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Submitted by the Knightsbridge Neighbourhood Forum (respondent ref. no. 51)

WESTMINSTER CITY PLAN EXAMINATION – MATTER STATEMENT 7

Matter 7 – Environment

Policy 33

1) Taking each individually, are Policies 33-38 justified, effective, consistent with national policy and in general conformity with the London Plan?

3) Are the requirements for air quality assessment and mitigation set out in Policy 33 clear and justified? Is it clear what developers would need to do if air quality neutral status cannot be achieved? Are the financial contributions towards air quality clear? How have the requirements of Policy 33 factored into the viability assessment?

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 33 is not effective in addressing the issue of air pollution, which is expected to be one of the most acute threats to human health (particularly in urban areas) over the plan period. It fails to provide clear direction in all the ways that it can to ensure that development is at least air quality neutral.</p>	<p>Add a new clause after 33C to read: <u>“All major developments and those subject to an Environmental Impact Assessment, including change of use and refurbishments, should aim to achieve Zero Local Emissions.”</u></p>	<p>It is recognised today that air pollution is one of the most severe issues affecting human health, both in this country and globally. London is one of the locations in the UK where air pollution is greatest, with Westminster having a number of locations that are particular hotspots, e.g. Brompton Road. Given the severity of the air pollution issue in Westminster borough, the Forum considers that the Council should encourage developers to go further than the requirements of the draft London Plan. In particular, this relates to achieving Zero Local Emissions (development that emits no emissions to air directly or indirectly other than filtered air after ventilation or cooking).</p> <p>Westminster City Council should include the updated draft ‘Air Quality Action Plan 2019 -2024’ among the examination documents. It supercedes the plan for ‘2013 – 2018’. Furthermore, the Council’s Cabinet decided at its meeting on 11 May 2020 to ‘refresh’ the ‘2019 – 2024’ plan and noted that “...it is envisaged that a refreshed Action Plan will be more ambitious in its commitments to reduce air pollution in Westminster”. The City Plan should align to the emerging AQAP 2019-2024. See para 5.4 on page 5: https://committees.westminster.gov.uk/documents/b16555/Follow%20on%20Agenda%2011th-May-2020%2019.00%20Cabinet.pdf?T=9</p>

Policy 35

6) Are the contributions expected from development towards Green Infrastructure set out in Policy 35 clear and do they cover all types of Green Infrastructure, particularly sports and play? Have the viability implications of developer requirements of Policy 35 been taken into account?

7) Is Policy 35 consistent with paragraph 174 of the NPPF?

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 35 is not consistent with national policy because it fails to fully and properly address the requirement of paragraph 174 of the NPPF to ‘...identify and pursue opportunities for securing measurable net gains for biodiversity’. This is because it does not provide a robust framework for ensuring the delivery of on-site biodiversity gains. Moreover, this is not able to feed into a measurable framework which reflects the requirement of Policy G5 (Urban greening) of the draft London Plan to develop an Urban Greening Factor.</p>	<p>Amend 35B to read: <i>“...design of the scheme. <u>Until superseded by a local target for Westminster, the Mayor’s Urban Greening Factor will apply to major developments.</u>”</i></p> <p>Amend 35G to read: <i>“Developments should achieve biodiversity net gain, wherever feasible and appropriate and only in exceptional circumstances should a contribution be made in the form of a biodiversity credit. Proposals should include a clear planting plan that demonstrates resilience to climate change, diseases and pests.”</i></p>	<p>Biodiversity net gain can be achieved and there is plenty of guidance out there as to how it can be done, e.g. NPPG (https://www.gov.uk/guidance/natural-environment) and CIEEM (https://cieem.net/biodiversity-net-gain-guidance-published/). But the Council, as noted in its Environment Topic Paper (EV_ENV_001), only intends to give local guidance through its Green Infrastructure Strategy, “which will be produced during the life of the City Plan” (para. 4.8). This is a matter of significant importance and urgency, therefore must be part of the examined Plan. The Council must be able to demonstrate how its policies will achieve biodiversity net gain but does not do this. Moreover, if biodiversity credits are paid by developers unable to achieve net biodiversity gain on their site, then there must be a robust strategy in place which ensures these credits are used effectively to maximise net biodiversity gain elsewhere.</p> <p>Draft London Plan Policy G5 (Urban greening) requires boroughs to develop an Urban Greening Factor. The Plan has not done this, nor has it made reference to the draft London Plan interim target scores.</p>
<p>Policy 35 is not consistent with national policy because it fails to fully and properly address the requirement of paragraph 174 of the NPPF to ‘...identify and pursue opportunities for securing measurable net gains for biodiversity’ with specific reference to trees. Policy 35 only refers to trees within the context of their canopy cover.</p>	<p>Replace 35I with the following clause: <i>“Development must take every opportunity to maximise the planting of species-diverse trees that will contribute to a healthy urban forest, with a balanced age structure, that will be resilient to climate change, diseases and pests</i></p>	<p>A policy requirement that simply encourages the planting of trees of any species in any spare space will result in poor outcomes, particularly if the sole consideration of their value is canopy cover. Whilst the heat island effect is one specific threat from climate change, planting trees that provide shade will only help to minimise the direct effects on humans on a day-to-day basis; an effective strategy for planting must also contribute towards mitigating the more fundamental, long term impacts of climate change by recognising the role they play as carbon stores. In this regard, the importance of planting a range of tree species is critical. This will minimise the general threat of diseases, pests and climate change to the tree population. Currently in London the plane tree</p>

