

## **Matter 7 – Environment and Green Infrastructure**

### **7.1 Open space, green infrastructure and biodiversity:**

*(i) Should policy EN1 (open space, green infrastructure and biodiversity) be less of a blanket policy on open space protection and show flexibility by taking into account whether the open space being lost is truly accessible space and in active use?*

No, there should be no further flexibility in policy EN1, which protects and maintains all open spaces and green infrastructure in the borough and their function. The policy is clear that development involving the loss of existing public or private open space will not be permitted unless one of three tests is met. The three exception tests provide sufficient flexibility to deal with all potential scenarios involving development on open space. This includes, at (a)(ii) of the policy, in the case of housing estate amenity areas where a loss in quantity of space can be considered in order to achieve significant regeneration and community benefits that could not be achieved in any other way *and* if appropriate compensatory provision is made, including improvements to the quality of the remaining open space.

Existing public and private open space is defined in supporting paragraph 9.5. The Council has proposed an amendment to the wording of paragraph 9.5, listed as PC071 in [SD17a](#), to clarify that playing fields fall within the definition of open space. This amendment has been agreed in a statement of common ground with Sport England ([SCG25](#)).

There is a very strong justification for protecting both public and private open spaces, including those that may not be fully accessible to the public and in active use. This is explained in paragraph 9.5 of the Plan, which states that public and private open space is protected for its value in providing space for leisure, recreation and sport, health and well-being, air quality, habitats and species, and for its contribution to visual amenity, sustainable urban drainage, urban cooling and ecological function. This list demonstrates that open space has a much wider function in cities – particularly inner urban areas like Lambeth – than just public access for leisure purposes.

Many of these functions are critical to climate change mitigation and adaption, which is a requirement for sustainable development in national legislation, policy and guidance and in the Mayor's London Plan (see Topic Paper 7 Climate Change ([TP07](#)) for further information on the requirements and the ways in which the Plan addresses these, including through policy EN1). There is also a very strong relationship between climate change and public health, particularly for vulnerable groups such as those living with illness or disability, older people, those in lower socio-economic groups and experiencing poverty, and those of the 70% of Lambeth households that live in flats (see Lambeth's Annual Public Health Report 2020 – Climate Change and Health, [EB103](#) page 8). The 2020 Climate Change and Health report identifies rising temperature and heat waves, flooding and air quality as particular issues for vulnerable groups in Lambeth: actions to mitigate and adapt are listed on pages 13, 20 and 26 and include in each case protecting and increasing green spaces. Pages 29 and 30 set out the

multiple co-benefits of open green spaces in cooling, drainage, water re-use/recycling, improving air quality, biodiversity, amenity and for health and well-being.

Lambeth's Air Quality Action Plan 2017-2022 ([EB54](#)) confirms that air pollution particularly affects the most vulnerable people in society: children, older people and those with heart and lung conditions (page 13) and identifies protection of open space is an action for the Lambeth Local Plan (page 19).

The Lambeth Open Spaces Strategy ([EB68a](#)) and Green Infrastructure Strategy ([EB65](#)) both demonstrate the variety of values open spaces have in the borough and that open space does not have to be accessible or in active use to have value – particularly in highly urbanised areas like Lambeth (see paras 5.7 – 5.10 of [EB65](#)). The protection of open space has also shown its worth acutely in the current covid-19 pandemic and its effect on mental health, whether it is accessible or not: many have reported the benefits of being able to see green open space from a window, even if they cannot use it.

It is important to note that most of the borough is subject to open space and/or nature deficiency to some level of park (e.g. metropolitan, district, or local, small or pocket parks), see [EB65](#) paragraphs 2.3 – 2.10 and Figures 2.1- 2.5 on pages 5-12.

Lambeth's Biodiversity Action Plan ([EB63](#)) demonstrates the many benefits of maintaining and improving Lambeth's biodiverse areas; the intrinsic benefits on species and habitats itself, but also the range of other benefits biodiversity brings, such as countering effects of poor air quality and pollution, reducing the risk and damage caused by surface water run-off and flooding, and the many social, cultural, educational, health and recreational benefits (i.e. ecological services) provided whether areas are publicly accessible or not (see sections 5, 6, 8). Priority habitats for the borough include areas which do not offer public access but have significant value in facilitating the benefits described above (see sections 14-17). The Lambeth SINC Review ([EB64](#)) similarly recognises areas of importance for nature conservation (which are also within the definition of open space in para 9.5), many of which are not publicly accessible or seemingly in active use by people but contribute significantly to ecological value.

