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Westminster City Council
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Dear Councilor Green

Main modifications consultation

Thank you for consulting us on the Schedule of Main Modifications for consultation (November 2020). We have reviewed the most recently proposed modifications and provided comment in the table below.

In this table we have identified amendments to the some of your council's policies that we believe are necessary to make them more consistent with national policy, to improve clarity and to promote better environmental outcome for the City of Westminster.

Thank you for your consideration towards our previous suggestions. We look forward to being consulted on future changes to these policies.

Should you have any queries, please do not hesitate to contact me on the details below.

Yours sincerely,

[Redacted signature]

[Redacted name]

[Redacted title]

[Redacted contact details]

Policy	Our comments to proposed modifications	Westminster Response	EA comments
31 - Technological innovation in transport	We do not believe that any further changes to this policy are required providing that the amendments we have proposed to Policy 34 are incorporated into the amended City Plan.	NA	No further changes to this policy were required subject to our comments on Policy 34 being taken on board. If our suggested amendments to Policy 34 are not taken on board then more detail will be required under this policy to reduce the risks re-fuelling stations pose to groundwater and to comply with paragraph 170 of the NPPF. If Our suggestions to policy 34 are taken on board then no further changes will be necessary.
32 - Waterways and waterbodies	<p>We welcome the addition of Point 4 however we recommend the following minor amendment:</p> <p>4. Not compromise the integrity of the River Thames tidal flood defences or the ability to raise it in the future in line with the Thames Estuary 2100 Plan; and</p> <p>This would help enable your council to meet the objectives of the Thames Estuary 2100 (TE2100) plan while demonstrating compliance with Paragraph 149 of the NPPF and Policy SI12.D of the Draft London Plan which states: Developments Plans and development proposals should contribute to the delivery of the measures set out in Thames Estuary 2100 Plan.</p> <p>5. Not negatively impact the intertidal foreshore, defined and protected within the London Biodiversity Action Plan and, where feasible, provide improvements to intertidal habitats. Where required, developers should demonstrate appropriate mitigation measures that will preserve the continued dynamism and biodiversity value of the foreshore.</p> <p>These changes are supported by Paragraph 170 of the NPPF and Policy G6 of the Draft London plan.</p>	<p>Amend clause G to read:</p> <p>G. Proposals for permanent moorings on the River Thames will:</p> <ol style="list-style-type: none"> 1. enhance the character and appearance of the riverside and be open to the public; 2. not compromise views of the river, the World Heritage Site and other heritage assets and their settings; and 3. not hinder navigation or jeopardise the long-term use of pier recesses; 4. not compromise the integrity of the River Thames flood defences or the ability to raise them in the future in line with the Thames Estuary 2100 Plan; and 5. not negatively impact the intertidal foreshore defined and protected within the London Biodiversity Action Plan and, where feasible, provide improvements to intertidal habitats. Where required, developers should provide appropriate mitigation measures that will preserve the continued dynamism and biodiversity value of the foreshore. 	We welcome the inclusion of amendments 4 and 5.

<p>34 - Local environmental impacts</p>	<p>We welcome the changes however this should be transferred into policy instead of supporting text. In addition we recommend the following amendment to provide further clarity to developers.</p> <p>Applicants should follow the council's Contaminated Land Guidance for Developers and adhere to relevant guidance published by regulatory bodies (including the Environment Agency) and other stakeholders (including. Claire, CIRIA and British Standards).</p> <p>This amendment is important as developers should be made aware of as much guidance as possible. These changes would also improve compliance with Paragraphs 170 and 178 of the NPPF. This is further supported by the 'Environment Agency's Approach to Groundwater Protection February 2018 version 1.2' position statement A.6 whereby it is expected that developers and site owners comply with relevant Environment Agency and government guidance along with other standards (e.g. British Standards, CIRIA, ISO etc.)</p>	<p>Amend clause A to read: A. The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment, are not adversely affected by harmful pollutants and other negative impacts on the local environment.</p>	<p>We strongly suggest that our previous suggestion to transfer this supporting text into policy is taken on board to improve compliance with paragraphs 170 and 178 of the NPPF by providing further clarity on specific guidance available to developers.</p> <p>This amendment is also necessary to cover groundwater protection from transport sources as detailed in our comments on Policy 31 above.</p>
<p>35 - Green infrastructure</p>	<p>The DEFRA metric 2.0 for BNG should be mentioned within this policy (available at: http://publications.naturalengland.org.uk/publication/5850908674228224). Developers will be asked to use this metric to achieve a minimum 10% gain for each ecological element in the near future in line with Paragraphs 170, 174 and 175 of the NPPF.</p>	<p>Amend clause G to read: G. Developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats.</p> <p>Amend paragraph 35.8 to read: The five Royal Parks in the city (Regent's Park, Kensington Gardens, Green Park, Hyde Park and St James's Park) are designated Metropolitan Open Land (MOL) and are therefore afforded the same protection as green belt land. The Royal Parks constitute close to 90% of Westminster's open space and are a vital part of the character of the city. We will work with partners and applicants to preserve the open character of the Royal Parks and enhance the value they bring for London. Any development affecting the Royal Park boundaries must be</p>	<p>To strengthen this policy and demonstrate the councils commitment to improving biodiversity, we recommend including the DEFRA metric 2.0 (available at: http://publications.naturalengland.org.uk/publication/5850908674228224) as a minimum criteria. Use of this metric will be required by developers to demonstrate a minimum 10% gain for ecological elements.</p> <p>Including this metric in policy will improve awareness and allow developers to identify and address these needs at earlier</p>