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	<p><i>and provide shade and help to connect habitats.</i></p> <p>Add new clause 35J to read: <i>“All Key Development Sites are expected to demonstrate how they have taken every opportunity to maximise tree planting on the site.”</i></p>	<p>predominates, a species that has been devastated by ‘plane wilt’ in other cities such as Lyon, France.</p> <p>Draft London Plan Policy G7 (Trees and woodlands) requires development plans to identify opportunities for tree planting in strategic locations. Despite the Council’s Environment Topic Paper (EV_ENV_001) stating in para 4.19 that it does this, no specific locations have been identified. It is assumed that this will only be undertaken as part of the Council’s Green Infrastructure Strategy but this has yet to be prepared. The Key Development Sites, including Hyde Park Barracks, are a good opportunity to address this in the Plan, being the largest sites with the greatest potential to accommodate substantial planting programmes.</p>

Policy 36

11) Does Policy 36 provide sufficient protection for current and future flood management infrastructure?

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<p>Policy 36 is not sound because it fails to take into account the need to plan for the impacts of climate change, including rising sea and watercourse levels.</p>	<p>Amend 36I to read: <i>“New development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken. Where possible, it should incorporate mitigation and resilience measures for possible</i></p>	<p>Paragraph 148 of the NPPF states that planning plays an important role in minimising the vulnerability of developments and building in resilience to the impacts of climate change, including flood risk. Policy 37 as worded does not require development proposals to demonstrate how they have built in resilience, simply that they have addressed the direct impacts of their scheme at the time of the application. The Council’s draft Strategic Flood Risk Assessment 2019 (EV_ENV_010) notes at paragraph 3.4.13 that climate change is likely to have a major impact on future flood risk. For Westminster this is significant in relation to surface water flooding, which is expected to be addressed by SuDS provision.</p>

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	<u>increases in seasonal watercourse levels as a result of climate change.</u> "	

Policy 37

- 1) *Taking each individually, are Policies 33-38 justified, effective, consistent with national policy and in general conformity with the London Plan?*
- 2) *Do Policies 33-38 effectively deal with the full range of issues?*
- 15) *Should Policy 37 set out carbon reduction targets? Is the proposed payment in lieu for developments unable to meet carbon reduction requirements clearly articulated?*
- 16) *Should the requirement for major development to install energy monitoring equipment and undertake energy monitoring be specified in Policy 37?*
- 17) *Have all the requirements of Policy 37 been fully taken into account in the viability assessment?*

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<p>Policy 37 is not in general conformity with Policy SI2 (Minimising greenhouse gas emissions) of the London Plan</p>	<p>Amend 37A to read: <i>“<u>The council will promote requires all major development to be net zero carbon and expects all development, including refurbishments, to reduce on-site energy demand and maximise the use of low carbon energy sources, particularly on-site, to minimise the effects of climate change.</u>”</i></p>	<p>Policy SI2 of the London Plan clearly states that ‘major development should be net zero carbon.’ Policy 37A is therefore not in general conformity with this.</p> <p>In addition, the policy fails to address the impact of small (non-major) sites. The Council’s Housing Topic Paper (EV_H_013) projects in Table 3 that 15% of all units on identified sites will be delivered through schemes of less than 10 dwellings. On windfall sites, this increases to 20% (para. 6.6.6). This equates to over 2,800 dwellings on small sites. It is imperative, given the urgency of the need to ensure all development significantly reduces its carbon emissions, that small sites are explicitly required to be designed so that they reduce energy demand.</p> <p>Equally, the scale of the task to meet net zero carbon is so significant that all aspects of development must contribute. The majority of development in Westminster will be refurbishment of existing buildings rather than construction of new buildings. It is therefore imperative that refurbishment improves energy efficiency of existing buildings.</p>
<p>Policy 37 should set out carbon reduction targets, given the importance of the requirement to meet carbon reduction targets, both set in law by the UK Government and committed to by Westminster City Council.</p>	<p>Amend 37 to include carbon reduction targets by appropriate points during the Plan period, preferably 5-yearly.</p>	<p>Given the clear targets for emissions reduction set in law by the UK Government (net zero carbon by 2050) and through a resolution of the Council (net zero carbon across Westminster borough by 2040), it is imperative that targets for emissions reduction are set to measure progress. Given the scale of the task by 2050 and particularly 2040, significant reductions in emissions are in the first 10 years of the plan period. Without targets for the development sector – one of the most significant contributors to emissions</p>