Lambeth's Plan fully acknowledges the need to improve the quality of, and access to, existing open space and nature conservation areas where possible – see EN1(e) and the provision for planning obligations in EN1(d)(ii) and supporting paragraph 9.10. Such improvement will be achieved where-ever possible through the planning process, but this should not be at the expense of the overall quantity of open space for the reasons set out above. Once open space is lost to development, it can never be re-claimed in London.

This policy approach is fully consistent with paragraphs 96 and 97 of the NPPF. Lambeth's policy is based on a robust and up-to-date assessment of the need for open space, including quantitative and qualitative deficits and opportunities for new provision (Lambeth Green Infrastructure Strategy and Open Space Strategy, [EB65](#) to [EB68a](#)). NPPF paragraph 97 states that: "Existing open space, sports and recreational buildings and land, including playing fields should

not be built on” but sets out a number of exceptions. This approach is fully reflected in Policy EN1 of the Plan. In relation to the first exception listed in NPPF paragraph 97, Lambeth has carried out such assessment (the Lambeth Open Spaces Strategy [EB68a](#)) and its conclusion is that all existing green space should be retained, other than in exceptional circumstances (see paragraph 12.6 of [EB68a](#)). In relation to the second exception, Policy EN1(a) (i) and (ii) has a similar provision. In relation to the third exception, Policy EN1(a) (iii) has a similar provision related to the use of open space for ancillary facilities.

NPPF paragraph 100 and associated national planning practice guidance in relation to Local Green Spaces state that land could be considered for designation “even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty)” (PPG Paragraph 017 reference ID: 37-005-20140306). This is an example of national policy and guidance acknowledging that open space can have value without being publicly accessible or in active use.

London Plan policies G1, G3 and G4 protect green infrastructure, Metropolitan Open Land and open space. Policy G4 states development plans should include appropriate designations and policies for the protection of open space to meet needs and address deficiencies (G4 A2) and that development proposals should not result in the loss of protected open space (G4 B1).

Harrison Homes ([R039](#)) have stated that the Royal Circus Roundabout should not be designated as a new Site of Importance for Nature Conservation (SINC). The justification for the designation is set out in the Review of SINCs in Lambeth 2018 ([EB64](#) pages 17 and 37).

*(ii) Should the policy also include an additional criterion covering where the benefits of the alternative proposal outweigh the dis-benefits of the loss of the open space, in recognition of the improved quality of provision?*

The Council would be very concerned indeed if an additional criterion of this nature were inserted in the policy. For the reasons stated in response to (i) above, quantity is important as well as quality and one should not be traded off against the other. If this criterion were included, there would be a continuous stream of development proposals on open space, which would result in the gradual but inevitable erosion of the quantity of open space in the borough – and once this space is lost, it can never be reclaimed. This would aggravate the borough’s current deficiencies in open space and access to nature, rather than improve them.

As stated under (i) above, the policy already includes sufficient flexibility to allow for exceptional development on open space and it already includes a mechanism to secure improvements to access and quality of existing space in areas of open space and nature deficiency. The one circumstance in which a loss of quantity can be considered in exchange for improvements in quality is in housing estate amenity areas, although subject to a very stringent community benefit test. This is already included in EN1(a)(ii) and does not require further amendment.

*(iii) Should there be more flexibility in relation to urban greening requirements for major developments, which may be on constrained industrial sites?*

Policy EN1(f) cross refers to London Plan policy G5 in relation to the urban greening factor for major developments. London Plan policy G5 has been amended slightly in response to Panel recommendations on the scope of Urban Greening Factors for industrial and warehouse development. Accordingly Intend to Publish London Plan policy G5 B excludes 'B2 and B8 uses'. Supporting text para 8.5.5 however, makes clear that 'whilst the target score of 0.3 does not apply to B2 and B8 uses, these uses will still be expected to set out what measures they have taken to achieve urban greening on-site and quantify what their UGF score is'. Therefore, for clarity, the Council proposes to add the following sentence to supporting text paragraph 9.13 of policy EN1:

"In accordance with London Plan policy G5, industrial and warehouse developments are not required to meet the target score of 0.3 but they will be expected to set out what measures they have taken to achieve urban greening on-site and to quantify their UGF score."

