



## New Local Plan Review

### Policy Formulation Report – October, 2022

Policy GB15: Green Infrastructure  
Policy GB16: Parks, Gardens and Open Spaces  
Policy GB17: Biodiversity  
Policy GB18: Trees and Landscape



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

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# 1. INTRODUCTION

## 1.1 NEW LOCAL PLAN REVIEW

1.1.1 The Royal Borough of Kensington and Chelsea (RBKC) is undertaking a New Local Plan Review (NLPR) to ensure the Council has an up-to-date and fit-for-purpose Local Plan to guide the development of the Borough and reflect our values. The NLPR is a full review.

1.1.2 The purpose of this Policy Formulation Report (PFR) is to demonstrate how the following policies within Chapter 4 - Green-Blue Future of the RBKC NLPR have been developed and evidenced to a level of detail which cannot be included in the NLPR document itself:

- **Policy GB15: Green Infrastructure**
- **Policy GB16: Parks, Gardens and Open Spaces**
- **Policy GB17: Biodiversity**
- **Policy GB18: Trees and Landscape**

## 1.2 EXISTING LOCAL PLAN

1.2.1 Policies GB15 – GB18 of the NLPR primarily relate to the following chapter and policy of the existing Local Plan:

### **Chapter 24: Respecting Environmental Limits**

Policy CE4: Biodiversity

### **Chapter 21: An Engaging Public Realm**

Policy CR5: Parks, Gardens, Open Spaces and Waterways

Policy CR6: Trees and Landscape

## 1.3 KEY ISSUES AND POLICY DRIVER

1.3.1 The NLPR is being prepared in the context of a nationally and locally declared climate emergency, with RBKC committing to becoming a carbon neutral borough by 2040, as well as calls for a green recovery from the Covid-19 pandemic. The NLPR therefore represents a timely opportunity to present new and updated policy on pressing environmental matters.

## 2. POLICY GB15: GREEN INFRASTRUCTURE

### 2.1 INTRODUCTION

- 2.1.1 The NPPF defines green infrastructure as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.
- 2.1.2 The London Plan 2021 introduced the Urban Greening Factor (UGF) scoring system, a regional planning tool for London that is used to evaluate the quality and quantity of green infrastructure on development sites.
- 2.1.3 The Council aims to build on the benefits of green infrastructure and ensure a holistic approach to increase not only the greening cover in the Borough but also its quality but adopting a UGF policy in the NLPR.

### 2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

#### NATIONAL POLICY

##### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 2.2.1 The National Planning Policy Framework (NPPF)<sup>1</sup> incorporates a number of policies which aim to protect green assets. Paragraph 20 of the NPPF highlights that *'Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for...conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure.'*
- 2.2.2 Paragraph 91 highlights that *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which ... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure.'*
- 2.2.3 Paragraph 92 states that *'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ... plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.'*
- 2.2.4 Paragraph 150 of the NPPF states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable

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<sup>1</sup> MHCLG, [National Planning Policy Framework](#), July 2021.

adaptation measures, including through the planning of green infrastructure.

- 2.2.5 Paragraph 171 explains how green infrastructure should be addressed in Local Plans through a strategic approach and this in turn could inform this study in terms of how it can best provide evidence for the Local Plan.
- 2.2.6 Finally, paragraph 181 states that opportunities to improve air quality or mitigate impacts relating to air quality should be identified within plans, such as through '*green infrastructure provision and enhancement*'.

### PLANNING POLICY GUIDANCE (PPG)

- 2.2.7 The green infrastructure PPG<sup>2</sup> calls for green infrastructure to be a key consideration in Local Plans and in relevant planning decisions. From a strategic perspective, Local Planning Authorities (LPAs) are encouraged to plan positively for green infrastructure by preparing an authority wide (or wider) green infrastructure framework or strategy to include an assessment of the quality of current green infrastructure and any gaps in provision. The green infrastructure strategy can inform other plan policies, infrastructure delivery requirements and Community Infrastructure Levy schedules. Authorities should collaborate with neighbouring authorities and stakeholders such as Local Nature Partnerships, Health and Wellbeing Boards and Local Enterprise Partnerships when developing GI strategies.