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		currently – there is a danger that the overall target for 2040 will be unachievable and this point will be reached comparatively early in the Plan period. It is paramount therefore to have measurable, interim targets for 5-yearly periods over the lifetime of the Plan.
<p>Policy 37C is not sufficiently clear about the extent of the likely payment towards the Carbon Offset Fund and the impact of this on viability. The proposal to prepare a Supplementary Planning Document on the matter at a future date fails to properly address the severity of the issue and the need for development to be making effective contributions towards carbon reduction targets from the very start of the plan period. In this regard the policy has not been justified and is not effective.</p>		<p>The Council has not demonstrated how its Carbon Offset Fund contribution requirements are to be set so that they make development viable. The current cost of carbon sought by the Council is £60 per tonne over a 30-year period (source: Westminster Carbon Offset Fund Guidance, Jan 2020) whereas the draft London Plan tested a figure of £95 per tonne of carbon as part of its viability assessment (source: draft London Plan para. 9.2.8). It is unclear whether the Council’s Local Plan Viability Review (EV_GEN_001) took into account either of these figures in its assessments. All it assumes is an addition of 1.4% to base build costs for residential and 2% for commercial. It should be noted that the Westminster Carbon Offset Fund Guidance (Jan 2020) has not been submitted to the Examination therefore the Forum is concerned that the evidence base is insufficient to determine whether the carbon price advised by the draft London Plan has been tested and development remains viable. This is a matter of significant importance and urgency, therefore must be part of the examined Plan.</p>
<p>Policy 37 should require all major development to install energy monitoring equipment and undertake energy monitoring, otherwise the policy could be ineffective in addressing the significant issue of carbon emissions reduction.</p> <p>Also, it is not just monitoring of energy that is important. The energy strategy of major development must ensure that it is as efficient as possible and, as far as possible, addresses its own energy needs on site. An additional clause in the policy needs to make this clear in order for the policy to be effective.</p>	<p>Amend clause 37A to read: “...<i>the effects of climate change. Major development must ensure that provision is made for energy monitoring.</i>”</p>	<p>The Council’s Environment Topic Paper (EV_ENV_001) notes that Westminster has among the highest annual energy consumption of all local authority areas in the UK (para. 6.18). Nationally, energy usage in buildings is of the biggest contributors to carbon emissions. Therefore, the challenge to reduce and minimise energy consumption across the whole of Westminster borough is significant and must start with new buildings.</p> <p>The increase in demand for electricity as opposed to what traditionally has been more of a mix of energy sources means that the demand on the grid will be significant. Development will increasingly need to be able to produce and store its own energy which can then be used on site as electricity in an efficient way. In this regard, this is a core part of the Mayor’s energy hierarchy (draft London Plan, Figure 9.2). However, whilst the hierarchy provides the high level process for minimising energy use and maximising efficiency, it is incumbent on Local Plan policies to articulate this more clearly. Policy 37 must provide clearer direction on what is expected of development proposals.</p>

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<p>Policy 37 should address the need to minimise water consumption and to ensure that the water supply infrastructure is protected and enhanced.</p>	<p>Add new sub-heading and clause to Policy 37 to read:</p> <p><i><u>“WATER USAGE</u></i> <i><u>All development should minimise water consumption and peak flows through good design.”</u></i></p>	<p>Objective 7 of the Plan is to ‘Improve air quality, minimise noise and other polluting impacts, and reduce carbon and water demands by minimising detrimental impacts from development’. However, the Plan does not include any policies which address water demand, directly or indirectly. Water efficiency and reduction in water consumption is critical to mitigating the impacts of climate change. Draft London Plan Policy SI5 (Water infrastructure) requires development plans to, “...promote improvements to water supply infrastructure and contribute to security of supply”. The Plan makes no reference to promoting the protection and improvement of the water environment or Integrated Water Management Strategies, as required by Policy SI5.</p>