

Matter 7: Environment

Introduction

This statement sets out Westminster City Council's written response in relation to the Inspector's Matter 7 issues and questions regarding **Environment**. Examination document reference numbers are used throughout for convenience e.g. EV_ENV_001. References to modifications in the Schedule of Modifications are in the following format M/E/01 or PS/E/01.

Issue

Whether the City Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to the environment.

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

1.1 The Mayor has raised no general conformity issues with the adopted (CORE_021) or New London Plan in relation to Policies 33–38, bar those discussed and resolved within Appendix A of the Waste Data Study (EV_ENV_022_V3_V2) - see answer to question 18. Statements of Common Ground have been prepared between the Mayor and the council to demonstrate conformity with the adopted (CORE_021) and New London Plan for all other policies (see SCG_007_V2).

Policy 33

1.2 Paragraph 2.4-2.16 of the Environment Topic Paper (EV_ENV_001) demonstrates the City Plan's alignment with national policy requirements around air quality. There is conformity with Part IV of the Environment Act 1995 and Part II of the Environment (Northern Ireland) Order 2002, which require local authorities in the UK to review air quality in their area and designate air quality management areas if improvements are necessary. Paragraph 181 of the updated National Planning Policy Framework (NPPF) sets out in further detail how planning policy should interplay with local authority requirements, making particular reference to Air Quality Management Areas and Clean Air Zones. Policy 33 can be seen to meet with this in Paragraphs 33.1 and 33.11 of the reasoned justification. Specifically, planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives, while being consistent with the local Air Quality Action Plan (EV_ENV_015).

1.3 Policy 33 ensures conformity with these requirements, setting the overarching expectation that development will "*reduce exposure to poor air quality and maximise opportunities to improve it*" (Clause A). Paragraph 33.2 of the reasoned justification confirms that we will work to achieve this through a range of methods, including design and construction, green infrastructure, energy efficiency and sustainable travel. These topics are frequently picked up in further detail elsewhere in the Plan, with connected policies lending mutual support to this one. For example, our policies

pertaining to sustainable transport (Policy 25A) and delivering on the London Mayor's 'Healthy Streets' approach (most notably through Policy 25C) (see EV_ENV_019).

1.4 The Mayor has managed the devolved London Local Air Quality Management (LLAQM) system since May 2016. Air quality provisions are prominent in the adopted London Plan (CORE_021) and the New London Plan (CORE_022). The council's approach has been to not only align with, but directly adopt and exemplify the New London Plan's policy framework in this area, for example by introducing our own Air Quality Positive approach for major developments, set out in Policy 33B and Paragraph 33.3. As outlined above, the Mayor has found no general conformity issues with Policy 33 of the draft City Plan in respect of these requirements (see Statement of Common Ground, SCG_007_V2).

1.5 Policy 33 is justified by the nationwide priority given to this issue, and the specific local resonance for Westminster. Air pollution levels in large areas of the city exceed current EU and World Health Organisation (WHO) Standards (Paragraph 33.1). There is a significant weight of further locally relevant evidence, as set out in the Environment Topic Paper (EV_ENV_001). Paragraph 2.20 of that document confirms that Westminster's air quality objectives are externally verified and accepted by Defra and the GLA, and that externally produced evidence considered in their development includes established mechanisms for the modelling of air quality levels such as the London Atmospheric Emissions Inventory. Additionally, the City Plan's reasoned justification (Paragraph 33.1) highlights that air quality is a top environmental concern for Westminster's residents and "*the whole of the city has been declared an Air Quality Management Area (AQMA) for nearly two decades*". The council therefore seeks to tackle poor air quality in an integrated way through the City Plan (Paragraph 3.2). Policy 33 aligns with the council's 2013 Air Quality Strategy and Action Plan (EV_ENV_015) with which it shares a common evidence base.

1.6 To ensure effectiveness Policy 33 takes an evidence-based approach to determining geographic focus. Planning decisions will be made in view of Westminster's eight Air Quality Focus Areas (AQFAs) designated by the Mayor of London (see Figure 27) – these are areas which not only exceed air quality limits but are also locations with high human exposure. By requiring AQAs and prioritising such locations for air quality offset projects, the Plan will support the council to concentrate measures to improve air quality in areas where concern and human impact is known to be greatest.

1.7 These approaches directly connect with our local Air Quality Strategy and Action Plan (EV_ENV_015) and more recent our Air Quality Manifesto (EV_ENV_014). These both will help reinforce our City Plan approach and support deliverability of this core strategic objective for the council. The council also supports its Air Quality objectives through CIL funding for projects such as public realm improvements to encourage walking and cycling, as highlighted in our Infrastructure Delivery Plan (EV_GEN_007). The council has also developed its dedicated approach to carbon offset, outlined in our 2019 Carbon Offset Fund Guidance (see EV_ENV_001 Paragraph 6.20 for full reference).

1.8 Effectiveness of Policy 33 will be further supported by: linked City Plan policies including those on sustainable transport prioritising zero emission modes (Policy 25); connected local strategies such as the Greener City Action Plan 2015-2025 (EV_ENV_006); and a broader strategic commitment to improving air quality demonstrated by initiatives such as the Air Quality Task Force instigated by one of our

scrutiny committees in 2018. This all shows how Policy 33 will be supported to be effective by the council's overall commitment to improving the city's air quality.

Policy 34

1.9 Policy 34 has a broad scope, covering the impacts of range of harmful pollutant types. The policy context in which it sits comes from not just national but international sources. Much is set out in European agreements and directives, such as Directive 2002/49/EC of the European Parliament which sets expectations for the control of noise pollution in public and built up areas. Guidance from the World Health Organisation (WHO) also plays a part, as outlined in Paragraph 3.5 of the Environment Topic Paper (EV_ENV_001). At a national level, this subject receives extensive handling by the NPPF. Section 15 articulates how planning policies and how decisions should contribute to and enhance the natural environment and development which causes unacceptable negative impacts should be prevented. Various types of pollution are covered: soil, air, water and noise (Paragraph 170). Policy 34 responds to this, with Clauses B to G directly addressing each pollution type in turn.

1.10 Paragraph 180 of the NPPF requires that development is appropriate to its location in respect of environmental impacts, emphasising the need to avoid adverse impacts on health and the quality of life. Policy 34 echoes this strongly with its overarching commitment to ensuring "*quality of life, health and wellbeing and the natural environment are not adversely affected*" (Clause A). To fully comply with the NPPF position that unreasonable restrictions should not be placed on existing businesses and facilities as a result of later development (Section 15, paragraph 182), the council is proposing a modification to Policy 34A (modification M/E/02), as follows:

*The council will make sure that the quality of life and health and wellbeing **of existing and future occupiers**, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment.*

1.11 Consistent with the New London Plan (CORE_022) policies D12, D13 and E7, Policy 34 outlines our 'Agent of Change' approach (see paragraph 34.1 of the reasoned justification, it is also advocated in Policy 7). This model puts the onus on the applicant to mitigate negative environmental impacts during occupation of the development as well as during construction. This underlines the broad and comprehensive reach of the policy, and very unambiguously articulates the responsibility of the applicant, which will make the policy itself very effective in achieving its aims.

