

Chapter 9: Environment

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INTRODUCTION

- 9.1 This chapter sets out the principles and policies for achieving greater sustainability within a high quality environment. The most widely accepted definition of sustainable development is that meeting “the needs of, and the aspirations of, the present generation without compromising the ability of future generations to meet their needs”, put forward in ‘Our Common Future, published by the World Commission of Environment and Development in 1987. This means that protection of the present and future environment should act as the guiding framework for all economic, social and spatial development. Communities must plan to live within their environmental means and reduce their demands on resources. The Government’s strategy for sustainable development for the United Kingdom, ‘A Better Quality of Life’, published in May 1999, reflects the 1992 United Nations ‘Earth Summit’ in Rio de Janeiro and its agreed plan of action, Agenda 21. The City Council supports the principle of sustainable development and has approved a Local Agenda 21 strategy and action plan.
- 9.2 Government guidance in PPS 12: Local Development Frameworks, published in September 2004, recognises that the planning system, and development plans in particular, can make a major contribution to the achievement of sustainable development. Integrated land use and transport policies in planning documents can help to achieve environmental sustainability. (See Chapter 4: Transport). The Mayor of London’s vision in the London Plan, paragraph xxiii, is “to develop London as an exemplary, sustainable world city, based on the three balanced and interwoven themes of strong, long-term and diverse economic growth, social inclusivity and fundamental improvements in the environment and use of resources.” This chapter considers the following key areas:
- a) building for a sustainable city
 - b) assessing environmental effects
 - c) pollution: air, noise, water, light, land
 - d) waste and recycling
 - e) amenity and environmental quality
 - f) nature conservation, biodiversity, planting and open space.
- 9.3 Policies STRA 14 to STRA 16, STRA 21 and STRA 29 to STRA 35 in Part 1 of this plan, and the policies in Chapter 4: Transport, Chapter 5: North West Westminster and Chapter 10: Urban Design and Conservation, in Part 2, are also particularly relevant to this chapter.

BUILDING FOR A SUSTAINABLE CITY

Aim

- 9.4 To ensure the resource efficiency and sustainability of buildings in Westminster.
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POLICY ENV 1: SUSTAINABLE AND RESOURCE EFFICIENT BUILDINGS

~~(A) The City Council will encourage and in specified cases require developers to consider sustainable design principles and to complete the sustainable buildings parts of the Environmental Performance Statement (EPS) in Annex 9.1.~~

~~(B) In considering planning applications the City Council will expect the efficient use of energy and other non-renewable resources through careful orientation, design, choice of materials, equipment, and landscaping.~~

~~(C) In new developments, the City Council will encourage the use of natural ventilation and lighting, effective energy conservation, and thermal and acoustic insulation, to conserve energy and reduce noise and air pollution.~~

~~(D) The City Council will encourage use of renewable energy installations that achieve good design solutions, particularly in sensitive areas, and that avoid detrimental effects on the surrounding area. Where feasible, new developments will be required to incorporate renewable energy generating plant to meet a proportion of the development's overall energy demand.~~

~~(E) The City Council encourages use of independent appraisals of the sustainability of buildings and for larger developments requires these. Applicants should refer to Annex 9.1 and tables 9.2 and 9.3, for the kinds of appraisal required and the size and type of development for which these are required.~~

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Policy application

- 9.5 The City Council encourages developers to apply sustainable design principles. These principles include:
- a) design and orientate buildings for passive solar gain and to minimise energy requirements
 - b) minimise the materials, energy and water needed to construct and operate buildings
 - c) minimise carbon emissions resulting from the operation of buildings
 - d) use materials which are not scarce and which can be obtained without causing damage to important habitats or ecosystems
 - e) avoid use of materials which may cause problems for human health
 - f) re-use materials and components and use recycled components and materials
 - g) enable salvage and collection of waste components and materials for recycling
 - h) prevent pollution to air, land and water so that there is no damage to natural systems
 - i) protect and create wildlife habitats
 - j) use sustainable drainage systems
 - k) design and construct new buildings which can be adapted to different uses and can be maintained with minimal use of resources
 - l) make the best use of existing buildings, by refurbishing, adapting and re-using them wherever possible
 - m) ensure that developments minimise the need for transport and encourage access on foot and by bicycle.
- 9.6 All developers are encouraged to adopt these principles. Above certain size thresholds they are mandatory. The Mayor of London attaches high importance to sustainable design and construction in the London Plan and therefore all developers are encouraged to adopt these principles. In addition, applicants should refer to the Sustainable Buildings sections of Annex 9.1, 'Environmental Performance Statement: Checklist of Environmental Effects and Sustainability' and complete all relevant sections for submission with planning applications. The introduction to Annex 9.1 gives further explanation. Conditions may be attached to planning permissions to ensure that sustainable building principles are applied. The City Council's Supplementary Planning Guidance on Sustainable Buildings was published in March 2003. Applicants are strongly encouraged to consult this for an explanation of sustainable design principles, examples of good practice and guidance on methods appropriate for development of existing and new properties in Westminster. Related policies in Chapter 10: Urban Design and Conservation will also apply.

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- 9.7 Certain building measures can result in substantial energy savings, so high standards to achieve them will be encouraged. Solar panels and photovoltaic cells are proven devices for generation of renewable energy, but must be of a high quality and designed sensitively in order not to be visually intrusive. The application of wind generators may prove possible in some circumstances, if they can conform to stringent environmental and conservation standards. Sensitive areas and buildings, particularly conservation areas and listed buildings, may constrain choices about building orientation and installations. Nonetheless, energy-efficient buildings are achievable, even in a densely built area such as Westminster where there is much overshadowing and limited flexibility in deciding the orientation of a new structure. For residential properties, the interior of habitable rooms should be substantially day-lit other than early morning, late in the afternoon or on exceptionally dull days. This helps to conserve energy by reducing the need for supplementary artificial light and contributes to the quality of residential accommodation. For certain uses, the requirement to seal shopfronts to contain noise may override any opportunity to use natural ventilation.
- 9.8 In conformity with the London Plan policies 4A.7- 4A.10 on energy assessments and saving, developers of new buildings will be expected to submit an energy statement demonstrating how their energy-efficient measures will work. Insulating roofs and walls to a high standard will, for example, be essential. Community heating should also be considered since this is a very effective way to reduce energy demands and carbon emissions. The use of wind generators, solar panels and photo-voltaic cells may be appropriate, subject to conservation area and listed buildings policies. The City Council will encourage developers to minimise the use of materials and to use recycled and re-used materials and components. The use of water conservation measures in the design and management of buildings will be encouraged.
- 9.9 Energy conservation in buildings is covered by the Building Regulations. Building Regulation requirements for energy efficiency currently apply to new buildings and to certain types of alteration work. The Housing Corporation operates energy-efficiency standards for new-build social housing which are higher than those required by the Building Regulations and already has a set of energy efficiency standards for rehabilitated dwellings provided by Housing Associations.
- 9.10 Developers are advised to refer to the best practice guide published in 2000 by the London Research Centre on 'Renewable Energy in London' and Government Guidance in PPS 22: Renewable Energy, issued in 2004. The Mayor of London's Energy Strategy, published in February 2004, has also been considered by the City Council in relation to these policies. Policy ENV 12 covers storage provision requirements for the collection of materials for recycling.

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- 9.11 In building construction and development, the City Council will oppose the use of natural materials that are scarce or from vulnerable habitats, such as peat, scarce tropical hardwood and weather-worn limestone. The use of wood certified to Forest Stewardship Council or comparable standards will be encouraged.
- 9.12 Demand can be reduced by installing water-efficient appliances, exploiting technologies such as 'grey water' schemes that recycle used washing water to flush toilets, and taking simple measures to reduce unnecessary waste, such as spray-head and self-stopping taps. Some developments may be able to access non-potable water from deep aquifers, through existing wells or boreholes. Most of these measures are dealt with by the Building Regulations rather than planning controls. The City Council will have regard to the Water Supply (Water Quality) Regulations 2000.

Reasons

- 9.13 The way in which a building and its surroundings are designed, constructed, maintained and used can make a significant difference in achieving sustainable development. Buildings consume large quantities of natural and non-renewable resources in their operation as well as in their construction, which all have environmental effects in their extraction and manufacture. There are hidden environmental costs in construction. Maintenance and refurbishment work can lead to valuable resources being wasted, for example, by materials not being re-used or recycled. The environmental cost of running a building include: the energy used for lighting, heating, air conditioning and equipment; associated greenhouse gas emissions; water consumption; air and water pollution and the energy cost of bringing workers to the building.
- 9.14 The greater environmental efficiency of a new building may outweigh the environmental cost of refurbishing an older building. Nevertheless, the adaptation and re-use of an existing stock of buildings is also fundamental to sustainable living. Older buildings often contain a wealth of material and cultural resources, and contribute to a sense of place and historical association. The workmanship and materials that have been used to construct them can make restoration a more sustainable option than replacing them. Long-term adaptability will be an important consideration in assessing applications for demolition and redevelopment.
- 9.15 The City Council will continue to promote the upgrading and re-use of historic buildings, and the preservation of their historic features. Continued adherence to standards of the highest quality for all buildings, new and old will ensure that Westminster continues to play a leading role in maintaining London's position as a World City.

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- 9.16 Although energy conservation is a high priority, other resources, particularly water, are just as important. Clean water is crucial for public health, food production and biodiversity. In the United Kingdom, the highest demand for water is in South-east England which also has the lowest rainfall. Rainfall is not the only factor. Water consumption per person is increasing.
- 9.17 Occupied buildings consume a lot of water. The principles which apply to water conservation are much the same as for energy conservation: reduce consumption and demand, recycle and prevent pollution.

ASSESSING ENVIRONMENTAL EFFECTS

Aim

- 9.18 To ensure that the environmental effects of developments are systematically assessed and considered.
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POLICY ENV 2: ENVIRONMENTAL APPRAISAL

In considering planning applications:

- (A) all applicants will be expected to complete those parts of the Environmental Performance Statement applicable to their proposals.**
- (B) the City Council will require use of Environmental Impact Assessments (EIA), for those developments that meet the Government's Schedule 1 criteria and for those Schedule 2 criteria that the City Council determines are likely to have significant environmental effects. Applicants should refer to the Regulations and paragraph 9.20 below for the types of proposal likely to require an EIA.**
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Policy application

Environmental Impact Assessment (EIA)

- 9.19 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended, require an EIA to be carried out by a developer in relation to specific kinds of development. An EIA is required in every case for those developments listed in Schedule 1 of the regulations projects. An EIA will be required for a particular project that is at or above specified thresholds and criteria set out in Schedule 2 of the

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regulations, or where it is likely to give rise to significant environmental effects.

- 9.20 Few developments in Westminster are likely to fall within Schedule 1, which refers primarily to developments such as power stations; industrial developments; airports; long distance railway lines, major roads and canals, waste disposal incinerators; major groundwater abstraction schemes; and waste water treatment plants. Schedule 2 includes developments for: agricultural, industrial and other production and processing industries; extractive, mineral, chemical, food and energy industries, and infrastructure and other similar projects. Schedule 2 developments that may be proposed in Westminster include large urban development projects. These could include the construction of shopping centres and car parks; leisure centres and multiplex cinemas; intermodal transshipment facilities; railways; roads; quays and piers; tramways, elevated and underground railways; groundwater abstraction, and installations for the disposal of waste and marinas.
- 9.21 For Schedule 1 projects it will usually be clear whether a proposal falls within the scope of the regulations. Whether a proposed development falls the scope of Schedule 2 depends on the likelihood of significant environmental effects. The regulations set a system of thresholds and criteria. However, even when the threshold or criterion is not met or exceeded, an EIA may be required if the proposed development is in, or partly in, or close to a sensitive area. The definition of sensitive areas in the regulations that may relate to Westminster includes World Heritage sites and scheduled monuments. In exceptional circumstances, the Secretary of State may direct that a particular type of Schedule 2 development requires an assessment, even if it is not to be located in a sensitive area, or does not exceed or meet the applicable threshold or criterion.
- 9.22 Where there is a possibility that a proposed development will require an assessment, developers or promoters are advised to consult the City Council well in advance of any application. The regulations provide a procedure that enables developers to apply to the planning authority for a 'screening opinion', to assess whether an EIA is needed in a particular case, as soon as basic minimum of information can be provided about the proposal and well in advance of any formal planning application. This must include a plan on which the site of the proposed development is identified, and a brief description of the nature and purpose of the development and its possible effects on the environment. Other information may be added to this if the developer wishes and the City Council may request further information. Where a developer applies for a screening opinion, the City Council must give its opinion within three weeks unless the developer agrees to a longer period, and must make its determination available for public inspection.

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- 9.23 An applicant may request the planning authority to provide a scoping opinion on the impacts and issues that the EIA should address. The statutory process requires discussion between the authority, applicant and statutory bodies and a scoping opinion must be issued within five weeks of the request or longer if agreed.
- 9.24 The City Council will also encourage use of voluntary environmental appraisals for those urban development projects that it judges are likely to have significant environmental effects requiring systematic appraisal. In most cases this will relate to the scale or complexity of a proposed development or to its proximity to environmentally sensitive areas.
- 9.25 The content of an assessment should be tailored to the nature of the project and its likely effects. Schedule 4 of the regulations lists the information to be included in an environmental statement and gives an indication of the kinds of effects that may be relevant. This covers population; habitats and species; soil, water and air; architectural and historic heritage; landscape and topography; recreational uses; and any other relevant environmental features. Other effects of particular relevance in Westminster include noise; waste; landscape and open space; and archaeological remains.

Environmental Performance Statements

- 9.26 EIAs are designed to apply to large, complex and potentially intrusive developments that are likely to have significant environmental effects. Because of the dense nature of Westminster's land uses, activities, residential population, and consequently the sensitivity of much of the City, development proposals which the City Council deems to be significant but fall outside the criteria for an EIA, will still need to be assessed for their environmental effects, including the following aspects: air and water quality; contaminated land; noise; waste and recycling management; nature conservation; landscape; and archaeology.
- 9.27 The City Council will use its Environmental Performance Statements (EPS) procedure to assess possible effects of a development and to encourage, and in specific instances to require, measures to reduce or contain likely adverse environmental impacts. The requirements for an EPS are set out in Annex 9.1 to this chapter. The statement will set out details of the proposed development and its likely environmental effects. There are sections specific to buildings and their sustainability. Traffic and transport issues are covered by Transport Assessments: details of these are given in Chapter 4: Transport in Policy ENV 14 and Appendix 4.1 and need to be cross-referenced to an EPS in all relevant cases.

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Reasons

- 9.28 The City Council needs to consider all the environmental implications of developments and to do this in a structured and systematic way.
- 9.29 Environmental Impact Assessment (EIA) is an important procedure which ensures that the likely environmental effects of a new development are understood and taken into account before the development goes ahead. The European Community Directive 85/337/EEC on 'The assessment of the effects of certain public and private projects on the environment' was amended by EU Council Directive 97/11/EC, in March 1997. This directive and its amendment have been incorporated into planning consent procedures through the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended.
- 9.30 EIAs enable environmental factors to be given their due weight alongside economic and social factors when planning applications are considered, and provide an informed basis for decision making. They provide a useful framework for developers to consider how environmental and design aspects can interact, to avoid possible adverse environmental effects and ways of anticipating the effects, through the requirement for consultation and the production of a non-technical summary. The EIA also has an important public consultation function.
- 9.31 The City Council's Environmental Performance Statement (EPS) procedure provides a systematic way of enabling a developer to set out the way in which a development may affect the environment, in relation to requirements set out in the environment policies and policies to encourage sustainable buildings in the UDP. This is to facilitate the efficient appraisal of a development proposal, and to ensure that any likely adverse environmental effects are minimised and, at best, avoided.
- 9.32 The Building Research Establishment's Environmental Assessment Method (BREEAM) scheme for environmental assessment of office buildings before and after construction provides a systematic means for appraisal and the means for certification after completion. The BRE's EcoHomes scheme provides a similar method for housing developments, and a similar appraisal systems are available for other types of development. Use of these or comparable methods will enable a developer to apply higher energy and other standards than the minimum required by the Building Regulations, to achieve a more efficient development. The City Council encourages use of these and similar appraisal procedures to be used, and will require them for the larger categories of development indicated in Tables 9.2 and 9.3 below.

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- 9.33 The City Council's Supplementary Planning Guidance on Sustainable Buildings, published in 2003, provides specific advice and information about achievement of developments that are designed to be environmentally efficient. Use of this will enable developers to select appropriate means to apply the outcomes of independent environmental appraisals of developments.

VACANT AND UNDERUSED LAND

Aim

- 9.34 The City Council will encourage new uses on vacant and under-used land that will bring the greatest benefit to Westminster's residents.
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POLICY ENV 3: VACANT AND UNDERUSED LAND

- (A) Appropriate uses will be sought for the vacant and underused sites specified in Schedule 2, in accordance with the policies in the Plan. This may include the preparation of planning briefs. Priority will be given to development for housing.**
- (B) The temporary use of vacant land for amenity open space and other uses of benefit to the public will be encouraged. Permission will not preclude the ultimate grant of planning permission for other long-term use of the land.**
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Policy application

- 9.35 The City Council will encourage new uses on vacant and under-used land that will bring the greatest benefit to Westminster's residents. Major opportunity sites, including those which are vacant and under-used, are shown on the Proposals Map and are listed in Schedule 2 towards the end of this plan. The City Council will usually prepare planning briefs for these sites, favouring comprehensive schemes. Where appropriate, priority will be given to development for housing. The alternative use of vacant or derelict land for public open space or for wildlife habitats will be encouraged, particularly in priority areas for additional public open space and of wildlife deficiency as shown on Maps 9.1 and 9.2. The City Council may require an assessment of the land for open space and wildlife potential prior to considering any development opportunities. Policies for treating contaminated land (ENV 8) and for protecting habitat value (ENV 17) may apply.

