

MAYOR AND CABINET		
Report Title	Response to matter referred by the Sustainable Development Select Committee – Review of Lewisham’s Planning Policy	
Key Decision	No	Item No. 5
Ward		
Contributors	Executive Director for Regeneration (Head of Planning) & Head of Law	
Class	Open	Date: 25 July 2007

1. Summary

- 1.1 The Sustainability Select Committee made a number of recommendations for planning policy to be included in the Local Development Framework. The Planning Service has responded by making a number of changes in the draft development plan documents, known as the ‘preferred options’ reports. These documents have been approved for public consultation in June and July.

2. Purpose

- 2.1 This report seeks to inform the Mayor about the Planning Service response to the comments made by the Sustainable Development Select Committee’s review of the emerging Local Development Framework.

3. Policy Context

- 3.1 The LDF is a part of the Council's policy framework as set out in the Council’s constitution.

4. Recommendation

- 4.1 To agree that the response prepared by the Planning Service be submitted to the Sustainable Development Select Committee.

5. Background

- 5.1 The scrutiny committee decided that the review of planning policy would focus on:
- reviewing the current planning system particularly with regard to green energy and environmental issues
 - the details of the plans to replace the Unitary Development Plan (UDP) with the Local Development Framework (LDF)

- inviting a variety of witnesses including developers and campaign groups to a meeting
- 5.2 The scrutiny committee carried out the review over a few meetings, taking evidence from the Head of Planning, the Group Manager for Sustainable Resources and also a number of external witnesses. The meetings were held on 5th October 2006 and 7th November 2006.
- 5.3 The scrutiny committee subsequently met and submitted their views to the Mayor and Cabinet meeting on 31st January 2007. The scrutiny committee recommended the following:
- I. The principle of incremental targets for on-site generation of renewable energy be established in the LDF covering all areas of the borough. This should start at the 10% proposed but be increased to 20% as soon as the Mayor of London's anticipated target of 20% comes into force. A series of progressively increased targets with specific dates should also be set out in order to provide both clarity for developers and a clear roadmap for meeting CO2 reduction targets.
 - II. A robust monitoring and enforcement system should be established. Adequate officer resources should also be provided to ensure that from the earliest stage of a development (design stage) architects, developers and all relevant parties are aware of the requirements for renewable energy. This will mean closer working with the planning division and the Sustainable Resources team.
 - III. There should also be a presumption in favour of renewable energy installations in conservation areas. This is provided that the installations meet minimum design and safety criteria and provided that they also meet planning regulations to protect and enhance the conservation area, this should be set out clearly in the LDF. Officers should also keep on top of progress and new approaches in the installation of renewable energy in Conservation Areas as is detailed in section 5.3 of this report.
 - IV. The outcomes of the committee's rail review is also taken into account in the development of the LDF.
 - V. Wider sustainable development issues and the liveability agenda is also taken into consideration in the development of the LDF.

6. Planning Service response to the Scrutiny Committee

- 6.1 The approach to the five issues raised by the scrutiny committee are set out below.
- 6.2 Issue 1. The planning service considered the committees views on this issue and decided that a detailed borough wide policy should be set out in the Development Policies and Site Allocations Development Plan Document. This policy has set the level at 20% on site renewable energy. The reasons for

going for the higher level percentage include the fact that the Mayor of London has proposed 20% on site renewable energy in the Further Alterations to the London Plan. If this policy is adopted the Lewisham LDF would be required to be in 'general conformity' with the London Plan and hence adopt a similar percentage. The experts witness at the committee meeting had said that from a developers point of view some measure of certainty was more important than the actual percentage chosen. The policy has therefore set the higher level of on site renewable energy suggested by the scrutiny committee.

- 6.3 Issue 2. The need for adequate monitoring will be partly addressed by including renewable energy facilities as a 'local indicator' to be monitored in the Annual Monitoring Report. It is a statutory duty to publish an AMR as part of the LDF. Further improvements will be achieved by staff training in relation to development control officers who will be responsible for the implementation of these policies. In addition a requirement will be placed on the developer to 'self certificate' progress on implementation. This will then be checked by case officers.
- 6.4 Issue 3. It is not possible for a local planning authority to have a 'presumption in favour of renewable energy' in conservation areas. The planning legislation requires the council's principal responsibility to be the 'preservation or enhancement' of the conservation value within a designated conservation area. The Planning service has responded to the committee by including LDF policy SE3 'Stand Alone and Roof Mounted Renewable Energy', that states such facilities will be permitted provided various criteria are met including the satisfactory resolution of any impact on conservation areas and/or historic buildings. The Planning Service is also committed to producing a Conservation Areas Supplementary Planning Document that will provide further detailed guidance on the requirements in conservation areas. It should also be noted that the government are currently consulting on changes to the General Permitted Development Order with regard to small scale free standing renewable energy facilities. The intent is to make it easier for households to introduce such facilities without the need for planning permission. However, this consultation does not include changes within conservation areas.
- 6.5 Issue 4. As far as it is possible the LDF documents will reflect the implications of the committee's rail review.
- 6.6 Issue 5. The wider sustainability issues and liveability agenda have been addressed by including a raft of relevant policies. This includes but is not limited to policies relating to energy efficiency, which means new homes now have to achieve a 3* rating under the Code for Sustainable Homes or BREEAM 'very good' rating. Other policies deal with flood risk, water quality and resources, air quality, contaminated land, noise and light pollution and waste.

7. Financial Implications

7.1 There are no financial implications associated with this report.

8. Legal Implications

8.1 Where relevant these are set out in the body of the report. The Lewisham LDF is required to be consistent with national planning policy and be in general conformity with the policies in the London Plan. This may sometimes limit the planning policy developed by the council.

9. Crime and Disorder Implications

9.1 There are no direct crime and disorder implications arising from this report.

10. Equalities Implications

10.1 There are no direct equalities implications arising from this report, although equalities issues are central to the LDF.

11. Environmental Implications

11.1 All development plan documents are subject to a statutory sustainability appraisal that assesses the policy or draft policy against the sustainability objectives identified by the council. The most sustainable policy option is chosen or if not a reason why is given. This means that the process produces the most sustainable plan possible.

12. Conclusion

12.1 All the issues raised by the scrutiny committee have been considered and the emerging LDF policy framework includes policies that deal with these issues.

13. Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchases Act 2004	2004	Laurence House	Planning Policy	Brian Regan	No
PPS 12	2004	Laurence House	Planning Policy	Brian Regan	No
LDF Regulations	2004	Laurence House	Planning Policy	Brian Regan	No

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