1.12 For conformity with Section 15, Paragraph 170 of the NPPF, the adopted London Plan (CORE_021) and the New London Plan (CORE_022, Paragraph 5.12), specific policy for dealing with contaminated land should be included. This can be found at Clause E, supported by Paragraph 34.8 and 34.4-34.6 of the reasoned justification.

1.13 Paragraph 3.14 of the Environment Topic Paper (EV_ENV_001) references further regional policy relating to the environmental impacts arising from construction. In particular, the Mayor of London's Sustainable Design and Construction SPG, The Control of Dust and Emissions During Construction and Demolition SPG, and The London Good Practice Guide: Noise and Vibration Control from Demolition and Construction (footnotes 23, 24 and 25 respectively) set out design standards and

good practice measures to be applied on site. These will be used to apply Policy 34 when determining planning applications. Accordingly, Paragraph 34.9 of the reasoned justification acknowledges the additional traffic and related detrimental vibration, noise and dust impacts that can result from construction and requires that applicants mitigate these impacts as much as possible through good site management and communication. Measures like these will ensure the effectiveness of the policy in its aim of controlling those impacts.

1.14 The justification of Policy 34 is grounded in the overall acknowledgment that *"the many varied activities in Westminster create a vibrant city, but in the wrong locations or at the wrong time these activities can be of nuisance"* (Paragraph 34.1). There is a wealth of evidence to support the position that protecting the environment should be a priority in Westminster. Various examples are given in the Topic Paper (EV_ENV_001) including the recognition that, as a dense urban environment noise can be a particular concern, with over 17,000 noise complaints received each year. Clearly, individual and collective health and wellbeing can be affected in significant and detrimental ways by this and other types of pollution, but the Plan plainly recognises that *"a range of measures can improve the quality of the local environment"* (reasoned justification Paragraph 34.2). Policy 34 is designed to ensure those measures are taken by the council and by planning applicants.

1.15 The underpinning aim is to take a proportionate approach which supports the vibrancy of the city while managing negative impacts wherever possible. Where appropriate, subject specific insights from third parties have been drawn upon to ensure our approach is based on evidence and best practice. For example, lighting guidance from The Chartered Institution of Building Services Engineers (CIBSE) and the Institute of Lighting Engineers (see EV_ENV_001 Paragraph 3.11, footnotes 19 and 20), and guidance on noise from the WHO (EV_ENV_001, Paragraph 3.11 footnotes 19 and 20). These documents, among many others outlined in the Environment Topic Paper (EV_ENV_001), provide evidence to support specific measures and interventions captured within the policy. Using focused expertise ensures the policy and its manner of implementation are justified, and will be effective in practice.

1.16 A partnership approach is also essential to ensuring Policy 34 is effective on the ground. With this in mind, a range of supporting material is provided to assist applicants to work within our Agent of Change model and meet with requirements in respect of lighting, noise, odours and contaminated land. There is also guidance for developers during construction, including our Code of Construction Practice (EV_ENV_018) which sets out the standards and measures that applicants and construction firms will need to adhere to. Further detailed guidance will be provided by the forthcoming Supplementary Planning Document on the environment, which the council has committed to developing in the Local Development Scheme (CORE_023). Various partners will be involved in that work, including those covered by the relevant Statement of Common Ground (SCG_006_V3). By informing and guiding Westminster's 'agents of change' on their responsibilities, we will ensure the effectiveness of all aspects of Policy 34 in practice.

1.17 Ongoing effectiveness is further supported by fit for purpose environmental regulation and enforcement activities by the council, in relation to "statutory

nuisances” such as smoke, fumes or gas; dust, steam, smell or other effluvia; artificial light; and noise. These functions will support the effectiveness of Policy 34.

1.18 Finally, the effectiveness of Policy 34 will be reinforced by the council’s powerful strategic commitment, at the very highest level, to mitigating harm to the environment. Becoming a carbon neutral city has been established as our top priority following the council’s declaration of a Climate Emergency in 2019. A wide range of our policies and strategies are in direct strategic alignment with that aim. Key examples include our Greener City Action Plan (EV_ENV_006), Air Quality Manifesto (EV_ENV_014), Air Quality Action Plan (EV_ENV_015), Partnership Approach to Open Spaces and Biodiversity (EV_ENV_007) and Noise Strategy (REF) which all give consideration to the impact of development in the city. So, an ongoing ‘whole-council’ approach, using all available levers and resources to tackle environmental harm, will support Policy 34 to be effective now and over the period of the City Plan.

Policy 35

1.19 Paragraphs 4.3 – 4.4 of the Environment Topic Paper (EV_ENV_001) outline the national policy requirements relevant to Policy 35. Policy 35’s commitment to “*protect and enhance the city’s green infrastructure to maximise its environmental, social and economic value*” (Clause A), along with the criteria on how this will apply to city greening, open spaces, biodiversity and trees through Clauses B to I, is consistent with Section 15 of the NPPF (conserving and enhancing the natural environment), Paragraph 170a (decisions should contribute to the protection and enhancement of valued landscapes and sites that are important for nature) and 170d (responsibility to minimise negative impacts and drive gains in local biodiversity).

1.20 The NPPF also sets out a duty for local authorities to identify and map green assets for the purposes of monitoring and safeguarding them. Figure 28 of the City Plan meets this requirement by showing both public and private open space in Westminster, as well as indicating areas of deficiency for both open space and play facilities - it is based on our Audit of Open Spaces (EV_ENV_008). Policy 35D looks to tackle deficiencies by requiring major developments to provide new or improved public open space and space for children’s active play, particularly in areas of deficiency which will be monitored by KPI 12.

1.21 In regional policy, Chapter 8 of the New London Plan (CORE_022) echoes the NPPF’s position of ensuring protection and enhancement of green spaces. It requires local authorities to audit their green assets at a borough level, to facilitate this. Auditing in Westminster will be done after the City Plan is adopted, as part of the forthcoming Green Infrastructure Study. Data on the existing green assets in the city has been used to inform various aspects of Policy 35, including Paragraph 35.1 of the reasoned justification which notes that almost one quarter of Westminster is open and green space, and Paragraph 35.6 which says that, even so, there is a deficiency of open space overall in the city. The adopted London Plan (CORE_021) recognises this as a London-wide concern and emphasises the concept of avoiding ‘net loss’ - any loss of protected open spaces must be resisted unless equivalent or better quality provision is made to replace it. Policy 35 is in conformity with this, with protection of existing spaces (Clause A) and an explicit commitment that every opportunity to increase the supply of open spaces will be taken (Paragraphs 35.3 and 35.6).

1.22 Policy 35 recognises the current deficiency in play space in Westminster and Clause D requires new developments to deliver space for active play. This is in line with relevant regional policy such as the Mayor of London's Shaping Neighbourhoods Plan and Play and Informal Recreation SPG (see Paragraph 4.16 of the Environment Topic Paper (EV_ENV_001)). A Statement of Common Ground with Sport England (SCG_001) confirms that work has been undertaken to produce both a Playing Pitches Strategy and a Built Facilities Strategy for Westminster. Once finalised and adopted these will be used to inform decisions on changes to existing facilities (in line with Policy 18) and to facilitate increases in high quality provision.

