

Wandsworth Local Plan Review

Examination on the Publication Draft Local Plan Review

Submissions on behalf of Northport FPR Limited

Matter 20 – Green and Blue Infrastructure

Inspectors Question

1. The Inspectors pose the following question :

• Are the requirements of the Green and Blue Infrastructure policies justified by appropriate available evidence, having regard to national guidance, and local context, and meeting the requirements of the London Plan?

2. In short in respect of at least some elements of the Green Infrastructure our response is no.

Preliminary Comments

3. We have promoted through the call for sites and the Regulation 18 and Regulation 19 versions of the draft Local plan review an area of land for housing in Putney. In respect of the Councils response to the Regulation 18 version of the plan and we now see through the 'Schedule of Representations and Council's Responses' document (wbc006) the Council have rejected this site given its alleged biodiversity value and being within an existing SINC.
4. Although we do note that the response in respect of this site at the Reg 19 stage now alleges other matters of consideration not raised previously as if to shield the concerns that we have raised about the robustness of the Council evidence base with the level of detail submitted at that stage.
5. The site therefore remains identified as part of the Green Infrastructure within the Borough as former Railway Lands.
6. However the facts of the case in respect of at least our clients 'Omission Site' and may equally apply across other Railway Lands around at least the Clapham Junction to Putney railway lines is that the Council has not to our knowledge ever physically

inspected these sites. Rather it seems that they have relied upon at least three matters here as set out in our Reg 19 Submissions:

- *Firstly a general view that railway land may be used by birds and animals to travel from one location to another and that seeds may be distributed by passing trains;*
- *Secondly the land was designated in the previously adopted local plan, albeit not marked on the proposals map, as a SINC; and*
- *Thirdly that the GiGL database suggests that some of this railway land may have some value.*

7. In our view this approach is not the basis of 'justified available evidence'.

The Guidance and Policy

8. SINC's are a form of Wildlife Site and the Planning Policy Guidance states:

Local planning authorities can take a lead in establishing and maintaining partnerships and systems to identify, manage, enhance and safeguard local sites. The positive engagement and co-operation of land owners and their representative bodies can contribute significantly to the success of these partnerships.

All local sites partnerships need to use clear and locally defined site selection criteria with measurable thresholds.... Selection criteria need to be developed with reference to the standard criteria in the following question, with all sites that meet the relevant criteria (informed by detailed ecological surveys and expertise) then being selected."

9. The PPG then goes on to set out the 'standard criteria for Local Wildlife Sites' that includes:

size, diversity, rarity, fragility, connectivity within the landscape, and value for appreciation of nature and for learning.

10. Policy G6 of the adopted London Plan – which concerns 'Biodiversity and access to nature' – states that "Sites of Importance for Nature Conservation (SINCs) should be protected". It then states that:

“Boroughs, in developing Development Plans, should:

1) use up-to-date information about the natural environment and the relevant procedures to identify SINC’s and ecological corridors to identify coherent ecological networks....

11. In our view it is clear from the adopted London Plan Policy G6 that:

- (a) the responsibility for identifying SINC’s lies with the individual Boroughs;*
- (b) in doing so up-to-date information about the natural environment should be used; and*
- (c) the identification should follow ‘relevant procedures’.*

12. The supporting text to Policy G6 envisages Borough Council’s undertaking reviews of the SINC’s in their area, explaining that *“When undertaking comprehensive reviews of SINC’s across a borough, or when identifying or amending Sites of Metropolitan Importance, boroughs should consult the London Wildlife Sites Board.”* (para 8.6.2). Further guidance can be provided by the London Wildlife Sites Board.

13. As indicated above whilst we note that the supporting text also recognises *“vegetated railway corridors”* as an example of an urban habitat which may be of importance (para 8.6.4) this does not suggest that all such railway corridors will inevitably constitute SINC’s. Therefore a blanket approach, as apparently here, to designation would be at odds with the requirement in Policy G6 for an evidence-based approach to identification of SINC’s.

14. The London Environment Strategy (May 2018) sets out the *“methodology and process by which boroughs should identify SINC’s in their Local Plans”*. This methodology is contained within Appendix 5 of that Strategy.