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Reasons

- 9.36 Land and natural materials are valuable resources and the City Council will strive for the optimal use to be made of land and materials.

PLANTING AROUND AND ON BUILDINGS

Aim

- 9.37 To provide a greener, more attractive city.
-

POLICY ENV 4: PLANTING AROUND AND ON BUILDINGS

(A) The landscaping of forecourts, walls, entrance areas and grounds will be encouraged, where appropriate.

(B) Planting on flat surfaces and roofs on buildings will be encouraged subject to the need to maintain the amenities and the privacy of neighbouring occupiers, conservation area and listed buildings policies, and ensuring that views out of the Royal Parks are not compromised.

Policy application

- 9.38 Opportunities for greening and tree planting will be sought while having regard to the duty to preserve the special historic characteristics of conservation areas and listed buildings. In order to protect views from parks, particularly the Royal Parks, roof-level planting on surrounding buildings should not bring the height of the building above the top of the tree canopy when seen from within the park.
- 9.39 Where roof gardens or planted roofs are appropriate in design and amenity terms and meet the terms of policy ENV 13, the City Council will encourage their contribution towards Westminster's wildlife habitats, particularly in areas of open space deficiency and of wildlife deficiency. Policy ENV 16 deals with trees and planting. These policies must be read in conjunction with the policies in Chapter 10: Urban Design and Conservation.
- 9.40 Planting on vertical surfaces such as on buildings and walls should be done in ways that recognise the value of these areas as habitats for wildlife. Vertical habitats are one of the priorities in the Westminster Biodiversity Action Plan, referred to in policy ENV 17.

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Reasons

- 9.41 Landscaping buildings with trees, shrubs and planted areas can bring practical, environmental and psychological benefits, by:
- a) providing attractive scenery
 - b) providing shade and thus protection from ultraviolet radiation
 - c) improved microclimate
 - d) absorbing carbon dioxide and producing oxygen
 - e) providing shelter
 - f) providing noise barriers
 - g) reducing dust and pollutants
 - h) reducing wind effects
 - i) providing food, nest sites and shelter for wildlife
 - j) cooling and moistening the atmosphere during hot weather.
- 9.42 “Green roofs” can provide many general environmental and associated aesthetic and health benefits. There are a significant number of flat and other suitable roofs in Westminster which present a valuable opportunity for extending and improving the quality of the green environment in central London. Besides bringing the general benefits of planting, landscaped roofs:
- a) offer amenity space in locations where it would otherwise be difficult provide it
 - b) protect building surfaces from wind, frost, rain and ultraviolet radiation
 - c) provide extra energy and noise insulation for the building
 - d) create stepping-stone habitats
 - e) filter out particulates
 - f) slow rain runoff from buildings.
- 9.43 Paragraphs 9.236 to 9.272 on open space, nature conservation and biodiversity are also relevant. Reference should also be made to the policies in Chapter 10: Urban Design and Conservation on development in conservation areas and on the protection of listed buildings and their settings.

POLLUTION: AIR, NOISE, WATER, LIGHT & LAND

Introduction

- 9.44 National planning guidance states that development plans must include policies to control pollution and that pollution policies should be balanced against other policies for the improvement of the physical environment, the conservation of the natural environment, scarce resources and amenities, and the protection of natural resources.

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- 9.45 The City Council places high priority on safeguarding a safe, healthy and attractive environment for everyone. In determining planning applications, the City Council is concerned to ensure that any discharge to air, water or land will not damage health or ecology and will not cause a nuisance. Following any necessary consultations with other Council departments and the Environment Agency, appropriate conditions may be imposed to ensure that adequate measures are taken. This may include measures to control dog fouling and feral pigeons. The City Council encourages new developments to be designed so that they avoid wherever possible features, such as ledges, that attract roosting and nesting feral pigeons. Where the inclusion of such features is unavoidable, pigeon-proofing features should be fitted, such as horizontal wires, spikes and netting.
- 9.46 The City Council will consult other agencies, in particular the Environment Agency, when considering possible pollution problems. Air, water or soil impact assessments may be a condition of planning permission. The Planning (Hazardous Substances) Act 1990 provides for the control of the presence or use of hazardous substances. A European directive (96/82/EC) also requires Member states to prevent major accidents involving hazardous substances in their land use planning policies.

AIR POLLUTION

Aim

- 9.47 To reduce air pollution.
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POLICY ENV 5: AIR POLLUTION

- (A) The City Council will encourage new development that does not lead to an increase in local air pollution.**
- (B) The City Council will promote measures to improve air quality, in particular encouraging developers to minimise global and local air pollution and emission of odours by:**
- 1) minimising traffic generated by developments**
 - 2) using natural ventilation systems and lighting wherever possible**
 - 3) using the most energy efficient forms of heating, air conditioning and active ventilation systems**
 - 4) careful design and siting of central heating and ventilation exhausts**

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- 5) **avoiding or reducing emissions from the burning of fossil fuels**
 - 6) **following the Westminster Considerate Builders' code of practice to contain dust and fumes on building sites.**
- (C) **For those developments that require air conditioning systems, the City Council will encourage use of dry rather than wet systems.**
- (D) **The City Council will monitor air pollutants, including those from motor vehicles, and seek reductions in those pollutants.**
- (E) **When considering applications for development involving the storage or use of hazardous substances, the City Council will seek the advice of the Health and Safety Executive concerning the nature and severity of the risks presented by potential major hazards to people in the surrounding area.**
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Policy application

- 9.48 The Environment Act 1995 gave local authorities duties for reviewing and assessing ambient air quality in their areas. If there is a risk that levels of particular pollutants in any part of an authority's area will be higher than the objectives prescribed by regulations the authority is required to designate an Air Quality Management Area (AQMA). This involves establishing an action plan setting out the measures it intends to take in pursuit of the objectives. National guidance states, in paragraphs 1.11 to 1.13 of Annex 1 of PPG 23: Planning and Pollution Control, requires that planning, transport and air quality control functions of authorities to work together to carrying out the reviews and assessments of air quality, especially where new development is likely; considering the results of air quality reviews and assessments in the preparation of development plans; and taking any planning decisions which may have a direct or indirect bearing on existing air quality or creating exposure to poor air quality. Most air pollution is caused by traffic and comes from outside the City boundary and is therefore outside the City Council's control. Air quality improvements in Westminster require effective traffic management in co-operation with other London authorities and actions to reduce air pollution in relation to buildings. The City Council will have regard to the London Mayor's Air Quality Strategy.

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- 9.49 The City Council's Air Quality Strategy and Action Plan was approved in 2001. A major principle within this is that the City Council will discourage new development that would lead to an increase in local air pollution.
- 9.50 Natural ventilation systems avoid or reduce the need for air conditioning. Energy reduction can also be achieved by design of developments to make the best use of natural light so that less electric lighting is needed. The City Council will encourage developments that use these methods. Where use of air conditioning and active ventilation systems is necessary, the City Council will expect these to be as energy efficient as possible. Energy efficiency will also be encouraged in the planning and design of heating systems and the thermal efficiency of buildings.
- 9.51 Poor design and positioning of central heating exhausts can delay the dispersion of exhaust gases, causing local nuisance. These must be designed and installed to minimise effects on neighbouring properties. Where ventilation systems are required, the dispersion of odours from them can affect neighbouring properties. These must be designed, installed and positioned in ways that minimise this effect.
- 9.52 The Westminster Considerate Builders code of practice includes requirements to keep dust and smoke on construction sites to a minimum. Developers will be expected to comply with this code. Construction managers of building sites are encouraged to join this scheme.
- 9.53 Wet air conditioning systems have the capability to harbour legionella disease and to disperse this in aerosol droplets. The disease is often fatal. There have been cases of the disease being dispersed this way in Westminster. The City Council therefore strongly encourages developers not to use wet air conditioning systems but to apply dry air conditioning technology. If for unavoidable reasons a developer installs a wet air conditioning system, they will need to operate a particularly rigorous inspection and maintenance regime.
- 9.54 In considering whether development is acceptable in terms of air quality, regard will be had to the aims and objectives of the National Air Quality Strategy and those of the Local Air Quality Management Strategy and Action Plan for Westminster.
- 9.55 The Health and Safety Executive has confirmed that there are no hazardous installations and no notifiable hazardous pipelines in Westminster. Should any planning applications for development involving the storage or use of hazardous substances come forward within the range of Westminster's residents, the City Council will seek the advice of the Health and Safety Executive concerning the nature and severity of the risks presented by major hazards to people in the surrounding area. The

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applicant would be required to carry out an off-site accidental risk assessment on surrounding users. Proposals for new development, redevelopment or an intensification of an existing use within, or close to the City's boundaries, which involves the storage or use of hazardous substances, as defined by the Planning (Hazardous Substances) Act 1990 will be resisted where they would cause a significant hazard to health.

Reasons

- 9.56 Airborne pollutants, including fumes from vehicles and other sources, dust, smoke and offensive smells, can damage health, increase corrosion, accelerate building decay and adversely affect wildlife and ecology. Motor vehicles, machinery, buildings and energy generation are the main sources of toxic pollution in London, responsible for 99% of carbon monoxide, 97% of volatile organic compounds, 74% of nitrogen oxides and 86% of PM¹⁰ particulate matter in the atmosphere of the capital. Motor vehicles alone account for 78% of particulate emissions (PM¹⁰) and 75% of nitrogen oxide emissions. Badly maintained air conditioning and ventilation units can also emit odours and pollutants. Auxiliary heating systems and generators operating on oil give off particles and other pollutants. Other on-site energy generation methods are also likely to cause some local air pollution.
- 9.57 Westminster was the first local authority in the country to implement the National Air Quality Strategy ahead of Government targets and in January 1999 to have declared its area an Air Quality Management Area. The Westminster Air Quality Strategy and Action Plan was published in 2001. There are extensive references to this Strategy and Action Plan in Chapter 4: Transport, in this UDP, but there are other policy implications in addition to those relating to transport.
- 9.58 The reduction and better management of traffic, introduction of cleaner, low emission fuels and vehicles, facilitating other modes of transport and revised parking policies are the main areas where the City Council can achieve localised improvements in air quality. Careful management of construction sites can also reduce the amount of pollutants and dust being released into the air. However, air quality targets cannot be achieved without a major measure such as a Low Emission Zone that would extend beyond the City Council's boundaries and further traffic reduction measures. The City Council will continue to work with DEFRA, Transport for London, the Greater London Authority and other London boroughs to develop a Low Emissions Zone in all or parts of London to reduce levels of emissions from vehicles across London. See Chapter 4: Transport.

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- 9.59 The United Kingdom Climate Change Strategy sets objectives for reducing global atmospheric pollutants, primarily those contributing to the greenhouse effect. Many of the atmospheric pollutants are the result of combustion, in particular from the generation of energy and from internal combustion engines using fossil fuels. Most transport and the use of energy from fossil fuels are believed to contribute to climate change and acid rain. The City Council encourages energy-efficiency in developments to conserve resources and to reduce global as well as local air pollution and the use of energy from renewable sources. The aim is to avoid or reduce emissions from the burning of fossil fuels.
- 9.60 The Montreal Protocol, to which the United Kingdom government is a signatory, aims to reduce pollutants affecting the stratospheric ozone layer, such as CFCs, HCFCs and halons. These have been widely used in refrigeration, air conditioning and fire control systems, but their production and use is being phased out. Safe removal and recovery of these substances is essential when existing systems are being removed.
- 9.61 The storage and processing of hazardous substances can mean that there is an increased possibility of a major accident, and therefore it is always necessary to ascertain if there can be a reasonable alternative location to one close to dense populations.
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NOISE POLLUTION

Introduction

Noise in Westminster

- 9.62 Noise is unwanted sound. It can have a considerable impact on the quality of life. Noise is an aspect of sustainable development, and is fundamental to it. Excessive noise is irritating and can cause disturbance and annoyance for people living and working near to it. The density of uses and increasing pressures in Westminster mean that noise is already a serious problem throughout much of the City.
- 9.63 The main sources of noise in Westminster are road, rail and air traffic; premises and places of entertainment such as clubs, pubs and restaurants; buskers and open air events; neighbour and neighbourhood noise; construction sites; car and intruder alarms; air conditioning, ventilation and mechanical equipment; and machinery and radios operating out of doors. Construction work on buildings, roads and structures can also cause noise to the detriment of nearby homes and businesses.

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WHO Guidelines

- 9.64 The World Health Organisation (WHO) commissioned a study of the health effects of noise and development of guidelines on noise levels. This was published as 'Guidelines for Community Noise' in 1999. It contains "guideline values for specific values for community noise in specific environments". Those guideline values most relevant to planning in Westminster are: for environments outside living areas in the daytime and evening, when noise above 55 dB ($L_{Aeq,T}$) can cause serious annoyance and when noise above 50 dB ($L_{Aeq,T}$) can cause moderate annoyance; and outside bedrooms at night, when noise above 45 dB ($L_{Aeq,T}$) can cause sleep disturbance. Also of relevance is the guideline level of 70 dB ($L_{Aeq,T}$), to prevent hearing impairment, for indoor and outdoor noise in commercial, industrial, shopping and traffic areas.
- 9.65 The evidence on which the WHO guidelines are based is also reflected in the revised edition of the British Standard, BS 8233:1999, 'Sound insulation and noise reduction for buildings'. The recommended limits given in the WHO guidelines and in BS 8233: 1999 are generally consistent with those contained in the report of the Wilson Committee (Cmnd 2056) in 1963. The noise limits recommended in the Wilson report were substantially based on the findings of noise surveys conducted by the London County Council in 1961 and 1962.

European Union

- 9.66 The European directive (2002/49/EC), relating to the assessment and management of environmental noise, sets a framework for national legislation in relation to exposure to environmental noise and reducing ambient noise. It includes proposals for noise mapping as one means towards this end. This directive follows from the EU Green Paper, 'Future Noise Policy' 1996, which in turn drew on an OECD report, 'Fighting Noise in the 1990s', published in 1991.

UK legislation

- 9.67 UK legislation gives the City Council a range of powers to prevent noise and to take action to enforce against excessive noise. Powers to prevent noise are largely those relating to planning legislation. Powers to enforce against excessive noise are primarily those in the Environmental Protection Act 1990, which gives local authorities powers to take action against statutory noise nuisance.

Planning Guidance

- 9.68 Government guidance on exercise of planning powers on noise is given in PPG 24: Planning and Noise, issued in September 1994. This gives guidance on planning policies to control the siting of new development that may cause an unacceptable degree of disturbance (such as clubs, pubs and bars, restaurants and cafés) and those which may be sensitive

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to noise (such as housing and hospitals). It also introduces the concept of 'noise exposure categories' for use in considering residential development proposals, and gives indications of measures that can be taken to mitigate the impact of noise.

London Ambient Noise Strategy

- 9.69 The Mayor of London is required to publish an Ambient Noise Strategy for London. This strategy was published in March 2004. The City Council's policies are consistent with the policy 4A.14 on reducing noise in the London Plan.

Noise impact assessment

- 9.70 The Institute of Acoustics and the Institute of Environmental Management and Assessment draft 'Guidelines for Noise Impact Assessment' were issued in 2002. This aims to set good practice standards for the scope, content and methodology of noise impact assessments, in relation to development generally, as well for use in environmental impact assessments.

Noise and development

- 9.71 Noisy activities in Westminster are often at their peak in the evening and late at night these problems may be caused by customers in the vicinity of these activities. Disturbance may be caused by excessive levels of noise and by its character such as sudden impulses, irregular noise, or noise which contains a distinguishable continuous tone. The City Council gives high priority to protecting residential amenity and will not tolerate noise disturbance from new developments.
- 9.72 Careful design of buildings, and the way in which they are serviced by vehicles, can do much to reduce noise disturbance. Incorporating materials and features to reduce the impact of noise on the immediate surroundings of buildings, as well as between different users within buildings, can help.
- 9.73 Conditions will be used to limit hours of operation, to provide protection at night for noise-sensitive developments. All available powers will be used to minimise and contain noise. In particular, conditions will be used to limit hours of operation and to provide protection at night for residential noise-sensitive properties. This is of particular importance in the Central Activities Zone (CAZ), on the CAZ Frontages, and in Stress Areas outside CAZ which contain noisy uses, often in close proximity to established residential communities. Stress Areas have already reached the point at which any increase in audible noise that would affect noise-sensitive properties is unacceptable. Other areas within CAZ and on CAZ frontages are to be protected from an extension of noise disturbance to other noise

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sensitive properties. In most instances development will be unacceptable if it would lead to increases in noise levels.

Noise and transport

- 9.74 The City Council will seek measures to minimise and reduce noise from transport and traffic. Policy TRANS 1 in Chapter 4: Transport refers to reduction of noise disturbance from traffic and measures to reduce ambient noise. Appendix 4.1 of that chapter sets out requirements for transport assessments: applicants may be required to include information on the environmental impact of noise from traffic generated by the development.