1.23 The regional policy landscape has moved on between the adopted London Plan (CORE_021) and New London Plan (CORE_022) in respect of biodiversity. The adopted London Plan (Policy 7.19) refers to local authorities' role in developing local Biodiversity Action Plans (BAPs), which is not a requirement under the New London Plan. Nonetheless, Policy G6 (Clause A) states that councils must still take action to protect Sites of Importance for Nature Conservation (SINCs). Paragraph 35.9 of the reasoned justification acknowledges the 33 SINCs identified in Westminster will be protected and Clause F of the policy itself confirms that they all will be protected, thereby achieving general conformity with the New London Plan.

1.24 Policy 35 is justified based on a known deficiency of green and open space within the city (including play space), and evidence that there are still significant areas of nature deficiency in the city (see paragraph 35.10 of the reasoned justification). This supports our position that green assets must be protected and wherever possible increased. Green spaces are known to deliver myriad health, environmental, societal and economic benefits – recognition of this is given prominence at the forefront of the policy in Clause A. The reasoned justification, too, notes many potential benefits of greening (Paragraph 35.1). Specific benefits attributable to trees in London's urban environment, including pollution control and providing habitats for wildlife, are outlined in EV_ENV_001 Paragraph 20.2 - these provide justification for Clauses H and I of the policy.

1.25 Conversely, green assets can help us tackle challenges such as flood risk, poor air quality, and the heat island effect. These issues can often effectively be addressed by nature-based solutions (Paragraph 35.2). These are challenges that, as a densely populated urban area supporting a diverse array of activities, have strong resonance for Westminster. Our green assets can also have a key role in tackling the known issue of noise, by providing places of relative quiet and respite in the city. The council's Noise Technical Guidance Note (EV_ENV_005) notes the tranquil spaces identified in relation to this point (see Paragraph 34.6 of the reasoned justification). For this and other environmental/pollution concerns, Policy 35 and Policy 34 (above) lend a degree of justification to one another.

1.26 Further evidence to support the importance of green assets, and the need to support and enhance them for the good of Westminster's residents, is available from a wide range of sources, including the Active Westminster Strategy 2018-22 (EV_ENV_017), Healthy Streets for London (EV_ENV_019) and our Partnership Approach to Open Spaces and Biodiversity in Westminster (EV_ENV_007). All add justification to Policy 35. EV_ENV_007 adds particularly strong evidence for the need to protect Westminster's biodiversity, which justifies Clauses F and G of the policy.

1.27 To ensure the effectiveness of Policy 35 we must meet the particular challenges for green space provision in Westminster. There is limited available land, so the policy emphasises that all different types of greening will be encouraged, to maximise use of space (see Clause B). By inviting innovative proposals, opportunities to add green assets can be exploited wherever they exist, in line with our “*all developments can contribute*” approach (Paragraph 35.3). Specific commitments to protect and add trees throughout the city (Clauses H and I) will help enable the benefits of greening when space is limited, making the policy effective. Paragraph 35.4 notes that not all existing green space is publicly accessible and looks to increase public access as an additional means of delivering on the aims of Policy 35.

1.28 Another key to the effectiveness of Policy 35 is our partnership approach. There is a strong commitment amongst many partners to work closely together, articulated in our Partnership Approach to Open Spaces and Biodiversity in Westminster (EV_ENV_007). Particular responsibilities and opportunities are presented by Royal Parks. They make up almost 90% of our total green assets and receive specific attention in Paragraph 35.8 of the reasoned justification. Further practical support will be provided for Policy 35, with a forthcoming supplementary planning document to provide additional guidance on the application of the policy to showcase best practice, plus the emerging Green Infrastructure Strategy (see EV_ENV_001 Paragraph 4.20). This ongoing work will ensure we keep pace with developments such as the Urban Greening Factor (UGF) - a concept which the New London Plan (CORE_022) proposes for major developments only at present, but which may be considered for expansion in the future.

1.29 In response to the Regulation 19 consultation and a Statement of Common Ground developed in consultation with the Environment Agency (SCG_006_V3), we are proposing a modification to strengthen our biodiversity commitment (M/E/05). This will enable Policy 35 to be even more effective as it will support us to strive to deliver overall net increases, not just avoid decreases, in local biodiversity.

Policy 36

1.30 The national policy framework relating to Policy 36 is outlined in Paragraph 5.4 – 5.7 of the Environment Topic Paper (EV_ENV_001). Section 14 of the NPPF relates to flood risk, in terms of its assessment and management locally. Policy 36 is consistent with this, saying that all developments should be “safe for their lifetime” from the risk of flooding (Clause A) and referencing the portfolio of assessment and strategy documentation that proposals should comply with: the Draft Strategic Flood Risk Assessment (EV_ENV_010); the Local Flood Risk Management Strategy 2017 - 2022 (EV_ENV_011); and the Draft Surface Water Management Plan (EV_ENV_012).

1.31 The adopted London Plan (CORE_021) sets out a requirement that proposals should address flood risk assessment, surface water run-off and drainage, and wastewater infrastructure, to meet future needs (Paragraph 5.12-5.14). The new London Plan policies (SI 12 and SI 13) are broadly consistent with the previous policy approach (as outlined in the Environment Topic Paper EV_ENV_001) and Policy 36 is in general conformity with both.

1.32 In order to ensure that it is justified within the context of Westminster, and effective, some modifications to the Regulation 19 draft have been proposed in relation to Clause G and H. M/E/07 and M/E/08 make amendments to strengthen the policy and address concerns raised by representors in the Regulation 19 consultation. Paragraphs 36.5 and 36.6 of the reasoned justification are also subject to proposed changes (PS/E/03 and M/E/09), for completeness and clarity, and to respond to partners' input. Modification M/E/06 to Paragraph 36.4 is proposed for similar reasons and also specifically to align with Environment Agency guidance, as negotiated through the Statement of Common Ground SCG_006_V3. This demonstrates how best practice and subject matter expertise have been used to inform the policy, to ensure it is justified and effective.

1.33 Clause A sets out the overall requirement for all developments to comply with the full range of flood risk assessment and management protocols set by the council and by the Mayor of London. This sets a strong foundation for effectiveness. The policy goes on to outline the requirements for site-specific Flood Risk Assessment (Clause B) and gives careful and detailed handling of More Vulnerable Uses with additional restrictions and stipulations (Clauses C to F). This amounts to a proportionate and risk-based approach which will support effectiveness.

1.34 Clauses G and H consider flood management infrastructure, which in Westminster includes the Thames Tidal Flood Defences including the Embankment wall (reasoned justification Paragraph 36.5). These two clauses together make provision for both protection of existing flood management infrastructure and future improvements (Clause H), ensuring that opportunities can be taken during the lifetime of the Plan to drive the effectiveness Policy on the ground.

1.35 Finally, by specifically requiring the incorporation of Sustainable Drainage Systems (SuDS), Clause I ensures that the policy will effectively manage surface water flood risk. Major developments will need to develop a Sustainable Drainage Strategy (Paragraph 36.9) outlining how SuDS will be used. This will not only reduce flood risk from surface water but also provide an ecological value and improve air quality and amenity while increasing resilience to climate change (Paragraph 36.8). In this way it supports the effectiveness of the whole Policy in a wider sense.

1.36 The effective implementation of Policy 36 to successfully assess and manage flood risk relies upon cross-agency working. The Flood and Water Management Act (2010) specifies a number of 'risk management authorities', including the Lead Local Flood Authority (local council), the Environment Agency and local water company (see EV_ENV_001 Paragraph 5.7). Under the Act all local authorities have a duty to cooperate with and provide information to these other risk management authorities. The City Plan aligns with this (Duty to Cooperate Statement, CORE_012). Also see Statement of Common Ground with the Environment Agency and Thames Water (SCG_006), which resolves all objections raised by these key partners.