**7.2 Decentralised energy, design and construction:** *Is policy EN3 (decentralised energy) justified and in accordance with national policy and the London Plan? In particular, is it appropriate for the policy to specify specific technologies as a requirement?*

Policy EN3 is necessary to be in general conformity with London Plan policy SI3 on energy infrastructure and to make reference to the Lambeth-specific Heat Network Priority Areas and associated studies (supporting text 9.24).

This is consistent with NPPF paragraphs 148, 151 and 153(a) which require plans to identify opportunities for development to draw its energy supply from decentralised energy supply systems and for co-locating potential heat customers and suppliers.

The council's response to INS01 Question 7.2 in [LBL01](#) provides a clear justification for the provisions in policy EN3 relating to decentralised energy in achieving the most cost-effective and resource-efficient decarbonisation of London's heat supply arrangements, in line with the wider zero-carbon target set out in London Plan SI2.

In addition, the Mayor's zero-carbon energy systems report ([EB104](#)) identifies pathways for the decarbonisation of London's energy, including heat. District heating networks play an important role in all the potential decarbonisation pathways. The energy topic paper of Draft London Plan ([EB105](#)) sets out the importance of district heating as the schemes enable a range of different energy sources and technologies to connect to different building types. Aggregating a range of heat users can create a diversity of heat demand and therefore better utilisation of energy system capacity.

References to particular technologies have been updated in the Plan to reflect and cross-refer to the latest approach in the Mayor's London Plan, which has been examined and found sound in this respect. This presents a range of

technology options within the London Plan heating hierarchy, including potential for communal low-temperature heating systems.

Therefore, in the Council's view the requirements for decentralised energy in Policy EN3 are consistent with current practice, justified, in general conformity with the London Plan and consistent with national planning policy.

### **7.3 Sustainable drainage systems, water management and flood risk:**

*Are policies EN5 (flood risk) and EN6 (sustainable drainage systems and water management) justified and consistent with national policy?*

Policies EN5 and EN6 seek to minimise the impact of flooding from all sources including fluvial, tidal, surface water runoff, groundwater, ordinary watercourse, sewer (separate or combined) and reservoir in the borough and to ensure the developments will be safe for their lifetime. This approach is fully consistent with NPPF paragraphs 155 – 165. Management of flood risk in Lambeth will also be undertaken in line with the Flood and Water Management Act 2010 (FWMA), Thames Estuary 2100 Plan 2012 ([EB106](#)), Flood Risk Regulations 2009 (FRR), the European Water Framework Directive 2000 transposed into law through the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003, and the Land Drainage Act 1991.

Policy EN6 sets out guidance to ensure that development proposals incorporate sustainable drainage systems (SuDS) and water management. This approach is consistent with the NPPF 2019 paragraph 165 which requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The supporting text of the policy (paragraph 948 – 9.62) provides further clarification of the approach. SuDS cover a whole range of approaches to surface and ground water management. The Council will seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments for their lifetime. Furthermore, the Council's Infrastructure Delivery Plan ([EB99](#)) refers to borough-wide flood risk reduction schemes.

Lambeth's flood risk policy EN5 and SuDS and water management policy EN6 are supported by the borough Strategic Flood Risk Assessment (SFRA) ([EB58](#)), Local Flood Risk Management Strategy (LFRMS) ([EB107](#)), Environment Agency Flood Maps ([EB108](#)), Thames River Basin Management Plan (RBMP) ([EB109](#)) and Surface Water Management Plan (SWMP) ([EB60](#)). The 2017 Environment Agency Thames Tidal Breach Modelling has been used to inform the revised borough Strategic Flood Risk Assessment Addendum ([EB59](#)).

