



# **Local Development Order Southwark District Heating Network**

**July 2023**

## Contents

Statement of Reasons.....	1
Description of Development Permitted by this Local Development Order .....	1
Justification for creating this Local Development Order.....	1
Statement of Policies that this Local Development Order will implement .....	4
Southwark District Heating Network Local Development Order (“the Order”) .....	9
Part I - Area covered by this Local Development Order.....	10
Part II - Description of Development .....	10
Part III - Development not permitted .....	10
Part IV Conditions.....	11
Expiry.....	12
Reinstatement.....	12
Trees .....	12
Tree & Hedgerow Maintenance .....	14
Biodiversity and Protected Species .....	14
Importation of Soils .....	15
Development within Designated Conservation Areas .....	15
Archaeology.....	15
Unexpected Land Contamination.....	16
Construction management details .....	17
Bakerloo Line extension .....	19
Appendix 1 Area of Land covered by this Local Development Order .....	22

**London Borough of Southwark Council**  
**Southwark District Heating Network Local Development Order**

**Town and Country Planning Act 1990 (as amended)**

**Statement of Reasons**

**Description of Development Permitted by this Local Development Order**

The Local Development Order (“LDO”) grants planning permission for the development of a District Heating Network (DHN) comprising of pipes, cables and wires, heat exchange equipment, street furniture, informational signage and ancillary engineering works within defined areas of land in the borough of Southwark and shown on the attached map, subject to conditions.

**Justification for creating this Local Development Order**

The principal aim of the LDO is to encourage the uptake and implementation of a DHN in accordance with Southwark’s Local Plan policy P70 Energy.

Southwark Council is keen to promote and support the development of an extension to the existing DHN from the SELCHP Energy Recovery Facility. By distributing heat to multiple users through an underground pipe network, several thousand homes and businesses can be connected to a local, sustainable heat source.

The SELCHP Energy Recovery Facility located in the London Borough of Lewisham outside the eastern edge of the Old Kent Road Opportunity Area boundary provides a key opportunity to provide a low-carbon heating solution for new and existing development in the Old Kent Road and North Peckham areas.

The aims are:

- To maximise emissions reduction of CO<sub>2</sub> to meet the borough target to becoming carbon neutral by 2030.
- To support regeneration and enable developers to meet building regulations and planning policy requirements.
- Improve air quality through reduction of NO<sub>x</sub> emissions.

*Background*

*District Heat Networks*

Heat networks can deliver space heating, hot water, and /or cooling from a central source or sources to a wide range of buildings. Heat networks can benefit from economies of scale and can make use of otherwise inaccessible low-carbon sources such as heat from energy from waste, or heat recovered from industry or environmental sources such as ground and river source heat.

Heat networks currently provide 2% of UK heat demand and the Climate Change Committee (CCC) estimated in 2015 that with Government support, they could provide 15% by 2050 in a least-cost pathway to meeting carbon targets.

### *SELCHP*

The South East London Combined Heat and Power facility was opened in 1994 to address the challenges from the increasing scarcity of and environmental problems of landfill. It is located in the London Borough of Lewisham, between New Cross Gate and Surrey Quays stations. The facility receives and incinerates black bag waste which cannot be recycled. The facility is operated by Veolia.

In 2013, Southwark Council and Veolia entered into an agreement to harness the wasted heat energy from the burning of household waste and enable it to be delivered through a network of underground pipes to the boiler houses on several Southwark Council estates to provide heating and hot water to residents, replacing the reliance on gas-burning boilers. This network currently provides heating and hot water for 2,700 properties in the Bermondsey area.

Following the successful operation of this District Heating Network, Southwark Council and Veolia now wish to extend this agreement and deliver a low-carbon heating source to additional Council estates and new developments in the borough.

Unlike statutory undertakers like electricity and water companies, DHN operators do not have permitted development rights to install pipes and utilities equipment. Implementation of the LDO would avoid the need for multiple planning applications by granting permitted development rights for Veolia to lay the pipes and equipment needed to facilitate the DHN extension, streamlining the process and creating more certainty for Veolia.