Policy 37

1.37 Policy 37 supports zero-carbon development and sustainable energy sources. It also sets out a framework for ensuring that even where on-site mitigation of carbon emissions cannot be achieved, there is an overall improvement for the city as a whole through carbon-offset payments. It therefore aligns with Section 14 of the NPPF which

requires local policies to enable a transition to low carbon future, in order to mitigate climate change.

1.38 The council declared a Climate Emergency in September 2019 and has committed to becoming a zero-carbon city by 2050 (EV_ENV_001 Paragraph 6.3). Although drafted in advance of the declaration, Policy 37 directly aligns with the strategic position and will form part of the council's Climate Emergency response.

1.39 There is a range of other relevant national policy referenced in EV_ENV_001. For example, the Climate Change Act (2008) established a legal requirement to reduce UK wide greenhouse gas emissions by 80% by 2050, although the Draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 – which is currently being progressed through Parliament – looks to increase that target to 100%, i.e. net zero emissions (EV_ENV_001 Paragraph 6.10). Policy 37's over-arching commitment to a zero-carbon aim (Clause A) directly aligns with this strategic direction. Section 19(1A) of the Planning and Compulsory Purchase Act, meanwhile, states that local development should contribute to the mitigation of, and adaptation to, climate change. The policy supports this in various ways, including by supporting proposals that seek to sensitively refurbish or retrospectively improve the performance of current buildings to reduce their energy use (Paragraph 37.2), and by driving the use of decentralised energy (Paragraph 37.7), which can enable efficiencies by utilising generated heat that would otherwise be wasted (Paragraph 37.7). This demonstrates how the development of this policy has been guided by the various components of national policy, in order to ensure consistency and supports its effectiveness.

1.40 By targeting a zero-carbon standard, Clause A of this policy aligns with not only the requirements of the current London Plan (CORE_20) but also the policies of the New London Plan (CORE_22), which strengthen the approach to zero carbon development and onsite emissions savings. Clause B ensures conformity with the Mayor of London's energy hierarchy, making direct reference to it and requiring that development in Westminster complies. While the wording and approach set out in Clause B is considered to be consistent with the carbon reduction requirements of the London Plan, we acknowledge that the policy could be more explicit in setting out the carbon reduction target. This has led to an additional proposed modification, which is given in full in our answer to Question 15 below. The New London Plan also sets requirements in relation to energy infrastructure and managing heat risk (Policies S13 and S14)., which Clauses D and E are in conformity with as they outline Westminster's approach to these topics, with the Mayor of London's cooling hierarchy being directly incorporated.

1.41 The City Plan also reflects the New London Plan's emphasis on long term, sustainable carbon reduction measures, requiring that developments demonstrate on-going effective energy monitoring and management over the lifetime of the development (reasoned justification, Paragraph 37.3).

1.42 Policy 37 sets ambitious targets rooted in strong nationally set principles, and as such the approach is clearly justified. Climate change and carbon emissions are a top national and international priority of course, but there is huge resonance for Westminster specifically. Data published by government (see footnotes 52 and 53 in EV_ENV_001 and Paragraph 6.4) shows that Westminster has some of the highest energy use and carbon emissions of all UK local authority areas and, as noted in the reasoned justification for this policy, *"the level of growth in the city will have a cumulative impact on energy demand and associated carbon emissions"* (Paragraph

37.1). So, as clearly underlined by the council's Climate Emergency Declaration of last year, drastic action is needed. Policy 37 is how we intend to drive that action locally, through the City Plan.

1.43 To ensure the policy is effective in practice, there is a pragmatic approach to implementation which nonetheless does not compromise on our ambition. As noted above, specific provision is made for circumstances where meeting a zero-carbon target may not be feasible for a particular development. Clause C sets a high bar for demonstrating this and stipulates clearly the need for off-site measures and carbon offsetting where there is strong evidence that targets cannot be met on site. This aligns with the Mayor of London's hierarchy; offsetting is viewed as a 'last resort' where energy reduction, energy efficiency and using renewable sources have all been investigated and attempted first.

1.44 Paragraph 37.4 of the reasoned justification provides a further example of maintaining robust principles while being practical about implementation, by recognising the wide range of measures that can help reduce carbon emissions. Paragraph 37.3 particularly considers the role of technology in delivering innovative solutions. We also want to support developers to meet targets, for example by strongly encouraging use of pre-application advice (Paragraph 37.6). Taking account of all available tools and levers will ensure all opportunities to reduce emissions are taken, will make Policy 37 a highly effective local policy.

1.45 Finally, with the urgency and the opportunities relating to carbon reduction developing all the time, the City Plan creates scope to set a higher local carbon reduction target over the lifetime of the plan itself. Jointly with five other London boroughs, Westminster has commissioned a study to explore mechanisms for enabling higher on-site energy performance (see Environment Topic Paper, EV_ENV_001, Paragraph 6.26). Future City Plan reviews will be able to draw on the findings of this study, to increase and maintain the momentum to drive the local transition to zero-carbon over time. This will help us to maximise the effectiveness of Policy 37 over the longer term.

Policy 38

1.46 The National Planning Policy for Waste (NPPW) (see EV_ENV_002 Paragraph 2.1) sets out waste planning policies for England and outlines the requirement for local authorities to identify sufficient opportunities to meet the identified waste needs of their area. The NPPW also sets out the requirement to work jointly with other planning authorities and requires London boroughs to have regard to their apportionments set out in the London Plan when preparing their plans.

1.47 The adopted London Plan (CORE_021) provides the spatial strategy for waste across the region and it sets the standard for London to be net self-sufficient in terms of managing its waste by 2026. Net self-sufficiency means managing the equivalent of 100% of London's waste arising within London while recognising that some imports and exports will continue. This is carried forward by Policy S18 Clause A of the new London Plan (CORE_022). Borough-specific waste apportionments (summarised in CORE_022 Table 9.2) are the intended mechanism for achieving this for the Local Authority Collected Waste (LACW) and Commercial and Industrial (C&I) waste streams. The New London Plan notes that "*it may not always be possible for boroughs to meet their apportionment within their boundaries and in such circumstances boroughs will need to agree the transfer of apportioned waste*" (Paragraph 9.8.7) and Westminster is taking this approach.

1.48 Policy 38 attracted an objection from the Mayor at Regulation 19 consultation, that the Plan wasn't clear on how Westminster planned to meet its waste 'apportionment'. The North London Boroughs also provided representations at Regulation 19 and noted that Westminster did not have an up to date waste evidence base and the City Plan was not planning for seven waste streams as required by NPPW. Several actions have been fulfilled to address these points, and the policy itself is subject to significant proposed changes (prepared and agreed in consultation with the Mayor and the North London Boroughs) to address the concerns raised at Regulation 19 stage.

