



GOVERNMENT OFFICE
FOR LONDON

Julie Seymour

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17 April 2009

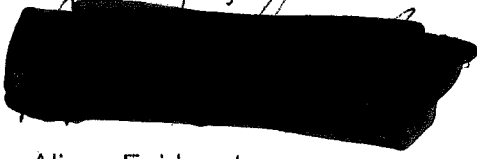
Dear Julie Seymour

**PLANNING AND COMPULSORY PURCHASE ACT 2004 – TOWN AND COUNTRY PLANNING
(LOCAL DEVELOPMENT) (ENGLAND) REGULATIONS 2004
PLANNING (LOCAL DEVELOPMENT) (ENGLAND) (AMENDMENT) REGULATIONS 2008
LONDON BOROUGH OF SOUTHWARK LOCAL DEVELOPMENT FRAMEWORK
PRE-SUBMISSION REPORTS FOR AYLESBURY AREA ACTION PLAN
REGULATION 27 CONSULTATION**

1. Thank you for your letter of 6 March 2009 enclosing the above documents, which are on public consultation from 6 March to 17 April 2009.
2. The Secretary of State's consideration of the Plan is based on the Soundness tests set out in PPS12 (paragraph 4.52). Please note that this letter and attached response form constitutes our formal publication stage response. These can be considered by written representation, unless the Inspector considers there to be merit in the Government Office participating at the oral examination.
3. As you are aware, we made a number of comments throughout the consultation stages of this AAP – from issues and options (old Regulation 24 stage) in November 2007 to preferred options and revised preferred options in May and December 2008 respectively.
4. At this stage, our comments are primarily confined to matters affecting the soundness of the AAP, the key issues of which are set out in the attached representation form. More general comments are set out in the Annex at the end of this letter. We note that section 4 of your representation form asks those responding to consider whether the plan is legally compliant and sound. The independent examination of a development plan document by a Planning Inspector is concerned with the two separate matters of legal compliance and soundness. A decision on whether a plan is "sound" is subsequently made by the Inspector in the form of a Binding Report. In view of this we will not be commenting on these issues within the enclosed representation form.

5. You may also want to consider looking at the Planning Advisory Service's self-assessment toolkit and the Planning Inspectorate's Soundness Guidance.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Alison Fairhurst

**LONDON BOROUGH OF SOUTHWARK LOCAL DEVELOPMENT FRAMEWORK
PRE-SUBMISSION REPORTS FOR AYLESBURY AREA ACTION PLAN
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ANNEX TO GOVERNMENT OFFICE FOR LONDON RESPONSE OF 17 APRIL 2009

Justified

Robust and credible evidence base

It is essential that Local Development Framework documents are based on a robust and credible evidence base. PPS12 paragraph 4.37 states that "*evidence gathered should be appropriate to the job being undertaken by the plan, relevant to the place in question and as up-to-date as practical having regard to what may have changed since the evidence was collected*". The plan generally makes reference to the justification for policies, but some policies have weaker justification than others. For example, Policy BH5 Type of Homes, could be improved by making reference to the evidence that supports the percentages of different types of homes in the policy.

Most appropriate strategy when considered against the reasonable alternatives

No comment.

Effective

Deliverable

Paragraph 7.4.3 states that you are in discussions with the Homes and Communities Agency about funding the delivery of new replacement affordable rented and intermediate accommodation; you have submitted an expression of interest for Housing Revenue Account Private Finance Initiative Funding; and you have also submitted a bid to the Greater London Authority under the Priority Parks scheme for improvements to Burgess Park. Will you be in a position to provide any further updates on these initiatives upon submission of the plan, or if called upon to do so at examination?

Flexible

The AAP needs to be flexible to take account of changing circumstances. The redevelopment of the AAP area is proposed to take place over a 20 year period, being broken up into 4 main phases of development. Detailed implementation proposals will be brought forward on a phase by phase basis, including whether the phases may be broken down to meet market demands - Table 1 in section 7 sets out phasing of the AAP in relation to funding mechanisms. This table could be expanded to show proposed flexibility within each phase, as stated in paragraph A7.12.7, both for the housing and social infrastructure elements of the scheme.

Able to be monitored

No specific comments, although it would be desirable for the monitoring framework to show how the policies deliver the plans objectives. The ability to monitor a policy is dependent on policy wording that allows the effectiveness of its implementation be clearly measured in the Annual Monitoring Report. The length and wording of some policies may make this more difficult.

National Policy

Affordable housing

The AAP proposes to re-provide 2,100 affordable housing units – there are currently 2,250 social rented homes within the Masterplan area. PPS3 'Housing' says that "*Local planning authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupiers*". It is noted that paragraph 3.3.2 states that enough social-rented homes will be provided during the planned development period in the rest of the borough to meet the needs of the residents in the Aylesbury Estate and those in housing need. Is this realistic and achievable given the current economic climate as there is no indication within the justification to show how this will occur? To make this statement more robust you may want to set out how this need will be met throughout the rest of Southwark – perhaps by cross referencing to evidence based documents where appropriate.

Viability

You should be satisfied that the AAP meets the criteria set out in paragraph 29 of PPS3, in particular the need to demonstrate economic viability of affordable housing targets. This requirement has been highlighted in the judgement of the Court of Appeal in *Blythe Valley BC v Persimmon Homes*. It is not clear, either within the policy or the reasoned justification that accompanies it, that such an assessment has taken place. To increase certainty in the policy, if an assessment has been carried out, you should make reference to this within section 3.3.