		<p>accompanied by thorough evidence which demonstrates that there are exceptional circumstances consistent with the requirements for changes to MOL in national policy and the London Plan.</p> <p>Update Figure 28 to show the triangular open space in front of the QEII centre as a private rather than public open space.</p>	<p>stages in the planning process. This is likely to lead to better and greater biodiversity gains and bring your policy more in line with objective 6 as identified at the start of the Local Plan.</p> <p>This is in line with NPPF paragraphs 170, 174 and 175.</p>
36 - Flood risk	<p>We welcome these policy additions however it is essential that future flood defence raising are incorporated into this policy area. Therefore we have recommended the following changes:</p> <p>G. All existing flood management infrastructure will be protected, including access for maintenance. Wherever possible, an accessible undeveloped buffer zone of 16m should be maintained around tidal flood defence structures, including buried elements of the flood defence.</p> <p>H. Improvements to flood defences will be secured through planning conditions and / or legal agreements where the size, type and / or location of development impacts on flood risk. No development shall limit the future raisings of flood defences outlined in the Thames Estuary 2100 Plan.</p> <p>Recommended additional point I. Any development within 16m of a tidal flood defence would only be acceptable if it can be demonstrated that the defences can be raised and maintained for the lifetime of the development.</p> <p>This would help enable your council to meet the objectives of the TE2100 plan while improving compliance with Paragraph 149 of the NPPF and Policy SI12.D of the Draft London Plan which states: Developments Plans and development proposals should contribute to the delivery of the measures set out in Thames Estuary 2100 Plan.</p>	<p>Amend clause G to read: G. All existing flood management infrastructure will be protected, including access for maintenance. Wherever possible, an undeveloped buffer zone of 16m should be maintained around flood defence structures, including buried elements of the flood defence.</p> <p>Amend clause H to read: H. Improvements to flood defences will be secured through planning conditions and / or legal agreements where the size, type and / or location of development impacts on flood risk. Development should not limit future raising of flood defences outlined in the Thames Estuary 2100 Plan.</p> <p>Insert new clause I to read: I. Where appropriate, planning permission for developments which result in the need for off-site upgrades to the water or sewerage network, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades.</p> <p>Re-name clause I as clause J. Insert new paragraph after paragraph 36.3 to read and re-number subsequent paragraphs accordingly: In addition, sleeping accommodation below the modelled breach flood water level in areas identified as being at risk of flooding in the event of a breach of the Thames Tidal Flood Defences, as set out in Environment Agency guidance, will not be supported.</p> <p>Amend paragraph 36.5 to read: Besides the Thames Barrier, Westminster is protected from tidal and fluvial flooding by Thames Tidal Flood Defences including the Embankment wall. We will protect flood management</p>	<p>We welcome the inclusion of these amendments and thank you for your co-operation.</p>

	<p>New Para 36.4a added: We welcome this additional point however this should be transferred into policy as opposed to supporting text in order to give it additional weight. We have also recommend the following changes for additional clarity:</p> <p>Sleeping accommodation below the modelled breach flood level will not be supported in areas at risk of flooding from a breach in the Thames Tidal Flood Defences, unless it can be adequately demonstrated that there is a permanent fixed barrier to prevent water ingress, as set out in Environment Agency guidance.</p> <p>These changes to this supporting text have been recommended for additional clarity.</p>	<p>infrastructure to ensure the risk of flooding is minimised. Development within 16m of a tidal flood defence will only be acceptable if it can be demonstrated that the defences can be raised and maintained for the lifetime of the development. Access to defences for maintenance and emergency purposes must be retained, and their improvement will be sought as a condition or via legal agreement where appropriate.</p> <p>Insert new paragraph after paragraph 36.9 to read: Wastewater infrastructure Developers are encouraged to contact Thames Water as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint, the council will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.</p> <p>Amend Figure 30 so all boundaries are consistent with those shown in the Schedule of Changes to the Policies Map (Sep 2020) – document CORE_026_V2 and the Post-submission Draft Policies Map (July 2020) – document CORE_027_V2</p>	
39 - Design Principles	<p>We welcome this addition to the policy and supporting text however your council should strongly consider including the quantitative targets (110 litres/person/day) within the policy itself.</p> <p>Net gain and sustainability should be a constituent part of the development design process rather than being addressed at later stages in line with Policy G6.D of the Draft London Plan. Therefore it would be highly beneficial if measures such as grey water harvesting, green roofs/walls and SuDS were to become a requirement for development where such measures are feasible to implement.</p>	<p>Amend clause D part 3 to read: 3. optimising resource and water efficiency; Amend paragraph 39.10 to read:</p> <p>As new developments are large consumers of resources and materials the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building. All development should ensure the reduction, reuse or recycling of resources and material and minimise energy use and emissions that contribute to climate change. As Westminster falls within an area classified as “seriously” water stressed, all development should maximise water efficiency. Residential development should meet the optional water efficiency requirement of 105 litres or less per person/day in line with Policy SI5 of the London Plan. This will be secured by condition.</p>	<p>We welcome the inclusion of quantitative targets within policy and thank you for including more stringent targets than we required in line with policy SI5 of the London Plan.</p> <p>We do however recommend that requirements for sustainable infrastructure such as green roofs/walls, grey water harvesting and SuDS where feasible are incorporated into policy 39 as well as policy 35 to ensure sustainability is at the forefront of the design process.</p>

46 - Basement developments	We are happy for this issue to be addressed through Policy 36 providing that the amendments we have proposed to paragraph 36.4a are incorporated into the amended City Plan.	NA	NA
Wastewater infrastructure	We are happy with this approach.	NA	NA