1.49 First, a dedicated Waste Data Study for Westminster has been completed (EV_ENV_022_V3) to provide the policy context, an up to date understanding of the waste the city generates, and how and where it is managed. This work informed the modifications proposed to the policy and will help to ensure it is justified and effective in the local context. Secondly, we have agreed Statements of Common Ground with all the local authorities whom currently receive Westminster's waste, to confirm that the arrangements can continue and will be sustainable solutions in the longer term (see appendix G of the Waste Data Study, EV_ENV_022_V3). All but one of these have already been signed; the wording of the remaining SCG has been agreed and is awaiting signature at a meeting of Wokingham's Executive on 30th July. In particular, Westminster has an agreement with the London Borough of Bexley to manage Westminster's waste apportionment (SCG_009). Westminster is also seeking to join the South East London Joint Waste Planning Group to plan for waste jointly in the future.

1.50 Finally, a further SCG with the Mayor agrees that, through the actions outlined above, their conformity objection has been resolved (see Appendix A of the Waste Data Study EV_ENV_022_V3). An SCG has also been signed by the North London Boroughs agreeing that their objections have been resolved, subject to the recommended modifications to the waste policy.

1.51 Explicit reference to circular economy principles, recycling targets and the London-wide target of net self-sufficiency is given prominence under the proposed amendments, forming Clause A of the policy and paragraphs 38.1-38.3 of the reasoned justification. We are mindful of our responsibility to meet Westminster's apportionment target and a reference to the formal arrangement with Bexley to take on Westminster's apportionment is made in the reasoned justification (Paragraph 38.2).

1.52 Clause B now sets the requirement that developers must demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation (CD&E) waste in adherence with London Plan targets and the council's Code of Construction Practice (EV_ENV_018). This will give us assurance that recycling and beneficial use targets will be met in relation to construction, demolition and excavation (CD&E) waste. Very significant amounts of CD&E waste are generated in the borough. So, while the Site Waste Management Plan Regulations 2008, which required a site waste management plan (SWMP) for construction projects costing greater than £300,000 (excluding VAT), have now been revoked at a national level by Government (see EV_ENV_002 Paragraph 4.5), maintaining this requirement at a borough level in Clause B of our Policy is justified by our local circumstances.

1.53 Under the proposed modifications, Clause C is expanded to cover not only the protection of existing waste sites but the assessment of proposals for new ones (PS/E/09), directly referencing national and regional policy criteria (see reasoned justification Paragraph 38.5). While Westminster is not allocating any sites for new waste facilities, this provides the policy context should any waste facilities come forward on windfall sites, and gives broader support to the policy's effectiveness by clarifying its full scope in this area.

1.54 By setting the requirement for developments to have adequate segregated waste storage facilities that are fully integrated into the design of the scheme, Clause D contributes towards the Mayor's London-wide recycling target of 65% of municipal waste by 2030. It also aligns with aims set out in the council's Municipal Waste Strategy (EV_ENV_016) which aims to have zero waste to landfill, and maximise the reduction, reuse and recycling of waste during the strategy's lifetime (to 2031). The council's Recycle and Waste Storage Requirements Guide (see EV_ENV_002 Paragraph 4.6, footnote 14) provides applicants with practical guidance on how to achieve this. By providing this additional guidance we will support developers to comply with the policy and thereby secure its effectiveness.

1.55 The explicit commitment to continue to collaborate with other Waste Planning Authorities on strategic cross-boundary waste matters (Clause F) further aligns with London Plan requirements and supports the policy's effectiveness. As noted above, the London target of net self-sufficiency and the borough apportionment targets all rely upon successful partnership working and cooperation across boroughs. This has become a key focus for Westminster and will remain central to our approach through the lifetime of the Plan.

1.56 As part of this, it is recognised that waste imports and exports will continue. Proposed modifications to insert a new Clause E acknowledges this (M/E/11), along with the addition of Paragraph 38.7 of the reasoned justification. Supported by the Waste Data Study (EV_ENV_022_V3) and SCG we will continue to monitor waste exports and engage with the relevant partner authorities under the duty to co-operate (Paragraph 38.7) as set out in new KPI 38 in the Revised Schedule of Modifications (CORE_025_v3). Once again, this underlines a robust partnership approach which will support ongoing effectiveness of this Policy over the long term.

1.57 Finally, with the proposed modifications to Paragraph 38.1 (PS/E/11) we directly address our duty to drive waste up the waste hierarchy (see EV_ENV_002) and to plan for the management of seven waste streams. Paragraph 38.4 gives more detail, with individual attention paid to each waste stream, drawing on available evidence (see paragraphs 4.18-2.30 of our Waste Data Study (EV_ENV_022_V3). Alongside our commitment to work towards a more "circular economy" for waste, these modifications to the reasoned justification show how the Policy is in direct conformity with the NPPW and New London Plan, and indicate how we will be able to contribute to those regional policy targets in a justified and effective way in Westminster.

Question 2. Do Policies 33-38 effectively deal with the full range of issues?

2.1 Yes, when read alongside the other policies in the Plan and with the modifications proposed in CORE_025_V3. As noted above, further modifications are required for Policy 38 and associated sections of the reasoned justification to clarify the full range of waste planning issues set out in the National Planning Policy for

Waste (NPPW). Further modifications are supported by a new Waste Data Study (EV_ENV_022_V3_V2) which has been prepared in line with the NPPW section 2 ('Using a proportionate evidence base') and Planning Practice Guidance paragraphs 22-36 ('Evidence needed to identify waste requirements in Local Plans'). This includes planning for seven waste streams, understanding current and future waste arisings, identifying existing waste management capacity, and future capacity gaps. This also includes co-operating with waste planning authorities who receive Westminster's waste exports.

2.2 Further modifications are also required to clarify the full range of waste planning issues set out in the London Plan, in particular meeting Westminster's waste apportionment targets. Actions to achieve this include the agreement with Bexley and further details are set out in the Waste Data Study (EV_ENV_022_V3).

Question 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?

3.1 Yes, the requirements for air quality assessment and mitigation are clearly set out in Policy 33 to identify the potential for air quality to impact on, or be caused by, new development. Policy 33 is, in the main, in alignment with the adopted London Plan (existing Policy 7.14) and Policy SI 1 of the new London Plan, which sets out the principles for ensuring development minimises increased exposure to existing poor air quality and makes provision to address local problems of air quality. Where Policy 33 is not in alignment with the London Plan this is because Westminster has sought to go further in taking action to address air quality issues in Air Quality Focus Areas (see comments relating to clause D4 below). Where the City Plan does not go any further than London Plan standards is where a local evidence base was not available to support such a policy position.

3.2 The four sub-clauses of clause D establish clearly where Air Quality Assessments are required. Clause D1 relates to development which is considered likely to have potential adverse impact on local air quality or bring a large number of new receptors into areas of poor air quality. As such requiring an Air Quality Assessment to examine and evaluate the impacts of the development is justified. Clause D2 focuses on development which may have a disproportionately large impact on local air quality levels. In such cases an Air Quality Assessment to evaluate these likely impacts is justified. Clause D3 sets out requirements for sensitive uses (defined in 33.10) due to the disproportional impact of poor air quality on the young, the elderly and those with pre-existing health conditions.

