



# City of Westminster Cabinet Member Report

<b>Decision Maker:</b>	Cabinet Member for Business, Licensing and Planning
<b>Date:</b>	14 February 2022
<b>Classification:</b>	General Release
<b>Title:</b>	Adoption of the Environmental Supplementary Planning Document (ESPD)
<b>Wards Affected:</b>	All
<b>City for All:</b>	Formally adopting the ESPD will support a Greener and Cleaner City by providing planning guidance that enables the city to develop in a way that is sustainable and creates a healthier environment all.
<b>Key Decision:</b>	No
<b>Financial Summary:</b>	The main costs associated with formally adopting the ESPD have been met within existing budgets.
<b>Report of:</b>	Executive Director of Innovation and Change

## 1.0 EXECUTIVE SUMMARY

- 1.1 The Council announced a Climate Emergency in September 2019 and set the ambition for it to be carbon neutral by 2030, with the whole city to follow suit by 2040, 10 years ahead of the Government target of 2050. Having an up to date, ambitious and robust planning policy context that will support these aims will be crucial in achieving them.
- 1.2 As part of the up-to-date framework, the council committed to producing an Environment SPD (ESPD) to follow the adoption of the City Plan. It will provide additional detail to the new City Plan environment policies, specifically Air Quality, Local Environmental Impacts (light pollution, noise, vibration, odour, land contamination and construction impacts), Green Infrastructure, Flood Risk, Energy, Waste Management, and Retrofitting and Sustainable Design. It will

therefore supplement the council's strengthened planning position relating to climate resilience and will help to ensure that the highest possible proportion of development requiring planning permission achieves net zero carbon emissions.

- 1.3 Consultation on the ESPD took place during May - June 2021; a period of six weeks. A range of stakeholders were invited to comment, including the development industry, statutory consultees such as Historic England and the Environment Agency, and local people including Amenity Societies and Neighbourhood Forums. A Consultation Statement has been prepared in line with Part 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.4 This report seeks approval to formally adopt the Environmental Supplementary Planning Document (ESPD). Once adopted, the ESPD will provide guidance for developers on how they can meet the environmental policies within the City Plan 2019-2040.

## **2.0 RECOMMENDATIONS**

- 2.1 That the Cabinet Member for Business, Licensing and Planning agrees to formally adopt the Environmental Supplementary Planning Document as a Local Development Document.

## **3.0 REASONS FOR DECISION**

- 3.1 To meet the requirements of the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004, the Localism Act 2011, and The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.2 Adopting the ESPD will give it full weight as a material consideration in decisions on planning applications.

## **4.0 BACKGROUND, INCLUDING POLICY CONTEXT**

- 4.1 Supplementary planning documents (SPDs) provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.
- 4.2 All required and appropriate consultation in accordance with the Town and Country (Local Planning) (England) Regulations 2012 has been carried out and

in accordance with the Council's Statement of Community Involvement (June 2014). Consultation on a draft Environmental Supplementary Planning Document (ESPD) took place 17th May - 28th June 2021; a period of six weeks. A range of stakeholders were invited to comment, including the development industry, statutory consultees such as the Greater London Authority (GLA), Historic England and the Environment Agency, and local people including Amenity Societies and Neighbourhood Forums. There was very strong support for the ESPD and the direction of travel on environmental issues.

- 4.3 Regulation 12: Regulation 12(a) of the Local Planning Regulations requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated into the SPD. The Consultation Statement is attached at Appendix 2.
- 4.4 The council's Climate Action Plan commits to a review of the ESPD in 2022. This review will provide an opportunity to take account of secondary legislation resulting from the recent Environment Act, the proposed Planning Bill, and guidance being produced by the GLA to support some of the London Plan environment policies including Circular Economy Statements, Air Quality Positive and Neutral, Whole Life-cycle Carbon Assessments, Urban Greening Factor and Energy Monitoring.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 All costs associated with adopting the ESPD are met from existing budgets.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 The preparation of Supplementary Planning Documents is governed by the requirements of the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004, the Localism Act 2011, and The Town and Country Planning (Local Planning) (England) Regulations 2012.

