



City of Westminster

Planning & City Development Committee

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Classification: General Release

Title: Environmental Supplementary Planning Document

Report of: Director of Policy and Projects

Financial Summary: The implications will be managed within existing resources.

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1. Executive Summary

1.1 This report sets out how consultation responses on the Environmental Supplementary Planning Document (SPD) have been used to inform and strengthen the guidance in the final document, which was adopted on 25th February 2022.

2. Recommendation

2.1 Members are asked to note the content of this report.

3. Introduction

3.1 The council announced a Climate Emergency in September 2019 and set the ambition for it to be net zero carbon by 2030, with the whole city to follow suit by 2040, 10 years ahead of the Government target of 2050. To help support these aims, and provide more detailed guidance to support the implementation of environmental policies in the City Plan, the council has prepared, consulted on, and now adopted, an Environmental SPD. This brings together guidance on a range of environmental issues including air quality, green infrastructure, flooding, energy, waste and retrofitting and sustainable design, and covers local environmental impacts of development such as light, noise and odour, land contamination and construction impacts.

3.2 The guidance within the SPD supplements the council's strengthened planning position in the City Plan to climate resilience, gives more prominence to the weight of environmental issues, and will help to ensure that developments deliver a higher proportion of emissions savings at the development site, in line with net zero ambitions. It also shines a spotlight on the issues that all stakeholders must collectively work together to resolve to address the climate emergency.

3.3 Whilst the new SPD does not have development plan status, it has followed formal processes for adoption set out in planning legislation, including extensive public consultation, and is now a material consideration in the determination of planning applications.

4. Consultation

4.1 In line with statutory requirements, consultation on the draft Environmental SPD took place during May - June 2021; a period of six weeks. At this time 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. During the consultation period, a series stakeholder workshops on each of the main topic areas the SPD covers was carried - to enable stakeholders to better understand the council's intentions and make informed consultation responses.

4.2 In total, 49 separate consultation responses were received from a diverse range of stakeholders representing residents, businesses, developers, and professional organisations. Consultation responses provided strong support for the council's direction of travel on environmental issues, and has helped improve the effectiveness of the document, by highlighting the need for better cross referencing to other council activity and strategies, and the need for additional technical detail in some areas. In broad terms there was a push from Neighbourhood Forums and Amenity Societies for the council to do as much as possible to tackle climate change. Feedback from landowners and the development industry largely focussed on the need for more clarification on the assessments required for each type of development. This has been addressed in the final SPD through better signposting to the recently updated Local Validations Requirements, and the imminent Planning Obligations and Affordable Housing SPD.

4.5 In terms of the thematic contents of the document, further details of how it has been updated to address key issues raised through public consultation are provided below:

Air quality

4.6 As an area that residents feel strongly about, this chapter has been strengthened to say more about the sources of air pollution and how the council intends to reduce pollution as well as mitigate its effects. Greater clarity has been provided on when Air Quality Neutral and Positive standards apply, and signposting to the GLA's new draft technical guidance on how such matters are assessed has been added. That guidance sets out:

- how air quality status should be assessed, based on the levels of emissions associated with heating and supplying energy to a new building, and private vehicular movements to and from the building by its occupants; and
- financial penalties as a measure of last resort where emissions exceed benchmark standards, and the development does not therefore meet the appropriate air quality standard.

Local Environmental Impacts

- 4.7 In response to residents' concerns of the impacts of development on the local environment during the construction phase, greater cross referencing to the updated Code of Construction Practice, and the mitigation measures within it, has been added.
- 4.8 Additional information has also been provided on how conditions may be applied to proposals for new Class E uses, to limit harmful impacts from future changes that would not need planning permission.
- 4.9 Further context on why shisha smoking is singled out from other forms of smoking has been added in response to queries on this issue from café owners.

Green Infrastructure

- 4.10 A number of respondents noted that this section did not refer to the city's waterways, which make a positive contribution to biodiversity, access to nature, leisure activities and cooling. This has been rectified in the final version of the document, along with strengthened references to the need to protect and enhance biodiversity more generally.
- 4.11 Responding to some issues raised about how requirements for new or improved green infrastructure is assessed, further detail has been added on Biodiversity Net Gain (reflecting Natural England's Biodiversity Net Gain Matrix), and the use of the London Plan's Urban Green Factor until a locally specific approach based on the Wild West End Matrix is developed.

Flood Risk

- 4.12 This section has been updated to reflect comments that greater referencing to the findings of the council's Strategic Flood Risk Assessment, in particular its requirements for developments near tidal flood defences would be beneficial. Greater emphasis on the biodiversity benefits of Sustainable Drainage Systems (SuDS) has also been added, and more detailed information on the flood risk impacts of basement developments.

Energy

- 4.13 Increased signposting has been added to other plans and strategies, in particular the Climate Emergency Action Plan, to show what else the council is doing to de-carbonise energy, in response to issues raised regarding how the council intends to achieve the 2040 net zero target.
- 4.14 While much of the section focusses on our approach that new development proposal should follow the energy hierarchy of "Be Lean (i.e. use less energy), Be Clean (i.e. supply energy efficiently) and Be Green (i.e. prioritise renewable energy), more information has also now been provided on the refurbishment of existing buildings. In response to feedback that this should be prioritised over demolition, more information has been provided on how the GLA's approach to Whole Life-cycle Carbon Assessments (which includes consideration of the retention of the existing building) will be applied. Further information has also been added that the benefits of refurbishment need to be carefully balanced against other sustainability objectives including the need to deliver new housing and economic growth, meaning demolition will still be appropriate in some circumstances.

Waste Management

- 4.15 Signposting to the Municipal Waste Management Strategy has been added to this section to help readers find more information on non-planning related matters regarding the collection of waste, which was raised by several representors.
- 4.16 Improved links between the circular economy, including avoiding the demolition of existing buildings before refurbishment options have been considered as part of a Whole Life-cycle approach to Carbon Assessments, has also been provided. Further information has also been added on how waste storage for Use Class E developments will be conditioned given the flexibilities offered by this Use Class of potential occupiers, and subsequent variations in waste needs.

Retrofitting and Sustainable Design

- 4.17 Additional text has been added to reflect concerns raised by the development industry that there is a balance in weighing the public benefits of delivering environmental improvements and protecting heritage assets. Greater signposting to other guidance on listed building and in conservation areas has also been added in response to queries from residents on domestic improvements within homes that fall within these designations.

5. Financial Implications

- 5.1 The implications will be managed within existing resources.

6. Legal Implications

- 6.1 The Director of Law has considered the contents of this report and does not have any additional comments.

7. Conclusion

- 7.1 Members are asked to note the content of this report and the implications that the new SPD will have for planning decision-making in Westminster.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Sean Walsh, Principal Policy Officer (swalsh2@westminster.gov.uk; 07811 676 435).

Background Papers:

[Environmental SPD, Adoption Version](#)