3.3 Clause D of Policy 33 also includes a requirement for all residential developments within Air Quality Focus Areas (as shown in Figure 27) to undertake Air Quality Assessments. Clause D part 4 goes beyond the requirements the London Plan, and is justified by the need to prioritise actions to reduce pollution in Air Quality Focus Areas, which are locations that not only exceed the EU annual mean limit value for nitrogen dioxide (NO₂) but that also have high levels of human exposure. These areas are designated by the GLA in The London Local Air Quality Management Policy

Guidance (2019) which is referred to in the Environment Topic Paper (EV_ENV_001, see Paragraph 2.15). The New London Plan (CORE_022) defines in Policy SI 1, paragraph 9.1.17, these Focus Areas as not the only areas with poor air quality but, areas where currently planned national, regional and local measures to reduce air pollution may not fully resolve poor air quality issues. As such, the additional requirement in clause D4 has been implemented to tackle the particular issues in Focus Areas.

3.4 The calculations required for developers regarding Air Quality Neutral status are clearly set out in Sustainable Design and Construction SPG¹ (2014) and Air Quality Neutral Planning Support Document (2014)² published by the GLA. The Sustainable Design and Construction SPG (paragraph 4.3.26) sets out off-setting actions that could be considered, should Air Quality Neutral Status not be achieved. Financial contributions are deemed a measure of last resort and Paragraph 33.5 of the reasoned justification for Policy 33 sets out the actions required by developers should Air Quality Neutral status not be able to be achieved. The council acknowledges the process and calculation is not entirely clear in the text and propose the following modification to address this and make the policy effective (PS/E/04):

If air quality neutral status cannot be achieved, the Mayor's Sustainable Design and Construction SPG sets out the actions that should be considered. *When all measures to achieve Air Quality Neutral status have been exploited, financial contributions to offset the impact of the development on air quality may be considered as a final intervention, The process and calculation for this process **are set out in Section 5 of the GLA's Air Quality Neutral Planning Support Document (AQNPSD).** We will be set out **updated guidance** in a forthcoming supplementary planning document **following an expected review of the AQNPSD after the adoption of the new London Plan.***

3.5 This methodology will therefore take its lead from abatement costs set out in Section 5 of the GLA's Air Quality Neutral Planning Support Document (it is also noted that the New London Plan includes a commitment to produce new guidance on Air Quality Neutral approaches that will be taken into account in relevant supplementary planning documents)³.

3.6 The Viability Report (EV_GEN_001) has tested the sustainability requirements of the Plan (including air quality) and concluded that sustainability requirements in the draft City Plan have a modest impact on overall viability and should be readily accommodated in almost all circumstances.

Question 4. Does Policy 34 set out clear developer expectations for investigations of and the redevelopment of land that may be contaminated? Is it clear with regard to future occupiers? Are the proposed modifications necessary for soundness?

¹ www.london.gov.uk/sites/default/files/osd34_sustainable_design_construction_spg.pdf

² www.aqconsultants.co.uk/CMSPages/GetFile.aspx?guid=226d8d5e-d7e9-40e1-bf0d-85c4554496da

³ See also the answer to questions 6 and 7 in the council's statement on Matter 9

4.1 Yes, with modifications. The requirements for the investigation and redevelopment of contaminated land are set out in Westminster City Council's Contaminated Land Guidance for Developers (referenced in EV_ENV_001). The following modification is proposed to reasoned justification paragraph 34.8 (M/E/04) to clarify the authority's expectation of developers:

*... In order to ensure that occupiers or users are not exposed to health risks and environmental impact is avoided (e.g. on soil, watercourses or waterbodies) the history of the land uses need to be identified and if required used as a basis for any proposed remediation measures. **Applicants should follow the council's Contaminated Land Guidance for Developers (all investigations must meet the water, ecology and general requirements therein) and adhere to relevant guidance published by regulatory bodies (including the Environment Agency) and other stakeholders (including, Claire, CIRIA and British Standards).***

4.2 Contaminated Land Guidance for Developers Submitting Planning Applications in Westminster requires future occupiers to gain the authority's approval for the site Validation report which summarises the actions undertaken during the development of the site and the actions will be taken in the future, where appropriate.

4.3 The proposed modification M/E/02 and M/E/04 drawn up in collaboration with the Environment Agency signposts to the councils Contaminated Land Guidance for Developers submitting planning applications in Westminster⁴. This modification is necessary to provide clarity the authorities requirements to developers and future occupiers, making the policy effective.

Question 5. Is Policy 35 based on an up to date assessment of the need for open space, sport and recreation facilities?

5.1 Yes, in addition to the council's response to Matter 5 Question 22, the council's 2019 Partnership Approach to Open Space and Biodiversity (EV_ENV_007) and 2016 Audit of Open Space (EV_ENV_008) set out proportionate evidence on the need for open space. Both documents utilise data from Greenspace Information for Greater London (GiGL) and supporting evidence from the adopted London Plan (CORE_021) which is part of the statutory development plan for Westminster.

5.2 A Built Facilities Strategy (BFS) and Playing Pitch Strategy (PPS) have been developed for Westminster, which we have also broadened to include a supplementary Play Facilities Strategy (PFS), as supporting evidence to the City Plan. These documents are being prepared in line with guidance published by Sport England, in order to ensure the policy (and others in the Plan such as Policy 18) can be effectively implemented. This is following objections from Sport England raised at Regulation 19 consultation. These strategies will support the effective implementation of Policy 35, along with Policy 18, which resolved Sport England's objections regarding a lack of evidence base (see Statement of Common Ground SCG_001).

⁴ www.westminster.gov.uk/sites/default/files/contaminated_land_guidance_for_developers.pdf

Question 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?

6.1 Yes Policy 35 is clear how contributions are expected from development. Clause B sets out examples of green infrastructure that developers could provide and paragraph 35.3 further explains this further. Clause D sets out requirements for major developments to provide open space for children's open space, particularly in areas of open space deficiency. Deficiency is illustrated on Figure 28 and Major development is defined in the Glossary.

6.2 Policy 35 acknowledges the social and economic importance of green infrastructure of which both formal and informal sport and play are an important feature and this is reiterated in paragraph 35.1 Policy 35 should not be read in isolation but in conjunction with the other policies in the Plan including the requirements for contributions to green open space to supplement improvements to public realm for walking and cycling (Policy 26 clause A), soft landscaping and pocket parks to improve the public realm (Policy 44 clauses A and B), amenity space to be provided alongside new residential development (Policy 13 clause D) and Policy 18. Contributions to green infrastructure will be secured in the usual way, through Section 106 agreements.

6.3 Complimentary to this policy, CIL will also be used to strategically increase the proportion of quality green infrastructure across the city, as set out in the council's CIL Spending Policy Statement⁵.

6.4 The Viability Report (EV_GEN_001, see in particular section 3) has tested the sustainability requirements of the plan (including green infrastructure) and concluded that sustainability requirements in the draft plan have a modest impact on overall viability and should be readily accommodated in almost all circumstances.

6.5 Policy 35 is in general conformity with the London Plan, the viability of which has already been sufficiently tested the viability implications of developer requirements can be deemed to have been considered.

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

7.1 Yes, Figures 28 and 29 in the draft City Plan identify and map Westminster's biodiversity including the designated Sites of Importance for Nature Conservation (SINCs). This will support us to safeguard biodiversity, in line with Paragraph 174a.

7.2 Policy 35 also protects priority habitats, trees and other ecological features important for biodiversity outside of the designated SINCs (see Clauses F and G, plus associated reasoned justification). The policy promotes biodiversity net gain through a range of opportunities, including the enhancement of the tree canopies and existing habitats, improvement of public open space and contribution of greening through the development process. This is all in line with Paragraph 174 (part B) of the NPPF.