## **7.0 IMPACT ON THE ENVIRONMENT**

- 7.1 The Environmental SPD (ESPD) will provide additional detail to the City Plan's environment policies, specifically Air Quality, Local Environmental Impacts (light pollution, noise, vibration, odour, land contamination and construction impacts), Green Infrastructure, Flood Risk, Energy, Waste Management, and Retrofitting and Sustainable Design. It will therefore supplement the council's strengthened planning position relating to climate resilience and will help to ensure that the highest possible proportion of development requiring planning permission achieves net zero carbon emissions.

- 7.2 Alongside the City Plan policies, the ESPD represents a significant shift in the council's narrative on the environment and an uplift in the standards the council expects developers to adhere to. It gives much more prominence and weight to environmental issues than the previous planning framework and represents a significant step forward on issues such as achieving net zero carbon emissions, sustainable retrofitting of historic properties or greening the City.
- 7.3 Westminster has declared a climate emergency and committed to becoming a carbon neutral council by 2030 and a carbon neutral city by 2040. Both the City Plan and the ESPD are reflective of this commitment and show a change of direction for environmental policy for the Council. The ESPD shows the council's ambitions for the future of the built environment and shines a spotlight on the issues that all businesses must collectively work together to resolve to address the climate emergency.
- 7.4 Tackling climate change and reducing carbon emissions is a very high priority for the council and the ESPD will set out ways to ensure that developments are environmentally sound and carbon emissions are reduced. Westminster City Council is ambitious in this area of work and the ESPD will be built upon as further advances in environmental policy and innovations in the built environment are made.

## **8.0 HEALTH, WELLBEING IMPACT ASSESSMENT INCLUDING HEALTH AND SAFETY IMPLICATIONS**

- 8.1 The ESPD aims to improve local wellbeing through using planning interventions to improve air quality, manage the local impacts of demolition and construction, ensure provision of new green infrastructure and biodiversity net gain, manage flood risk, improve energy efficiency alongside a reduction in carbon emissions, ensure space for waste storage and support sensitive retrofitting of historic buildings. These seek to ensure that new development activity in the area fully addresses the health and wellbeing of residents, workers and visitors, and health and safety implications.

## **9.0 EQUALITIES IMPLICATIONS**

- 9.1 Under the Equalities Act 2010 the City Council has a "public sector equality duty". This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation, and any other conduct prohibited by the 2010 Act:
- to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and
  - to foster good relations between persons who share a relevant protected characteristic and those who do not share it.
- 9.2 The City Council is also required to have due regard to the need to take steps to take account of disabled persons' disabilities even where that involves more

favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that “having due regard” to the need to promote equality of opportunity involves having regard to:

- the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
- take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
- take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
- encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

- 9.3 The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.
- 9.4 The ESPD does not introduce new planning policies, but provides guidance for developers on how they can meet the environmental policies within the City Plan 2019-2040. The equalities implications of the environmental policies in the Westminster City Plan 2019-2040 have already been assessed as part of the Integrated Impact Assessment (IIA) which has been carried out since 2017 and has iteratively informed and guided policy development.
- 9.5 An Equalities Impact Assessment (EqIA) has been prepared to support the ESPD, based on the City Plan EqIA. This shows that the ESPD is in line with the City Plan EqIA and is not expected to have a negative impact on any of the groups with protected characteristics under the 2010 Act and the Public Sector Equalities Duty has been met. The EqIA is attached at Appendix 3.

**If you have any queries about this report please contact: Victoria Manning,  
Principal Policy Officer on 07800717948 or email  
vmanning@westminster.gov.uk**

## **APPENDICES**

- 1 – Environmental Supplementary Planning Document (ESPD) (Adoption version)
- 2 – Consultation Statement on the Environmental SPD
- 3 – Equalities Impact Assessment

Cabinet Member for Business, Licensing and Planning: Councillor Matthew Green

**Declaration of Interest**

I have to declare an interest in respect of this report

Signed:

Date:

NAME:

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Cabinet Member for Business, Licensing and Planning

State nature of interest if any:

I own a property in Queen's Park Ward, in which I live however I have not had any involvement in the consultation or formation of the Queens Park Neighbourhood Plan

For the reasons set out above, I agree the recommendation(s) in the report entitled **Queen's Park Neighbourhood Plan Decision Statement** and reject any alternative options which are referred to but not recommended.

Signed .....

Cabinet Member for Business, Licensing and Planning

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment: .....

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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, Director of Legal Services, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.