

Appendix 1

City of London (Burnham Beeches) Comments on Draft Local Plan 9 May 2019

Comments on each section are under the headings:

1. Positively prepared

Providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development

If you do not believe this policy to be positively prepared please explain why

Please specify as precisely and succinctly as possible how you would modify this policy

2. Justified

(An appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence)

If you do not believe this policy to be justified please explain why

Please specify as precisely and succinctly as possible how you would modify this policy

3. Effective

(Deliverable over the plan period and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground)

If you do not believe this policy to be effective please explain why

Please specify as precisely and succinctly as possible how you would modify this policy

4. Consistent with NPPF

(Enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework)

If you do not believe this policy is consistent with the National Planning Policy Framework Feb 2019 please explain why

Please specify as precisely and succinctly as possible how you would modify this policy

Comments on the plan documents

Policy SP SP1

Sustainable development

Point 1. Positively prepared

Paragraph 3.4.6. The City Corporation is pleased to see the conservation of the green belt having a prominent place in the plan. However, paragraph 6 on page 9 seems to indicate that another review of the green belt is due to be carried out. We understood that there had been a review recently, towards the beginning of the process to produce this plan? Perhaps the wording is slightly ambiguous here.

Paragraph 3.5.7. We support objectives that would strengthen the green belt boundary along the north of Slough.

Paragraph 3.7.6. We support the conclusions of the Appropriate Assessment that mitigation strategies are required to prevent the policies from having an adverse effect on the integrity of Burnham Beeches SAC.

Point 3 Effective

Policy box SP SP1. We would like to see consideration of paragraph 3.8.3 in the final policy to outline where the presumption in favour of sustainable development would not be applied (for example where it is likely to have a significant effect on a site covered by the Habitats Regulations).

Point 4 Consistent with NPPF

Paragraph 3.5.9. The text uses the word 'enable' about biodiversity gain. We understand that it is likely that the idea of biodiversity net gain being required from any development is gaining traction in National Policy with DEFRA consulting on making biodiversity net gain a mandatory element of the English planning system. We would like to see a stronger form of words here and a clear aspiration for biodiversity net gain. This would also be in line with paragraph 4.15 which appears to express this more strongly.

Policy DM DP4

Design – Local heritage assets

Justification

The Townscape Character study 2014 is not mentioned in any of the policies and we are aware that previous Planning Policy Officers put quite a lot of emphasis on this. The designation of woodland roads (for example) is helpful in retaining a rural character to the roads through Burnham Beeches. We appreciate that some areas may now be within the 400m zone around Burnham Beeches but the character of roads can still be altered through 1 for 1 replacements if the new buildings are, for example, extremely large, out of character and result in the felling of trees.

We would like to see clear inclusion of this study in the policy.

Policy DM HP1

Justification

We support the recognition that the creation of local green spaces can have a detrimental impact on biodiversity and support the inclusion of this statement in the plan.

Policy DM DP5 and DP6

Design – climate and low carbon

Justification

While it is encouraging to see climate change and the need for a low carbon economy recognised in the plan, we would expect the Local plan to contain more stringent requirements. For example, that the requirements apply to every new home (not just developments of 10 or more homes) and that a higher figure than 20% of their energy needs to be from renewable or low carbon technologies. The Energy saving Trust has called on developers to build 2050 ready homes (i.e. those with minimal energy use and net carbon emissions) now and point out that this will save money in the long term.

Policy DM NP3

Burnham Beeches

Point 2 Justified

Paragraph 9.3.1. 'Mire' would be a more accurate word to use than 'moor' for parts of Burnham Beeches. Also delete the word 'beetles' (saproxylic invertebrates is sufficient).

Paragraph 9.3.2. We support the inclusion of domestic animals in the final sentence.

Paragraph 9.3.4. '...the spread of disease and importation of non-native species.' would be a better way to express this.