15. The methodology:

- (a) emphasises the necessity of having “good survey information on the habitats and species of all candidate areas.” (A1.3.1);*
- (b) requires that established criteria is used to compare candidate areas, and sets out of standard criteria for assessing sites in an urban context (A1.4);*
- (c) underscores the importance of consultation (A1.5.1); and*

(d) notes that the "The map and schedule of sites should be updated periodically and at least when comprehensive re-survey permits." (A1.5.3).

16. Further the London Wildlife Sites Board ("LWSB") have also published an Advice Note (April 2019 Update) setting out the "Process for selecting and confirming Sites of Importance for Nature Conservation (SINCs) in Greater London". This Advice Note sets out a recommended site selection process which involves oversight by a local panel to provide independent expert advice, as well as oversight by the LWSB of that process.

17. The Advice Note:

(a) emphasises that it is "It is the responsibility of London Boroughs to obtain and maintain up to date data on all land of nature conservation interest that is located within the administrative borough boundary, irrespective of land ownership"

(b) stipulates that Boroughs "must have access to a current evidence base relating to habitats, species, etc. from which to support site selection, de-selection or changes to boundaries."

(c) requires Boroughs to "should secure the services of qualified ecologists to survey relevant land within the borough boundary, evaluate this land against the criteria set out in Appendix 1 of this document and provide a set of recommendations on which sites should be accorded SINC status (and at which grade)."

(d) includes within Appendix 1 criteria for identifying SINCs, which is very similar to the standard criteria published in Appendix 5 of the London Environment Strategy.

The Draft Submitted Plan Approach

18. As noted above 'Railway Lands' are identified by typology within the extant local plan as 'protected biodiversity areas'. They are not actually identified on the Policies Map. Therefore the approach to these lands is that they are all the same and all merit some form of protection.

19. This approach is broadly rolled forward into the draft plan, albeit areas are now shown on the draft Policies Map. In this respect as far as we can understand the Council has not sought to undertake a review of its SINCs as part of its preparation of the draft plan, still less to justify the designations by reference to “*up to date evidence*” following “*relevant processes*” (either those set out in national or local guidance). Instead, the Council has simply sought to ‘roll forward’ the historic designation from the DMP, without further work.

Response to Inspectors Question

20. The Inspectors question is whether the requirements of the Green Infrastructure policies and in this case draft Policy LPS5 is justified by the available evidence.

21. In terms of conflict with the London Plan, the position can be summarised as follows:

(a) Policy G6 of the London Plan requires SINCs to be identified using ‘up-to-date evidence’, and following ‘relevant procedures’. The ‘relevant procedures’ are amplified in Appendix 5 of the Environment Strategy and the Advice Note produced by the LWSB, both of which aim to ensure that the identification of SINCs follows a transparent process, employing consistent and appropriate criteria, and which is supported by site specific survey evidence.

(b) The Council have produced no survey evidence in support of the designation, let alone up-to-date evidence. Instead they have relied on the rolling over of a historic designation, the evidential basis of which is, at best, now opaque.

(c) Furthermore, the Council has failed to follow any published selection process or employed identified criteria, let alone done so in a manner which is consistent with the principles outlined in Appendix Environment Strategy or the Advice Note produced by the LWSB.

(d) Accordingly the proposed designation is in direct conflict with Policy G6 of the London Plan.

22. In our opinion there is a strong view to be taken that a draft Local Plan which fails to do precisely what is required of it by a specific policy in the London Plan should not be found to be ‘in general conformity’ with the latter.

23. Further in terms of soundness, in summary it is submitted:

- (a) In order for a policy to be sound it must be both justified – which includes being based on proportionate evidence – and consistent with national policy. The proposed designation of all railway land is neither.*
- (b) It is not an evidence-based designation. It represents an uncritical rolling over a historic designation, the evidential basis for which is, at best, opaque.*
- (c) National policy, amplified by the PPG, requires that when identifying SINC's plan-making authorities use of "clear and locally defined site selection criteria with measurable thresholds," and for the application of that criteria to be "informed by detailed ecological surveys and expertise". For the reasons stated above, the proposed designation plainly does not meet these requirements.*

Conclusion

24. The Submission Plan is therefore in this respect both not in conformity with the London Plan and unsound. This has at least in respect of our clients 'omission site' not led to adequate and proper consideration being given to its inclusion in the Submission Local Plan, but more widely affects the consideration of proposals against draft Policy LPS5.

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October 2022