and the Councils Statement of Community Involvement.

### **Publication/submission draft consultation**

8. In response to the invitation to submit comments on the publication/submission draft a total of 269 representations were received (Regulation 28 responses) from 30 organisations and individuals.
9. The main issues raised in response to the publication/submission draft were:

## **STATUTORY CONSULTEES**

### **Government Office for London (GOL)**

- It is important that there are clear links between evidence base and policy. It would be helpful to provide cross references to where this can be found.
- The vision could be further strengthened by indicating what development is being proposed, along with appropriate timescales.
- Appendix 6 could be made more robust by setting out what infrastructure is critical for the plan's delivery and how any shortfalls in funding will be addressed.
- For the AAP to be flexible it needs to show some evidence of how it will deal with changes in circumstances that may occur during the plan period. What contingencies are/will be put in place should this work not proceed on time and what are the implications to delivering the plans aim and objectives should it not proceed?
- It would be helpful to clarify whether the indicators and targets in Appendix 5 also applies to the targets and indicators set out in your recently published Core Strategy
- It would be helpful to clearly show all of the proposed sites, in particular those in the core area, on the one diagram.
- It is useful to make reference to the draft London Plan requirements and to consider the implications of these for the strategy.
- There appears to be missing text at the end of Policy 15 Building Blocks and the SWOT analysis at Appendix 2.
- Some of the cross references in Appendix 8: Schedule of proposals sites are incorrect
- It is not clear from Appendix 3 whether the AAP policies will supersede any of the UDP policies.

### **Greater London Authority (GLA)**

- The prioritisation of seeking contributions to road network improvements is contrary to the prioritisation of affordable housing and public transport improvements in the London Plan and not in general conformity with the London Plan.
- There are potential general conformity issues relating to housing targets and affordable housing in so far as these relate to the borough-wide targets set out in the Core Strategy
- Canada Water AAP Policy 22: 'Affordable homes' states that there should be a 70:30 intermediate to social rented split in affordable housing provision in the area. This It should be noted that the draft replacement London Plan changes this affordable housing split to 60 percent social rented and 40 percent intermediate provision.
- Policy 24: 'Density of development' of the AAP does not appear to take account of this envisaged change in the setting as described in the London Plan and the boundary of the core area does not reflect the associated 800 metre distance from the town centre. The proposed policy is not considered to significantly harm the implementation of the London Plan and could be in general conformity, but it may nevertheless be appropriate to take this matter forward for discussion at any examination to ensure that the proposed approach to density in the core area is fully justified.
- The consideration given to appropriate building heights in the area with reference to strategically designated views is welcomed but it is recommended that the supporting text at paragraph 4.5.15 is amended to accurately reflect the strategic policy requirements in relation to these views; details of this are set out in Appendix One.

### **Transport for London**

- TfL considers that the AAP should identify the preferred location(s) for shared parking and the expected nature (including quantity of spaces, underground/surface/multi-storey deck, whether it will be chargeable, general hours of availability, etc.) as well as the expected point of vehicular access in order to enable a functional application of this policy to the Canada Water development sites.
- TfL would support the conversion of Lower Road to two-way operation, but want to see a right turn allowed into Redriff Way, possibly for buses only.
- TfL is very concerned that Policy 33 on S106 planning obligations does not mention public transport, and furthermore that this policy identifies road network improvements as the explicit priority for planning obligations.
- TfL therefore also requests that Policy 33 specifically refer to a requirement for developments to fully mitigate their transport impacts, including both local and strategic contributions as appropriate, in order to ensure that sufficient mitigation is secured for strategic public transport improvements
- TfL London Buses is seeking the provision of standing spaces and associated drivers facilities at the southern end of the shopping centre site to enable future network expansion in line with London Plan Policy 3C.4 and the Land for Transport SPG. TfL would welcome inclusion of this in this section.
- TfL encourages the council to set out appropriate maps and strategies in the AAP to ensure that new paths through these sites will be suitably located to provide convenient connection to existing paths within the woodland and, where possible, to the existing street pattern to the east of Russia Dock.
- Omission: No significant discussion about the Harmsworth Quay site has been presented in the AAP.
- General omission: TfL considers there is a need to ensure the provision of sufficient land for the development of an expanded transport system. TfL suggests that the AAP acknowledges the need to safeguard land for existing and future transport functions, in line with the 'Land for Transport' (March 2007) document