Paragraph 9.3.4 and first paragraph in Policy DM NP3. We support the use of two zones to mitigate for the impact of recreation pressure on Burnham Beeches, an inner zone where planning permission will not be granted for additional homes and an outer one within which developer contributions will be sought for use in mitigating the impacts of visitor pressure within Burnham Beeches. We support the distance of 5.6km for the outer zone but feel that the evidence (as given in the draft version of the report by Footprint Ecology) better supports a 500m inner zone rather than 400m.

In addition, we would like to see more details of how the inner zone will be implemented. For example, we propose the following:

- a) It also applies to planning applications to convert business and agricultural premises to housing
- b) It also applies to permitted development which does not require a formal planning application and there should be details of how will this be implemented
- c) We would like to see no lower limit to the size of the development required to provide mitigation (i.e. no exemption for less than 5 houses)
- d) All developments that will increase the number of residents but are not domestic houses (e.g. care homes) to be required to demonstrate non-use of the Beeches in order to entitle them to exemption from mitigation.
- e) Larger housing developments that are outside the 5.6km zone are required to complete a HRA and are able to contribute to the mitigation strategy if this indicates that mitigation is required and this is the best option for delivery. The definition of a larger housing development in this context should be agreed in consultation with ourselves and Natural England.

We feel that there is a need for more detail, similar to that given in Policy DM PP2. We support the draft mitigation strategy that we have commented on separately. We will be working closely with SBDC officers to finalise this and currently we are happy with the direction of travel and proposed contents.

Paragraph 9.3.6 and paragraph on air quality in Policy DM NP3.

The City Corporation supports the approach taken by SBDC and is concerned that there are issues regarding air quality and Burnham Beeches. We agree that there is a need for mitigation to deal with this issue. We would like to see more details in the policy about how this issue will be dealt with because this has potential impacts on traffic flow through both Burnham Beeches and Farnham Common. As a consequence there may be a need to take other considerations on board as well as the requirement to reduce traffic in the proximity of the Beeches. This is our area of most concern as, at the time of commenting, there are still no clear plans as to how this will be mitigated. It is important that any mitigation brings about effective change. Soft options such as extra electrical charging points will not be sufficient. In addition, in our experience, options that 'request' that vehicles do not drive along particular routes will not affect sufficient change so there will be a need for hard engineering to resolve this issue (road closures, road narrowing etc.).

The draft plan does not appear to include a map that shows both zones, although one is mentioned within the Policy.

Policy DM NP3, paragraph 2 line 3.

'.....will not give rise to significant adverse effects upon the integrity of the SAC'. Should this include 'in combination' too?

Policy DM NP3, paragraph 2. End of line 4 onwards.

Is this proposing that all developers will need to submit a Habitats Regulations Assessment? If so, it will rely on planning officers to understand the need and requirements.

Policy DM NP3, paragraph 2 (note number 1 is repeated and there is no number 2)

See the comment above regarding demonstrating no adverse impacts on the SAC.

Summary of comments on policy DM NP3

The policy relating to the zone that is between 400m and 5.6km from the Beeches seems to lack clarity. The aspiration appears to be for developer contributions or, in the case of major developments (which are not clearly defined), separate provision of alternative green space. We understand the need to persuade developers that a Habitats Regulations Assessment is required but it is expected that every small developer of one or two houses should produce one? Currently it appears that this is the situation.

Regarding the mitigation for air quality issues we need to see more detail before we are confident that this policy meets the legal requirements.

Implementation of the policy

We have a general comment relating to the planning officers who are dealing with these policies and who also have delegated authority. It is essential that they understand the policies relating to Burnham Beeches. We need to feel that we have confidence in their decisions so that there is no need for us to check planning applications near to Burnham Beeches to ensure that they are complying with the policies.

We would be very willing to be involved in training for SBDC Officers and investigating how this policy can be embedded into the everyday working practice so that detailed training is not necessarily needed for every new member of staff but becomes accepted as the norm. It would also be helpful if Natural England could be involved with this process so that we are all clear what each other's roles are and have confidence in them.