Aims

- 9.75 To reduce noise levels throughout the City to below maximum levels set out in World Health Organisation guidelines; to limit and contain noise from development; to protect noise sensitive properties from noise disturbance; to protect tranquil areas; and to reduce noise from transport.
-

POLICY ENV 6: NOISE POLLUTION

The City Council will:

- 1 require design features and operational measures to minimise and contain noise from developments, to protect noise sensitive properties**
- 2 where developments adjoin other buildings or structures, require applicants to demonstrate that as far as is reasonably practicable developments will be designed and operated to prevent transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties**
- 3 require a noise and vibration assessment report where development or change of use could affect noise sensitive properties**
- 4 require residential developments to provide adequate protection from existing background noise**
- 5 not permit development that would cause noise disturbance in tranquil areas**

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- 6 apply conditions when granting planning permission to restrict noise emissions, transmission of noise or perceptible vibration and hours of operation, to require incorporation of acoustic measures to meet these conditions and to require, where appropriate, such conditions to be complied with before new plant or the development is used**
- 7 require all mechanical, ventilation and ducting equipment to be contained within the building envelope of new developments**
- 8 encourage developers to ensure servicing of plant and machinery so that that noise conditions are met at all times**
- 9 require developers, when carrying out construction work, to keep to a minimum disturbance to surrounding areas, and to adhere to hours of working agreed with the City Council prior to start on site**
- 10 seek measures to minimise and reduce noise from traffic.**

Policy application

Building design

- 9.76 Careful design of buildings, and the way in which they are serviced by vehicles, can do much to reduce noise disturbance. Incorporating materials and design features to reduce the impact of noise on the immediate surroundings of buildings, as well as between different users within buildings, can help. The City Council will require design and operational measures to minimise and contain noise from developments. These may be achieved through the layout of a building, for instance by achieving distance between the main sources of noise and noise sensitive properties and by structural features. It may be achieved by reduction of noise at the point at which it is generated, by careful siting of plant and equipment, by its containment and by sound insulation. It will require design features to prevent or inhibit the transmission of vibration and noise through the structure.

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- 9.77 Planning of developments should ensure that they could be operated in ways that minimise noise. Access and service areas should be sited so that they will not become an avoidable source of noise disturbance. Consideration should be given to siting noisier activities so that they will cause the minimum of disturbance.

Noise sensitive properties

- 9.78 Noise sensitive properties that are to be protected from noise from developments are: all residential properties; educational establishments; hospitals; hotels; hostels; concert halls; theatres; broadcasting and recording studios. Developers should have regard to the times at which noise would cause disturbance to each of these. For residential properties, night time and evening are the most sensitive times. For other noise sensitive properties, daytime and evening will be the most sensitive times. Hospital activities will be sensitive to noise at all times.

Structural transmission of noise and vibration

- 9.79 In all developments the City Council will require that no audible noise or perceptible vibration will be transmitted through the building fabric to adjoining properties. This will require design features to prevent or inhibit the transmission of vibration and noise through the structure.

Acoustic reports

- 9.80 The City Council will require an acoustic report for all developments and changes of use that could affect noise sensitive properties, or where the scale and type of development could cause an increase in noise levels.
- 9.81 Applicants required to provide acoustic reports, or noise impact assessments, should use them to show what noise will be generated from a development, how this will noise relates to existing external background levels. As part of this where appropriate, it will be necessary to identify where the nearest noise sensitive property is located, and what noise level from the development will occur outside this). This will demonstrate what measures will be taken to contain and minimise the noise to meet the City Council's requirements.

Residential developments

- 9.82 Paragraphs 8 and 9 and Annex 1 in PPG24: Planning and Noise provide for assessment of noise exposure categories in relation to proposed residential development. The City Council will adhere to this guidance. This enables account to be taken of existing noise from mixed sources (road, rail, air and industrial sources) during both day and night time, so that an adequate level of protection against noise can be required in new residential developments. In Westminster, noise from bars, cafes, clubs and other commercial and entertainment uses form a significant element of "mixed source" disturbance to residents. For residential developments

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in areas subject to high levels of noise exposure, adequate means must be provided to protect residents from excessive external noise. Sound insulation standards must be incorporated which are at least that specified in the Building Regulations 2000: Section 7, Building Envelope Insulation and Annex C, Supplementary Guidance on Building Envelope Insulation.

- 9.83 Residential developments that will be exposed to high levels of existing noise will require design, features and sound insulation to enable residents to be protected from such external noise. These should be designed to enable the following WHO guideline levels to be met in all residential developments:
- indoors: 35 dB L_{Aeq16} , daytime, to prevent interference of speech and moderate annoyance
 - inside bedrooms, night time: 30 dB L_{Aeq8} / 45dB L_{AMAX} , to prevent sleep disturbance.

Noise from Mixed sources

- 9.84 Where proposed residential development would be subject to a noise exposure category from mixed sources exceeding:

- 72 dB ($L_{Aeq,T}$) between 07.00 and 23.00 hours
- 66 dB ($L_{Aeq,T}$) between 23.00 and 07.00 hours,

conditions will be imposed to ensure that the development incorporates highly effective protection against these very high levels of noise for a residential area.

- 9.85 Where proposed residential development would be subject to a noise exposure category from mixed sources between:

- 63-72 dB ($L_{Aeq,T}$) between 07.00 and 23.00 hours
- 57-66 dB ($L_{Aeq,T}$) between 23.00 and 07.00 hours,

conditions will be imposed to ensure that the development incorporates effective protection against these high levels of noise.

- 9.86 Where proposed residential development would be subject to a noise exposure category from mixed sources between:

- 55-63 dB ($L_{Aeq,T}$) between 07.00 and 23.00 hours
- 45-47 dB ($L_{Aeq,T}$) between 23.00 and 07.00 hours,

conditions will be imposed requiring that the development incorporates adequate protection against noise.

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9.87 Where proposed residential development would be subject to a noise exposure category from mixed sources of less than

- a) 55 dB ($L_{Aeq,T}$) between 07.00-23.00 hours
- b) 45 dB ($L_{Aeq,T}$) between 23.00-07.00 hours,

conditions will be imposed requiring the development to incorporate adequate protection against noise, particularly where noise exposure would be at the higher end of this category. Noise exposure category limits are contained in PPG 24 for individual transportation noise sources.

Tranquil areas

9.88 There will be a presumption against development that would materially increase noise in tranquil areas, such as public parks, gardens, and other open spaces. The degree of intruding noise should be kept low in relation to the existing noise level of the area.

Planning conditions

9.89 The City Council will impose conditions to ensure compliance with all aspects of the noise policy, including the hours that a use can operate and that its plant and machinery can be operated. Where appropriate, conditions will be imposed to provide acoustic reports; to set maximum noise levels; to prevent transmission of noise and vibration through the building fabric; to prevent openable shopfronts; to control hours of operation and opening; to control by acoustic measures the source of or exposures to noise; and, where appropriate, to require that the conditions are complied with before the development or new plant are used.

9.90 Where specific acoustic works are proposed as part of a development, to meet the conditions attached to planning permission, the City Council will require these to be completed before the use commences. Plant and equipment should be contained within the building envelope.

Noise measurement

9.91 The City Council will expect the assessment of noise in relation to planning applications to be carried out in conformity with the following standards. Standards for noise measurement and mitigation are set out in BS 8233: 1999 'Sound insulation and noise reduction for buildings' and BS 7445: 1991 'Description and measurement of environmental noise'; and for sound insulation in buildings and of building elements, in BS EN ISO 717: 1997 'Rating the sound insulation in buildings and of building elements'. Standards for mixed use areas are contained in BS 4142: 1993 'Method for rating industrial noise affecting mixed residential and industrial areas'. Standards for building sites are set out in BS 5228: 1992 'Noise control on construction and open sites'.

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Plant and equipment

- 9.92 The City Council will encourage developers to ensure regular servicing of plant and machinery so that they continue to meet City Council conditions, including compliance with approved maximum noise levels.

Building sites

- 9.93 Construction sites can cause particular problems and while control cannot always be achieved through planning conditions, the City Council will use its powers in the Control of Pollution Act 1974 to monitor and control noise levels from commercial operations. An information note is available for contractors, 'Noise and Atmospheric Pollution on Construction and Demolition Sites'. The City Council encourages building site managers to join the Westminster Considerate Builders' scheme which has a code of practice that requires builders to minimise specific nuisances during construction works. Developers may be required, when carrying out construction work, to keep to a minimum disturbance to surrounding areas, and to adhere to hours of working agreed with the City Council before work starts on site as a condition on a planning permission. The City Council will use its available powers, including noise abatement notices, stop notices and prosecution.

Transport noise

- 9.94 The City Council will seek measures to minimise and reduce noise from transport. Policy TRANS 1 in Chapter 4: Transport refers to reduction of noise disturbance from traffic and measures to reduce ambient noise. Appendix 4.1 of that chapter sets out requirements for transport assessments: applicants may be required to include information on the environmental impact of noise from traffic generated by the development.

Reasons

- 9.95 The City Council aims to protect and build sustainable residential communities and to encourage sustainable commercial activity. These objectives are to be achieved by safeguarding residents' amenities and by encouraging commercial development that is consistent with this.
- 9.96 Over 17,000 complaints about noise are made to the City Council's twenty-four hour noise team each year. Many of the noise incidents that lead to such complaints are caused by, or exacerbated by, buildings, plant and equipment. Noise from transport is relatively loud and prolonged. Many areas of the City are subject to high levels of background noise and to noise that persists into the evening and the night. In many cases this noise is caused by plant and machinery, such as air conditioning and chillers. Construction site activity is another source of noise disturbance, that can be made more acceptable by controlling hours of operation so that activity is confined primarily to the daytime on

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weekdays. Some commercial activities generate relatively high noise levels at times that affect the quality of life for those living nearby.

- 9.97 A few areas of the City are relatively tranquil and this tranquillity is a valuable feature of those areas and is to be protected.
- 9.98 The City Council's aims of reducing noise and preventing significant increases in noise, require a range of policies to: minimise noise emitted from developments; to minimise noise and vibration transmitted between structures; and to ensure standards of design and noise insulation that will protect developments from existing external noise.

POLICY ENV 7: CONTROLLING NOISE FROM PLANT, MACHINERY AND INTERNAL ACTIVITY

(A) Where development is proposed, the City Council will require the applicant to demonstrate that this will be designed and operated so that any noise emitted by plant and machinery and from internal activities, including noise from amplified or unamplified music and human voices, will achieve the following standards in relation to the existing external noise level at the nearest noise sensitive properties, at the quietest time during which the plant operates or when there is internal activity at the development.

- 1) where the existing external noise level exceeds WHO Guideline levels of $L_{Aeq,12hrs}$ 55dB daytime (07.00- 19.00); $L_{Aeq,4hrs}$ 50dB evening (19.00-23.00); $L_{Aeq,8hrs}$ 45dB night-time (23.00-07.00):**

either

- (a) and where noise from the proposed development will not contain tones or be intermittent sufficient to attract attention, the maximum emission level ($L_{Aeq,15min}$) should not exceed 10 dB below the minimum external background noise at the nearest noise sensitive properties. The background noise level should be expressed in terms of $L_{A90,15min}$ -**

or

(b) and where noise emitted from the proposed development will contain tones, or will be intermittent sufficient to attract attention, the maximum emission level ($L_{Aeq15min}$) should not exceed 15 dB below the minimum external background noise at the nearest noise sensitive properties. The background noise level should be expressed in terms of $L_{A90,15min}$.

2) where the external background noise level does not exceed the above WHO Guideline levels, policy ENV 7(A)(1)(a) and (b) will apply except where the applicant is able to demonstrate to the City Council that the application of slightly reduced criteria of no more than 5 dB will provide sufficient protection to noise sensitive properties:

either

(a) where noise emitted from the proposed development will not contain tones or be intermittent sufficient to attract attention, the maximum emission level ($L_{Aeq15min}$) should not exceed 5dB below the minimum external background noise level at the nearest noise sensitive properties. The background noise levels should be expressed in terms of $LA_{90,15min}$.

or

(b) where noise emitted from the proposed development will contain tones or will be intermittent sufficient to attract attention, the maximum emission level ($L_{Aeq15min}$) should not exceed 10 dB below the minimum external background noise level at the nearest noise sensitive properties. The background noise levels should be expressed in terms of $LA_{90,15min}$.

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(B) Noise from emergency generators

Where emergency generation plant is installed and requires testing, the City Council will permit noise emitted from this plant to increase the minimum assessed background noise levels by no more than 10dB for the purpose of testing. This testing period is for up to one hour per month between 09.00 and 17.00 Monday to Friday only and not on public holidays.

Policy application

Acoustic reports

- 9.99 The City Council will require applicants to demonstrate that developments will be designed and operated so that noise from plant, machinery and internal activity does not cause disturbance. They should demonstrate how their development would achieve the necessary standards by submitting an acoustic report. Paragraphs 9.80 and 9.81 above explain what should be included in such a report.

Internal noise

- 9.100 Internal activities to be considered will include noise from music and from human voices, whether amplified or unamplified.

Existing noise levels

- 9.101 The standards to be applied are to be achieved in relation to the existing external noise levels at the nearest noise sensitive properties, at the quietest time during which the plant operates or when there is internal activity at the development. Paragraph 9.78 above identifies that range of noise sensitive developments of which account should be taken.
- 9.102 The specific standard to be met depends on whether existing background noise levels exceed WHO guideline levels of:
- a) $L_{Aeq,12hrs}$ 55dB daytime (between 07.00 and 19.00 hours)
 - b) $L_{Aeq,4hrs}$ 50dB evening (between 19.00 and 23.00 hours)
 - c) $L_{Aeq,8hrs}$ 45dB night-time (between 23.00 and 07.00 hours)
- 9.103 Where development is proposed in a location at which existing noise levels exceed the levels in paragraph 9.102 above, the maximum emission level will depend on whether noise from the proposed development will contain tones or be intermittent sufficient to attract attention.

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Tonal and intermittent noise

- 9.104 If the proposed development will contain tones or be intermittent sufficient to attract attention, maximum emission levels should not exceed 15 dB below the minimum external background noise at the nearest noise sensitive properties. The background level should be expressed in terms of LA90.

Maximum noise emissions

- 9.105 If the proposed development will not contain tones and they will not be intermittent sufficient to attract attention, maximum emission levels should not exceed 10 dB below the minimum external background noise at the nearest noise sensitive properties. The background level should be expressed in terms of ($L_{Aeq15min}$).

Quieter areas

- 9.106 Where development is proposed in a location at which existing noise levels are below the levels in paragraph 9.102 above, the same policy will apply as in paragraphs 9.103, 9.104 and 9.105 above. The only exceptions to this will be developments for which the applicant can satisfactorily demonstrate to the City Council that sufficient protection will be provided to noise sensitive properties by maximum emission levels not exceeding 5 dB below the minimum external background noise at the nearest noise sensitive properties. If the proposed development in a quieter area contains tones or is intermittent sufficient to attract attention, and, if the applicant can demonstrate that this will provide sufficient protection, maximum emission levels must not exceed 10 dB below the minimum external background noise at the nearest noise sensitive properties.

Acoustic lobbies

- 9.107 For uses within Use Classes A3, A4 and D2 uses the City Council will require acoustic lobbies to be installed in such a way that it will be possible for only one set of doors to be open at a time. Well-designed acoustic lobbies can achieve significant containment, particularly of human noise, only if each set of doors is placed at a sufficient distance from the other that they will not both be opened at the same time.

Openable shop fronts

- 9.108 The City Council will discourage provision of openable shop fronts that would enable noise from inside the premises to be heard outside.

Emergency generators

- 9.109 Emergency generation plant installed in buildings is generally noisy, but must be tested regularly. To ensure that this testing causes the minimum of disturbance, this should not be carried out for more than an hour each

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month. Generators should be tested between 09.00 and 17.00 hours on weekdays only.

Noise measurement

- 9.110 Noise measurement should be carried out in accordance with the following standards, or more recent editions of these standards as they become available:
- a) for sound insulation and noise reduction for buildings, as set out in BS 8233: 1999
 - b) to rate the sound insulation in buildings and of building elements, BS EN ISO 717: 1997
 - c) to rate industrial/commercial noise affecting mixed-use areas, BS 4142: 1993
 - d) for description and measurement of environmental noise, BS 7445: 1991.

Reasons

- 9.111 Noisy plant and equipment in developments is a source of noise complaints to the City Council. In contrast to many complaints about neighbour and neighbourhood noise which are occasional noise incidents, plant and equipment can cause annoyance daily and through the night. Prevention of noise from plant and equipment is most effectively achieved by good initial planning and design.
- 9.112 Some uses, particularly those within Use Classes A3, A4 and D2, can cause excessive noise, particularly during the evening when many residents are at home, and can disturb sleep at night.
- 9.113 Music of particular tonal qualities can be more intrusive than some other tones and lower decibel levels are required to reduce this intrusiveness.
- 9.114 Intermittent noise can be more intrusive than continuous, louder noise. A lower decibel level of such intermittent noise is required to prevent it from causing disturbance.
- 9.115 Many emergency generators installed in buildings are significantly noisier than background noise levels in the surrounding areas. While recognising that testing of these is essential, it is necessary to limit the duration of these high noise levels and to confine testing operations to times when they will cause the least disturbance.

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CONTAMINATED LAND

Aim

- 9.116 To clean up contaminated land.
-

POLICY ENV 8: CONTAMINATED LAND

Applications for the development of land which is or may be contaminated will be encouraged. However, any such new applications will only be considered once a site investigation to establish the level of contamination in the soils and/or groundwater/surface waters has been undertaken by the developer. Planning permission subsequently granted will, if necessary, be subject to conditions requiring a further detailed survey and a strategy and measures for remediation of the site.