### *Climate context*

The Council regards the DHN as the key to unlocking long-term decarbonisation of heat in the borough. Heat is responsible for a third of the UK's greenhouse gas emissions. Heat in buildings accounts for 23% of total UK emissions. In 2021, the central government laid legislation proposing to reduce greenhouse gas emissions by 78% by 2035 compared to 1990 levels.

Under the Climate Change Act 2008, Southwark, as a local authority, has a legal obligation to deliver climate action both across our own estate (assets owned by the council) and the wider local authority area.

In 2019 Southwark Council declared a climate emergency and in response, have published the roadmap to becoming carbon neutral by 2030 in the Climate Change Strategy 2021. Priority 1 Greener Buildings sets out that Southwark must ensure buildings are built to minimise carbon emissions in their use in order to be carbon neutral by 2030. Delivery of the LDO will help the achieve two of the actions required by the strategy:

- Theme C. Low-carbon technologies and practices are encouraged within the borough's buildings. The goal is to maximise the use of low-carbon technologies for new and existing homes. The immediate action is to identify

households not currently serviced by district heating that can be switched onto SELCHP or equivalent district heat system. Alongside this Identify areas of the borough that cannot be served by heat networks and must look at communal ASHP, CHP or secondary source heat pumps.

- Theme E. Decarbonise council housing. The goal is to replace gas with low-carbon technologies. The immediate action is to increase the number of council-owned homes to the extended SELCHP network where feasible.

Analysis of Southwark Council's operations and assets shows the council's own carbon footprint of 432 ktCO<sub>2</sub>e. The major contributors to this total are the council's buildings which account for 16% of total emissions.

The extension of the SELCHP heat network offers the opportunity to decarbonise the Council owned housing estates in the Old Kent Road and North Peckham area, as well as enabling new development in the Old Kent Road Opportunity Area to easily connect. The existing DHN has saved 7,700ktCO<sub>2</sub> a year since its inception in 2013.

Throughout 2018 and 2019, the Council and its consultants conducted heat mapping, masterplanning and detailed feasibility studies concerning the opportunities to expand the use of low-carbon heating in the borough. It was found that expanding the existing SELCHP District Heat Network represented the lowest whole-life cost means to achieving carbon, air quality and other policy objectives.

### *Building regulations and planning policy requirements*

In the context of a global climate crisis, governments at all levels are responding by updating building regulations and planning policy to achieve a reduction in greenhouse gas emissions within the built environment. The LDO and subsequent connection to the DHN will allow development to remain viable by providing a cost-effective solution to increased regulatory and policy requirements.

Updates to Part L to the national Buildings Regulation 2021 require development proposals to have stricter performance targets, and the Standard Assessment Procedure (SAP) model design methodology now includes consideration of energy use of DHNs, allowing developments which connect to achieve a higher carbon reduction.

The London Plan 2021 expects major developments to achieve net-zero by following the Mayor's energy hierarchy. Connection to the DHN would help achieve the 'Be Clean' part of the hierarchy which is aimed at reducing buildings' operational emissions.

At the local level, the Southwark Plan 2022 policy P70 requires an ambitious on-site carbon reduction of 100 per cent for major residential development and 40 per cent carbon reduction for major commercial development. It also requires that all major developments connect to or future-proof development to be able to connect to an existing or planned decentralised energy network.

The Old Kent Road is envisaged to see significant growth over the next 20 years as

planned for in the Old Kent Road Area Action Plan. One of the targets is to achieve a net zero carbon Area Action Plan. The LDO will provide certainty for new development seeking to connect to the DHN.

### *Air Quality*

There is a strong link between poor air quality and negative health outcomes. These can range from exacerbation of respiratory conditions such as asthma and chronic respiratory disease, through to an increase in emergency admissions to hospital. Poor air quality disproportionately affects the health outcomes of the very young, the elderly, the ill and the poor. The Council has an ambition and a legal obligation to improve air quality in the borough.

The main atmospheric pollutants of concern in Southwark are Nitrous Dioxide (NO<sub>2</sub>) and Particulate Matter (PM). The main source of these pollutants locally is traffic emissions but domestic heating also makes a significant contribution with commercial and domestic gas heating is estimated to contribute nearly 30% of local NO<sub>2</sub> emissions. The extension of the DHN and use of a renewable energy source over gas boilers which release harmful pollutants through the combustion process will mean an improvement in air quality and therefore better health outcomes for Southwark residents.