Policy DM NP3, paragraph on hydrology

We agree with the hydrology catchment study and understand that this has all been approved and the guidance note has been produced but it currently lacks clarity and consistency for and by developers. For example:

- Applications are still regularly submitted without SUDS included.
- This policy does not stop people from carrying out 'landscaping' in their gardens and substantially altering the stream as a consequence. Is there any way through the planning system we can give the streams more protection?
- The streams flow underground along much of their length and are not visible on the surface. Does this point need to be added, that just because they are underground does not mean they are exempt?

Mitigation strategies

The draft plan has identified a need for mitigation strategies for both air quality and recreation pressure. It appears that these will not form part of the main plan document. The City Corporation needs to be confident that they will be completed in time to be part of the package documents submitted for the next stage of the plan process for consideration by the Secretary of State.

We would also like to ensure that the Policy DM NP3 becomes active as soon as possible to avoid the potential submission of planning applications to try to 'beat' the implementation of the policy.

Policy DM NP4

Natural – biodiversity and geodiversity

Justification

Paragraph 9.4.3. We are not sure that BOAs are protected sites. They do have protected sites within them however. There is a BOA that covers a large part of the SBDC area and perhaps this needs to be made more of in the plan and a map showing the area included (or cross reference to one published elsewhere).

Policy DM NP4

It would be helpful to have a statement in DM NP4 about supporting the aims of the BOA.

Policy DM NP4, paragraph 1

This para lacks clarity. How will it be determined that a proposal will affect a designated site? Is this up to the developer to determine?

Policy DM NP4, paragraph 1

Net gain should be an aspiration of all development and not just that which will affect designated sites? It would be helpful to encourage the use of a biodiversity calculator to help with this process.

Policy DM NP4, paragraphs 2 and 3.

Much will depend on the knowledge of officers dealing with the planning applications. See also comments elsewhere.

Policy DM NP5

Consistent with NPPF

Paragraph 9.5.3 and DM NP5 paragraph 2

It is good practice to have a policy on trees and woodland. However, the expression 'good quality trees' is problematic. Good quality usually means that they have no damage, no decay and an even crown full of leaves. Very often these trees are not those that have any particular value from a biodiversity point of view. Large girthed trees may be covered, but many trees with a high wildlife value may not be especially big. Those that have good habitat features in them and regularly get categorised in the assessment process by consultants as 'U' tree. In addition, small fruit trees regularly get missed in this system (see below). Could you use the expression 'having a high wildlife value' as well as 'good quality'? NPPF states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused' so it is good practice to include veteran trees.

Policy DM NP5

Fruit trees and orchards should be added to this policy. South Bucks was an important area for the development of fruit tree varieties and there were big areas of orchards and nurseries. It would be good to acknowledge this in the policy. Traditional orchards (i.e. places with 5 or more fruit trees) are covered in National planning documents but regularly get forgotten, it would be good to have them listed. Traditional orchards are listed as a Habitat of Principle Importance in the NERC Act 2006. The protection of orchards locally is important from the heritage point of view as well as biodiversity.

Policy DM NP9 Natural – Reducing the risk of pollution

Justification

Paragraph 9.9.9 and Policy

We strongly support the inclusion of noise and light pollution with regard to wildlife

Policy SP BP9 Building - Beaconsfield

Consistent with NPPF

There is no mention within this policy of the Habitats Regulations requirements in relation to Burnham Beeches. Due to the number of houses built and the proximity to the SAC there is a requirement to ensure no loss of integrity. It is the City Corporation's view that mitigation is required for this development. Provision of alternative green space within the development is a minimum but developer contributions in line with the 5.6km zone recognised in the Burnham Beeches policy should also be considered. Some residents will certainly visit Burnham Beeches despite having 'their own' accessible green space.