Policy application

- 9.117 Contaminated land is defined by the Environment Act 1995 in terms of substances in, on, or under land where significant harm is or would be caused. Examples of land uses that may have caused contamination include gas works, sewage installations, landfill, railways, scrap yards, riverside wharves and industrial processes. If land has a history of any of the above uses, developers must conform with the Contaminated Land (England) Regulations 2000, made under Part II of the Environment Act 1995. This includes seeking specialist advice and following guidance in PPS 23: Planning and Pollution Control', issued in 2004. The Environment Agency must be consulted. Where contamination is confirmed the developer must prepare a comprehensive remediation plan following a full investigation of both surface soils and underlying groundwater and any adjacent surface waters. The City Council has prepared a contaminated land inspection strategy and will work closely with the Environment Agency which has a secondary regulatory rôle in assisting local authorities.

Reasons

- 9.118 Land cannot be assumed to be free from pollution since no accurate records exist for industrial processes and waste disposal in Westminster before about 1965. Contaminated land can endanger health if it is not treated prior to development. The presence of contamination may restrain future land use options and it is therefore essential to identify potentially contaminated land at an early stage.

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9.119 Section 57 of the Environment Act 1995 places a duty on local authorities to identify and take appropriate action in respect of possible contaminated land in their area. The Environment Agency is a statutory consultee for the preparation of the contaminated land inspection strategy and is required to provide environmental data to assist in its production. A Memorandum of understanding exists between the statutory authorities, DEFRA, the Environment Agency, the LGA and local authorities.

~~WATER QUALITY AND CONSERVATION~~

Aim

9.120 ~~To conserve water and reduce water pollution.~~

~~POLICY ENV 9: WATER QUALITY AND CONSERVATION~~

~~The City Council will seek to protect and conserve water in the following ways:~~

~~(A) — encouraging techniques that ensure water efficiency, as well as water conservation measures in buildings, landscaping and servicing~~

~~(B) — ensuring that developments demonstrate no unacceptable risk to groundwater quality or cause pollution to surface run-off~~

~~(C) — ensuring that developments use techniques to control surface water run-off~~

~~(D) — seeking improvements to water quality when considering planning applications that include, or are adjacent to, or connected to watercourses or areas of open water~~

~~(E) — protecting and enhancing water courses and aquatic habitats.~~

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Policy application

- 9.121 ~~Water conservation and efficiency measures should be used for buildings and servicing. Guidance on these can be obtained from the Environment Agency Water Demand Management Centre, or Thames Water Ltd. The City Council will encourage schemes to use recycled “grey water” and to collect and use rainwater, when less-treated water can be used safely for non-drinking purposes, so that less drinking water is used. Landscaping should be designed so that it requires little or no irrigation. This can be achieved through choice of plant material and by mulching. If some irrigation is unavoidable, consideration should be given to automatic irrigation that uses less water than manual watering. Policy ENV 1: Sustainable and resource-efficient buildings should also be consulted on water conservation and efficiency measures.~~
- 9.122 ~~Although most of the City has foul and surface water drainage, there are some areas that have insufficient spare capacity to accommodate further development. Developers of substantial sites are urged to seek the advice of Thames Water at an early stage prior to submitting applications so that any possible drainage problems are resolved and consequent delays minimised. In order to free capacity within the public sewerage system and reduce the amount of energy required to pump surface water to treatment, riverside development should dispose of surface water directly into the River Thames. This will also reduce the risk of flooding and the resultant pollution from sewers during storms. When considering planning applications for recreational activities that involve water contact, the City Council will seek to ensure that water quality is maintained and that wildlife habitats are not harmed.~~
- 9.123 ~~Developers must ensure that measures are used to prevent pollution to surface run-off, watercourses and to groundwater, both during and after construction. For developments that include or are adjacent to watercourses or areas of open water, the City Council will require measures to protect and improve water quality. This will apply to the River Thames, the Grand Union Canal, other surface and underground watercourses and open water bodies. Developers must consult British Waterways in relation to canals and the Environment Agency in relation to the River Thames and other watercourses and water bodies.~~
- 9.124 ~~When remediation work or redevelopment is carried out at contaminated sites, measures should be taken to prevent contamination of ground and surface waters, in accordance with the Environment Agency’s policy and practice for the protection of groundwater.~~
- 9.125 ~~Techniques for sustainable drainage systems should be used to control surface water run-off as close to its origin as possible. This will reduce the incidence of excess floodwater entering the public sewerage systems,~~

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which at peak times can lead to raw sewerage entering and polluting the River Thames. In preference to piped drainage systems, developers should employ preventative measures, such as filter strips and swales; filter drains and permeable and porous pavements; infiltration devices; and possibly, in larger developments, basins and ponds. Further guidance is given in the City Council's supplementary planning guidance on Sustainable Buildings, adopted in 2003, and in PPG 25: Development and Flood Risk, issued in 2001.

- 9.126 The City Council will support the use of water from underground aquifers, so reducing the use of treated water and assisting in solving the problem of London's rising water table, so long as this does not have other detrimental effects. This may be achieved through the re-opening of existing wells or by new boreholes. The Environment Agency must be consulted for such uses.
- 9.127 The City Council will encourage initiatives that result in improvements to the quality of both tap and open water.
- 9.128 When considering planning applications for recreational activities that involve water contact, the City Council will seek to ensure that water quality is maintained and that wildlife habitats are not harmed. The Environment Agency and British Waterways should be consulted, where appropriate.

Reasons

- 9.129 Conservation of water makes efficient use of resources. Maintaining water quality is vital for health, for water-based leisure and for safeguarding wildlife.
- 9.130 Clean water is a valuable resource. The design of new buildings and the development of existing ones can achieve a more sustainable approach to the use and conservation of water. The City Council expects developers to take account of the need to conserve water, maintain water quality, and control surface water run-off. Building design should also take into account the need to protect future occupiers from rising groundwater in central London.

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LIGHT POLLUTION

Aim

- 9.131 To reduce light pollution.
-

POLICY ENV 10: LIGHT POLLUTION

When planning permission is granted for developments which involve the installation of lighting apparatus (including advertising panels) conditions will be attached to ensure:

- a) no glare or conflict with street or traffic lighting;**
 - b) minimal upward light spill, and**
 - c) that energy efficient equipment is used.**
-

Policy application

- 9.132 Although the selective use of lighting can enhance the splendour of many of Westminster's historic buildings and their settings, priority must be given to the lighting of public buildings of national importance. Security lighting is important but in every instance, energy-efficient apparatus, which will also minimise any light spill, should be used. This policy must be applied in conjunction with policy DES 8 in Chapter 10: Urban Design and Conservation.
- 9.133 Appendix A to PPS 23: Planning and Pollution Control, issued in November 2004, sets the national policy context. The City Council has published a guidance note on good practice, 'Lighting up the City' in 1994. The Royal Fine Arts Commission's guideline 'Lighten Our Darkness: Lighting our Cities: Successes, Failures and Opportunities', published 1994, also provides technical and design guidance on improving the design of urban lighting.

Reasons

- 9.134 In a densely urban area like London, the combined lighting from advertising, shopfronts, illuminated signs, floodlighting and street lighting can not only use considerable amounts of energy, but also destroy the beauty of the night sky. Glare from excessively bright or poorly aimed lights can dazzle, with safety implications for motorists and pedestrians. Light spill can also impinge directly on residents, destroying their sense of privacy and interfering with sleep. Light fittings can also detract from the

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appearance of buildings and daytime views. See also policy DES 7(E) in Chapter 10: Urban Design and Conservation.

WASTE MANAGEMENT AND STORAGE

Introduction

Waste planning

- 9.135 As waste planning authority, the City Council is required to prepare a Waste Development Plan, which takes account of national and regional planning policy guidance. For London boroughs, the UDP is the Waste Development Plan. Provision must be made for facilities to collect, manage, transfer and dispose of waste and materials for recycling and composting. The City Council considers that the provision of satisfactory waste and recycling storage in developments is essential. The protection of street cleansing depot sites is vital to ensure efficient street cleaning services.
- 9.136 As Waste Collection Authority and Waste Disposal Authority for Westminster, the City Council must take account of the national 'Waste Strategy 2000' (under review 2005/06). The advice of the Environment Agency will also be sought when developing policies for the effective transfer and disposal of waste. The Municipal Waste Management Strategy published in September 2003 provides the strategic regional context for the City Council's Waste Plan, which is reflected in the Mayor's spatial development strategy, 'The London Plan'. A Regional Technical Advisory Board (RTAB) for London was set up in 2001. The City Council will take account of its advice.
- 9.137 PPG 10: Planning and Waste Management, paragraph 35, indicates that Waste Planning Authorities (WPAs) may prepare a non-statutory waste planning and management statement to inform the preparation of a Waste Local Plan. PPG 10 states that "WPAs should not rely on, or use, any policies in a waste management statement for development control purposes, although these may be a material consideration when considering individual planning applications.". The City Council's non-statutory plan is 'A Sustainable Waste Strategy for the City of Westminster' (January 2001). Relevant parts of this have been incorporated in this chapter as part of the Waste Local Plan for Westminster.
- 9.138 Other Government guidance is given on impact on amenities (PPS 23 'Planning and Pollution Control'), transport and routing (PPG 13 'Transport'), local environmental effects such as noise (PPG 24 'Planning and Noise'), pollution, contamination, dust, odour, pests and litter, most of which are also pollution control matters. Although a number of issues will

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be material when assessing planning applications, many will be controlled through licensing and environmental health regimes rather than planning conditions.

- 9.139 The Department of the Environment Transport and the Regions (DETR) published 'Guidance on Municipal Waste Management Strategies' in March 2001. This indicated that, although there is, as yet, no statutory duty for authorities to produce Municipal Waste Management (MWM) Strategies, the Government expects every authority in England to have a MWM Strategy, and 'Waste Strategy 2000' announced their intention to make them mandatory. The Government regards MWM strategies as the framework for fully integrated waste management based on active partnerships between neighbouring local authorities and other partners. The appropriate time for preparation of this will be after publication of the London Mayor's 'Municipal Waste Management Strategy'.
- 9.140 The national 'Waste Strategy 2000' indicates the need, when deciding how best to collect and dispose of waste, to consider:
- a) the waste hierarchy
 - b) the proximity principle
 - c) regional self-sufficiency
 - d) the precautionary principle
 - e) the best practicable environmental option
 - f) to carry out life cycle assessment.
- 9.141 The waste hierarchy aims to give priority in the following sequence: waste avoidance; reuse; recycling/composting; energy and resource recovery; landfill. The proximity principle is that waste should be managed as close to its place of production as possible. The aim of the principle of regional self-sufficiency is that most waste should be treated or disposed of within the region in which it is produced. The precautionary principle is that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The best practicable environmental option (BPEO) is the option that provides the most benefits or the least damage to the environment as a whole, at acceptable cost, in the long term as well as the short term. The City Council will apply these principles and methods to determine and to keep up to date its strategy for municipal waste management. As local planning authority, the City Council is responsible for making appropriate spatial provision for the management of waste generated in the borough (whether municipal, commercial, industrial or other). The City Council intends to review all such waste flows and trends as part of its preparation of a Local Development Framework, and to consult other boroughs and organisations to inform this process.

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National Waste Strategy

- 9.142 The national 'Waste Strategy 2000' established national targets:
- to reduce the amount of industrial and commercial waste landfilled to 85% of 1998 levels by 2005
 - to reduce landfill of biodegradable municipal waste in relation to 1995 levels, to 75% by 2010, to 50% by 2013, and to 35% by 2020
 - for recovery of value from municipal waste - by recycling, composting, other forms of material recovery (such as anaerobic digestion), and by energy recovery – from 40% by 2005, to 45% by 2010 and to 67% by 2015
 - for recycling and composting of household waste – at least 25% by 2005, 30% by 2010 and 33% by 2015.
- 9.143 The Government has set individual targets for recycling and composting of household waste, in addition to setting national targets. For Westminster these are based on a household recycling rate of 6% in 1998/99, which does not include metals and other materials recovered from incineration that are recycled. The statutory target for Westminster is 18% by 2005/06.
- 9.144 The national 'Waste Strategy 2000' is designed to comply with the European Union Landfill Directive 1999. It aims to achieve the Directive by its targets for reduction of the percentage of waste disposed to landfill, through the existing landfill tax, by introduction of a landfill tax credit system, and by tradable landfill permits restricting the amount of biodegradable waste local authorities can send to landfill. It also includes other measures to ensure waste reduction by businesses and households.
- 9.145 The Government will seek to ensure that European Union (EU) initiatives will achieve cost-effective waste management improvements in the UK by incorporating them in national legislation. In particular, the End-of-Life Vehicles (ELV) Directive will set recovery targets for vehicles of 85% by 2006 and 95% from 2015. This Directive is also likely to apply to used tyres that will no longer be sent to landfill (as a requirement of the Landfill Directive). An EU consultation paper on introduction of a producer responsibility scheme for recycling of tyres was issued in 2002. A proposal to replace the (EU) batteries Directive 1991 is likely to propose targets for their collection and recycling. A directive on Waste Electrical and Electronic Equipment (WEEE) came into force in 2002, requiring recovery and recycling of three-quarters of waste electrical and electronic equipment by the end of 2003.

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9.146 The Government expects that we will need to recover value from two-thirds of the nation's household waste, and that at least half of that will need to be through recycling or composting. Significant changes in waste volumes, methods of collection and methods of disposal are required if the City is to meet its future obligations under the EU Landfill Directive.

Regional waste strategy

9.147 The Mayor of London's Municipal Waste Management Strategy was published in September 2003 and the London Plan 2004 contains policies for the implementation of the strategy.

9.148 Policy 4A.1 in the London Plan includes:

1. a requirement that boroughs should ensure that land resources are made available to implement the Mayor's municipal waste management strategy
2. a policy to work "in partnership with the waste authorities, Environment Agency and operators to exceed recycling or composting levels in household waste of 25% by 2005, 30% by 2010 and 33% by 2015"
3. gradual orientation, over the lifetime of the Plan, of incinerator capacity, "towards non-recyclable residual waste".

9.149 Policy 4A.2 in the London Plan indicates that boroughs should:

- a) safeguard existing waste management sites (unless appropriate compensatory provision is made)
- b) identify new sites in suitable locations for new facilities such as Civic Amenity sites, construction and demolition waste recycling plants and closed vessel composting
- c) require the provision of suitable waste and recycling storage in all new developments
- d) ensure that the principles of Best Practical Environmental Option are applied
- e) support appropriate developments for manufacturing related to recycled waste
- f) support treatment facilities to recover value from residual waste
- g) where waste cannot be dealt with locally, promote waste facilities that have good access to river or rail transport
- h) identify and forecast for the period covered by the UDP: total waste arisings, that is, controlled wastes that include municipal waste and also commercial, industrial, hazardous and inert arisings, and the amount of waste that will be imported or exported.

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- 9.150 The policy also indicates that the Mayor will promote the coordination of the boroughs' waste policies by producing strategic guidance on planning for waste. It also indicates that he will work with the South East England and East England regional authorities to coordinate the strategic management of waste across the three regions.
- 9.151 The Waste Disposal Authority areas neighbouring Westminster are West London Waste Authority; East London Waste Authority; Western Riverside Waste Authority; City of London; and Southwark. The City Council's current waste policies relate most directly to Western Riverside Waste Authority (WRWA) and, indirectly, West London Waste Authority (WLWA). Westminster has arrangements for use of WRWA transfer and Civic Amenity Site facilities at Battersea, and the Alperton waste transfer station in the WLWA area is used for some of Westminster's waste. The City Council will continue to seek opportunities for collaboration with neighbouring waste authorities.

City Council's waste strategy

- 9.152 The City Council is responsible for the collection, re-use, transport and disposal of municipal waste, and for the cleaning of the public highway. It is also responsible for the control of waste left on the public highway and enforcement against littering and incorrect disposal of waste. Municipal waste includes all household waste, street litter, waste delivered to council recycling points, wastes from municipal parks and gardens, council office waste, and commercial waste where the local authority has waste collection agreements in place. Household waste is defined in the Environmental Protection Act 1990, and in the Controlled Waste Regulations 1992. It includes waste from household collection rounds, bulky waste collection, hazardous household waste collection, garden waste collection, as well as waste from services such as street sweeping, litter and civic amenity sites, and from schools. Industrial, construction and demolition businesses, and some commercial businesses, make their own arrangements for collection, treatment and disposal of their wastes.
- 9.153 The City Council collected over 250,000 tonnes of municipal waste in 1999/00, which is more than any other London borough. The tonnage has grown at rates of up to 3% per annum over recent years and may continue to grow. Its composition differs from that of most other local authorities, for whom household waste usually comprises about 80% of all municipal waste. Household waste collected by the City Council is estimated to be 22%; waste from street cleansing is 13%; and from commercial sources 65%. In addition to this, independent contractors collect further waste and materials for recycling from commercial outlets.

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- 9.154 The City Council's waste management strategy covers waste reduction, material re-use and recovery, and conversion of waste to energy through incineration. On a smaller scale, it encourages home composting. The City Council aims to achieve household recycling/composting rate of at least 18% by 2005/06 to meet Government statutory targets. It also aims to achieve locally the national targets for sustainable waste management:
- the recovery of 40% of municipal waste through recycling, composting or other forms of materials and energy recovery by 2005, 45% by 2010 and 67% by 2015
 - reducing the proportion of biodegradable municipal waste going to landfill by 25% by 2010 and 50% by 2013 in relation to 1995 levels.