### 25 YEAR ENVIRONMENT PLAN, 2018

- 2.2.8 The 25 Year Environment Plan<sup>3</sup> sets out government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first.

### ENVIRONMENT ACT, 2021

- 2.2.9 The Environment Act 2021<sup>4</sup> sets out how the Government plan to protect and improve the natural environment in the UK. The Act comprises two thematic halves. The first provides a legal framework for environmental governance. The second makes provision for specific improvement of the environment, including measures on waste and resource efficiency, air quality and environmental recall, water, nature and biodiversity, and conservation covenants.

## REGIONAL POLICY, STRATEGIES AND GUIDANCE

### LONDON PLAN 2021

- 2.2.10 London Plan 2021<sup>5</sup> Policy G5 - Urban Greening, requires local UGF target scores to be set out in Local Plans. Where Local Plans do not currently have local UGF

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<sup>2</sup> MHCLG and DLUHC, [Planning Policy Guidance: Natural Environment](#), July 2019.

<sup>3</sup> DEFRA and Rt Hon Michael Gove MP, [25 Year Environment Plan](#), Oct. 2021.

<sup>4</sup> DEFRA, [Environment Act 2021](#), November 2021.

<sup>5</sup> Mayor of London, [London Plan 2021](#), March 2021.

scores, the London Plan UGF scores of 0.4 for predominately residential and 0.3 for predominately commercial developments is applied to major development. The full policy is set out below:

### **Policy G5 Urban Greening**

- A Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- B Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).
- C Existing green cover retained on site should count towards developments meeting the interim target scores set out in (B) based on the factors set out in Table 8.2.

- 2.2.11 Further guidance on this policy and the application of circular economy principles is set out in paragraph 8.5.1 – 8.5.7. In particular, 8.5.6 and 8.5.7 sets out how the UGF should be calculated. In addition, table 8.2 establishes the scores for different types of green infrastructure.

#### **URBAN GREENING FOR BIODIVERSITY NET GAIN: A DESIGN GUIDE, 2021**

- 2.2.12 The Mayor of London's Urban Greening for Biodiversity Net Gain design guide<sup>6</sup>, produced in partnership with the London Wildlife Trust, provides detailed guidance to applicants on how the requirements set out in policy can be achieved through good design. It introduces simple design considerations for different types of urban greening features which can make space for nature in our built environments and is relevant to anyone involved in the design of new developments. It should not be seen as a replacement for professional ecological or landscape advice, rather its aim is to inspire more projects to consider how they can adopt an interdisciplinary approach to make the city greener and wilder.

#### **URBAN GREENING FACTOR (UGF) GUIDANCE, 2021**

- 2.2.13 The Mayor of London's Urban Greening Factor Guidance<sup>7</sup> provides guidance to support boroughs and applicants in meeting the requirements of Policy G5. The guidance includes a UGF calculator to help applicants calculate the UGF score of a scheme and present the relevant information as part of their application and provides guidance for boroughs to inform the local application of Policy G5.

<sup>6</sup> Mayor of London, [Urban Greening for Biodiversity Net Gain: A Design Guide](#), March 2021.

<sup>7</sup> Mayor of London, [Urban Greening Factor \(UGF\) Guidance](#), September 2021.

## LONDON ENVIRONMENT STRATEGY, 2018

- 2.2.14 The London Environment Strategy<sup>8</sup> sets out an ambitious vision for improving London's environment for the benefit of all Londoners. The strategy provides a holistic plan for tackling the city's environmental challenges.

## LONDON URBAN FOREST PLAN, 2020

- 2.2.15 The London Urban Forest Plan<sup>9</sup> sets out the goals and priority actions needed to protect, manage and expand the capital's urban forest.

## LOCAL

### EXISTING LOCAL PLAN POLICY (LOCAL PLAN, 2019)

- 2.2.16 The existing Local Plan does not contain a policy on the urban greening factor however the following policies include criterion that consider green infrastructure, such as green corridors, blue-ribbon networks and green open spaces.

#### **Policy CE4: Biodiversity**

The Council will protect the biodiversity in, and adjacent to, the borough's Sites of Nature Conservation Importance and require opportunities to be taken to enhance and attract biodiversity.