### **Statement of Policies that this Local Development Order will implement**

The LDO is consistent with and will help deliver national, London-wide, and local planning policies and guidance.

#### *National Planning Policy Framework 2021*

The National Planning Policy Framework (NPPF) advises that local planning authorities should consider using Local Development Orders to set the planning framework for areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise and promoting low carbon technologies to reduce the impacts and mitigate the effects of climate change. In particular, the framework states that local planning authorities should actively support energy efficiency improvements and have a positive strategy to promote renewables.

Section 182 of the Planning Act 2008 puts a legal duty on local authorities to include policies on climate change mitigation and adaptation in Development Plan Documents. Section 14 of the National Planning Policy Framework (NPPF) details how the planning system should meet the challenge of climate change, flooding and coastal change. Paragraph 153 requires the planning system to help to:

Shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 states that new development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

Paragraph 155 states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 156 requires:

Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

### *London Plan 2021*

*Policy GC6 Increasing efficiency and resilience of the London Plan 2021* sets out that in order to help London become a more efficient and resilient city, those involved in planning and development must seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050.

*Policy SI2 Minimising greenhouse gas emissions* requires major development to be net zero-carbon by reducing operational greenhouse gas emissions and minimising energy demand in accordance with the energy hierarchy:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly

3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

*Policy SI3 Energy infrastructure* sets out that boroughs and developers should engage at an early stage with relevant energy companies and bodies to establish the future energy and infrastructure requirements arising from large-scale development proposals such as Opportunity Areas, Town Centres, other growth areas or clusters of significant new development.

## *Southwark Plan 2022*

### *P70 Energy*

#### All development

#### Energy Hierarchy

1. Development must minimise carbon emissions on site in accordance with the following energy hierarchy:
  - Be lean (energy efficient design and construction); then
  - Be clean (low carbon energy supply); then
  - Be green (on site renewable energy generation and storage).

#### Major development

2. Development must reduce operational greenhouse gas emissions and minimise both annual and peak energy demand. This must be in accordance with the following energy hierarchy:
  - Be lean (energy efficient design and construction); then
  - Be clean (low carbon energy supply); then
  - Be green (on site renewable energy generation and storage); then
  - Be seen (monitor, verify and report on energy performance); then
  - Offset residual carbon emissions to reach zero carbon target.
3. Major development must be net zero-carbon.
4. Major residential development must reduce carbon emissions on site (100% on 2013 Building Regulations).  
In exceptional circumstances, any shortfall must be secured off site through planning obligations or as a financial contribution
5. Major non-residential development must reduce carbon emissions on site by a minimum of 40% on 2013 Buildings Regulations\*. Any shortfall must be secured off site through planning obligations or as a financial contribution.
6. Development proposals referable to the Mayor must calculate whole life cycle carbon emissions through a nationally recognised assessment and demonstrate actions taken to reduce life cycle carbon emissions.

#### Decentralised energy

7. Major development must be designed to incorporate decentralised energy



in accordance with the following hierarchy:

- Connect to an existing or planned decentralised energy network; then
- Be future-proofed to connect to a planned decentralised energy network; or
- Implement a site-wide low carbon communal heating system; and
- Explore and evaluate the potential to oversize the communal heating system for connection and supply to adjacent sites and, where feasible be implemented.

\*Building Regulations 2013. If these are updated, the policy threshold will be reviewed.

### *Old Kent Road Area Action Plan*

#### *AAP3: Climate Emergency*

Old Kent Road will have a net zero carbon Area Action Plan. We are committed to tackling the Climate Emergency by achieving carbon neutrality by 2030. All new development will achieve net zero carbon.

#### New development

We will reduce carbon emissions to net zero by ensuring new development achieves the highest on site performance. We require the highest environmental building standards and net zero electricity and heating systems. Any on site shortfall to achieving net zero carbon will require a financial contribution. All new developments will be required to connect to or enable future connection to a District Heat Network. A connection to a District Heat Network (DHN) provides a supply of low carbon heat to homes, businesses and public buildings. There is currently a single District Heat Network (SELCHP DHN) for Old Kent Road. SELCHP is a waste incinerator in Lewisham which generates heat and electricity that can be used to power homes. We support the delivery of further DHNs with low or net zero heat sources that use land efficiently.