General

- (i) To provide a greater overall context to why this plan is being produced, the AAP would benefit from the key issues facing the area for the next 15 to 20 years being expanded upon within the background section at 1.2. This could include details on who your Council is working with to overcome these issues and how this would be achieved.
- (ii) The plan's objectives are set out in Appendix 4. To provide further context to the overall vision of the document you may want to set out the high level objectives at the end of section 1.6, cross referencing these to the more detailed objectives in Appendix 4. PPS12 paragraph 4.3 states that "*the strategic objectives form the link between the high level vision and the detailed strategy*".
- (iii) If the AAP will replace any policies in the Unitary Development Plan, these should be listed in the table in Appendix 2 (Section 13 (5) of the Town and Country Planning (Local Development) (England) regulations 2004).
- (iv) Paragraph 4.5.6 appears to be missing text at the end of the paragraph.

REF:

(For official use only)



Aylesbury area action plan (AAP) Publication draft representation form

Please return to Southwark Council by 5pm Friday April 17 2009

This form has two parts –

Part A – Personal details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

At the end of this form there are notes which will help you fill in this form. You should read these notes before completing the form.

Part A

1. Personal details*

*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

2. Agent's details (if applicable)

Title	Mrs	
First Name	Alison	
Last Name	Fairhurst	
Job Title (where relevant)	Senior Planning Officer	
Organisation (where relevant)	Government Office for London	
Address Line 1	9th floor	
Line 2	Riverwalk House	
Line 3	157 - 161 Millbank	
Line 4	London	
Post code	SW1P 4RR	
Telephone	020 7217 3120	
Email (where relevant)	alison.fairhurst@gol.gsi.gov.uk	

Part B - Please use a separate sheet for each representation

3. To which part of the Aylesbury AAP does this representation relate?

Paragraph

Policy

Proposals Map (Figure 7)

4. Do you consider the Aylesbury AAP is:

(i) Legally compliant Yes No

(ii) Sound Yes No

If you have entered No to 4(ii), please continue to Q5. In all other circumstances, please go to Q6.

5. Do you consider the Aylesbury AAP is **unsound** because it is **not**:

Justified

Effective

Consistent with national policy

6. Please give details of why you consider the Aylesbury AAP is not legally compliant or is unsound. Please be as precise as possible. The notes at the end of this form explain what is meant by "legally compliant" and "unsound". If you wish to support the legal compliance or soundness of the Aylesbury AAP, please also use this box to set out your comments.

One of the tests of soundness set out in Planning Policy Statement 12 is that a plan should be effective. One of the ways this is achieved is that a document should be deliverable.

Section 7 of the AAP covers the issues of delivery and implementation. Paragraph 7.4.2 states that a financial model for the lifetime of the project has been undertaken. This model has identified a total funding shortfall of around £299m which does not take into account any social housing grant which might be available (A7.1.24). However, there is no specific reference as to how this funding gap may be reduced/reversed, which raises concerns over the deliverability of the AAPs vision and objectives.

We note that, at paragraph 7.4.3, you state that you are in discussions with the Homes and Communities Agency about funding the delivery of new replacement affordable rented and intermediate accommodation in phase 1. However, you do not state whether any further funding is required to ensure the delivery of this phase, and if so where this may come from.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Aylesbury AAP legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the Aylesbury AAP legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In this current economic climate we appreciate that certainty is difficult as circumstances can quickly change. However, we would expect to see more clarity in how this funding gap may be closed. You refer to discussions with the Homes and Communities Agency and taking forward expressions of interest in the Housing Revenue Account Private Finance Initiative Funding. However, you do not say whether any funding that is generated from these initiatives will reduce the proposed shortfall. You could also make reference to any work that is being undertaken by your Council to find alternate methods of funding should you not be successful in raising any or all of the expected funding from these initiatives.

Furthermore, to add certainty to the proposed first phase of development, you may want to provide information as to what extent you are reliant on funding from the Homes and Communities Agency to complete phase one of the proposed development, which is due to be completed by 2016.

(Continue on a separate sheet if necessary)

Please note - your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note - the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

Date:

17.04.09

This representation form must be returned to Southwark Council by 5pm Friday April 17 2009

All comments can be emailed to planningpolicy@southwark.gov.uk or posted to:

**Freepost SE1919/14
Planning Policy
Chiltern House, Portland Street
London SE17 2ES**

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Title	Mrs	
First Name	Alison	
Last Name	Fairhurst	
Job Title (where relevant)	Senior Planning Officer	
Organisation (where relevant)	Government Office for London	
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One of the tests of soundness set out in Planning Policy Statement 12 is that a plan should be effective. One of the ways this is achieved is that a document should be deliverable.

We consider the section on 'Community: Enhanced social and economic opportunities' to be weak on delivery and implementation as it does not provide sufficient information as to how you determined the amount of facilities required, for example in relation to health and social care and retail, and who and how you have been working with appropriate delivery bodies to ensure delivery of these on the ground.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the Aylesbury AAP legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the Aylesbury AAP legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The 'Community: Enhanced social and economic opportunities' section can be made more robust by providing more information on how the amount of proposed facilities was determined. One way this could be achieved is by making cross-references to the appropriate evidence based documents. More clarity within the section on delivery and implementation, which is heavily focussed on housing delivery, could also be provided as to who your Council is working with to ensure the delivery of these services within the plan period.

(Attach on a separate sheet if necessary)

Please note - your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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