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WESTMINSTER'S ENVIRONMENT SUPPLEMENTARY PLANNING DOCUMENT

Westminster City Council has adopted a new Environment Supplementary Planning Document. This follows formal consultation in May – June 2021 and the adoption of Westminster's new City Plan in April 2021.

The SPD is a wide-ranging document, providing much of the necessary detail to support the formal policies within the new plan. It forms an important additional layer of guidance for developers and occupiers considering development or changes of use in Westminster, effectively restating and replacing much of the detailed policy that was previously contained within Part 2 of the old Unitary Development Plan, which finally ceased to apply on adoption of the new Plan. The Guidance specifically seeks to give "more prominence and weight to environment issues" and provides helpful additional detail on potential retrofit interventions.

Changes since consultation draft

The Guidance has been subject to some areas of significant change in response to previous consultation and the City Council's own corporate objectives.

Important changes to the treatment of embodied carbon, and energy, have been made. These follow the high-profile discussions that have taken place within Westminster on this issue since previous consultation on the SPD. The changes made restate emerging – and soon-to-be-adopted – GLA guidance to make it clear that the GLA's approach should also be applied to non-referable schemes. This route is slightly circuitous. We anticipate it reflects the City Council's desire to take a more assertive approach to embodied carbon, whilst being limited in the extent to which it can introduce new requirements through an SPD at a late stage.

The guidance also recognises the importance of looking at Whole Life Carbon "in the round", noting the need for avoiding demolition "**to be carefully balanced against other sustainability objectives, the need to deliver new housing and economic growth.**" The guidance recognises that demolition will still be appropriate in some circumstances.

Throughout the SPD, welcome clarification has been added to explain to what size and scale of application the various requirements apply.

Particularly in respect of retrofitting existing, and potentially historic, buildings, the guidance recognises that "**addressing, mitigating and adapting to climate change is considered a public benefit as are other environmental aims such as improving air quality and reducing flood risk.**" Harm to heritage assets has to be weighed against public benefits, including environmental benefits.

BREEAM is now stated to be the City Council's preferred sustainability assessment tool, but the role of other assessments such as LEED is also acknowledged.

We have highlighted other areas of change below as part of our summary of the guidance's content. This is not a comprehensive summary of the content of the guidance, or the changes made to it.

THE SPD ADDRESSES SEVEN TOPICS:

1. Energy

- The City Council wishes to be carbon neutral in its own activities by 2030 and in the city by 2040, with a focussed approach to carbon reductions in the built environment.
- The City Council's climate emergency declaration features prominently. The City Council's approach will now align much more closely to that of the GLA and the use of other metrics, such as energy use intensity and the London Energy Transformation Initiative targets will be encouraged, although it is not clear what level of weight will be applied to these. The City Council has adopted the UK Green Building Council definition of Net Zero Carbon, both in respect of construction and operational emissions.
- Major developments, that is, over 10 units or 1,000 sq m, will be expected to submit an energy assessment that follows the GLA guidance, showing a 35% improvement on Part L on-site as a minimum. Smaller developments will be expected to explain how development has been designed in accordance with the energy hierarchy. The guidance now recognises the potential alternatives to SAP calculations, and encourages the "Be Seen" rung of the energy hierarchy, regarding transparent monitoring of energy use, to be applied in all cases.
- **CHANGE:** Additional introductory text is included, addressing Whole Life Carbon, as noted above;
- **CHANGE:** Whole Life Carbon assessments will be required for major development involving demolition, whether referable to the Mayor or not.
- **CHANGE:** Until the GLA's Whole Life Carbon Guidance is adopted, qualifying applications in Westminster will need to justify the extent and nature of building demolition by considering whether retaining the existing building, in whole or part, is "technically feasible and viable."

A decision tree, extracted from the GLA's draft Circular Economy guidance, is provided. The SPD also states that, once the GLA's Whole Life Carbon Guidance is adopted, that guidance will apply instead. Notably, the Whole Life Carbon Guidance, in its current, draft, form at least, does not require that analysis of whether retaining the existing building is feasible and limited change is expected in its final form. The GLA has in practice begun applying its draft WLC guidance to referable applications already and so qualifying applications would be best placed to take into account both the WCC and GLA guidance.

- Further guidance on Westminster's local carbon price is promised within the separate forthcoming Planning Obligations SPD, but we anticipate that this will at least

match the new London Plan cost of £95 / t over 30 yrs, which will be sought from all remaining operational emissions. City Plan Policy 36 requires carbon offsetting against operational emissions. The "be seen" step of the GLA's energy hierarchy is referenced, to encourage monitoring and measuring of actual performance, but the City Council's expectations on monitoring conditions and obligations on non-referable schemes are not set out.

2. Air Quality

- The City Council wants to find new ways of reducing pollution and clear steps to improving air quality.
- The SPD will continue Westminster's focus on improving air quality. Major developments, and proposals incorporating sensitive uses, as well as all residential developments within Westminster's Air Quality Focus Areas (along most of Westminster's major roads) will be expected to provide Air Quality Assessments. Within Opportunity Areas and Housing Renewal Areas, air quality positive development will be expected. In practice, Air Quality Neutral Assessments are, frequently, sought alongside Air Quality Assessments. The GLA consulted on Air Quality Neutral guidance in January / February 2022.