Gas boilers are the largest source of carbon emissions within the borough, so new gas boilers in new developments will not be permitted unless they are an interim solution before a low carbon solution is implemented. Energy consumption will be reduced so new residents and businesses will have lower energy bills.

Over time, on site building standards and performance will improve resulting in less energy use, reduced heating requirements and lower carbon emission shortfalls. At this stage, the energy hierarchy priority will be reviewed.

#### Targets:

1. Achieve a net zero carbon Area Action Plan; and

2. We will deliver the SELCHP District Heat Network for Old Kent Road to heat residential and non-residential uses; and
3. Connect as many housing estates in the Old Kent Road Opportunity Area to a District Heat Network as possible

## Planning Applications

Major development and minor new build development must:

1. Connect to a District Heat Network; and
2. Adhere to the energy connection hierarchy for the Old Kent Road Opportunity Area (Table 1) in order of priority. Communal or individual gas boilers will not be supported; and
3. Accommodate future connection to a District Heat Network;
  - If connection to a District Heat Network is proposed but the District Heat Network has not yet been delivered, an alternative low carbon on site heating solution must be implemented if the District Heat Network is not delivered. The alternative heating solution must follow the energy hierarchy and calculate its performance and any financial contribution resulting from a net zero carbon emission shortfall; and
  - The performance and financial contribution of the alternative heating solution is secured as a cap in the Section 106 agreement. The trigger for payment of the financial contribution is the post occupation of a completed phase or development; and
  - If during the course of construction, connection to the District Heat Network becomes possible and replaces the alternative heating solution, the performance and any carbon offset financial contribution is recalculated with the District Heating Network as the heating source and secured through Section 106 agreement. This may also require an amendment to the original planning permission.
4. Include an Energy Statement that:
  - Sets out the rationale if the development is not connecting to a District Heat Network; or
  - Demonstrates the strategy for the alternative and final heat sources if connection to a District Heat Network is proposed.

## **London Borough of Southwark**

### **Southwark District Heating Network Local Development Order (“the Order”)**

1. This Order is made by the London Borough of Southwark (“the Council”) under section 61A(2) of the Town and Country Planning Act 1990 (as amended).
2. This Order applies to the land specified in Part I.
3. This Order grants planning permission for the development detailed in Part II, subject to the limitations specified in Part III and subject to the conditions set out in Part IV (“the Conditions”).
4. Any development not granted in accordance with article 3 above continues to require planning permission in accordance with the provisions of the Town and Country Planning Act 1990 (as amended).
5. This Order takes effect on the date it is adopted by the Council and will expire on 30 June 2028, unless there is a subsequent decision by the council relating to its withdrawal, modification or extension.

Made under the Common Seal of the London Borough of Southwark this [date]  
day of [month] [year]

Authorised Signatory

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## **Part I - Area covered by this Local Development Order**

Within the London Borough of Southwark, planning permission is hereby granted for the installation of district heating apparatus as specified in Part II - Description of Development, within the areas shown on the plan attached to this Order in Appendix 1.

## **Part II - Description of Development**

In pursuance of the powers under the above Act, the London Borough of Southwark hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to the conditions listed under Part III:

Development of a district heating network, including pipes, cables, ducts and private wires ancillary to the District Heating Network, heat exchange equipment, above ground cabinets, buildings and structures, street furniture, informational signage and ancillary engineering works, subject to conditions (Part IV).

## **Part III - Development not permitted**

Development is not permitted by this Order if it constitutes, consists of or comprises:

- above ground cabinets, buildings or structures of greater than 1.5 cubic metres in volume or greater than 1.4m in height;
- any sign of greater than 500 square centimetres in area;
- works within a designated conservation area where:
  - above ground cabinets, buildings or structures of greater than 1.0 cubic metres in volume or greater than 1m in height;
  - any sign of greater than 250 square centimetres in area.
- any thermal energy generating plant or equipment;
- EIA development as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- any works within the curtilage of a Listed Building;
- any above-ground development on land within 25 meters to the curtilage of a Listed Building;
- within areas to which a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 is in force, development of a type described in that Direction;

## Part IV Conditions

### *Preamble*

In these conditions:

“**the council**” means Southwark Council;

“**the development**” means the works authorised by the Order;

“**the Local Planning Authority**” means Southwark Council;

“**the developer**” means the entity constructing the District Heating Network

“**the Order**” means the Southwark District Heating Network Local Development Order.