- General omission: The AAP does not discuss any freight issues, which are of particular relevance given the existing comparison retail and shopping centre, and would become of more relevance if the retail offer is significantly expanded as part of the area's regeneration.
- Correction to factual information regarding Tube/rail stations in the AAP area (applies throughout document): The area covered by this application has three stations. Upon the reopening of the East London Line (which will be part of the London Overground rail network, i.e. not London Underground/the Tube), there will be two Overground rail stations (Rotherhithe and Surrey Quays) and one Underground/Overground interchange station (Canada Water)
- Correction to factual information regarding East London Line (East London Line): Upon reopening of the ELL in summer 2010, 12 trains per hour (tph) in each direction through the core section (including Rotherhithe, Canada Water, and Surrey Quays); 4 tph will go to each of the southern termini (New Cross, Crystal Palace, West Croydon). Following the opening of ELL Phase 2 to Clapham Junction by summer 2012, service through the core section of the ELL will be 16tph in each direction.

### **Environment Agency**

- Support objectives P1-5 under 'Places: Better and safer streets, squares and parks' and also L1-2 under 'Leisure: a great place to visit, relax and have fun'.
- Pleased to see the inclusion of 'flood risk' within Objective P5
- Pleased to see how the Canada Water Area Action Plan promotes the enjoyment of rivers and water space.

### **Natural England**

- Natural England has no further comments to add to the Canada Water Area Action Plan consultation document, however, we would commend and encourage to the intention of the Council to provide an increase in the provision of open space area within the Plan Area.
- The Background Paper on Infrastructure includes the recognition and provision of Green Infrastructure and this is welcomed and commended.
- Also welcomed is the recognition of the role Green Infrastructure can play in the provision of Sustainable Communities and the quality of life, health, recreation and leisure benefits than can be achieved through the variety of Green Infrastructure provisions identified by the Council.
- Natural England accepts the conclusion reached under Chapter 8 of this report that Tasks 2 and 3 of the Appropriate Assessment are not required in respect of the Canada Water Area Action Plan.

### **English Heritage**

- In general English Heritage welcomes the approach proposed in the Canada Water AAP.
- Welcome the reference to the historic environment in terms of providing a 'portrait' of the area and through analysis of the area's character.
- Only heritage assets that fall within the study area have been considered
- The level of detail on the historic environment in the urban design background paper is limited and incomplete.
- Concerns with regards to the methodology used and the level of consideration given to the impact of tall buildings on heritage assets.
- EH/CABE Guidance on Tall buildings (2007) encourages local authorities to develop more detailed three-dimensional urban design frameworks in order to assess the impact of building heights on the surrounding context. It is not clear if this type of modelling has been undertaken.
- Suggest that the definition provided in the EH/CABE guidance on Tall Buildings (2007) should be used

### **Thames Water**

- Within Section 6 it states that in 2005 Thames Water confirmed that both water supply and foul trunk sewer infrastructure should have capacity to serve development of this scale. These comments date from 2005 and as such are out of date and superceded by our comments in relation to the preferred options dated October 2009.
- The time required to provide such water and wastewater infrastructure should not be underestimated.
- Thames Water are disappointed that the Thames Tunnel project, which is of national significance and which may well run through the area covered by the area action plan is not mentioned in the plan.

### **NHS Southwark**

- We welcome the overall treatment of health in the submission version.
- We consider that area action plans will be strengthened if the health evidence base is a little more detailed and specific.

### **Metropolitan Police Authority**

- The statement that the MPA are currently negotiating with Conrad Phoenix to occupy new space on the Decathlon site does not reflect the current position which is that no policing floorspace will be provided at this site.
- S106 Planning obligations policy indicates that the Council will use s106 planning obligations to ensure the delivery of key infrastructure however no definition is provided in the policy as to what constitutes 'key infrastructure'.