To deliver this the Council will:

- a. protect Sites of Nature Conservation Importance and/or require the provision of significantly improved habitats to attract biodiversity in accordance with the national, regional and local policy and biodiversity targets and ecosystem targets Plans;
- b. protect the biodiversity value of Green Corridors and the Blue Ribbon Network and require that development proposals create opportunities to extend or link Green Corridors and the Blue Ribbon Network;
- c. require a site specific Ecological Impact Assessment for all major developments in or adjacent to Sites of Nature Conservation Importance, Green Corridors, open space, and the Blue Ribbon Network and their features important for biodiversity;
- d. require development proposals to create opportunities, where possible, for attracting biodiversity and habitat creation, having regard to the national, regional and local biodiversity and ecosystem targets.

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<sup>8</sup> Mayor of London, [London Environment Strategy](#), May 2018.

<sup>9</sup> Mayor of London, [London Urban Forest Plan](#), November 2020.

## **Policy CR5: Parks, Gardens, Open Spaces and Waterways**

The Council will protect, enhance and make the most of existing parks, gardens and open spaces, and require new high quality outdoor spaces to be provided.

To deliver this the Council will, in relation to:

### **Parks, Gardens and Open Spaces**

- a. resist the loss of existing:
  - i. Metropolitan Open Land;
  - ii. public open space;
  - iii. private communal open space and private open space where the space gives visual amenity to the public;
  - iv. Local Green Spaces where these are designated in a neighbourhood plan or other development plan document.
- b. resist development that has an adverse effect upon the environmental and open character, appearance and function of Conservation Areas, Metropolitan Open Land or sites which are listed within the Register of Parks and Gardens of Special Historic Interest in England, or their setting;
- c. resist development that has an adverse effect on garden squares and communal gardens, including proposals for basements;
- d. require development to make planning contributions towards improving existing or providing new publicly accessible open space which is suitable for a range of outdoor activities and users of all ages;
- e. require all major developments to provide on site external play space, including for under fives, based on expected child occupancy;
- f. require all green open space to optimise biodiversity and wildlife habitat;
- g. protect the open spaces surrounding the Royal Hospital from inappropriate development both in the landscaped areas themselves and in the neighbouring streets.

## **RBKC GREENER LIVING GUIDE**

- 2.2.17 RBKC produced the Greener Living guide<sup>10</sup> to assist residents in taking action to reduce their carbon footprints and live more sustainably.

## **RBKC GREENING SUPPLEMENTARY PLANNING DOCUMENT, 2021**

- 2.2.18 The Greening SPD, published in June 2021<sup>11</sup>, covers all facets of planning that can contribute towards the reduction of carbon emissions and how the environment will be placed at the centre of decision making. Chapter 11 in particular focuses on

<sup>10</sup> RBKC, [Greening Living Guide](#).

<sup>11</sup> RBKC, [Greening SPD, June 2021](#).

urban greening and the urban greening factor.

## RBKC BIODIVERSITY ACTION PLAN, 2022 – 2027

- 2.2.19 The Council's Biodiversity Action Plan<sup>12</sup> is a guide for how we will protect and support wildlife in the borough, and the resources needed to do this. The document sits alongside the Council's Green Plan and is interlinked with our commitments to climate change and air quality. The Plan considers local, regional and national policy, scientific data on species and habitats, and planning policies on protecting and supporting biodiversity.

### SUMMARY

Date	Document	Organisation
Jul. 2021	<a href="#">National Planning Policy Framework</a>	MHCLG
Jul. 2019	<a href="#">Planning Policy Guidance</a>	MHCLG and DLUHC
Oct. 2021	<a href="#">25 Year Environment Plan</a>	DEFRA
Aug. 2013/ Aug. 2021	<a href="#">British Standards for Biodiversity: BS42020</a> and <a href="#">BS8683:2021</a>	BSI
Nov. 2021	<a href="#">The Environment Act 2021</a>	DEFRA
Mar. 2021	<a href="#">The London Plan 2021</a>	Mayor of London
Mar. 2021	<a href="#">Urban Greening for Biodiversity Net Gain: A Design Guide</a>	Mayor of London
Sep. 2022	<a href="#">Urban Greening Factor (UGF) Guidance</a>	Mayor of London
May 2018	<a href="#">London Environment Strategy</a>	Mayor of London
Nov. 2020	<a href="#">London Urban Forest Plan</a>	Mayor of London
Dec. 2019	<a href="#">RBKC Local Plan</a>	RBKC
	<a href="#">Greening Living Guide</a>	RBKC
Jun. 2021	<a href="#">RBKC Greening Supplementary Planning Document</a>	RBKC
2022	<a href="#">RBKC Biodiversity Action Plan, 2022 – 2027</a>	RBKC