The Environment Agency supports the Lambeth policies that seek to reduce flood risk as set out in their representation ([R075](#)). Therefore, in the Council's view the requirements in policy EN5 (flood risk) and policy EN6 (sustainable drainage systems and water management) are justified and consistent with the national planning policy.

**7.4 Sustainable waste management:** *It would appear from GLA's comments that policy EN7 (sustainable waste management) needs further clarification in relation to the proposed approach to net self-sufficiency. The gap in waste capacity is put by the GLA at 143,000 tonnes up to 2021 and 152,000 tonnes by 2041. Does the Plan therefore need to set out how much of the capacity gap could be met through the intensification of existing waste sites and how much would be exported to other Boroughs?*

Please see the Council's response to question 7.1 in [LBL01](#).

Amendments to the wording of EN7 and its supporting text have been agreed with the Mayor through a statement of common ground ([SCG01](#)). Please see the Schedule of Potential Changes ([SD17a](#)), references PC073 to PC079.

The Council is not working jointly on waste planning with any other London Boroughs or Mayoral Development Corporations and therefore does not have the opportunity to share capacity located elsewhere in London. The Council is planning for waste independently and has to take responsibility for planning for the equivalent of its own waste arisings within its own administrative boundaries. While in reality some of Lambeth's waste will continue to be exported, Lambeth is required to provide capacity equivalent to its waste need within the borough and the Plan sets out a strategy to do this. Capacity will be provided through the continued operation of existing waste facilities, (which are safeguarded for waste use), new waste facilities (KIBAs are identified as the areas to accommodate this), and intensification of existing sites. It will be for the market to bring forward proposals for new facilities and/or intensification on existing sites. There is no requirement in national or regional planning policy for Lambeth to set out how much of the capacity gap will be met in each way. Nor is it possible to rely on other boroughs to plan for Lambeth's waste need, because they have not agreed to do so.

The Norwood Action Group et al ([R027](#)) have raised the following points, followed in each case by the Council's response:

*1. TLP requires surplus safeguarded waste capacity to be offered to other boroughs (TLP page 422, 9.8.6). LLP has no such safeguard, so is failing in this aspect of London Plan waste capacity safeguarding measures.*

This London Plan requirement does not apply to Lambeth because the Council does not have any surplus capacity and so cannot offer any to other boroughs.

*2. LLP requires compensatory capacity for lost safeguarded sites to be elsewhere in the borough (LLP page 250, EN7 a) iii), and page 252 note 9.67). TLP requires compensatory capacity to be within London i.e. not restricted to the same borough as the loss (TLP page 426, SI 9 C, and note 9.9.2 on the same page). Whilst Lambeth may incentivise retention within the borough, it is exceeding its powers to disallow compensatory capacity to be in other London boroughs.*

Policy EN7 a) iii) which requires compensatory capacity within Lambeth has already been found sound at examination and is an adopted policy. The GLA have not raised any general conformity concerns about Lambeth's approach to this part of Policy EN7. The London Plan is concerned with London as a whole



and so it is appropriate that its policies apply to London as a whole. Lambeth extends the London Plan policy of compensatory capacity to suit its own local circumstances. The approach to require compensatory capacity within Lambeth is important because there is a capacity gap, and so any loss of capacity would make it much more difficult to provide sufficient capacity for Lambeth to meet its waste needs. Other London Boroughs have or are proposing similar policies to ensure waste management capacity remains in their area. This is an increasingly common waste planning policy approach to ensure the retention of capacity in areas where there are high land values and stiff competition for land to help prevent waste uses being pushed out.

*3. LLP is silent on the matter of release of waste sites or future waste management capacity may only be part of a plan-led process and not ad-hoc (TLP page 426, Policy SI 9 note 9.9.2).*

The plan-led approach to waste in Lambeth is set out in EN7 and supporting text. The current capacity in Lambeth is not sufficient to meet its waste management needs over the plan period. Therefore Lambeth is continuing to safeguard all its existing waste sites for waste use through the Local Plan. Lambeth does not intend to release any waste sites because they are all required to contribute towards meeting the Borough's waste needs. The policy also identifies suitable land for new waste facilities to meet the capacity gap over the plan period.