⁵www.westminster.gov.uk/sites/default/files/uploads/westminster_city_council_cil_spending_policy_statement.pdf

Question 8. Are the proposed modifications necessary for soundness?

8.1 Yes. M/E/05, in the revised schedule of modifications (CORE_025_V3), provides wording drawn up in collaboration with the Environment Agency (SCG_006_V3) which ensures that the policy is consistent with national policy. Modification PS/E/01 provides additional wording for clarity.

Question 9. Is Figure 28 accurate? Are the proposed modifications necessary for soundness?

9.1 No. A modification was proposed post-submission to rectify an error identified (PS/E/02). This is necessary for soundness to ensure the policy is effective.

9.2 At Regulation 19 consultation (see CORE_011, page 508) it was suggested that local green spaces identified in neighbourhood plans should be included in Figure 28 and 29. However, given these are spaces designated in neighbourhood plans, which form part of the local Development Plan for Westminster once made, it is not considered necessary to replicate them in the City Plan.

Question 10. Is Policy 36 clear with regard to the approach to sleeping accommodation below the modelled breach flood level?

10.1 Policy 36 (Clause A) specifically requires compliance with the council's draft Strategic Flood Risk Assessment (SFRA) (EV_ENV_010). The SFRA states that sleeping accommodation lower than the modelled breach flood water level within a tidal breach flood extent is not acceptable unless it can be adequately demonstrated that there is a permanent fixed barrier to prevent water ingress.

10.2 Modification M/E/06 creates a new paragraph 36.4a to the reasoned justification to more directly references the council's approach to sleeping accommodation below the modelled breach flood level to make it clearer.

In addition sleeping accommodation below the modelled breach flood water level in areas identified at risk of flooding in the event of a breach in the Thames Tidal Flood Defences, as set out in Environment Agency guidance will not be supported.

10.3 Along with PS/E/03 these modifications are identified as main and therefore necessary for soundness.

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

11.1 Yes, it has been informed by the SFRA (EV_ENV_012) and the Environment Agency's Thames 2100 Plan as set out in the council's draft Infrastructure Delivery Plan (EV_GEN_007).

11.2 It is further strengthened by the proposed amendments M/E/07 and M/E/08 in the revised schedule of modifications (CORE_025_V3).

Question 12. What is the justification for the Surface Water Hotspots shown on Figure 30? Does policy 36 require a flood risk assessment for all development in Surface Water Flood Risk Hotspots as shown on Figure 30? Is this justified?

12.1 The surface water flood risk hotspots⁶ are macro-areas where some potential surface water flood risk was identified via enhanced surface water modelling in 2014. The modelling made use of the Thames Water sewer network and helped in focusing the attention on parts of Westminster where surface water flood is expected to be more significant. The hotspots do not identify areas definitely at risk but allow an initial screening of areas where surface water flood risk is likely to be more significant; it is then up to the applicant to confirm if surface water flood risk is a constraint for their site.

12.2 Clause B is clear that all developments within a Surface Water Flood Risk Hotspot will be required to undertake a Flood Risk Assessment (FRA) and Figure 30 illustrates where areas these are. As explained in Paragraph 36.3 of the reasoned justification, the requirements for site-specific FRAs is aligned with the SFRA. The requirement is justified in order to identify the likely cumulative impacts of development on flood risk across the city, and to put in place mitigation measures. The SFRA (EV_ENV_010) explains that the detail provided in the FRA should be proportionate to the probability and associated risk of flooding for the proposed development (see Paragraph 5.1.3) and it therefore does not represent an unreasonable burden.

Question 13. Are the developer requirements set out in Policy 36 for flood defence improvements where there are flood risk impacts clear and justified? Have the viability implications of this been taken into account?

13.1 Section 5, Paragraph 5.16 of the Environment Topic Paper (EV_ENV_001) confirms that Fluvial and Tidal flooding risk in Westminster is low as it is effectively managed by the Thames Barrier and associated Thames Tidal Flood Defences. The draft SFRA (EV_ENV_010) sets out why it is important for flood defences to be maintained and improved over time to address the flooding risks caused by the River Thames.

13.2 In the adopted London Plan (Policy 5.12 on flood risk management) and New London Plan (Policy SI 12) developments are required to support the delivery of flood risk defences, as set out in the Environment Agency's Thames Estuary 2100 plan (EV_ENV_021). Policy 36 is in alignment with this. The proposed amendments (PS/E/03, M/E/07 and M/E/08) in the revised schedule of modifications (CORE_025_V3) strengthen the policy and make it consistent with national policy. It is not possible to specify the improvements required by the developer as it will be dependent on the impact of the development on the existing flood defence, therefore this will be discussed and agreed upon by the authority, the Environment Agency's TE2100 team and the developer.

13.3 Policy 36 is therefore in general conformity with the London Plan, the viability of which has already been sufficiently tested the viability implications of developer requirements can be deemed to have been duly considered.

⁶ As modelled by Thames Water Sewer Network

Question 14. Are the proposed modifications in respect of Policy 36 necessary for soundness?

14.1 Yes, as set out in the revised schedule of modifications (CORE_025_V3) and in line with the SCG with Thames Water and Environment Agency (SCG_006_V3), all modifications to Policy 36 except M/E/09 are necessary for soundness to improve the effectiveness of the policy, by ensuring that it is consistent with national policy. The thinking behind the proposed modifications to this policy is discussed in more detail under Question 1.

Question 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?

15.1 Policy 37 does not explicitly set out carbon reduction targets, although it does “*promote zero carbon development*” (Clause A) and requires all development to follow the principles of the Mayor of London’s energy hierarchy (Clause B). Where the City Plan does not go any further than London Plan standards is where a local evidence base was at the time of submission not available to support such a policy position.

15.2 As identified in Clause B of the policy, major development proposals are required to demonstrate “*how the carbon reduction targets set out in local policy or the London Plan, whichever is the greatest, can be achieved*”. The adopted London Plan which, as part of the development plan should be read alongside the City Plan, sets out specific carbon reduction targets. Since October 2016, the current London Plan 2016 has required all major residential development to be zero-carbon. Once adopted, the New London Plan 2020 will extend the zero-carbon target requirement to encompass all major developments (as set out in Paragraphs 6.13 and 6.14 of Westminster’s Environment Topic Paper, EV ENV 001). Policy 37 is compatible with the current and New London Plan wording and thereby sustainable for the future, for the wider introduction of the zero-carbon standard in the New London Plan.

15.3 That being said, while the wording and approach set out in Policy 37 is considered to be consistent with the carbon reduction requirements of the London Plan, we acknowledge that the policy could be more explicit in setting out the carbon reduction target to improve its effectiveness. The following modification (PS/E/05) to Policy 37 (Clause B) is therefore proposed:

*All development proposals should follow the principles of the Mayor of London’s energy hierarchy. Major development should **be net zero carbon and demonstrate through an energy strategy how this target** ~~the carbon reduction targets set out in local policy or the London Plan, whichever is the greatest,~~ can be achieved.*

15.4 The approach to securing payment in lieu of carbon reduction on site is articulated in a range of regional guidance produced by the Greater London Authority, including The Mayor of London’s Energy Assessment Guidance 2018 and Supplementary Planning Guidance on Sustainable Design and Construction 2014 (as referenced in paragraph 37.5 of the reasoned justification and highlighted in paragraph 6.15 of Westminster’s Environment Topic Paper (EV_ENV_001)).