Recycling and composting

- 9.155 The City Council has a duty to prepare and publicise a Waste Recycling Plan under Section 49 of the Environmental Protection Act 1990. The current Recycling Plan is for the period 2000-2005. In addition to this, the City Council prepared a 'Household Waste Recycling Strategy' in 2002. The DETR 'Guidance on Municipal Waste Management Strategies' (2001) explains that, in future, waste collection and disposal authorities should work together and have joint policies and plans for recycling set out in their Municipal Waste Management (MWM) Strategy. When MWM Strategies are made statutory, it is intended that the statutory duty will incorporate the duty to prepare Recycling Plans.
- 9.156 Recycling has significant land-use and urban design implications. These include:
- a) ensuring that adequate space for the separation and collection of waste is provided in new developments
 - b) establishing small, multi-material recycling centres/sites in and close to housing areas
 - c) providing depot space for amassing, sorting and handling recycled materials.
- 9.157 There is considerable public support for such facilities. The Council locates dry recyclables centres such as for glass, paper, cans and clothing/textiles, at sites which are convenient for people to visit: near shops, schools, main transport stops, car parks or other places which avoid the need for additional car journeys. The visual and amenity impact will be considered when selecting new sites. The aim will always be to site local recycling facilities where there is easy access on foot from the areas served and where the facility would not have an unacceptable effect on the free and safe flow of traffic.

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- 9.158 The kerbside recycling service is being extended and further schemes will be developed for collections from mansion blocks, housing estates and high-rise housing, so storage for separated recyclables will have to be provided in new developments in order to meet these targets.

Waste and recycling storage

- 9.159 The City Council is determined to keep the streets of Westminster clean. It therefore requires arrangements for the management, storage and disposal of waste, including recyclable waste, that will prevent spillage and will keep waste off the street. This will be achieved by off-street collection, and by limiting the time that waste is placed on street to short periods. These periods are defined by the City Council for each area, as limited durations before each collection is due. Details are publicised either through on-street signs or by other forms of communication, or both. Provision of appropriate storage within a development of sufficient size to prevent waste being placed on the street, except for the permitted duration before a collection is due, is an essential part of achieving clean streets. Detailed guidance on this is given in the City Council's publication, 'Waste and Recycling Storage Requirements'. Shops and other town centre uses, particularly restaurants and cafés, A4 (drinking establishments) uses and A5 (hot food takeaway) uses produce large volumes of waste, including recyclable waste, for which adequate waste storage facilities must be provided.

Construction waste

- 9.160 Construction waste is significant in Westminster and builders are encouraged to join the Westminster Considerate Builders scheme and conform to the code. The City Council encourages the salvage and re-use of components and materials that can be reclaimed during demolition or reconstruction. Construction sites should be managed so that building waste is disposed of by means which minimise any adverse effects on the local area. The re-use of building materials on site will be encouraged if this can be achieved without detrimental environmental effects.

Waste collection, transfer, processing and disposal

- 9.161 The City Council runs municipal waste collection services throughout Westminster for all households and all City Council schools, and commercial waste and recycling collection services for businesses and other organisations, as well as street cleansing services. These services are operated using a fleet of vehicles with high air quality standards. In addition to the City Council's services, there is a range of commercial and other waste and recycling collection organisations providing services within Westminster.

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- 9.162 Waste collections from the City Council's parks, squares, gardens and open spaces are run as part of operations to manage the parks. Some organic and other materials are separated for off-site recycling and composting.
- 9.163 The Corporation of London administers the disposal of small volumes of hazardous waste through the Hazardous Waste Collection and Disposal Service, for private householders on behalf of all London boroughs. It makes collections of commercial hazardous waste at a charge.
- 9.164 The City Council operates household recycling collection services through on-street recycling centres, mini-recycling centres in schools and kerbside collections in residential areas of the City and intends to extend the range and number of these services and facilities. Additional recycling centres are to be established on street and within housing and other areas, and new methods are to be developed to enable recycling from mansion blocks. Recycling collection services are offered to customers of the City Council's commercial waste services.

Waste collection, transfer and disposal at 2002

- 9.165 In 2003 the City Council let new contracts for its services for waste collection, transfer, transport and disposal. The waste disposal contracts are for the period 2003 to 2016; the waste collection contract is from 2003 to 2010 with the potential for a further extension to 2011. Paragraphs 9.166 and 9.167 set out the position in 2005.
- 9.166 The Civic Amenity Sites (CAS) serving Westminster are those operated by Western Riverside Waste Authority at Smuggler's Way in Wandsworth, Cringle Dock in Battersea, and that operated by Camden Borough Council at Regis Road. Other sites are likely to be required within Westminster, in both the north and the south of the City. If provided, these could also act as centres to enable materials to be re-used and collected for recycling and composting.
- 9.167 City Council recycling collections include the following materials: cardboard; mixed paper; plastic bottles; glass jars and bottles; steel and aluminium cans; garden waste and textiles. Decisions on the sale, transport and disposal of these are made in the light of the best available environmental option and prevailing market conditions. Glass has been sent to Yorkshire and Essex; mixed glass is sent to Battersea to be bulked for use as an aggregate; paper and card is sent to a materials recycling facility at Erith for segregation and onward transport to reprocessing facilities; plastic bottles are sent for re-processing within the South-East, and mixed cans are sent to South Wales. Textiles are collected by the London operation of charitable organisations. Additional

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materials will be collected as recycling industries develop recycling outlets closer to, or within London.

- 9.168 The City Council collects garden waste: this is bulked at Smuggler's Way in Battersea, from where it is sent to Rainford for re-processing. The City Council also continues to encourage residents to compost garden waste on their own properties. Some garden waste is taken by residents to the Civic Amenity site at Battersea and there are facilities for collecting garden waste at Smuggler's Way and at Regis Road.
- 9.169 Waste which is collected by the City Council, but not recycled, is taken either directly to South East London Combined Heat and Power (SELCHP) waste-to-energy plant at Deptford or to one of three transfer stations from where it is then transported for disposal. Most of the waste is taken by road to the transfer station at Alperton (Brent). It is then transported by enclosed bulk lorry to landfill in Buckinghamshire.
- 9.170 The SELCHP waste-to-energy plant generates energy that is fed into the national grid, enables collection of residual metals and other materials for recycling, and has the capability for an additional district heating system to be developed using waste heat.
- 9.171 There are no sites within Westminster for landfill or incineration, or other facilities for processing and disposal of waste. No sites have been identified within Westminster that are capable of providing for plant for recycling of construction and demolition waste. There are no waste processing plants such as for pyrolysis, gasification, high temperature oxidation, or anaerobic digestion in Westminster, but future developments of clean technologies may enable small-scale developments of this kind.

Future management of waste

- 9.172 The management of waste will go through a substantial transition over coming years. Waste minimisation and waste avoidance are the first priority and these will be driven by the national packaging waste recovery regulations and by initiatives by bodies such as Waste and Resources Action Programme (WRAP) and in London by bodies such as London Waste Action, as well as by the Mayor of London and the City Council. Recycling will take an increasing share of waste generated.
- 9.173 The landfill tax and landfill tradable permits and environmental considerations will make landfill a less favourable option. A major shift towards recycling and composting will contribute towards the City Council's achievement locally, of national targets for sustainable waste management.

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Cleansing depots

- 9.174 City Council cleansing depots are in use at twelve sites in Westminster. These are distributed across the City to provide local facilities that enable efficient operation of street cleansing services. They provide for staff and for storage of equipment and vehicles for each area of the City. Policy ENV 10, on waste management, in addition to protecting cleansing depots, aims to seek new depot and civic amenity facilities in major new developments.
- 9.175 The City Council's main depot for cleansing vehicles at North Wharf Road, Paddington is to be replaced by 2008. It is expected that this will be replaced by depots to serve the north and south of the City. These will include facilities for parking, washing, fuelling and maintenance of the cleansing fleet; ancillary stores; and staff welfare facilities.

WASTE MANAGEMENT

Aim

- 9.176 ~~To reduce, re-use, and recycle waste, and recover resources and energy from waste; to ensure the efficient separation of waste to maximise recycling; to minimise the time waste is left on Westminster's streets; to enable the collection, transfer, treatment and disposal of waste by the best practicable environmental option.~~
- 9.177 ~~To protect the number and distribution of street cleansing depots in Westminster in order to maintain an effective street cleansing service.~~

POLICY ENV 11 : WASTE MANAGEMENT

~~**(A) Applications for developments to collect, store, manage, process, or transfer waste or recyclable/compostable materials, will be assessed against the national waste strategy, EU obligations, directives and strategies; the City Council's waste strategy; the Mayor of London's strategies for municipal waste management, and spatial development. The criteria specified in paragraph 9.178 must be met.**~~

~~**(B) Proposals for facilities to recover resources or energy from waste, or to dispose or waste in other ways, should be of an appropriate scale and capable of meeting stringent environmental standards.**~~

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~~(C) The loss of the following street cleansing depots will be resisted or their replacement will be required on redevelopment:~~

- ~~• Drury Lane, WC2~~
- ~~• Newport Place, WC2~~
- ~~• Charing Cross subway, WC2~~
- ~~• Dufours Place, W1~~
- ~~• 21 Farm Street, W1~~
- ~~• Chiltern Street, W1~~
- ~~• Page Street, SW1~~
- ~~• Gatliff Road, SW1~~
- ~~• 1 Relton Mews, SW7~~
- ~~• Lisson Grove, NW1~~
- ~~• 23-25 North Wharf Road, W2~~
- ~~• 9 Woodfield Road, W9.~~

~~(D) New depot and civic amenity facilities may be sought in major new developments.~~

~~(E) Where appropriate the City Council will require additional public recycling sites in new developments.~~

~~(F) The City Council will encourage the salvage and re-use of building components and materials. It will also encourage the recycling of building materials and construction waste, preferably on site if this can be achieved without detrimental environmental effects.~~

Policy application

Waste facilities

9.178 Applications for developments to collect, store, manage, process, transfer, or dispose of waste or recyclable/compostable materials, will be assessed against: the national waste strategy; European Union obligations, directives and strategies; the City Council's waste strategy; and the London Mayor's strategies for municipal waste management and spatial development. Account will be taken of the need to encourage provision of appropriate developments for the manufacturing or refurbishment of goods and materials from recyclable waste. In particular, developments will be assessed against:

- a) the principles of the waste hierarchy
- b) the proximity principle
- c) regional self-sufficiency

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- d) the precautionary principle
- e) appraisal of the best practicable environmental option

In addition:

1. the proposed waste facilities should be located as close as possible to where the waste arises and to other types of waste facility
2. rail or water transport should be used, where possible, for bulk waste movements and, where road transport is unavoidable, waste facilities should be located on routes most suitable for use by heavy lorries
3. there should be direct local access from waste facilities to roads of an adequate standard within the local road network
4. planning conditions will be applied to require operators to ensure that heavy vehicles use only suitable routes, and to control the cleaning of vehicles leaving the site
5. the proposal must not lead to undue adverse effects on the amenity of residential areas
6. adverse effects from noise, air pollution, odours and traffic must be mitigated
7. a transport assessment and an environmental performance statement (EPS) must be provided, and an environmental impact assessment (EIA) will be required in appropriate cases.

9.179 The waste hierarchy aims to give priority in the following sequence: waste avoidance; reuse; recycling/composting; energy and resource recovery; landfill. The proximity principle is that waste should be managed as close to its place of production as possible. The aim of the principle of regional self-sufficiency is that most waste should be treated or disposed of within the region in which it is produced. The precautionary principle is that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The best practicable environmental option (BPEO) is the option that provides the most benefits or the least damage to the environment as a whole, at acceptable cost, in the long term as well as the short term.

9.180 Some proposals for waste management facilities may be subject to a formal environmental impact assessment under Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (see Policy ENV 2). The City Council should be asked to determine whether this will be required for a specific development.

9.181 In all cases, an Environmental Performance Statement (EPS) should be provided as well as a Transport Assessment (TA). These, as well as an EIA in appropriate cases, should be used to explain how the principles of the waste hierarchy; the proximity principle; the principle of regional self-

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sufficiency; and the precautionary principle have been applied. They should use an appropriate BPEO (best practicable environmental option) appraisal methodology to establish that the proposed development is the option that provides the most benefits or the least damage to the environment as a whole, at acceptable cost, in the long term as well as the short term. They should also provide evidence that the criteria and requirements in paragraph 9.178 can be met.

- 9.182 The operation of waste management facilities is normally controlled by the Environment Agency through the waste licensing regime. Planning permission is usually required before a waste management licence can be granted. The City Council will consult the Environment Agency on planning applications for waste management facilities.
- 9.183 Proposals for facilities to recover resources or energy from waste, or to dispose of waste in other ways, should be of an appropriate scale and capable of meeting stringent environmental standards.
- 9.184 The City Council anticipates a need for facilities to separate different materials from the waste stream as another means to increase recycling. These are expected to be Materials Recovery Facilities (MRFs) for dry waste. The City Council will aim to use existing facilities in London, where possible.

Protection of street cleansing depots

- 9.185 Local, street cleansing depots are essential for the efficient operation of street cleaning services. They enable litter sweeping and street washing and cleaning equipment to be stored close to where they are used, and provide essential facilities for street cleaning staff. They may also contain a compactor for street sweepings and litter bin waste, and a local salt store for use in conditions of snow and ice. In the interests of maintaining an efficient service and clean streets, the City Council will resist development proposals that would affect these depots. If their redevelopment is essential, the City Council will require their replacement on a scale and in location that continues to enable them to function efficiently in serving a specific local street cleaning area.

New depots and civic amenity sites

- 9.186 The City Council requires strategic waste depot facilities to serve the north and south of the City. These are needed to provide: parking for waste collection vehicles; maintenance, cleaning and re-fuelling facilities for these vehicles; parking for larger street cleansing vehicles, including gritters and street washers; storage for equipment and materials; and staff welfare facilities. Strategic waste depot facilities in the City can also provide for a local cleansing depot to serve the immediate area. The City Council owns a strategic waste depot on Mandela Way in LB Southwark,

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which provides permanent facilities to serve the south of Westminster. It also provides temporary facilities to serve the north of the City, but a replacement for this will be required within or close to the north of Westminster.

- 9.187 Current Civic Amenity site (CAS) provision for Westminster residents and businesses is at Cringle Dock in Wandsworth, Smuggler,s Way in Wandsworth and at Regis Road in Camden. A site for a new CAS is to be identified in the Paddington area to serve the north and south of Westminster, as part of a replacement cleansing depot. The main area of search for this is North Wharf Road and the Harrow Road area, W9. New recycling facilities would be combined with the new Civic Amenity Site.
- 9.188 In major new development areas, the City Council will seek a site or sites for additional street cleansing depot/s to serve these developments.

Public recycling facilities in new developments

- 9.189 Where appropriate, the City Council will require additional public recycling sites in new developments and in environmental improvement schemes. New shopping developments offer the opportunity to provide accessible public recycling collection facilities. Provision of recycling facilities as part of a development or redevelopment, which can also be used by occupiers of neighbouring premises and the public, will be seen as planning benefit. This policy has the added benefit of reducing the amount of waste left on pavements for collection. Recycling sites will be required in areas of the City in which on-street provision of micro-recycling sites is difficult to achieve and there is therefore under-provision of recycling facilities for residents, and in residential developments of more than 250 dwellings.

Re-use of building materials

- 9.190 Where there are opportunities to salvage, re-use and recycle building components and materials, which become available through development, the City Council will encourage this, subject to it being achieved without unacceptable environmental effects, such as from noise, dust, vibration, and pollution. Where appropriate the City Council will consider imposing conditions requiring developers to consider the feasibility of transporting demolition materials by water.

Clean streets

- 9.191 Bins for cigarette litter should be provided on office buildings, near entrances from footways, and on other buildings that operate no-smoking policies. Litter bins provided within commercial outlets can also make a difference to the quality of Westminster's streets. The City Council places litter bins on-street solely for disposal of small items such as newspapers, food wrappers and drinks containers discarded by individuals passing down the street, even when these bins also contain facilities for recycling

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collection. The City Council enforces against misuse of litter bins by businesses and organisations for disposal of materials that should be retained by them in their waste storage areas prior to collection. Storage provision must be sufficient to make this misuse unnecessary. The City Council also enforces against misuse of litter bins by residents for disposal of household waste. In many areas of the City, the City Council provides waste bins ('Big Black Bins') for household waste as well as recycling bins on street for the deposit of unsorted and separated household waste, and these are to be used rather than litter bins.

Reasons

- 9.192 PPG 10: Planning and Waste Management, issued in 1999, sets out the Government's planning policy approach. It recognises that planning authorities have an important role in achieving sustainable waste management. This role encompasses
- protecting the quality of the environment
 - avoiding risks to human health
 - minimising adverse environmental effects of the handling, processing, transport and disposal of waste.
- 9.193 The Government's 'Waste Strategy 2000' requires a reduction in biodegradable waste going to landfill, in accordance with the EU Landfill Directive. There is therefore a need for more sustainable waste management practices both by the waste authority and by businesses and households that generate waste. The City Council's waste management services must be based on the best practicable environmental option, related to local circumstances.
- 9.194 The City Council requires local cleansing and waste depot facilities so that equipment, vehicles and facilities are as close as possible to the areas served. This ensures a more efficient service and reduces transport requirements.
- 9.195 New recycling collection facilities will be required to meet Government targets for recycling and diversion from landfill.