### **London Borough of Lewisham**

- Welcome the references to Lewisham throughout the AAP
- The need for improved connections between the two boroughs should be mentioned.
- Figure 7 should show an additional link between LB Southwark and Lewisham.
- It should be recognised that the existing and new residential populations for Deptford and New Cross will require additional school places.
- It should be made clear in paragraph 2.3.1 that Lewisham's core strategy is in draft form and has not been subject to examination in public.

### **The Coal Authority**

- The Coal Authority have no objection to the AAP.

## **NON STATUTORY CONSULTEES**

### **Port of London Authority**

- Figure 4 and paragraph 4.3.5 make reference to a proposed Thames crossing. Any crossing will need early discussions with the PLA to ensure that it does not have a detrimental impact on navigation, river regime or environment.
- All other diagrams should be reviewed to make it clear that it is proposed by Sustrans and does not yet have consent.
- The pier just upstream of Rotherhithe tunnel should be removed from the diagram and it does not perform the same function as Greenland Pier and Nelson Pier.
- There is no reference to the use of the river for the transport of construction materials to and waste materials from development sites.
- It is questioned why the infrastructure plan is not seeking s106 funding to implement a programme of improvements/funding for river transport infrastructure and services.

- It is surprising that the Council is considering alternative development on the car park site. What is the evidence for this?

### **Woodland Views**

- Disagree with this decision to remove the Quebec Way Industrial Estate from the core area
- The council's directives regarding building heights on the Site are too restrictive.
- The council's attempt to re-designate Surrey Quays ward as a suburban zone would appear to be self-defeating

### **British Land Canada Quays**

- BLCQ fully support the vision statement set out under Section 3: 'Our strategy for Canada Water' and would like to see this go further
- Welcome the approach taken in the retail policies to encourage expansion and diversification of more shopping, café, restaurants and markets.
- Whilst the aspiration to reduce car travel is welcome this should be managed through innovative measures such as a sharing of spaces with expanded retail/ leisure uses, car clubs, green transport plans and enhanced public transport.
- The encouragement of low parking levels for new residential is preferred to prescriptive limits within the guidance.
- BLCQ encourage a more ambitious proposal whereby Canada Water is promoted as a leisure destination.
- BLCQ consider Site A should take a lead on this as the most suitable location in Canada Water for a tall building, and that the height in the action area should be determined through analysis of townscape and design in each case.
- The AAP should provide an opportunity for renewal of existing housing estates over its 15 year lifespan
- Planning obligations need to be tailored carefully in each case to ensure impacts are sufficiently mitigated but without undermining viability.

### **Surrey Quays Ltd**

- We consider that Lower Road should also be added to the list of appropriate sites as the delivery of enhanced retail provision should be considered across the defined town centre as a whole.
- SQL does not support the absolute requirement to provide small shops within large retail development.
- Surrey Quays support the general principle of highways improvements but object to the proposals to levy a standard charge on new developments in the area to assist with funding it
- The Council's Feasibility Study (Benoy) and Financial Appraisal (CBRE) both dated February 2010 have been published very late in the process and appear to have been undertaken retrospectively to support the emerging policy
- The affordable housing policy is too rigid in that it does not allow a mechanism through which a further reduction in the level of affordable housing can be justified
- The policy wording should be amended to allow a more flexible approach to family housing.
- SQSC and associated car parking should be omitted from the list of sites where office development is directed
- There is no evidence base to support a new health facility at the Surrey Quays Shopping Centre

- It is considered premature to prioritise S106 funding of road improvements, when it may be the case that funding of other improvements may be more relevant to a particular development.