15.5 Since submission of the Plan, the Council has produced further guidance on the process for collecting carbon offset funds through the Westminster Carbon Offset Guidance 2020⁷ (paragraph 6.20 of Westminster’s Environment Topic Paper [EV ENV 001]). Further work progressing payment in lieu calculations and local carbon pricing will be forthcoming following publication of the Council’s report on ‘Achieving greater carbon reductions on site: the role of carbon pricing’ (as referenced in paragraph 6.26 of the Westminster Environment Topic Paper [EV ENV 001]). Both aspects will eventually form part of the forthcoming Supplementary Planning Document on planning obligations⁸.

15.6 We are proposing the following modifications to Policy 37’s reasoned justification to further articulate the requirements for payment in lieu contributions.

Paragraph 37.5 (PS/E/06):

*Developments that are unable to achieve the carbon targets set out in policy onsite will need to **calculate their emissions** ~~offset their shortfall~~ **in tonnes of carbon and offset** via a cash in lieu payment. **The value of the payment will be determined by multiplying the emissions shortfall by the local cost of carbon over a period of 30 years,** ~~in accordance with the methodology outlined in the London Plan and Mayor of London’s Sustainable Design and Construction SPG (2014) reflecting the local cost of carbon, where appropriate. Carbon offset funding will then be allocated to projects that will reduce carbon emissions elsewhere in Westminster.~~ **Details of how the Westminster Carbon Offset Fund contribution will be calculated and administered will be set out in a supplementary planning document.***

Paragraph 37.6 (PS/E/07):

Applicants are strongly encouraged to engage with us through the pre-application advice process to discuss how they are going to achieve the carbon reduction figure, especially when it is a combination of physical and financial measures. ~~Details of how the Westminster Carbon Offset Fund contribution will be calculated and administered will be set out in a supplementary planning document.~~

Question 16. Should the requirement for major development to install energy monitoring equipment and undertake energy monitoring be specified in Policy 37?

16.1 Policy 37 does not specifically require major development to install energy monitoring equipment and undertake energy monitoring, although the policy does require developments to adhere to the principles of the Mayor of London’s energy hierarchy. Therefore, as this requirement is set in the London Plan it is not necessary to repeat it in the City Plan.

16.2 The draft New London Plan 2020 Policy SI2 (part A) includes a specific ‘be seen’ requirement within the energy hierarchy for major developments to monitor, verify and report on energy performance (highlighted in paragraph 6.14, Westminster

⁷ www.westminster.gov.uk/sites/default/files/westminster_carbon_offset_fund_guidance-jan2020.pdf

⁸ See also the answer to questions 6 and 7 in the council’s statement on Matter 9

Environment Topic Paper EV ENV 001). Since submission of the City Plan, the Greater London Authority have released draft 'Be seen' energy monitoring guidance, which details the approach and requirements on post construction energy monitoring and reporting⁹.

16.3 On this basis, the wording provided in Policy 37 (Clause B), specifies a need for development to adhere to the principles of the Mayor of London's energy hierarchy. This means that, by virtue of its inclusion in the London Plan, post-construction energy monitoring and reporting is now a core requirement.

Question 17. Have all the requirements of Policy 37 been fully taken into account in the viability assessment?

17.1 The requirements for Policy 37 have been fully considered in the viability assessment of the City Plan policies.

17.2 The requirement for carbon offset payments as part of the mitigation of carbon in developments is already embedded in base build costs for schemes in London addressing London Plan requirements, as indicated in paragraph 1.33 of the Viability Review (EV_GEN_001), and these requirements are replicated in the City Plan.

17.3 The Westminster City Council Local Plan Policies: Viability Review (EV_GEN_001) references the Greater London Authority's Housing Standards Review: Viability Assessment which estimates that the cost of achieving zero carbon standards is 1.4% of base build costs (Paragraph 3.13). This uplift has been applied to the build costs (sourced from the RICS Building Cost Information Service) so as to reflect the zero-carbon policy requirements outlined in the New London Plan Policy SI2 (part C). For commercial development, base build costs have been increased by 2%.

17.4 The results of the Westminster viability appraisal indicate that sustainability requirements in the draft City Plan policies will have a modest impact on overall viability (paragraph 6.2) and should be readily accommodated in almost all circumstances. The implications of Policy 37 have therefore been fully considered in this assessment.

Question 18. Is Policy 38 justified? Is it based on the most up to date evidence? Are agreements in place to ensure Westminster's waste is appropriately managed over the full plan period? Are the proposed modifications necessary for soundness?

18.1 Further modifications are required for Policy 38 to reflect the arrangements for Westminster's waste over the Plan period. The proposed modifications submitted to the Inspector (CORE 002) have been amended in light of the completion of the Waste Data Study (EV_ENV_022_V3), the arrangement with Bexley to meet Westminster's apportionment targets (set out in SCG_009), and further consultation with the GLA.

18.2 The majority of Westminster's Local Authority Collected Waste and Commercial and Industrial waste is managed elsewhere in London and therefore contributes to the

⁹ www.london.gov.uk/sites/default/files/gla_be_seen_guidance_april_2020.pdf

London Plan's net self-sufficiency target (see table 8.1 of the Waste Data Study EV_ENV_022_V3). Agreements via Statements of Common Ground are in place to demonstrate that there are no planning reasons why this cannot continue (see Appendix G of the Waste Data Study (EV_ENV022)).

18.3 As outlined above in response to Question 1, some of Westminster's Construction, Demolition and Excavation (CD&E) waste is exported from London, and Westminster has agreed Statements of Common Ground to facilitate this (one is outstanding at the time of writing). The key issue for exports of this waste is the declining landfill void space (see paragraphs 8.26 – 8.30 of the Waste Data Study EV_ENV_022_V3). Some of Westminster's CD&E exports are received at East Tilbury Quarry in Thurrock and Rainham Landfill in Havering, both of which are due to close during the plan period (in 2021 and 2024 respectively). All parties agree that the destination of waste is largely dependent on market forces and exports will continue to go to the most suitable facility. Therefore, it is not possible to identify a specific alternative landfill site or sites where Westminster's waste will go after the closure of these landfill sites. All parties agree that landfill void space in the wider South East represents sufficient opportunity for the market to find an alternative destination for similar amounts of waste currently exported from Westminster to landfill in Havering and Thurrock. This is documented in the Statements of Common Ground found in Appendix G of the Waste Data Study (EN_ENV_022).

18.4 Finally, as already noted, in order to meet its waste apportionment target Westminster has an agreement with LB Bexley. This, along with the additional modifications proposed to clarify, reshape and strengthen Policy 38 and make sure it is justified and effective, is outlined in our response to Question 1 of this statement.

Question 19. Are any other modifications to Policies 33-38 necessary for soundness?

19.1 Yes, as outlined above further modifications are needed to Westminster's strategy for waste (M/E/10, M/E/11, M/E/13 - M/E/15 inclusive and PS/E/08 – PS/E/13 inclusive). These include a commitment to contribute towards London Plan targets for recycling and net self-sufficiency, a commitment to ongoing co-operation with other waste planning authorities in the management of its waste, clarity on the arrangements for managing apportionment targets, and how applications for new waste facilities will be assessed.