“**the site**” means the site on which works authorised by this Order are being undertaken.

### *Other Statutory Requirements*

Whilst the LDO grants planning permission for certain types of development as described in Part I and Part II, it does not grant other consents that may be required under other legislation. It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to. Although not an exhaustive list, particular attention is drawn to the following relevant legislation:

#### *European*

- Directive 92/43/EEC (Habitats);
- Directive 85/337/EEC (amended by Directive 97/11/EC) (Environmental Impact Assessment).

#### *National*

- The Highways Act 1980;
- New Roads and Street Works Act 1991
- Wildlife and Countryside Act 1981;
- Planning (Listed Buildings and Conservation Areas) Act 1990;
- Ancient Monuments and Archaeological Areas Act 1979;
- Hedgerow Regulations 1997;
- Town and Country Planning Act (Trees) Regulations 1999;
- Conservation of Habitats and Species Regulations 2010 (as amended);
- The Environmental Permitting (England and Wales) Regulations 2010;
- Health and Safety Executive;
- Building Regulations;
- The Town and Country Planning Act 2007 (Control of Adverts)(England);
- The Planning Act 1990 (Hazardous Substances);
- The Planning Regulations 1992 (Hazardous Substances).

Failure to comply with the relevant statutory requirements could result in any development being unlawful and may result in appropriate enforcement action being taken by the council and/or other agencies. It is the responsibility of the

developer / development to be in accordance with all relevant legislation.

## **Expiry**

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order will expire on 30 June 2028.

Reason: To ensure that the development is commenced and completed within a reasonable period of time.

## **Reinstatement**

Prior to the expiry of sixty days from date of completion of the development , the site of the works shall be reinstated to the condition or improved condition which existed prior to such works taking place.

Reason: To ensure that all land over the heating networks is reinstated promptly and to an appropriate standard.

## **Trees**

No development affecting trees or hedgerows shall commence until:

- a. An arboricultural impact assessment has been undertaken by a competent arboriculturist and an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority or TfL where appropriate which demonstrates that reasonable consideration has been given to the retention and protection of significant value trees.
  
- b. All works are identified as in accordance with National Joint Utility Group (NJUG) Volume 4 Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees, Issue 2: 2007, or as otherwise agreed in writing by the Local Planning Authority or TfL where appropriate. No trenches, pipe runs or services or foundations for roads or pathways shall be dug or excavated within 5.0 metres of the base of any tree on the site or of any tree on land adjoining the site unless otherwise shown on drawings to be submitted to and approved in writing by the Local Planning Authority or TfL where appropriate. Details shall include cross sections showing the use of a permeable, non-dig or cellular confinement system suitable for supporting the load of vehicles within any tree root protection areas. All works shall adhere to BS5837: Trees in relation to demolition, design and construction (2012) and NJUG, Volume 4, Issue 2.

- c. where any trees having a stem diameter of 100mm or greater are intended to be lopped, pruned or felled in connection with the carrying out of development in relation to that phase, a scheme identifying those trees and setting out how the works are to be carried out in conformity with BS5837:2012 and BS:3998:2010 has been submitted to and approved in writing by the Local Planning Authority or TfL where appropriate;
- d. where trees are to be felled in relation to that phase, a scheme for their replacement (at a ratio of 1:1 (14-16cm girth replacement) for Category C trees OR as equivalent to the stem girth/CAVAT value of a Category A or Category B tree; whichever is greater) has been submitted to and approved in writing by the Local Planning Authority or TfL where appropriate, including provision for the replanting of any trees which require replacement in consequence of accidental damage during the construction period; and
- e. a scheme for the protection, during the period of construction, of all retained mature trees in the vicinity of the development in relation to that phase identifying their location and species and conforming with BS5837:2012, and NJUG Vol.4. Version 2:2007 and a method statement including particulars relating to working methods, temporary protective fencing, location of hoardings and areas prohibited for use by contractors, has been submitted to and approved in writing by the Local Planning Authority or TfL where appropriate .
- f. Any sections of hedgerow to be removed will need to be replanted with appropriate native shrubs and trees together with appropriate protection measures.
- g. a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours) any vegetation is removed between March and August inclusive, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA at least 3 days prior to works being carried out.
- h. where the development is in close proximity to any tree and where feasible, a root protection barrier shall be installed to protect longitudinal apparatus from potential root expansion and consequent damage.