3. Green Infrastructure

- The City Council "wants every resident to be within a five-minute walk of an open space, so they have the benefits of a healthier life on their doorstep" and wishes to enhance the benefits of existing spaces at ground level and roof level.
- **CHANGE:** Substantially more detail is provided on the types of green infrastructure that may be provided, including green walls, green roofs, species and habitat improvements and trees.
- **CHANGE:** The SPD now refers to the Mayor's Urban Greening Factor (UGF), and aligns with his guidance in seeking scores of 0.4 and 0.3 on residential and commercial development, respectively.
- **CHANGE:** The Wild West End Value Matrix is removed as an explicit alternative to the UGF, although its utility for smaller schemes is noted.
- **CHANGE:** In anticipation of the Biodiversity Net Gain requirements of the Environment Act coming into force, some further detail on the calculation of biodiversity net gain is set out.

4. Local Environmental Impacts

- The City Council wishes to “maintain high standards of life in the city and protect health and well-being, particularly of Vulnerable groups.”
- **CHANGE:** Explanation has been added as to how the City Council will address the flexibility provided by the “catch-all” commercial use class, Class E. It notes that applications should assess all potential impacts and that, in exceptional circumstances, conditions will be imposed to limit flexibility within Class E. This reflects emerging practice, by which some limitations on Class E flexibility are generally provided.
- On lighting, different best practice standards, based on the Institute of Lighting Professionals guidance, are set for within the Central Activities Zone, outside the Central Activities Zone, and within the Royal Parks and Thames, of Zone 4, Zone 3 and Zone 2, respectively. Other detailed design criteria are provided. This takes into formal guidance previous informal guidance on lighting levels and design.
- **CHANGE:** Canals and embankments are now included within Zone 2.
- On noise levels, appropriate standards for new development to achieve, and the noise standards to which proposals for new plans should adhere, are set. This includes taking into formal guidance noise and vibration standards for development within designated “Tranquil Open Spaces” which previously have had more limited status. Guidance on noise from emergency plant, and noise from construction, is also set.
- **CHANGE:** This now distinguishes between development subject to, and not subject to, an EIA.
- On odours, odour assessments are required for proposals that “involve significant sources of odour.” The document does appear to envisage a change in approach to ventilation arrangements, with a new hierarchy proposed. This would seek full height extract systems where possible, but acknowledge the role of recirculation systems in some cases, followed by “bespoke” odour reduction systems designed to “best practicable means”, along with operational management plans. The acknowledgment of the role of best practicable means as a planning standard is a change of approach. Some control of temperature within kitchens may also be sought. The guidance provides for the use of recirculation systems, but requires an Operational Management Plan.
- Land contamination and remediation reports will continue to be sought.
- The approach to construction management set out in the Code of Construction Practice is summarised, with the SPD confirming that the process of requiring developers to commit to adhering to the Code and to providing a Site Environmental Management Plan or a Construction Management Plan directly to Environmental Health will be maintained. The adopted SPD provides more detailed guidance on this.
- BREEAM will continued to be required on developments in excess of 500 sqm, with both pre-assessment and post-construction certification required, achieving BREEAM Excellent. The document also references other environmental assessment methodologies available and provides for their uses, including LEED (Leadership in Energy and Environmental Design), WELL and PassivHaus. If consideration is being given to a non BREEAM methodology a pre-application discussion should be undertaken for the council to understand how BREEAM equivalent standards will be achieved.

5. Flood Risk

- Consolidated guidance is provided on the City Council’s approach to flood risk and drainage.
 - The SPD recognises that, because of Westminster’s significant Tidal Flood Defence infrastructure, the risk from tidal and fluvial flooding is low and it is impractical to require a Sequential Test to be applied to sites nominally within flood zones 2 and 3, towards the south of the city. The Exception Test (demonstrating wider sustainability benefits that outweigh flood risk, and ensuring development is safe without increasing flood risk elsewhere) are still required to be met.
 - The SPD restates the requirement under Policy 35(B) for flood risk assessments to address surface water flooding will be required within the surface water floor risk hotspots, which include the Baker Street/Bond Street/Tyburn corridor and parts of Whitehall and St James’s. As drafted, this will apply to all development in this area, which may require some further clarification.
 - **CHANGE:** Reference to Property Flood Resilience Measures is included, which should be considered in areas at risk of tidal breach flooding.
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6. Waste Management

- The City Council wishes to move from a linear, to a more circular, economy to create a more resource efficient Westminster.
 - As with energy policy, the SPD will align the City Council's approach more closely to that of the GLA. Circular economy statements will be required on referable applications (as already sought by the GLA). On non-referable applications, details of waste storage arrangements will continue to be sought, with either two days or four days capacity, depending upon the frequency of local waste collection. Waste Management Plans will be sought on major developments, which should also provide food waste facilities if restaurants are involved, along with, potentially, balers, compactors and public micro-recycling facilities.
 - **CHANGE:** For Class E uses, adequate waste storage will be expected for all uses within Class E, or a condition may be imposed limiting the uses.
 - **CHANGE:** The guidance suggests a waste management operative should be provided in major developments (whether full or part time).
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7. Retrofitting and Sustainable Design

- The City Council recognises the importance of retrofitting Westminster's unique stock of heritage buildings in meeting the 2040 carbon neutrality target.
 - A substantial portion of the SPD is devoted to providing detailed guidance on the use of retrofit technologies and methodologies, such as insulation, living roofs and renewables, in conservation and heritage settings. This is a welcome, and helpful, consolidation of existing guidance and provides further clarity on the types of works that are likely to be acceptable in conservation settings, including listed buildings.
 - On secondary glazing, for example, it confirms that this will "generally be acceptable subject to detailed design" whereas "thermal single glazing or slim profile double glazing" will be acceptable "where this can be installed within harm to significance." This additional detail on the likely acceptability of different technologies is welcome, although the SPD cautions that it will still be necessary to look at proposals on a case-by-case basis.
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