

Public Examination of the Development Management Local Plan

London Borough of Lewisham response to the Inspector's initial query regarding DM Policy 24 : Biodiversity, living roofs and artificial playing pitches.

1. *Is this policy really intended to apply to 'all' new development? If so, it places a heavy evidential burden on many small sites and schemes where such considerations may not arise. An approach targeted at relevant developments, such as that used in DM25, would be less burdensome.*
2. *The Biodiversity Action Plans should not be referred to in the policy itself since this would import and elevate non-statutory guidance into statutory policy. On the other hand the accompanying text could draw attention to them as matters to be treated as material considerations.*

(Note a complete list of all the Inspector's initial questions are on the Examination website and can be accessed via the following link:

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/development-policies/Documents/DMLPInitialQueries.pdf>)

Planning Policy – 13 January 2014

Councils Response

1. Introduction

- 1.1 The aim of DM policy 24 is to conserve and enhance biodiversity and geodiversity assets in the borough to ensure it is safeguarded for future generations. The Council consider that biodiversity is integral to the planning process and that all new development, including small scale schemes, should have minimal impacts on biodiversity and enhance it wherever possible. However the Council acknowledge that DM Policy 24 (1b) could place evidential burden on smaller development proposals.

1.2 Policy Context

London Plan

- 1.3 Policy 7.19 Biodiversity and Access to Nature states that *"The Mayor will work with all relevant partners to ensure a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. This means planning for nature from the beginning of the development process and taking opportunities for positive gains for nature through the layout, design and materials of development proposals and appropriate biodiversity action plans.* The policy goes onto state that *"Development proposals should wherever*

possible, make a positive contribution to the protection, enhancement and management of biodiversity”.

- 1.4 Paragraph 7.61 of the supporting text goes on to state that *“Development proposals should begin by understanding their wider context and viewing promotion of nature conservation as integral to the scheme not as ‘an add on’. The indirect impacts of development (e.g. Noise, shading, lighting etc) need to be considered alongside direct impacts (e.g. Habitat loss)”*. Further, paragraph 7.62 states that *“The richness of London’s biodiversity is also dependent on private gardens, parks and open spaces....The network formed by biodiversity sites and the spaces between them will have a significant role in assisting biodiversity to adapt to climate change”*.

Core Strategy (June 2011)

- 1.5 Policy 12 Open Space and Environmental Assets recognises the strategic importance of the natural environment and to help mitigate against climate change the Council will a) conserve nature, b) green the public realm and c) provide opportunities for sport, recreation, leisure and well-being. In part, this will be achieved by “seeking new and on-site provision of public and private open space as part of new development”

1.6 Suggested Modifications

- 1.7 The Council acknowledge that DMLP 24 (1b) could potentially provide an evidential burden on smaller scale development sites and should relate specifically to major or appropriate non-major developments, the policy could therefore be clarified in this respect. However, the emphasis of DM Policy 24 (1a) is to ensure that all new development considers biodiversity from the outset. London Plan Policy 7.19 and the supporting text acknowledge that there can be indirect impacts from development such as noise and lighting, which can still occur with smaller developments, and consideration of these impacts should be made at the initial development stages, rather than as an ‘add on’. The Council also consider that all new developments, including smaller schemes, can still play an important role in adding to London’s biodiversity, whether it be a private garden, open space or smaller design features such as a living roof. However, for clarity, the Council suggest that the policy is reworded, placing an emphasis on the importance of DM Policy 24 (1a), whilst separating the requirements for DM 24 (1b), which could specifically relate to Major and appropriate non-major development. Appropriate non-major development is clarified within the biodiversity survey and report information section (page 10 & 11) of the Council’s Local Validation Requirements List and all planning submissions are reviewed against this checklist as part of the validation process. (<http://www.lewisham.gov.uk/myserVICES/planning/applications/Documents/LocalInformationRequirements.pdf>)
- 1.8 The Council now proposes the following modifications. Text additions are **underlined in bold** and deletions are ~~struck through~~.

DM Policy 24
Biodiversity, living roofs and artificial playing pitches

1. The Council will require all new development to:
 - (a) take full account of ~~appropriate Lewisham and London Biodiversity Action Plans and biodiversity guidance in the local list,~~ **biodiversity and geodiversity** in development design, and ensuring the delivery of benefits and minimising of potential impacts on biodiversity
- 2.** **Applicants for all major and, where appropriate, non-major development will be required to:**
 - (a) use up to date surveys and reports that are based on the latest legislation and carried out by a suitably qualified ecologist registered with the Chartered Institute of Ecology and Environmental Management (CIEEM). The surveys should be carried out during an optimal time and contain the appropriate degree of detail needed to identify and consider existing biodiversity interests and possible impacts on them where the proposed site is part of, or located adjacent to, a site designated for its biodiversity value.
- ~~2-3.~~ **3.** New living roofs are required to be designed and fitted by a qualified and accredited installer and include an extensive substrate base, except where it can be demonstrated that such a base is not feasible and achievable, Developers should enter into an agreement with an installer that guarantees 80% coverage in 5 years.
- ~~3-4.~~ **4.** Artificial grass pitches are required to be delivered on hard surfaces and previously developed land rather than on existing natural grass, wherever feasible. Applicants should give consideration to the potential loss of open space, the effect on drainage and surface water flooding and the impact of the pitch, lighting and use on the amenity of the adjacent areas.

2. Councils Response

2.1 In light of the inspectors queries the Council suggest DM Policy 24 is reworded to remove the reference to the Biodiversity Action Plans as outlined above. These documents are referenced in paragraph 2.190 of the supporting text, however a modification is proposed to the text to bring it in line with the suggested policy wording.

2.190 New development ~~will be required to~~ **should** take full account of appropriate Lewisham and London Biodiversity Action Plans and subsequently include actions as part of the Code for Sustainable Homes and BREEAM standards as set out in the Core Strategy Policy 8 and DM Policy 22.