The developer shall subsequently comply with the schemes approved under the requirements of this condition.

Reason: So that the Council or TfL where appropriate may be satisfied with the adequate protection of existing trees, which represent an important visual amenity in the area, and the proposed tree replacement scheme is in accordance with paragraphs: 8, 11, 12, 15 and 16 of the National Planning Policy Framework 2021; policies G1 Green Infrastructure, G5 Urban Greening and G7 Trees and Woodlands of the London Plan 2021; and policies P56 Protection of amenity, P57 Open space, P66 Reducing noise pollution and enhancing soundscapes, P14 Design quality, P13 Design of places, P60 Biodiversity and P61 Trees of the Southwark Plan 2022.

### **Tree & Hedgerow Maintenance**

If within a period of five years from the date of the planting of any tree, hedge or shrub that replacement tree, hedge or shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority or TfL where appropriate, seriously damaged or defective, another tree, hedge or shrub of the same species and size as that originally planted shall be planted in the same location no later than the first available planting season, unless the Local Planning Authority or TfL where appropriate agrees in writing that a different species, size and / or location may be substituted. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason: To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, in accordance with paragraphs: 8, 12, 15 and 16 of the National Planning Policy Framework 2021; policies SI 4 Managing heat risk, SI 13 Sustainable drainage, G1 Green Infrastructure, G5 Urban Greening and G7 Trees and Woodlands of the London Plan 2021; and policies P13 Design of Places, P14 Design Quality, P56 Protection of Amenity, P57 Open Space and P60 Biodiversity of the Southwark Plan 2022.

### **Biodiversity and Protected Species**

Prior to commencement of development, a Preliminary Ecological Appraisal (carried out as per the Guidelines for PEA by CIEEM) will be carried out and submitted to the LPA. Where protected species may be affected, any relevant surveys should be carried out and submitted as part of the PEA. Any recommended mitigation to avoid adverse impacts on protected species or other sensitive ecological receptors (as identified in the PEA) shall be carried out in full. The PEA should identify areas of shrubbery or any areas where there is potential for nesting and set out the measures of mitigation which will be taken to avoid disturbing wildlife during nesting season.

Reason: to avoid impacts on protected species and ensure no net loss of biodiversity as per the paragraph 109 of the National Planning Policy Framework 2021 and to confirm presence or likely absence of a protected species and ensure works are carried out to avoid adverse harm to a protected species.



## **Importation of Soils**

Any soil or soil forming materials brought to site for use in soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site. All sampling shall comply to BS:3882:2015 Specification for Topsoil.

Reason: To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use with respect to land contamination in accordance with the National Planning Policy Framework 2021; and Southwark Plan 2022 Policies: P68 Reducing flood risk, P63 Land for waste management, P64 Contaminated land and hazardous substances.

## **Development within Designated Conservation Areas**

Within designated conservation areas, above ground development must reflect the guidance set out in the relevant conservation area appraisal for that area. Any new structure including cabinets and poles (excluding signs) shall be coloured or painted black and maintained as such.

Reason: To minimise visual impact of new development within designated conservation areas and preserve the character of designated conservation areas in accordance with policy P20 Conservation area.

## **Archaeology**

Before any work hereby authorised begins, the developer shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, based upon an assessment of the impact of the design scheme, the baseline data contained within the desk-based assessment and the Principles of Archaeological Investigation and Notification to the LPA (Archaeological desk based assessment and principles of investigation strategy, Southwark Local Development Order (LDO), London Borough of Southwark, RPS, 31 March 2023), which shall be submitted to and approved in writing by the Local Planning Authority.

