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From: the Downtown Defence Campaign

# SOUTHWARK COUNCIL ADMITS TO ILLEGALITY

THE LONDON Borough of Southwark Council admitted publicly yesterday (29 April) that it acted illegally in a Planning Application.

Southwark's legal shame came after a last-ditch 'David versus Goliath' Judicial Review challenge in the High Court over the highly controversial Downtown planning development next to protected woodland in Rotherhithe, south east London.

The complete legal cave-in by Southwark Council means an astonishing victory for the battling Rotherhithe residents of Downtown, an environmentally sensitive area next to a unique woodland by the River Thames, who brought the legal challenge.

The Downtown residents were appalled at the huge scale, insensitivity, environmental damage, false data, secrecy, lack of community facilities and sheer density of a Barratts housing development on public land at Downtown in Rotherhithe, which landowner Southwark Council approved with planning permission in December 2008.

So they took Southwark Council to the High Court of Justice for a Judicial Review in March 2009.

And with the 24 April 2009 High Court deadline looming for Southwark Council to defend its decision to give planning permission to Barratts Homes, the Council's lawyers have backed down and admitted they acted illegally.

Southwark Council's chief lawyer Deborah Collins wrote a grovelling letter, dated 29 April 2009, to the High Court stating: "We (Southwark Council) have erred in law..and accept we have failed to comply with the Regulations and that accordingly the (Planning Permission) decision should be quashed."

The Chairman of the Downtown Defence Campaign residents' group, Steve Cornish, which has fought the Southwark Council/Barratts Homes plan tooth and nail since 2002, said: "There have been many false dawns over this illegal planning permission.

"Southwark Council has tried to railroad through this Planning Application for their business partners they are in cahoots with, Barratts Homes, and what we have tried to do is to use the legal planning processes to express our views as the local residents, to make our objections. They have behaved illegally and it was only by us challenging that, that they have admitted that.

"It is a great day for justice, a great day for Downtown, and all its residents – but speaking as David, we have not slain Goliath yet, we have slung our stone and Southwark and Barratts have fallen down, but Goliath's head has not yet been severed, and they'll be back – they are very, very greedy, nasty people - they have behaved illegally by their own admission and they won't stop here," Mr Cornish said.

"They have not even apologised – they spent three months using their lawyers to deny our Judicial Review case against them, and we have not yet agreed to terms. And now they are behaving as if this illegality was a minor slip-up and they can continue to railroad through their favoured Barratts application as if nothing has happened.

"They don't seem to have learnt anything about the law, or local democracy, and the importance of the environment and green spaces. We have not finished yet with Southwark Council or Barratts Homes. We raised in the High Court, five legal reasons why their planning permission was illegal, and they have accepted one of them. What about our other four reasons – that they lied to us; that they refused us access to information; that they did not carry out environmental surveys; and they misled people?

"Southwark Council continues to treat us with contempt – just read the letter stuffed in our letter-boxes yesterday (29 April 2009) from their Leader, Councillor Nick Stanton: he says the Council won't contest our legal action on "a technical point". We say to Councillor Stanton that the Law is the Law, and if you break it on a "technical point", you still break it.

"We're totally unimpressed with Councillor Nick Stanton, and Southwark Council Planning, and Barratts Homes - there is a great deal more legal negotiation to take place before this matter is settled, and those matters may well be decided by the High Court, not Councillor Nick Stanton, his friends at Barratts Homes or their spin doctors," Mr Cornish said on behalf of the Downtown Defence Campaign.

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