POLICY ENV 12: WASTE AND RECYCLING STORAGE

- (A) All developments must include provision for the storage of waste. Applicants may be required to produce a waste management plan for the proposed development.**

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- 1) **in areas where City Council waste collections are twice or three times a week or less, provision must be made for at least four days' output of waste**
 - 2) **in areas where City Council waste collections are daily, provision must be made for at least two days' output of waste.**
- (B) Space should be provided that is sufficient for equipment and containers to enable the processing and sorting of recyclable materials and other waste. Such storage facilities should be encased and screened from view from the street, visibly demarcated, and located so as to be convenient for users and waste and recycling collectors. Storage should be designed so that waste and recyclable materials can be collected off-street.**
- (C) The City Council will seek to ensure continued provision of waste storage facilities through appropriate conditions and will enforce against non-compliance.**
- (D) Provision must be made in residential developments for the separation of recyclable materials by each household and for its continued separation at each stage in its transfer to point of collection. At least half of the storage space should be for sorting recyclables.**
- (E) For extensions to commercial developments and other service uses the City Council will seek opportunities for storage for waste and recyclable materials to be introduced and will require off-street storage of additional waste that will be generated.**
- (F) Composting facilities will be required on appropriate sites.**

Policy application

9.196 Many businesses now open on bank holidays and this, combined with seasonal and weekly fluctuations in waste generation, means that storage sufficient to hold up to four days' output of waste must be provided

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wherever possible. Guidance on the provision of waste storage is given in the City Council's 'Waste and Recycling Storage Requirements' publication. Further guidance is to be provided by the City Council in forthcoming supplementary planning guidance on 'Waste and Recycling Management and Storage'.

Waste and recycling storage in developments

- 9.197 Provision must be made in developments for storage of waste and materials for recycling. When a planning application is submitted, the City Council will expect details of the proposed provision for this storage. This will apply to the following kinds of development: new developments; re-developments; residential conversions; major extensions to existing buildings; most changes of use including all those involving Class A3 (restaurants and cafés), A4 (drinking establishments), A5 (hot food take aways), and D2 (assembly and leisure) uses.
- 9.198 The amount of storage space to be provided must be sufficient, given the frequency of the City Council's waste collections serving the development, and regardless of whether the collection service is to be provided by the City Council or by independent contractors. This must also take account of occasional and seasonal peaks in waste generated and those bank holidays when there are no waste collections. In areas where City Council collections are
- a) twice or three times a week or less, provision must be made for at least four days' output of waste
 - b) daily, provision must be made for at least two days' output of waste.

Commercial developments

- 9.199 Where extensions to commercial developments and other service uses are proposed that may result in additional waste being generated, the City Council will require additional off-street storage for waste and recyclable materials. In large new developments, storage facilities for waste and recyclable materials, which are also made available to neighbouring properties, will be seen as a planning benefit.
- 9.200 The City Council encourages the collection of materials for recycling in shops, offices and other developments from which commercial waste collections are made. Provision may therefore need to be made for some storage for separated materials for recycling at each level in a development, or in separate parts of a development. This may be necessary so that recyclables are not mixed with general waste before reaching the central waste and recycling storage. Additional space should be provided for separate bins for each material to be collected for recycling. The frequency of recycling collections is often less than for general waste, whether provided by the City Council or independent

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operators. This may mean that recycling materials have to be stored for longer and an allowance of additional space should be made for this.

Residential developments

- 9.201 The Government's statutory targets for household recycling can be achieved only if households throughout the City participate. The City Council will therefore require satisfactory provision for the storage of recyclable material in all residential developments, in addition to storage for residual waste.
- 9.202 In residential developments, provision must be made for continued separation of materials to be recycled at each stage in their transfer to point of collection.
- 9.203 In individual dwellings, the City Council will require provision of space to store separated materials for recycling, such as paper, glass, cans and other materials that may be collected in future, in addition to storage for residual and organic waste. In developments with more than one dwelling, provision of space to store separate materials for recycling will be required on each floor of a blocks of flats or apartments, to enable the continued separation of materials throughout their transfer within the building and development.

Waste management plans

- 9.204 The City Council may require a waste management plan to be prepared to indicate volumes and types of waste that will be produced by the development and the types, sizes and locations of waste storage to be provided, with details of access to them. This will be required for all developments that will generate large volumes of waste, or when insufficient information is provided to enable the City Council to determine what provision is needed, or where the City Council determines that the proposed provision would not be adequate.
- 9.205 Planning conditions will be used to ensure continued provision of approved waste storage areas and facilities.

Waste storage areas

- 9.206 Detailed guidance on the calculation of waste and recycling storage capacity is given in the City Council's 'Waste and Recycling Storage Requirements' guidance note. Every development must provide space for separate containers to store the range of waste, as well as equipment to compact, bale or process it and, where appropriate, separate containers for recycling.

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- 9.207 Waste/recycling storage areas must be provided either as internal rooms, or as clearly and permanently marked (with wall and floor boundaries marked) parts of a larger room, or as an area within the development encased and screened from view from the street. The City Council will not accept proposals that do not make such provision. If a development cannot provide space sufficient to store all of its waste off-street until it is collected, it will not be permitted.
- 9.208 At least one sign must be displayed inside and another outside each waste storage area, with the words 'Waste Storage Area' or, where appropriate, 'Waste and Recycling Storage Area'. The sign should also indicate the size of the floor area provided for waste and recycling storage. This is to ensure that all users of the building remain aware of the purpose of the area, and that it continues to be used for its intended purpose.
- 9.209 Waste storage areas must be accessible from the street. They should be positioned so that:
- sacks and bins do not have to be moved more than 20 metres
 - Eurobins or similar wheeled containers do not have to be moved more than 10 metres
 - there is no gradient along which Eurobins or similar wheeled containers, compacted or baled waste, or recyclable materials have to be moved by waste collectors, unless the fall is away from the storage area at a gradient of less than 1:14.
- 9.210 The maximum number of storage containers for unsorted waste provided for any premises should be no more than:
- ten dustbins; or
 - eight Eurobins (660-1,280 litres) or wheeled bins of any type; or
 - one skip container.
- (One skip is the equivalent of eight Eurobins, and one Eurobin is the equivalent of ten dustbins). If these limits would be exceeded, larger waste containers or compactors, or balers must be used.
- 9.211 Waste compactors are recommended and may be required for the following types of development, so space for them and for access to them should be provided. The following types of compactor provision are recommended and the following guidelines should form the basis of calculations of storage areas required for them. Details of sizes of compactors and areas required for them are given in the City Council's 'Waste and Recycling Storage Requirements' guidance note:
- residential developments with managed waste systems and portorage (compactor)
 - office developments over 2,500 sq m (a small compactor)
 - office developments over 10,000 sq m (a rotary compactor)

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- d) office developments over 15,000 sq m (a portable skip compactor)
- e) light industrial units over 1,500 sq m (a small compactor)
- f) small light industrial units where the gross combined floor space exceeds 1,500 sq m (a small compactor)
- g) fast food outlets with eat-in facilities (a small compactor or wheeled container compactor)
- h) restaurants (expected to have a high output of waste, a rotary compactor, otherwise a small sack compactor or wheeled container compactor)
- i) hotels up to 250 bedrooms (a small compactor or wheeled container compactor)
- j) hotels of 250 or more bedrooms (a rotary compactor, or a portable skip compactor, or a static compactor).

9.212 Where large amounts of cardboard will be collected, a cardboard baler will be required and space must be provided for this. Where large amounts of food waste will be generated, the City Council encourages on-site use of equipment either to remove moisture and reduce weight, or for in-vessel processing to minimise waste material for disposal.

Waste minimisation, re-use and recycling

9.213 The first priority in the waste hierarchy is that waste should be avoided or minimised, which can be achieved by good practices to avoid waste being generated. (The City Council provides advice on this in a publication for businesses 'Reduce, Re-use, Recycle'). The second priority is re-use. One way in which this can be achieved is by making provision in a development for an area to store materials that will be re-used internally or can be made available to others, such as schools or charities, who can re-use them. The City Council encourages good practices to achieve re-use of materials and products, including provision of space to enable this.

Waste management

9.214 Waste must be stored off street. Wherever possible, it should be collected from an accessible location off-street. In those instances when waste has to be placed on-street for collection, it must not be put out until shortly before the next collection is due. The City Council has signs on lamp-posts indicating the day/s and time/s of its local collections and the maximum time before this that waste can be placed on street. It also uses other means to publicise this information. Where placing waste on street for collection is unavoidable, the City Council encourages private commercial waste collectors to adhere to these collection times. In specific areas, it may require them to collect waste from the property and not the public highway if they cannot conform to the City Council's waste collection times. Adequate storage arrangements must therefore be made in developments to enable waste collection services to conform to these

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requirements. The purpose of these provisions is to minimise the length of time that a street is cluttered with waste awaiting collection.

- 9.215 Arrangements must be made for separate storage and safe disposal of liquid wastes, including waste cooking oil and used engine oil. These cannot be accepted as part of general waste collections and should in no circumstances be included within these or left on street at any time, where they cause pollution, staining and damage to the highway.
- 9.216 The City Council provides a service for collection of bulky residential waste, on request. Such waste must be kept off-street ready for arranged collection.
- 9.217 Where clinical waste is likely to be generated by medical, dental and veterinary uses, storage must be provided which will keep it entirely separate from the storage for non-clinical waste.

Composting facilities

- 9.218 Composting facilities will be required on appropriate sites. Those residential developments with grassed or garden areas should include on-site provision for composting of organic waste from these areas. This will reduce unnecessary transport of waste that can be re-used on site.
- 9.219 For larger residential and commercial developments, consideration should be given to emerging technologies enabling closed-system processing of garden and other organic waste. either to reduce the weight and volume of waste or to produce a usable product.

Reasons

- 9.220 Responsible management by occupiers of existing premises can do much to reduce the amount of waste and time it is left on the streets. In new developments, the City Council wants to ensure that waste will not be left on the street at all. Waste stored on the pavement has a detrimental effect on residential amenity and the environment by being unsightly, an obstacle to pedestrians and other people with disabilities, and is potentially a health hazard. Adequate storage for waste and for separating recyclables is important to achieving this.
- 9.221 Production of a waste management plan enables a developer to make plans for waste storage provision based on calculations of waste that will be generated by a development. Submission of this with a planning application enables the City Council to determine the adequacy of the proposed provision.

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- 9.222 The Government's statutory requirements for recycling of household waste, for reduction of putrescible waste sent to landfill, for recovery of materials and energy from waste, depend on both increased services provided by the City Council and increased participation by both residents and businesses. A necessary part of this is provision in developments of facilities designed for storage of segregated materials for recycling, as well as for residual waste.
- 9.223 Businesses can arrange for their waste to be collected by waste collection companies rather than through the City Council. However, the City Council has a statutory duty to provide commercial waste collection services to businesses that require this and it provides at least daily collections in central areas of the city, other than at some bank holidays. The waste collection frequencies operated by the City Council are therefore one factor used in determining the size of waste storage area in a development, even for those businesses that do not use the City Council's waste services. The City Council could be required to provide this service to any business, so all businesses must have sufficient waste storage space to enable them to retain their waste between each collection.
- 9.224 Visible designation of waste storage areas by signs and floor-markings is required to ensure that occupiers of a development and staff using it are made aware that the area is for that use only.
- 9.225 Waste must be stored off street to keep the city clean, to prevent waste from spreading as litter, to avoid attracting pest species, to reduce problems of odour, to keep footways clear for pedestrians, and to ensure that the City is kept attractive for residents, businesses and visitors.
- 9.226 Organic waste is a significant part of the waste stream. Statutory recycling targets encompass composting of organic waste. Turning such waste material into a useful product at a development reduces the tonnage of waste that has to be transported and consequent air pollution. The City Council therefore encourages on-site composting and will require this on appropriate sites.

AMENITY AND ENVIRONMENTAL QUALITY

Aim

- 9.227 To maintain and where possible improve the quality of life for residents, workers and visitors to Westminster.

POLICY ENV 13: PROTECTING AMENITIES, DAYLIGHT AND SUNLIGHT AND ENVIRONMENTAL QUALITY

- (A) The City Council will seek to protect and improve the residential environment by the provision of open space, playspace, associated community facilities, traffic management schemes and other appropriate measures including good landscape design and lighting.**
 - (B) The City Council will seek to ensure that, where there is an opportunity, new developments enhance the residential environment of surrounding properties.**
 - (C) The City Council will protect private amenity space, such as gardens, particularly for family sized units.**
 - (D) The City Council will ensure that both new and replacement accommodation, particularly residential, receives adequate daylight and sunlight. The City Council will seek improvements where opportunities arise, particularly in cases where the existing conditions are sub-standard.**
 - (E) The City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.**
 - (F) Developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.**
 - (G) The City Council may require developers to demonstrate that their proposals will not give rise to unacceptable microclimatic conditions.**
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Policy application

- 9.228 The City Council wishes to protect and improve amenities for residents, workers and visitors. That will include maintaining and improving the amount of daylight and sunlight reaching buildings, particularly housing. Individual applications will therefore be assessed to ensure that they do not result in a material loss of sunlight and daylight. (See also paragraph 9.7 on energy-saving). New buildings should also be designed to ensure that future occupants will enjoy adequate levels of daylight and sunlight.
- 9.229 Although the policies are primarily designed with regard to residential accommodation, the City Council may apply them to other uses, such as schools and other activities where loss of daylight/sunlight in particular may prejudice the present use of the premises. Recommended standards for daylight and sunlight for residential accommodation are set out in the Building Research Establishment (BRE) publication, 'Site layout planning for daylight and sunlight', issued in 1991, which also gives guidance on privacy, gardens and open space. The City Council will normally aim to ensure that there is a predominantly daylit appearance for habitable rooms to residential buildings. Therefore minimum daylight values are normally unacceptable. There are many residential properties in Westminster which fall well below the recommendations made in the BRE document. In these situations, where principle habitable rooms such as bedsits, living rooms, studies or kitchens are affected, the City Council may find any loss of light unacceptable.
- 9.230 Particular attention will need to be paid to the positioning of new windows both in existing and proposed buildings as well as of roof terraces and balconies. The acceptability of development which may result in problems of overlooking and loss of privacy for neighbours, will be dependent upon a detailed assessment of the orientation, proximity and access arrangements of adjoining properties. Policies in Chapter 10: Urban Design and Conservation, will apply.
- 9.231 All developments should have regard to any resulting microclimatic changes. These are most likely when high buildings are proposed. Wind turbulence may result from the channelling or deflection of high level winds. Wind tunnel tests may highlight microclimate issues and indicate possible solutions such as tree planting, wind deflectors, low level canopies and other detailed design measures. The acceptability of any such building is also dependent upon policies in Chapter 10: Urban Design and Conservation.

Reasons

- 9.232 Most of Westminster was built before modern standards and controls came into being. As a result, the standards of sunlight, daylight and privacy enjoyed by residents in Westminster are often less than ideal.

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Where opportunities arise, the City Council will seek to improve such standards.

- 9.233 The space between buildings is important to allow people to enjoy life without feeling enclosed. The encroachment of new buildings and extensions into such spaces can, by small degrees, adversely affect the quality of life. Even when there may be no material loss of daylight or sunlight, new development can still be unacceptable because of an increase in the sense of enclosure.
- 9.234 Private gardens at the rear of properties are a valuable recreational space for residents, particularly families, and may be of ecological benefit. However, not all residents have access to a garden; gardens are often small and surrounded by other residential and commercial buildings. As a result, many residents want to create private outdoor space on existing roofs or on the roofs of extensions. Such proposals can often overlook adjoining windows and gardens resulting in a loss of privacy to neighbours.

METROPOLITAN OPEN LAND, PUBLIC AND PRIVATE OPEN SPACE

Aim

- 9.235 To conserve, enhance and increase Westminster's green spaces and plantings for recreation, nature conservation and to maintain biodiversity.

POLICY ENV 14: METROPOLITAN OPEN LAND

- (A) The City Council will support the protection and enhancement of Metropolitan Open Land (the Royal Parks), their settings, including views from them. Permission will not be granted for developments that will harm views into or out of Metropolitan Open Land.**
- (B) Planning permission will not be granted for development on or under Metropolitan Open Land unless the development is essential and ancillary to maintaining or enhancing that land as valuable open space, and where there is no adverse impact on the open character of the Metropolitan Open Land.**
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POLICY ENV 15: PUBLIC AND PRIVATE OPEN SPACE

- (A) Planning permission will not be granted for development on, or under public or private open space of amenity, recreational or nature conservation value, unless the development is essential and ancillary to maintaining or enhancing that land as valuable open space.**
 - (B) The City Council will encourage the provision of new and enhanced open space for public use and in appropriate circumstances will require public open space as part of new developments in Priority Areas for Additional Public Open Space, or on sites where additional open space will help to meet a need.**
 - (C) The City Council may request owners, in appropriate circumstances, to make private open space available for public use, particularly in areas lacking adequate provision.**
 - (D) Public and private open space, green and wildlife corridors, including watercourses, will be protected from development that would detract from their mainly green and open character or which would have an adverse effect on their nature conservation value.**
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Policy application

- 9.236 Open spaces should be regarded as permanent and valuable features and it is very important that they should be protected. The City Council aims to safeguard existing open spaces for active recreation and quiet relaxation, and to increase their number to provide better access from all parts of the City, giving priority to meeting the needs of the areas of greatest deficiency. The Royal Parks are designated as Metropolitan Open Land, as they are significant to London as a whole. They are administered by the Royal Parks Agency, and the City Council has no direct control over them. Policy DES 12 also applies to these areas.
- 9.237 The shortage of suitable sites and the pressure to provide for other essential activities and services means that it is important to ensure that every opportunity to provide additional open space is realised. Some opportunities may occur in conjunction with commercial development schemes where the provision of public open space, where appropriate incorporating public art, may be regarded as a planning benefit. In

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addition to public and private open space, small landscape features can make a considerable contribution to the appearance of buildings and areas within the City and can enhance the street scene.