The written scheme of investigation will include the following:

- a. An assessment of the impact of the designed scheme considering the areas of significance identified in the desk-based assessment and other documents
- b. Archaeological methodologies for the approaches detailed in the Principles of Archaeological Investigation and Notification to the LPA document
- c. Agreed details of archaeological monitoring by the Local Authority of proposed works
- d. Details of public engagement proposals. This shall include:

Within one year of the completion of the archaeological work on site, an assessment report detailing the proposals for the off-site analyses and post-excavation works, including publication of the site and preparation for deposition of the archive, shall be submitted to and approved in writing by the Local Planning Authority, and the works detailed in the assessment report shall not be carried out otherwise than in accordance with any such approval given. The assessment report shall provide evidence of the applicant's commitment to finance and resource these works to their completion.

Reason: In order that the details of the programme of works for the archaeological mitigation, reporting public engagement works and archiving are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with P23 Archaeology of the Southwark Plan 2022 and the National Planning Policy Framework 2021.

### **Unexpected Land Contamination**

The Local Planning Authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.

Reason: To enable the local planning authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be suitable for use in accordance with policy P64 Contaminated land and hazardous substances of the Southwark Plan 2022.

## Construction management details

No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with TfL (where appropriate), which shall include the following details:

- a. A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
- b. A construction logistics plan prepared in accordance with TfL's Construction Logistics Plan Guidance for Developments (as amended or replaced from time to time) and which identifies all efficiency and sustainability measures to be adopted during the demolition and construction of the Development;
- c. The routes which construction traffic shall be directed to use so as to minimise insofar as reasonably practicable impacts of construction traffic on the transport network and the environment;
- d. Arrangements for publicity and promotion of the scheme during construction, including information on temporary closures and diversion of any part of the public highway and private roads, footways and cycle ways;
- e. Details, including management, of Site access/egress by vehicles, cyclists and pedestrians;
- f. Details of training undertaken by the road hauliers, in particular cycle awareness;
- g. Any necessary temporary road closure orders or diversions on the highway network in the vicinity of the Site;
- h. Any necessary temporary means in the closure and diversion of any pedestrian or cycle routes through or adjacent to the Site;
- i. The proposed measures and/or hoardings (including decorative hoardings) to separate and enclose any proposed construction works;
- j. The interface between the Development and any works being carried out at the time to developments in the vicinity of the Site if affected by the Development;
- k. Details of the form, siting and installation of temporary and permanent wayfinding signage to the destinations within the vicinity of the Site;
- l. Measures necessary to ensure the continued provision of bus and taxi services within the vicinity of the Site if affected by the Development including the provision of bus stops necessary as a result of any road closures;
- m. Measures to ensure the safety of the public during the period in which works are being carried out on the Site including lighting in the streets surrounding the Site;
- n. Measures to mitigate as far as is reasonably practicable construction and Demolition traffic impacts generally;
- o. The proposed hours of works taking into account the proximity of potential sensitive receptors;

- p. Details of the methods to be employed for the prevention of mud, grit, dust and dirt being carried onto the public highway from the development;
- q. Details of the methods to be employed to minimise the potential for the creation of dust from the development; and
- r. Details of the methods to be employed to minimise noise and vibration from the development;
- s. details of the means of protecting water and waste water infrastructure;
- t. Site perimeter representative sample , noise, monitoring; and
- u. A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London.
- v. A commitment to adopt and implement the ICE Demolition Protocol and Considerate Contractor Scheme
- w. A commitment to follow current best construction practice, including:-
  - [Southwark Council's Technical Guide for Demolition & Construction](#),
  - Section 61 of Control of Pollution Act 1974,
  - The London Mayor's Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition',
  - The Institute of Air Quality Management's 'Guidance on the Assessment of Dust from Demolition and Construction' and 'Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites',
  - BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Noise',
  - BS 5228-2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Vibration'
  - Relevant Stage emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 as amended & NRMM London emission standards <http://nrmm.london/>

All construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

Community liaison will be the responsibility of the developer with arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents' liaison meetings, etc.). Contractors will also be expected to liaise with the Local Authority to help manage construction impacts, including with nearby utilities and infrastructure improvements and to reduce cumulative impacts.

Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with policies P50 Highways impacts and P56 Protecting amenity of the

Southwark Plan 2022; policy T4 Assessing and mitigating transport impacts of the London Plan 2021; and the National Planning Policy Framework 2021.