#### **Conrad Phoenix**

- Question the reliability of the car parking survey information
- It is requested that the DPD parking standards are consistent with the London Plan and that a similar level of flexibility is applied.
- There is no evidence for the assertion that office space for local occupiers is 'much needed'
- It is wrongly assumed that simply developing new floorspace will generate new jobs.
- Policy 17 should be revised so that the prevailing building heights are between five and ten storeys.
- No evidence has been presented to demonstrate that schemes of the densities sought in the central area can accommodate the high proportion of units with 3, 4 or 5 bedrooms.
- The AAP wrongly asserts that the ELR forecasts a requirement for 36,000sqm and 47,000sqm of new office space in Southwark by 2026 to meet the needs of the local office market.
- Policy 33 says that the Council will use Section 106 planning obligations to ensure the delivery of key infrastructure and to mitigate the impact of development. No mention is made of road improvements, and we are therefore concerned that the AAP does not conform generally to the London Plan.
- The AAP has underestimated the impact of the proposed planning obligations on viability
- The highways impacts of the new developments have not been assessed in a robust and consistent manner
- Wider concerns about the soundness of the allocation. These relate to the deliverability of residential development on the remainder of the site.

#### **Frogmore and CGNU Life Assurance Ltd**

- Welcome the approach taken in the retail policies to encourage expansion and diversification of more shopping, café, restaurants and markets.
- Flexibility should exist whereby the provision of car parking numbers can be determined on a site specific basis as there is a need for a commercial balance to be struck in respect of leisure and retail uses.
- Consider that the Leisure Site is a highly suitable location within the Canada Water Town Centre for a tall building of up to 15 storeys and maintain that the planning and design guidelines which exist are more than adequate to robustly assess a building's design quality and local impact.

#### **DMGT plc**

- Insufficient weight has been given to the noise and disturbance to future residential occupiers from Harmsworth Quays Printers lawful business activities.
- The plan is ineffective as drafted because the noise climate should be a major driver of scheme design and mitigation measures.

#### **Southwark Living Streets**

- The proposed changes do not alter the overall balance between those wishing to visit the area by car and those who wish to visit the area using sustainable forms of transport
- The quality of links across Lower Rd remain poor and Lower Rd will remain a massive barrier to pedestrian and bicycle movements.

- We feel that the targets that are being proposed of a 200% increase in cycling (2000 to 2020) and 15% in walking (2001 to 2015) are extremely unambitious.

### **The Theatres Trust**

- In spite of our reservations about the use of the word 'arts' in this document we find the AAP to be Sound and particularly note policies 11 and 13 as being supportive towards the provision of cultural facilities.

### **Hawkstone Tenants and Residents Association**

- Information in the Background Infrastructure Document about police and fire is unsatisfactory and weak.
- Without a robust plan for the future provision and timely delivery / arrival of ambulance services the CW AAP is unsound
- We do not see any information about how the new Major Town Centre proposal (contained in the Core and CW AAP) will be supported to be safe and sustainable by a high level of investment into the infrastructure and services.
- We see no money provided to install, repair and upgrade CCTV systems in the CWAAP.
- It is not entirely clear what kind of jobs will be generated and whether local residents will find themselves suitable for employment
- £3 billion of development with only £18 million of s106 contribution or in kind is unjust, unsound and entirely unreasonable
- The plans for a "Major Town Centre" require a very large amount of investment into the area and infrastructure in order to be sustainable and £18 million is not adequate.
- Oppose CW AAP 17 and any policy for a new secondary school in Rotherhithe.
- Southwark do not conduct "consultation" that complies with various local, national and regional requirements
- We object and protest against the removal of open space designation on Site 40H and protection to open space amenity spaces located on the Hawkstone (Silwood) Estate.
- The council has deliberately withheld information and data on the roads and pollution in order to push on with its early Canada Water developments
- The Council's evidence base for its policy preferences is very weak. It uses out of date information. It is selective and incomplete and fails to be comprehensive
- Object to any other use of the Rotherhithe Primary school site than D1 primary/nursery
- Disagree with the site selection process and feel that other, more appropriate sites have not been considered
- The Fish farm should be removed from the core area.
- Object to the inclusion of Southwark Park in the core area.
- Object to town centre boundary not including neighbouring estates
- Object to removal of the Strategic View wider consultation zone policy 3.2.1
- There is inconsistent use of borough wide figures and figures for Canada Water.
- Object to the lack of protection of open space on housing estates
- Would like to see Quebec Way Industrial Estate retain its educational classification.
- Consider that decisions relating to the provision of community facilities cannot be left to the forthcoming Development Management DPD policies.