- 9.238 There are several private squares, churchyards and burial grounds to which the public currently has access. The wider use of such private open space, other than private gardens, would contribute towards meeting the deficiency of public open space in some areas. This may be achieved through negotiation with the landowners. Even very small open areas, if well designed, can be used and valued by local residents and workers. Such public use should not interfere with open spaces of significant wildlife value and should not be allowed to lead to a deterioration of the open space either in terms of landscape quality or wildlife habitat.
- 9.239 Westminster's needs for Metropolitan and District Parks are largely met by the Royal Parks. The Royal Parks are gradually introducing a greater range of facilities for active organised recreation in the City. While the City Council will support improvements to the Royal Parks, their particular qualities mean that some activities will be inappropriate and may lead to increased traffic generation. In accordance with the London Plan, there will be a presumption against inappropriate development on Metropolitan Open Land (MOL), and developments will only be acceptable where it is ancillary to the open space use, is limited to small scale structures, and where it does not detract from the open character of MOL.
- 9.240 Proposals for the future of London Zoo at Regent's Park may raise a number of important issues and will be assessed against the policies in the Plan, in particular, those covering listed buildings, strategic views, conservation areas, public open space, the canal, amenity, biodiversity, traffic generation and parking. Any future major proposal should include a full environmental assessment which addresses these issues.
- 9.241 Table 9.1 will be used to decide which areas of the City need more open space, taking into account barriers to movement, for example major roads, at a local level. London Plan Policy 3D.10 states that UDPs should identify broad areas of open space deficiency. The eight areas in the City which most need public open spaces are shown on Map 9.1 and the Proposals Map. They comprise :
- a) area west of Lisson Grove
 - b) the Seymour Place area
 - c) Bayswater
 - d) Pimlico
 - e) East Marylebone
 - f) Covent Garden
 - g) Soho
 - h) Mayfair

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The Mayor of London issued a Guide to Preparing Open Space Strategies in March 2004. Following this guidance, the City Council is undertaking an open space study which will inform the production of an Open Space strategy, including a review of Map 9.1.

- 9.242 Parts of the central area in East Marylebone, Covent Garden, Soho and Mayfair are considered to be deficient in small local open space for residents' use because of the demands made on existing provision from visitors and workers in the area. When opportunities arise, the City Council will actively encourage the creation of new open space and encourage the creation and improvement, as well as clearer way-marking, of walking routes to and through parks, and along the river and canal. See also policies in Chapter 3: Housing (policy H10 in particular); Chapter 10: Urban Design and Conservation; and Chapter 11: River Thames. Policy SOC 6 in Chapter 6: Social and Community Facilities refers to provision of playspace and identifies priority areas for additional play space.

Reasons

- 9.243 Because of the need to meet a wide variety of demands made by residents, workers and visitors to Westminster, it is important to ensure that no open space of amenity, recreational or nature conservation value, either public or private, is lost through development. Underground structures can also diminish the quality of the land above. Open spaces can also bring health, educational, social, cultural, economic regeneration benefits. Public and private squares, open spaces, wildlife corridors, the river and canal are important and attractive features of the townscape of Westminster which the City Council wishes to retain and enhance. Even the temporary or occasional use of open space for a temporary market or fair can reduce the amenity of residents and add considerable pressure to on-street parking in the vicinity. As a result, where they are likely to have that effect they will be resisted.

INCREASING TREES AND SHRUB COVER

POLICY ENV 16: TREES AND SHRUBS

- (A) All trees in conservation areas and all those trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme.**

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- (B) Planning permission will be refused for development likely to result in the loss of or damage to a tree which makes a significant contribution to the ecology, character or appearance of the area.**
- (C) Planting of new or replacement trees may be required as a condition of a planning permission. Conditions for replacement trees may specify planting of the successor prior to the felling of the tree it will replace.**
- (D) New proposals for tree planting and shrubbery should respect the historic street character, views and settings of buildings, be appropriate to the location, and consider their contribution to biodiversity.**
- (E) The City Council will protect trees that form part of green corridors, particularly those located at the rear of private gardens.**

Policy application

- 9.244 Surveys carried out during 1992 found that just twelve species account for 73% of all trees across London. Nonetheless, Westminster has over 6,300 street trees representing 140 different species. Seventy-five per cent of Westminster's trees are in public ownership and 88% are 'mature'. Most are of similar age which means that they are reaching maturity en masse. Careful management of tree planting will be necessary to secure trees for the long-term. The City Council is aware of the need to selectively remove old trees to make space for young replacements, and so achieve an evenly balanced age structure and a more balanced range of species. Conditions on planning permissions will be used to ensure continuity in the provision of trees in the City. The City Council's tree strategy aims to increase the diversity of tree species and reduce reliance on the London Plane, to reduce the susceptibility to disease and resultant loss of trees.
- 9.245 Much of Westminster benefits from the presence of trees and in 1994 the Westminster tree strategy was adopted in order to manage the safeguarding and renewal of trees. However, there are a small number of historic streets which were laid out and designed in order to create long vistas and which would not benefit from tree planting. The Tree Strategy respects the traditional streetscape of Westminster. Should certain streets be kept free of tree planting for historic or space constraint reasons, then

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building owners will be encouraged to restrict planting to window boxes and small potted shrubs.

- 9.246 The City Council wishes to protect rear gardens from large house extensions, particularly in areas like St John's Wood, which is renown for its "leafy character". In particular, the City Council wishes to retain pear trees (pyrus) which are found in many private gardens in the north of the borough, given their historical associations with former market gardens.
- 9.247 Guidance leaflets are freely available on the planting and care of trees. See Chapter 10: Urban Design and Conservation, for additional policies which apply in conservation areas.

Reasons

- 9.248 Trees and shrubs can filter out a great deal of dust, pollutants and even viruses. Research shows that trees in parks can filter out up to 85% of suspended particles. Green spaces can also cool the air and encourage more effective air circulation. Plant and soil cover also retains moisture in a way that concrete and tarmac cannot. Runoff slows, so that sewers cope better with heavy rain conditions and the risk of flooding is reduced. However, inappropriate planting can cause considerable harm to buildings, walls and sewers and care must be taken to choose plant species and locations carefully to avoid such damage.
- 9.249 The social or amenity benefits of trees are enormous. They:
- a) provide a natural scale to buildings and streets
 - b) reflect the changing seasons and give a psychological link to the countryside
 - c) bring visual beauty to cities, thereby enhancing quality of life
 - d) trees and shrubs block ugly views and can soften the glare from highly reflective building surfaces
 - e) deciduous trees provide shade in summer
 - f) act as wind breaks as well as provide wildlife habitats.
- 9.250 Rows of trees which create green corridors, usually situated at the ends of back gardens and often back to back with other gardens, provide valuable visual amenity and screening for residents. They may also be viewed from street level through spaces between properties. These linear groupings can also provide opportunities for wildlife habitats.

NATURE CONSERVATION AND BIODIVERSITY

Aim

9.251 To protect and enhance nature conservation and biodiversity.

POLICY ENV 17 : NATURE CONSERVATION AND BIODIVERSITY

- (A) Developers must take measures to ensure that protected species and their habitats are not harmed.**

 - (B) The City Council will protect and seek to enhance areas of designated nature conservation value and green corridors shown on Map 9.2 and the Proposals Map. Development likely to have an adverse effect on a Local Nature Reserve, or a Site of Importance for Nature Conservation, or a green corridor will not be approved unless it can be demonstrated that there are reasons for the proposal that outweigh the need to safeguard the nature conservation value of the site. If such development is approved, mitigation will be required.**

 - (C) The City Council will welcome proposals that will enhance the potential for increasing habitat and wildlife in the areas of wildlife deficiency shown on map 9.1.**

 - (D) Developers will have to demonstrate that their proposals would either preserve or enhance the habitats and species protected in the Westminster and the National and London Biodiversity Action Plans.**

 - (E) The City Council will encourage:**
 - 1) landowners to plant and manage green spaces in ways that conserve and enhance wildlife value, and in particular plant native species of local provenance**

 - 2) the retention of green spaces that provide wildlife corridors, such as planted rear gardens**

 - 3) the provision in new developments of features for wildlife and to promote local biodiversity.**
-

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Policy application

- 9.252 Planning permission will not be granted for development or land use changes that would have an adverse impact on species protected by Schedules 1, 5, 7 or 8 of the Wildlife and Countryside Act 1981, as amended. Where development is permitted that may have an effect on those species, the City Council will impose conditions and seek to use its powers to enter into planning agreements to:
- a) facilitate the survival of individual members of the species
 - b) reduce disturbance to a minimum
 - c) provide alternative habitats to sustain at least the current levels of population.
- 9.253 Developers will be encouraged to undertake an ecological appraisal of their development sites and present this as part of environmental performance statements, as described in policy ENV 2 and at Annex 9.1. Ecological appraisals will be required for all developments that would affect Local Nature Reserves, green corridors, or Sites of Importance for Nature Conservation, shown in Map 9.2. Ecological Appraisals will also be required for developments that could affect habitats or species listed in national, London or Westminster biodiversity action plans and for developments that could affect protected species.
- 9.254 The City Council will take account of international, national, London or informal designations of habitats or species of nature conservation importance, and the areas of wildlife deficiency, in considering the weight to be given to nature conservation interests. Developers should take account of PPG 9: Nature Conservation, issued in October 1994.
- 9.255 Where development proposals are acceptable in principle, they should include measures to mitigate their effects upon features of nature conservation value and conditions may be imposed to such ends.
- 9.256 The City Council encourages landscaping proposals which take into account existing ecological features, use native species common locally, help to create new wildlife habitats (or which seek to restore or compensate for loss of, or damage to, wildlife habitats) and support their effective management. In some cases new planting will not be appropriate but areas should be enabled to colonise naturally. Proposals for “green roofs” and new vertical habitats will be especially welcomed, in accordance with the English Nature report ‘Green Roofs: their existing status and potential for conserving biodiversity in urban areas’, issued in July 2003.

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9.257 Where appropriate, the City Council will enter into legal agreements in order to safeguard the nature conservation value of land. Where developments fall outside its powers of control, it will seek to protect nature conservation sites through negotiation.

9.258 The City Council will promote access to nature conservation and wildlife sites for people's enjoyment of nature and to facilitate environmental education.

Reasons

Nature Conservation

9.259 In 1995, the City Council commissioned the London Ecology Unit to carry out a nature conservation survey and to report on a strategy for wildlife habitats in Westminster. Besides the Royal Parks, canal and River Thames, which are classified Sites of Metropolitan Importance for Nature Conservation, Westminster has three additional local categories of sites of importance for nature conservation. These are:

- a) Five sites of Borough Importance Grade I
- b) Seven sites of Borough Importance Grade II
- c) Fourteen sites of Local Importance.

9.260 These sites are shown on Map 9.2 and the Proposals Map. In addition, four areas have been identified by the survey as being deficient in wildlife. These areas, which are also shown on Map 9.2 are Pimlico, Aldwych, East Marylebone and Maida Vale. Areas of wildlife deficiency are defined in the Mayor of London's biodiversity strategy, published in July 2002, as built-up areas more than one kilometre walking distance from an accessible metropolitan or borough site.

9.261 The City Council will continue to implement the policies in its Nature Conservation Strategy through the Nature Conservation Strategy Action Plan (1997) and the City of Westminster local Biodiversity Action Plan (2000).

9.262 Many urban sites for nature conservation have an enhanced local importance because of the relative lack of wildlife in built-up areas.

9.263 The presence of a protected species is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat. Bats are included in the schedules of protected species under the Wildlife and Countryside Act 1981.

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9.264 The City Council's greening strategy (1996), promotes green corridors which are aesthetically pleasing. Some of these may provide opportunities for connecting habitats, acting also as wildlife corridors. The London Ecology Unit report for the City Council recognised green corridors in Westminster that benefit wildlife. These include the canal, River Thames and railway embankments, and may also include rear gardens. In 1996 the greening strategy was revised to reflect objectives in the Westminster Local Agenda 21 strategy, including sustainable park management, tree planting strategies, community needs and partnerships.

Biodiversity

- 9.265 Biodiversity encompasses the whole variety of life on Earth. It is not restricted to rare or threatened species but includes all species of plants and animals, their genetic variations and the complex ecosystems of which they are part. Plants support insects, which in turn provide food for birds and small animals. Collectively, appropriate planting helps to preserve and encourage wildlife and increase biodiversity.
- 9.266 As more and more species and habitats are lost or are in danger of disappearing through changing and more dense patterns of land use, so the need to conserve biodiversity, particularly at the local level, becomes more critical. The protection of species is an important part of the City Council's policy for sustainable development, and co-operation with the London Biodiversity Partnership will help to identify habitats and species of conservation concern locally.
- 9.267 National biodiversity action plans have been prepared by the United Kingdom Biodiversity Group. The City Council will ensure that habitats and species in these plans, of relevance to Westminster, will be protected in the City.
- 9.268 A local biodiversity action plan has been prepared by the Westminster Biodiversity Partnership, of which the City Council is a member. It lists priority habitats and species for special protection. Individual action plans will identify all the areas which are particularly valuable for the conservation of these habitats and species. These habitats will be protected from building and other development. Protection will also be provided for habitats and species in the London biodiversity action plan.
- 9.269 The City Council has designated St John's Wood Church Grounds wildlife area as a Local Nature Reserve. Private gardens and the continuous corridors of trees and shrubs that they provide, are also valuable habitats and the Urban Design chapter has policies to protect them.

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- 9.270 The following habitats are particularly significant in Westminster and have been selected as initial priorities for safeguarding in the local biodiversity action plan: vertical habitats; water's edge; small parks and garden squares ;and parkland. The major wildlife corridors in Westminster are the River Thames and the Grand Union Canal, although there are more local linkages such as those formed by rear gardens, garden squares and parks. The City Council will encourage proposals to enhance their value for nature conservation, amenity, landscape or access. The Westminster biodiversity action plan and policies in Chapter 10: Urban Design and Conservation should be consulted.
- 9.271 The initial list of species in the local biodiversity action plan includes: the holly blue butterfly; small skipper butterfly; common darter dragonfly; thyme-leaved speedwell plant; native hawthorn plant; house sparrow; tawny owl; and bats.
- 9.272 Specific biodiversity action plans will identify all the areas which are particularly valuable for nature conservation. These areas will be protected from the adverse effects of building development.

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TABLE 9.1 Westminster's Open Space Hierarchy

Type	Main Function	Size guideline	Distance from home	Characteristics
a. Metropolitan Park	Weekend and occasional visits by car and public transport.	60 ha (150 acres)	3.2km, or more where the park is appreciably larger	Formal parks providing for both active and passive recreation. May contain playing fields, but at least 40 hectares for other pursuits. Adequate car parking.
b. District Park	Weekend and occasional visits by foot, cycle, car and short bus trips.	20 ha (50 acres)	1.2 km	Landscape setting with a variety of natural features providing for a wide range of activities, including outdoor sports facilities and playing fields, children's play for different age groups, and informal recreation pursuits. Should provide some car parking.
c. Local Parks and Open Spaces	Pedestrian visits	2 ha (5 acres)	400m (0.25) mile	Providing for court games, children's play, sitting-out areas, nature conservation areas.
d. Small Open Spaces	Pedestrian visits especially by old people, children and workers at mid-day; particularly valuable in high density areas.	Under 2 ha	Less than 400m (0.25 mile or less)	Gardens, sitting-out areas, children's play spaces or other areas of a specialist nature, including nature conservation areas.
e) Linear Open Spaces	Pedestrian visits.	Variable	Wherever feasible	The Thames, canals, other waterways and associated open spaces and towpaths; paths; disused railways; nature conservation areas; and other routes which provide opportunities for informal recreation. Often characterised by features or attractive areas which are not fully accessible to the public but contribute to the enjoyment of the space.

Based on *Guide to preparing Open Space Strategies*, published by the Greater London Authority in March 2004.

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ANNEX 9.1

ENVIRONMENTAL PERFORMANCE STATEMENT: a checklist of environmental effects and sustainability

What is an Environmental Performance Statement ?

- 1.1 An Environmental Performance Statement (EPS) is a written statement that accompanies a planning application. It provides detailed information on a range of environmental conditions and indicates how these will be affected by the proposed development. Applicants of proposed developments over a certain size will be expected to also fill out the sustainable buildings sections of the EPS to ensure that their proposals incorporate sustainable design measures as far as possible.
- 1.2 When the City Council has received an EPS we will carry out an assessment based on the information contained in it. This will be a major consideration in the determination of the planning application.

When is an Environmental Performance Statement required?

