

Local Plan Working Group

Recommendation Report

Chair's Introduction

1.1 The Joint Chairs of the Working Group wish to note the collaborative and constructive manner in which the scrutiny review has been carried out. They thank the Group members for their hard work in what proved to be an intensive month long review.

1.2 On behalf of the members of the Local Plan Working Group, the Joint Chairs wish to offer their thanks to all the officers and guests who contributed to the review. In particular, the Group would like to thank Gavin Ashford and Mark Latham for attending all of the meetings the Group held, being on hand to answer any and all of its questions. They also wish to extend their thanks to the two external speakers, David Lowe and Gary Grant, for offering their experience and expertise to this review.

Background

2.1 At the 11 November 2020 meeting of the Communities Scrutiny Committee, the Committee received a briefing from the Council's Director: Housing, Employment & Infrastructure, the Strategic Planning Team Leader, and the Cabinet Member for Neighbourhood, Commercial Services and Regeneration. The Committee received briefings on specific policy areas and the form the Local Plan consultation would take. From the policy areas that were discussed, Members expressed their interest in the policy areas Biodiversity and Biodiversity Net Gain (Policy NE1) and Urban Greening (a proposed new policy).

2.2 At the Committee meeting (11 November 2020), it was agreed that due to the cross-committee nature of the Local Plan scrutiny of the proposals would be best served by a working group made up of Members from a variety of committees.

2.3 Following this meeting, the Chair met with Officers and the Chair of the Environment Scrutiny Committee to discuss the form the review would take. It was decided that a joint working group of six Members, voluntarily drawn from across the Scrutiny Assembly should be formed. The review would take the form of a four-week rapid review with a weekly meeting and the possibility for additional meetings to be scheduled at the wishes of the group. The aim of the group was to conclude the review in sufficient time so as to allow recommendations to be made to the March meeting of Cabinet. The first meeting of the group would be to receive a scene-setting presentation on the specific policy areas proposed for scrutiny by the Committee. Two evidence-gathering sessions were to follow, and then a final deliberations meeting would be held.

Workshop 10 February 2021

3.1 At its first meeting, on 10 February 2021, the Working Group approved its proposed terms of reference and received briefings on the referred policy areas from the Strategic Planning Team Leader and the Ecology & Green Infrastructure Specialist. The Cabinet Member for Economy, Housing, Transport and Infrastructure, the Director: Housing, Employment & Infrastructure, and the Associate Director: Policy & Governance also attended the meeting. The briefings set out the background and the way in which the policies would, if adopted, be applied and how scrutiny could add value to their development.

3.2 The group heard that bio-diversity net gain was an approach to development and land management that aimed to create a measurably better natural environment than what had existed beforehand. As part of the Environment Bill, bio-diversity net gain would become a legal requirement in 2023.

3.3 Members were informed that urban greening was a policy that evaluated and quantified the amount and quality of green infrastructure on proposed development sites. The policy scored elements of proposed schemes e.g. tree coverage, green walls, blue infrastructure. The policy was intended to integrate green infrastructure into developments, with environmental factors being addressed from the outset of the development process.

3.4 Following the presentation, Members divided themselves into sub-groups to research one of the policies each so they could report to the following meetings. Officers provided Members with a list of potential contacts at other organisations seen to be experts or pioneers in the policies. Meetings with external contacts were suggested and the organisation of such meetings delegated to officers.

Workshop 17 February 2021

4.1 On 17 February 2021, the Working Group met for the second time. The Group received further presentations on bio-diversity net gain and urban greening from the Strategic Planning Team Leader and the Ecologist and Green Infrastructure Specialist. The Associate Director: Policy & Governance was also in attendance. Members discussed their initial research.

4.2 The group heard that bio-diversity net gain was already integrated into a number of national policy documents and that locally the Local Plan Policy NE1 was net gain ready. Net gain was achieved through biodiversity units, which expressed the ecological and financial value of sites. Sites were audited and their biodiversity value assessed, developments would then be required to deliver a 10% bio-diversity uplift as set out in the Environment Bill. The gain could be delivered onsite or offsite through habitat creation and enhancement on individual land holdings or through habitat banks. Alternatively, it could be delivered through the purchase of statutory credits. By 2023, most developments in the Borough would need to deliver a minimum 10% biodiversity net gain. The Council would need to decide whether to vary the 10% minimum target and identify local priorities for net gain investment.

4.3 As under bio-diversity net gain; developments would be assessed and scored. Under the urban greening regime, a development proposal would be assigned a score between zero and one, marked against various categories. This approach was considered a means to mainstream the delivery of green infrastructure. The urban greening policy would allow the planning authority to engage with developers at the pre-application stage, setting out expectations early in the development process. Delivery of green infrastructure would therefore be evidence based and ensured.

Additional Session 22 February 2021

5.1 The Group met on 22 February 2021 for a talk and question session with David Lowe, an ecologist at Warwickshire County Council. The Strategic Planning Team Leader and the Ecologist and Green Infrastructure Specialist also attended.

5.2 Mr Lowe provided Members with an overview of his work and the bio-diversity policies of Warwickshire County Council. Members heard about the way the policy was applied in Warwickshire and the lessons that officers had learnt from the seven years it had been in place.