### **Bakerloo Line extension**

Prior to the commencement of any works within the BLE safeguarded area relating to any part of the development included in the Local Development Order (excluding):

- a. site clearance
- b. site investigations, testing or surveys
- c. the provision of infrastructure boreholes permitted by the Town and Country Planning General Permitted Development Order 1995 or any amendment or replacement thereof
- d. excavation above -1.0m AOD, deposition, compaction, levelling of materials to new contours and works connected with infilling
- e. construction of temporary accesses and/or highway works to facilitate the carrying out of the Development including internal haul roads
- f. archaeological investigations and digs
- g. ecological surveys, investigations or assessments (including, for the avoidance of doubt, investigations or assessments relating to bats)
- h. decontamination and remediation workssite preparation
- i. the construction of boundary fencing or hoardings (including the erection of an enclosure for the purpose of site security), erection of temporary facilities for security personnel and the erection of security cameras
- j. erection of boards advertising the development and other site notices
- k. the construction of a temporary site compound and welfare facilities/buildings/enclosures, or temporary buildings moveable structures works plant or machinery and storage areas, or a temporary marketing suite that does not form a structure or part of a structure that will become part of the development after its use as temporary offices
- l. establishing temporary accommodation/facilities ahead of construction asbestos removal
- m. access works or works subject to separate agreements under s184 or s278
- n. works and operations to enable any of the foregoing to take place

A detailed design and construction method statement(s) for any and all of:

- (i) the ground floor structures,
- (ii) foundations, and
- (iii) any other works and structures below ground level, including piling and any other permanent installations relevant to the development, in each case in so far as these extend below -1.0m AOD, shall be submitted to and approved by the Local Planning Authority in consultation with Transport for London which:

1. Accommodate the proposed location of the Bakerloo Line Extension tunnels and other Bakerloo Line Extension structures in the vicinity of the site; and
2. (ii) Accommodate ground movement arising from the construction of the proposed Bakerloo Line Extension; and
3. (iii) Mitigate the effects of noise and vibration arising from the operation of the Bakerloo Line Extension within its tunnels and its other structures.

1.1 For the avoidance of doubt:

(a) the detailed design and construction method statement shall accommodate the "proposed location of the Bakerloo Line Extension tunnels and other Bakerloo Line Extension structures in the vicinity of the site" as these are designed and as this design information is in the public domain at the point of applying to discharge this condition. It shall not be necessary for the developer to wait until TfL has progressed the design to a more detailed level until this obligation can be discharged;

(b) the detailed design and construction method statement shall accommodate "ground movement arising from the construction of the proposed Bakerloo Line Extension" by reference to the construction methodology for the Bakerloo Line Extension as such information is in the public domain at the point of applying to discharge this condition. It shall not be necessary for the developer to wait until TfL has progressed the construction methodology to a more detailed level until this condition can be discharged;

(c) the detailed design and construction method statement shall "mitigate the effects of noise and vibration arising from the operation of the Bakerloo Line Extension within its tunnels and its other structures" by reference to the operational noise and vibration effects of the Bakerloo Line Extension as such information is in the public domain at the point of applying to discharge this condition. It shall not be necessary for the developer to wait until TfL has undertaken noise and vibration assessment to a more detailed level until this condition can be discharged;

(d) it shall not be necessary for the Local Planning Authority to wait for a substantive response from TfL before discharging this condition if the period of 21 days has elapsed since the Local Planning Authority first consulted TfL in connection with the discharge of this condition and no response has been received in that period.

1.2 The development shall be carried out in all respects in accordance with the approved design and method statements. All relevant structures and works comprised within the development hereby permitted and required by this condition shall be completed prior to the

occupation of the development (unless otherwise agreed by the Local Planning Authority).

1.3 No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Transport for London. Where any alteration of these aspects of the development is sought by the developer then paragraph 1.1 shall apply.

1.4 In paragraph 1.1(d) a "substantive response" shall mean a response by TfL that it either approves or rejects (in the case of a rejection reasons must be given) the detailed design and construction method statement; or a request by TfL for further information; for the avoidance of doubt a holding response shall not be considered a "substantive response" for the purposes of this condition.

Reason: To ensure that development does not compromise the ability to build the Bakerloo Line Extension in accordance with policy IP2 Transport Infrastructure of the Southwark Plan 2022.

## **Appendix 1 Area of Land covered by this Local Development Order**