- 1.3 The City Council requires planning applicants to use an Environmental Performance Statement (EPS) for all developments over a specified size (see tables 9.2 and 9.3 below) other than those for which an Environmental Impact Assessment (EIA) is required (See sections 9.11-9.19c above). It provides a systematic way of checking that policies ENV 2- ENV 15 have been considered and followed by the applicant.
- 1.4 An Environmental Performance Statement is necessary for all developments. This is because a development may:
 - a) cause pollution of air, land or water
 - b) cause noise pollution or light pollution
 - c) affect amenities, daylight, sunlight or other environmental aspects of neighbouring properties
 - d) use vacant, underused or contaminated land or relate to open land
 - e) require storage of waste or materials for recycling
 - f) affect trees, shrubs, landscape, habitats or wildlife
 - g) relate to archaeological sites.
- 1.4a The sustainable buildings sections of the EPS must be completed if the proposed developments meet the medium and large size criteria specified in table 9. 2 below. This is to ensure that sustainable design and construction methods are considered in a systematic and thorough manner early in the development process

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Independent Evaluation of environmental effects and sustainability

- 1.4b For medium scale development the City Council encourages an independent appraisal of a building's sustainability. For large scale developments in the City this independent appraisal will be mandatory. This assessment should be attached to the Environmental Performance Statement as outlined above (see also policy ENV 2). In a few cases this independent assessment may form part of the Environmental Impact Assessment under the Town and Planning (EIA) Regulations 1999.
- 1.4c There are an increasing number of sustainability appraisal systems available. The City Council welcomes submission of these provided the assessment covers the range of topics included in the supplementary planning guidance on Sustainable Buildings. The most well-recognised system of independent environmental appraisal is BREEAM (for commercial buildings) and EcoHomes (for residential), also developed by the Building Research Establishment (BRE). Similar appraisal systems have also been developed for the National Health Service (NEAT) and schools (SEAM).
- 1.4d BREEAM for commercial buildings assesses individual buildings on the basis of credits for a set of performance criteria. The number of credits achieved results in the building achieving a rating of 'Excellent', 'Very Good', 'Good', or 'Pass'.

Performance criteria cover:

- management
 - health and comfort
 - energy
 - transport
 - water
 - materials
 - land use
 - site ecology
 - pollution.
- 1.4e EcoHomes assesses residential development in a similar way. It can be used for new and renovated homes including houses, apartments and sheltered accommodation. Performance criteria include:
- energy
 - water
 - pollution
 - materials
 - transport
 - ecology and land use
 - health and well being.

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Table 9.2 : Criteria for Sustainable Buildings assessment : type and size of development

Size	Residential	Commercial / retail	Public / other
Large	<ul style="list-style-type: none"> New accommodation for over 50 units 	<ul style="list-style-type: none"> Regional shopping centres, multiplex cinemas and other large entertainment facilities (concert venues, exhibition centres, etc) Major office developments (above 2,000 m² floorspace) Major hotel developments (over 100 beds) 	<ul style="list-style-type: none"> Large acute hospitals Major transport interchanges Heliports or helipads A crossing over/ under the Thames
Medium	<ul style="list-style-type: none"> New accommodation for 10 to 50 units 	<ul style="list-style-type: none"> Hotels (10 to 100 beds), Retail over 200 m²; district shopping centres, or department stores Leisure centres Entertainment uses (Class A3/D2) over 500 m² Office developments (200 to 2,000 m² floorspace) 	<ul style="list-style-type: none"> Large educational establishments Intermediary healthcare centres Libraries and public offices Minor transport interchanges
Small	<ul style="list-style-type: none"> New accommodation for less than 10 units 	<ul style="list-style-type: none"> Hotels (up to 10 beds) Entertainment uses (class A3/D2) under 500 m² Offices/retail (less than 200m²) 	<ul style="list-style-type: none"> GPs and clinics Small schools Small post offices, community centres, etc

Table 9.3: Environmental appraisal: assessment levels for different development sizes

Development Size	Environmental Performance Statement (see ENV 2 (A))	Independent Sustainability Appraisal (see ENV 1 (E))
Large	Require	Require
Medium	Require	Encourage
Small	Require	

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How will the Environmental Performance Statement be used?

- 1.5 We will check that the development conforms with all relevant environmental policies. If insufficient information is provided or we consider that changes to the proposal would enable it to meet the necessary criteria, we may ask for further information.
- 1.6 The EPS will also enable us to consider which planning conditions may need to be applied to the development and what criteria should be included in them.
- 1.7 The City Council will be preparing an EPS in questionnaire format, to be sent out with planning application forms. The intention is to make this a straightforward form to fill out than to expect applicants to have to rely solely on Annex 9.1.

ENVIRONMENTAL PERFORMANCE STATEMENT: CHECKLIST OF ENVIRONMENTAL EFFECTS AND SUSTAINABILITY	
1	Energy efficiency; vacant & underused land and buildings: policy ENV 1 and ENV 3
1a	<i>All developments:</i> <ul style="list-style-type: none"> • Has the development been assessed for energy-efficiency and predicted carbon emissions? • Will the development use vacant or under-used land or buildings?
1b	<i>Achieving sustainable buildings (policy ENV 1);</i> <ul style="list-style-type: none"> • Has the potential long-term future use of the proposed building been considered? • Has the option of reuse of an existing building or its materials been assessed? • Are the designs flexible enough to accommodate possible change of use in the future? • Has an energy statement been prepared to demonstrate how energy-efficient measures will work and how carbon emissions will be minimised?
1c	Materials: policy ENV 1 <i>Achieving sustainable buildings:</i> <ul style="list-style-type: none"> • Have material specifications incorporated lifecycle impacts and expected whole life costs, bearing in mind the building's likely refurbishment cycle? For example, timber certified as sustainable; natural insulation products; natural flooring materials; timber frame windows and natural paints. Do material specifications have a recycled component?

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2	<p>Air pollution: policies ENV 5 <i>All transport issues, including air pollution from transport, are covered by transport assessments: see policy TRANS 14 and Appendix 4.1 at the end of the Transport Chapter).</i></p>
2a	<ul style="list-style-type: none"> • Give outline information on any plant, machinery or equipment proposed for the development, that might emit air pollutants (type, size, fuel). • If air conditioning is proposed, will it be a dry or wet system and for what reasons? • Will aspects of the development or its use cause odours? If so, indicate what measures will be taken to contain these and to prevent the spread of odours outside the development.
2b	<p><i>Achieving sustainable buildings:</i></p> <ul style="list-style-type: none"> • Have potential risks to air quality (e.g. asbestos) associated with demolition or refurbishment been considered? What measures will be taken to contain the risk? • If the development is for housing or schools along heavily trafficked roads, what design measures are being introduced to minimise occupiers' exposure to air pollution? Such measures might include designing buildings so that upper floors graduate away from the road; incorporating planting to screen buildings from the road, and avoiding creation of "street canyons" . Have you prepared an air quality assessment, and what are your findings? • What steps will be taken to contain dust during demolition and construction?
3	<p>Noise pollution: policies ENV 6 and ENV 7 <i>Noise from transport is covered by Transport Assessments (see Policy TRANS 14 and Appendix 4.1 at the end of the Transport Chapter).</i></p>
3a	<p><i>All developments:</i></p> <ul style="list-style-type: none"> • What design features are proposed to minimise and contain noise? • What design features are proposed to prevent noise or vibration being transmitted through the structure to adjoining properties? • What plant, machinery and equipment are proposed as part of the development (give details of type and size)? • How has the design and location of services and plant been designed to minimise noise generation and transmission of noise and vibration? • What hours of operation are proposed for plant and machinery? • What hours of operation are proposed for the use of the development?
3b	<p><i>Achieving sustainable buildings:</i></p> <ul style="list-style-type: none"> • All the above in 3a will apply.
3c	<p><i>If the proposal includes plant and machinery:</i></p> <ul style="list-style-type: none"> • Provide an acoustic report indicating maximum noise that will be emitted at times when the existing external noise level is lowest. The results must be expressed as the A-weighted and octave band spectra L90 over a fifteen-minute period. • The report must provide information on the existing external (background) noise level close to the development, and demonstrate that any noise generated by plant and machinery will not exceed existing external background noise at any time. Refer to policy ENV 7 for more detail and the requirements for emergency generators.

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3d	<p><i>If the development includes plant and machinery and if the development is for an A3 (food and drink) or D2 (assembly and leisure) use:</i></p> <ul style="list-style-type: none"> • Give details of the nearest noise sensitive property (Address; distance from the proposed development; type – residential, school, hospital, hotel, hostel, concert hall, theatre, broadcasting studio, recording studio). • Provide a map indicating the relationship of the development to the nearest noise sensitive property. • Provide an acoustic report indicating maximum noise that will be emitted at times when the existing external noise is lowest (i.e. noise emitted from plant, machinery, and human voices, amplified or unamplified music). The results must be expressed as the A-weighted and octave band spectra L90 over a fifteen-minute period. The report must demonstrate that any noise generated will not be audible outside the nearest noise-sensitive property at any time. For residential noise sensitive properties and those where sleeping accommodation is provided, noise measurements must be taken outside the nearest bedroom or sleeping area. • Provide details of proposed measures to ensure that no noise from plant and equipment will be audible at any time at the nearest noise sensitive property. • For an entertainment use, provide a management plan which should also comply with any concurrent licence.
4	Contaminated land: policy ENV 8
4a	<p><i>All developments:</i></p> <ul style="list-style-type: none"> • Indicate whether the site previously contained an industrial land use, or is known to be contaminated. • If the land is known to be contaminated, or had a previous industrial land use, provide a summary of land use history, the nature and extent of any known contamination, and method of decontamination planned. • Does the use planned involve the storage, processing or transfer of hazardous substances? What measures are being put in place to mitigate against potential hazards? Have you carried out an off-site accidental risk assessment on surrounding users? Please attach details.
5	Water quality, saving and drainage: policy ENV 9 and map 11.2
5a	<p><i>All developments:</i></p> <ul style="list-style-type: none"> • Is the development close to, or could it affect, watercourses or areas of open water? If so, give details of any proposals to protect or enhance watercourses and aquatic habitats. • Will materials be used in the development or its use that could cause pollution to surface run-off, groundwater, watercourses or areas of open water? • What means will be used to control surface water run-off? • What means are proposed to ensure water efficiency and conservation? • If your proposal is in the Flood Zone, have you prepared a flood risk assessment?
5b	<p><i>Achieving sustainable buildings:</i></p> <ul style="list-style-type: none"> • What water saving devices have been incorporated? • Will sub-metering be installed to enable effective water management by occupiers? • Have opportunities for making use of rainwater or recycling water been assessed? • What measures have been incorporated to reduce the speed and volume of water runoff? • Has the potential for extracting water from boreholes been investigated?

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6	Light pollution: policy ENV 10
6a	<p><i>All developments:</i></p> <ul style="list-style-type: none"> • Give details of any proposals for installation of external lighting, including advertising panels, indicating how glare or conflict with street or traffic lighting will be avoided; how upward light spill will be avoided, or minimised; and the energy-efficiency of proposed equipment.
7	Waste and recycling: policies ENV 11 and ENV 12
7a	<p><i>All developments:</i></p> <ul style="list-style-type: none"> • What provision will be made within the development for storage of waste and materials for recycling? • Indicate on a plan of the development where the waste & recycling storage area/s will be provided. • Indicate the size/s of proposed storage areas. • Give outline information on any provision proposed for compactors. • Will discarded building materials and components from the site be salvaged and re-used, and will waste materials be recycled on or off site. If on-site, how will effects such as noise and dust be controlled? • Has the transfer of demolition materials by water been considered? <p>(Where insufficient information is provided, or where the City Council determines that the provision will not be adequate, we may require preparation of a Waste Management Plan. See 7c below).</p>
7b	<p><i>Residential developments:</i></p> <ul style="list-style-type: none"> • What provision will be made for interim storage of separate materials for recycling in each dwelling and on each level in developments of more than one dwelling?
7c	<p><i>Developments that will generate large volumes of waste (such as retail, food, drink or entertainment premises, or any large development):</i></p> <ul style="list-style-type: none"> • Provide a waste management plan. This should include: estimates of volumes and types of waste that will be generated; proposed means for its separation, for recycling; movement within the development and its storage; locations and sizes of storage areas; access for waste and recycling collections; measures to keep all waste off-street; any arrangements for collection and disposal of special waste; use of compactors and skips; any on-site equipment to process waste.
7d	<p><i>Developments with grassed or landscaped, or garden areas:</i></p> <ul style="list-style-type: none"> • Indicate what facilities will be provided for on-site composting.
7e	<p><i>All workplaces and other developments with no-smoking policies:</i></p> <ul style="list-style-type: none"> • Indicate what provision will be made for bins for smokers' waste outside main entrances.
7f	<p><i>Large developments:</i></p> <ul style="list-style-type: none"> • Are there opportunities within the development for provision of public sites to collect materials for recycling?
7g	<p><i>Medical, dental or veterinary developments:</i></p> <ul style="list-style-type: none"> • If clinical waste is likely to be generated (medical, dental and veterinary) indicate what storage provision will be provided entirely separate from storage of non-clinical waste.
7h	<p><i>Achieving sustainable buildings (as well as the above):</i></p> <ul style="list-style-type: none"> • How will steps be taken to reuse, recycle or transfer construction and demolition waste? Are the following being considered? <ol style="list-style-type: none"> 1. Pre-fabrication 2. Standardised components 3. Flexible designs 4. Waste segregation and recycling storage 5. Composting 6. Specification of materials to include those with recycled component 7. Planning the construction process to minimise waste being thrown away due to time or storage constraints. 8. Water transport to transfer demolition materials

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8	Amenity, environmental quality, daylight and sunlight: policy ENV 13
8a	<p><i>All developments:</i></p> <ul style="list-style-type: none"> • What effects will the development have on daylight and sunlight? • For effects on residential accommodation, how do these compare with the standards set out in the BRE (Building Research Establishment) publication, 'Site planning for daylight and sunlight'? • How will the development affect overlooking of neighbours or their privacy? • What effects will the development have on micro-climate (for tall buildings this may relate particularly to wind turbulence)? If high level winds will be channelled or deflected by the development, what solutions are proposed? • What effects will the development have on air quality? (This consideration may be dealt with in more detail as part of a Transport Assessment. See also section 2 above.)
8b	<p><i>Achieving sustainable buildings:</i></p> <ul style="list-style-type: none"> • Does the building meet Part M of the Building Regulations and BS 8300: Design of buildings and their approaches to meet the needs of disabled people.? • Have you incorporated "inclusive design" techniques so that the public spaces, access routes to and around the building are, wherever possible, accessible to wheelchairs? • Have you provided an access statement?
8c	<p><i>Residential developments:</i></p> <ul style="list-style-type: none"> • What proposals are included for open space, play-space, or associated community facilities? • What design features are being introduced in order to protect occupiers from air pollution?

9	Open land: policy ENV 14
9a	<p><i>Development that may affect the settings of Royal Parks, including views from them:</i> Indicate what measures will be taken to avoid harming the settings of the Royal Parks and views from them.</p>
9b	<p><i>Development on or under Metropolitan Open Land (MOL):</i></p> <ul style="list-style-type: none"> • Indicate why the development is essential and how it is related to maintaining or enhancing MOL as open space.
9c	<p><i>On or under public or private open space of amenity, recreational or nature conservation value:</i></p> <ul style="list-style-type: none"> • Provide information on which open spaces could be affected by the development and how they would be affected.
9d	<p><i>Developments that will enhance or provide new open space for public space:</i></p> <ul style="list-style-type: none"> • Describe any proposals that will enhance or provide new public open spaces.
9e	<p><i>In Priority Areas for Additional Public Open Space:</i></p> <ul style="list-style-type: none"> • Give information on any proposal to provide new open spaces for public use. • Provide information on any proposals to enhance existing open spaces.

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10	Trees, shrubs and landscape: policies ENV 15 and ENV16
10a	<p><i>Where relevant to proposal:</i></p> <ul style="list-style-type: none"> • Provide a map showing the location of each existing tree within the site. • In addition, indicate on the map the location of all trees within 20 metres of the perimeter of the site. • Provide a list of all trees within the site and within 20 metres of its perimeter and their: species, height, condition. • Indicate all trees known to be subject to a Tree Preservation Order • Is the site in a Conservation Area? • Give information on any proposals to remove trees. • Indicate all works that will have direct effects on trees and how they will affect them. • Show how any changes of level may affect existing trees. • Indicate how the development may take light from existing trees and may affect wind and other micro-climate conditions for existing trees. • Describe what measures are proposed to protect trees that are to be retained. • Describe proposals for planting new trees, shrubs and climbers as part of or adjacent to the development (include location and species).
10b	<p><i>All developments</i></p> <p>Provide information on any proposed landscape aspects other than trees and shrubs (including main plant species and locations):</p> <ul style="list-style-type: none"> • Climbing plants • Roof gardens • “Green” roofs.
10c	<p><i>Achieving sustainable buildings:</i></p> <ul style="list-style-type: none"> • Can the designs for the building incorporate “green roofs” or has it scope for vertical habitats? • Do landscaping designs adopt low water-use and low maintenance methods?
11	Habitats and wildlife: policy ENV 17
11a	<p><i>All developments:</i></p> <ul style="list-style-type: none"> • Will any species be affected by the development that are protected under the Wildlife and Countryside Act 1981? • Is the development close to a site of nature conservation importance or a local nature reserve, or will it directly affect one? If so, give details. • Has the development been assessed in terms of its biodiversity value, in particular the presence or species and habitats in UK, London or Westminster biodiversity action plans? If so, give details. • If the development may have effects on any of the above, provide an ecological appraisal of the development. • Is the development in an area of wildlife deficiency? What features for wildlife and to promote biodiversity are planned as part of the development?
11b	<p><i>Achieving sustainable buildings:</i></p> <p>As well as the above in 11a:</p> <ul style="list-style-type: none"> • Can any potential linkages be made to existing green corridors or wildlife areas?

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12	Archaeology: policy DES 11
12a	<i>Developments in an Area of Special Archaeological Priority:</i> What measures are proposed: <ul style="list-style-type: none">• To preserve in situ all archaeological remains of national importance?• To properly evaluate, and where practicable preserve in situ, remains of local archaeological value?• For those archaeological remains for which in situ preservation is inappropriate, full investigation, recording and an appropriate level of publication by a reputable investigating body?

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