5.3 The group heard that bio-diversity was primarily intended to improve habitats and the environment as opposed to providing benefits for humans. Any benefits for residents that were derived from bio-diversity related mitigation should be considered a welcome bonus. Urban greening, on the other hand, could provide both ecological and human benefits. Flexibility had been key to the success of the policy in Warwickshire, with the Authority demonstrating an openness to both work with developers as they developed proposals but also to allow offsite mitigation where the benefits of doing so outweighed rigidity with regard to an onsite solution.

Workshop 24 February 2021

6.1 Members met again on 24 February 2021. The Group received a presentation from Gary Grant, Director: Green Infrastructure Consultancy Ltd., on urban greening. The Strategic Planning Team Leader, the Ecologist and Green Infrastructure Specialist, and the Associate Director: Policy & Governance were also in attendance.

6.2 Mr Grant offered an overview of schemes across Europe and the United Kingdom, discussing the metric used to calculate the greening factor of a development and the ways greening could be implemented. The reasoning that underpinned the green space factor was that an area would have more and greater quality green infrastructure as a result. It was particularly useful for planning officers as it enabled them to give a measurable value to applicants and work with them to develop a solution; additionally, it was useful for testing options at an early stage in development.

6.3 Members were informed of a case study development in east London where the green space factor had been applied and had resulted in the addition of a green roof to a multi-storey housing development. The green roof, which was a direct result of the green space factor, raised the developments green space factor score considerably. Generally, the green space factor had increased the quality of application across London. This had resulted in a significant amount of new greenery.

6.4 Following a question and answers session, the Group began formulating its recommendations to be proposed to Cabinet.

Deliberations

7.1 Throughout their discussions, the Group expressed a strong desire for any mitigations to be as close to developments as possible. Members were clear that the Borough should benefit from the uplifts associated with the policies. This arose particularly in discussions surrounding bio-diversity net gain, which is rooted in specifically protecting and enhancing habitats. There was also an eagerness for the Borough to benefit from the national credit system if possible, taking on the mitigations for projects out of the Borough that had no choice but to seek net gain through the national system.

7.2 Early in the review, Members had highlighted the need for mapping of existing and potential sites of green importance (e.g., green guarantee sites, local nature reserves, locations green links between such areas could be made). This was so that as opportunities arose the Council would be ready to act – such as identifying the green areas of the Borough that could be linked together. This was related to situations where the mitigations required by a development would have to be delivered off site. Members made clear that, where possible, mitigations should benefit the Borough’s residents; either, by being provided on publicly controlled land or, if possible, through an agreement with private landowners that would allow public access. It was noted that public access to land did impact the levels of biodiversity and Members discussed that public access to land would need to be appropriate for the specific site.

7.3 The Working Group sought clarification on the level of greening required on sites which either had a negligible starting position (e.g. brownfield sites) or had been altered to be less green (e.g. by felling or soil stripping). Members heard that in the case of site alterations, past examinations, mapping, and aerial photography could be utilised to work out a more accurate score. In terms of urban sites that had a low starting point, there could be a minimum uplift and there would be opportunity to work with developers from early planning stages to ensure this.

7.4 Members also expressed a strong desire for the Council to lead by example when it came to urban greening within the Borough. The possible role of NuPlace in demonstrating the possibilities for commercial developments was discussed, as was the potential of the Station Quarter development to pioneer urban greening. In the case of urban greening in London, and bio-diversity net gain in Warwickshire, Members heard that the policies had resulted in higher quality, more thoughtfully planned, development schemes. The general sense was that the policies did not inhibit development but rather prompted developers to alter their initial plans. The policies had also had a degree of flexibility that enabled collaboration between developers and planners in developing proposals.

Recommendations

Therefore, the Local Plan Working Group makes the following recommendation to Cabinet:

- **That bio-diversity net gain should, wherever possible, be delivered on the site that is being developed. If this is not possible, then it should be delivered on a site agreed with the Council, such site to be as close as possible to the site being developed;**
- **Where urban greening and bio-diversity net gain is provided off-site, efforts should be made to secure additional benefits, such as public access, where possible. To maximise public benefit, investment should in the first instance be directed to publicly owned land;**
- **The provision of urban greening should be required of commercial and residential developments;**
- **The working group recommends that an urban greening policy should be adopted and that the Council instructs an appropriate urban greening specialist to prepare evidence to support as high an urban greening factor as possible;**

- **Recommend that, unless otherwise required by the emerging Environment Bill, a policy requiring a bio-diversity net gain is adopted which distinguishes between major and minor developments with measurable net gain on minor developments and a minimum net gain requirement of 10% on major developments;**
- **The working group recommends that the Council should seek to introduce bio-diversity net gain and urban greening prior to both the formal adoption of an adopted local plan and the Environment Bill becoming law; and**
- **That the Council should seek to lead by example in the fields of bio-diversity net gain and urban greening. The working group recognises that this cannot be written into the Local Plan but wish to see the Council adopt it as policy.**

The members of the Communities Scrutiny Committee support these recommendations.