### **Simon Hughes MP**

- Would like to see direct reference to use of the river in all business and economic plans where possible

- The area could be a real hub for the boat repair industry and this should be included in the vision for the area.
- P3 should include reference to opportunities for employment and economic activity, e.g. boat repair, as well as recreation.

#### **Cllr Richard Livingstone**

- Rotherhithe primary school site is too small to accommodate an 11-16 secondary school, sizable school sixth form and a re-provisioned primary school. Quebec Industrial Estate should be the preferred site.

#### **OTHER RESPONSES**

- The Quebec Way Industrial Estate site would be the most appropriate site for the new secondary school
- Concerned about the density of building taking place.
- Lack of the evidence that the Canada Water area can support an additional retail
- Additional transport infrastructure is needed immediately
- Need to address the servicing of new schemes
- Need to address leisure pursuits for youth
- A refurbished 7 islands is not acceptable. Canada Water residents were promised a new state of the art swimming pool
- No strategy for the on going maintenance of playgrounds
- Need to ensure more family homes delivered on remaining schemes
- Queen's Way Industrial Estate must remain an employment site
- The Jamaica Road crossing is key to linking the various green spaces
- Support the introduction of a market on Albion Street
- The AAP has not been able to demonstrate a serious effort to provide linkage between Canada Water and Albion Street

#### **KEY ISSUES FOR CONSIDERATION**

10. A table of minor changes is set out below in appendix B for consideration by the Planning Inspector. These are not part of the formal process and are provided on the basis of the decision by Council Assembly to delegate further proposed minor changes to the AAP to the Director of Regeneration and Neighbourhoods in consultation with the Executive Member for Regeneration.
11. The reason for these changes are as follows:
  - Editorial corrections and other corrections to factual information to meet representations from GoL and other consultees;
  - The deletion of references to Southwark Plan proposals sites which will not be saved beyond July 2010 (Site D and the Watersports centre);
  - Provision of a plan inside the front cover showing all the proposals sites;
  - The inclusion of a glossary;
  - The inclusion of a housing trajectory for the AAP area;
  - A small change to the extend of the strategic district heating area.
12. The GLA considered that the prioritisation of seeking contributions to road network improvements is contrary to the prioritisation of affordable housing and public transport improvements in the London Plan and not in general conformity with the London Plan. We are proposing to insert a paragraph to the justificatory text for the s106 planning obligations policy emphasising our evidence base demonstrates that improvements to the network are critical to helping accommodate growth at Canada Water. In addition to enabling more effective traffic management, these improvements will benefit pedestrian and cyclists, as well as public transport users. They will also help deliver more homes, including more affordable homes. Officers

consider that this approach is consistent with London Plan policy 6.4 which states that affordable housing and public transport improvements should generally be given the highest importance.

13. Southwark's Executive Member for Regeneration has been consulted on proposed changes to the plan and Regulation 28 consultation responses received by the Council and is aware of the fact that background papers will be updated. He is content that these changes do not raise significant policy matters that affect the decision to submit the draft AAP to the Secretary of State in accordance with the Council Assembly resolution of 27 January 2010.

