

**Our Ref: NS/JCM/G10-691
15th September, 2006**

**The Rt. Hon. Ruth Kelly, MP
Secretary of State for Communities and
Local Government
Department for Communities and Local
Government
Eland House
Bressenden Place
LONDON SW1E 5DU**

Councillor Nicholas Stanton

Leader of Southwark Council
Liberal Democrat Member for
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**VIA FAX: 020 7944 4539 and
E-MAIL: ruth.kelly@communities.gsi.gov.uk**

Dear Secretary of State,

**TOWN AND COUNTRY PLANNING ACT 1990 (Section 78)
APPEAL BY BARRETT HOMES (EAST LONDON) LTD LAND AT DOWNTOWN ROAD
AND SALTER ROAD ROTHERHITHE - Your Ref APP/A5840/A/05/1184427**

I was very disappointed to see your decision letter of 8 August 2006 in which you allowed this appeal against the recommendation of the Inspector who had considered the case in detail and had direct knowledge of the site.

I believe your decision is perverse and irrational in attempting to balance the harm done by certain aspects of the scheme against some other benefits including the delivery of affordable housing and community benefits. There is no adequate explanation of how those factors are related. Indeed you explicitly agree with the Inspector by saying that "*it has not been adequately demonstrated that this particular proposal would provide the only realistic chance to provide these community facilities*". You do not go on to show how that leads to a conclusion to approve the scheme. In the circumstances I consider your decision to be unlawful.

I am particularly concerned that your decision ignores the excellent progress Southwark is making in the overall delivery of affordable housing and our preparation of a new Unitary Development Plan that strongly supports your housing targets and the delivery of sustainable communities. This decision will make it much more difficult for us locally to strike the proper balance between wider policy objectives and local acceptability of schemes which is essential if we are to achieve what we both want. You will appreciate that the support of local residents to new developments is essential if we are to develop sustainable communities.

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These views are shared by all parties on the Council and by the residents of Downtown. I therefore ask that you withdraw the letter of 8 August and follow the recommendation of your inspector in rejecting this scheme. I invite you to visit the site so that you can see why the inspector reached that conclusion and the adverse effects that features of the development will have on the amenity of the area.

Such reconsideration would demonstrate clearly that you understand how to achieve a good working relationship within the current planning system between central government and local government. You should deal with overall policy and strategic matters and leave it to local authorities to implement policy in the interests of the areas that they are elected to serve.

I have asked officers here to be in touch with your officials to seek agreement urgently to such an approach. My Executive will meet on Monday to consider legal advice on challenging your decision.

Yours sincerely,

A handwritten signature in black ink that reads "Nick Stanton". The signature is written in a cursive, slightly slanted style.

Councillor Nicholas Stanton
LEADER OF THE COUNCIL