### **Community Impact Statement**

14. There has been an equalities impact assessment and sustainability appraisal. These set out the positive changes brought by the area action plan.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Legal and Democratic Services**

#### **Publication and Submission of the AAP**

15. Council Assembly on 27 January 2010 delegated authority to the Executive Member for Regeneration to note and comment on the responses received following the Council's decision to publish the AAP and the proposed minor changes to the AAP. Council Assembly further delegated authority to the Director of Regeneration and Neighbourhoods to approve minor amendments to the AAP that will be submitted to the Secretary of State.
16. The proposed amendments are primarily ones of correcting error and clarifying text or diagrams. No substantive changes are proposed that would require the AAP to be reconsidered before submission to the Secretary of State.
17. The purpose of publication for a period of six weeks before submission was to allow an opportunity for any representations to be made as to the soundness of the plan. The representations received during this period (summarised in Appendix F) are to be submitted for consideration by the Secretary of State together with the AAP, Sustainability Appraisal, the Council's SCI, Equalities Impact Assessment and other relevant background documents. It is noted in the main body of this report that since publication no significant changes have been made to the AAP as a result of representations on soundness and the minor changes proposed in Appendix B are to be provided to the Secretary of State for consideration at EiP.

#### **Equality Impact Assessment (EiAs)**

18. The Race Relations (Amendment) Act 2000 places a duty on local authorities to promote race equality in their policy-making, service delivery, regulation, enforcement and employment. This includes three overlapping areas of responsibility:
  - To eliminate unlawful discrimination (direct or indirect)
  - To promote equality of opportunity
  - To promote good community relations
19. During the policy and decision making process, The Disability Discrimination Act 2006 places a similar positive duty on local authorities to have regard to the promotion of equality for disabled groups and individuals. This is in addition to the

duty to eliminate or prevent unlawful discrimination (whether direct or indirect).

20. To meet these responsibilities, Southwark published its Equality Scheme 2005-2008 approved by the Executive in October 2005. This sets out our 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.
21. The preparation of equality impact assessments (EqIA) is part of Southwark's wider commitment to equalities, which is set out on the Corporate Equalities Action Plan 2003-2006. EqIAs examine the aims, implementation and effects of policies, practices and services to ensure that (i) no groups are receiving or are likely to receive less favourable treatment or outcomes that are discriminatory or unfair in nature (whether directly or indirectly) and (ii) regard is had to the need to promote equality among such groups.
22. 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. Throughout the process of developing the Canada Water AAP and the associated sustainability appraisal, the council has had regard to equalities issues by producing and updating its EqIAs in light of revisions to the AAP. The revised EqIA annexed to this report has been updated in line with successive iterations of the AAP culminating in this publication version. The latter has responded to previous consultation replies, namely a desire for a greater level of family housing, different types of housing, more private gardens and public open space, and less intensive development. Taken together with the EqIA, the AAP Publication Version has adequately addressed equality issues and should reduce the risk of unforeseen direct or indirect discriminatory effects on groups or individuals in the community and promote equality. Members should note that planning decisions and policies are not required to ensure absolute equality but to have regard to the need and mechanisms for promoting equality (*R (on the application of Baker) v Secretary of State for Communities and Local Government* [2008] EWCA Civ 141).

### Human Rights Implications

23. The policy making process for the Canada Water AAP 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 Canada Water AAP, a number of rights are potentially engaged. These may include the following examples, which are not intended to be exhaustive: -
  - i. **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;
  - ii. **The right to respect for private and family life (Article 8)** – the Canada Water AAP proposes to develop land alongside existing homes, which may alter the manner in which those homes are enjoyed; and
  - iii. **Article 1, Protocol 1 (Protection of Property)** – this raises the potential for interference with individuals' right to peaceful enjoyment of existing and future homes upon adoption or implementation of the AAP.
24. It is important to note that not all rights operate in the same way. There are very few rights are absolute and 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



Appendix C	Table of responses to consultation of the publication/submission draft
Appendix D	Sustainability Appraisal
Appendix E	Equalities Impact Assessment
Appendix F	Consultation Statement
Appendix G	Background papers on: Housing, s106 Planning Obligations, Employment, Retail, Delivery of Proposals Sites, Urban Design and Infrastructure

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Head of Planning and Transport	
<b>Report Author</b>	Julie Seymour, Planning Policy Manager	
<b>Version</b>	Final	
<b>Dated</b>	March 17 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Legal and Democratic Services	Yes	Yes
Finance Director	Yes	Yes
Executive Member	Yes	No
<b>Date final report sent to Constitutional Support Services</b>		N/A