## 2.3 EVIDENCE BASE

### RBKC EVIDENCE STUDY ON GREENING ISSUES

- 2.3.1 AECOM were commissioned by the Council in June 2020 to prepare an evidence study to inform production of the NLPR. The study explores how London Plan 2021 policies in respect of decarbonisation, energy and whole life-cycle carbon, overheating, the circular economy and urban greening apply locally in the RBKC context. It sets out a series of recommendations for ways we can go beyond the

<sup>12</sup> RBKC, [Biodiversity Action Plan 2022 – 2027](#).

minimum requirements of the London Plan in the NLPR.

2.3.2 The Evidence Study on Greening Issues<sup>13</sup> makes the following key recommendation in respect of the local application of the UGF in the borough:

- Urban Greening Factor (UGF) – the London Plan sets out a UGF methodology and sets a target UGF score for major schemes (0.4), but strongly encourages boroughs to develop their own approaches in response to local circumstances. There is an expectation (informed by a review of case-studies) that the UGF approach is well suited to the RBKC context and will deliver real benefits, hence it should be supported and taken forward locally, in line with the London Plan ambition. It might ideally be implemented under a strategic spatial framework, perhaps in the form of a green and blue infrastructure strategy, to ensure that opportunities are fully realised.

### LOCAL UGF EVIDENCE STUDY

2.3.3 The Council's Ecology Service has a preference for substrate-based roofs rather than mat-based systems because substrate-based roofs deliver significant multifunctional benefits (such as higher biodiversity and SUDS potential, plus higher thermal and acoustic insulation) as opposed to sedum mats. Substrate based living roofs raise the ecological potential over that of a sedum blanket, as they support a more complex plant and animal species community. They also minimise the risk of failure that can frequently occur with mat-based systems in periods of drought.

2.3.4 At least 30% of new planting schemes should comprise pollinator-friendly plants (BAP Action P3.3).

2.3.5 Wildlife-supporting plants should form at least 50 percent of any street greening initiatives (BAP Action B2.2).

### SUMMARY

Date	Document	Organisation
Jul. 2021	<a href="#">RBKC Evidence Study on Greening Issues</a>	AECOM
2022	RBKC Biodiversity Action Plan, 2022 - 2027	RBKC

## 2.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.4.1 Alternative options were consulted on as part of the Borough Issues (September 2020) and Issues and Options (July 2021) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Regulation 19 Publication Policies (September 2022) consultation document. Consultation responses have been reviewed and used to inform the development of, and modification to, the draft NLPR Policies.

<sup>13</sup> [AECOM, RBKC Evidence Study on Greening Issues, July 2021.](#)

2.4.2 A breakdown of the public consultations undertaken by RBKC to inform the production of the NLPR is set out in the table below.

Public Consultation	Timeframe
Borough Issues Consultation	29 September – 10 November 2020
Issues and Options Consultation	26 July – 4 October 2021
Regulation 18 Draft Policies	9 February – 23 March 2022
Regulation 19 Publication	October 2022

**Figure 1:** RBKC NLPR Consultation Timeline.

2.4.3 The options considered through the consultations and within the Integrated Impact Assessment (IIA) are summarised below.

2.4.4 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs<sup>21</sup>; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternative, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

<sup>21</sup> Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework.

2.4.5 The options and alternatives considered are:

	Option	Status	Reason
1	Adopt the London Plan 2021 suggested Urban Greening Factor for residential/commercial for major development.	Preferred option	This approach has already been tested by the GLA and they have provided detailed guidance on how to meet it. Not all the sites will be included in the requirement and it may lead to missing opportunities.
2	Although not required by the London Plan 2021, create an UGF policy for minor applications requiring a UGF net gain (so existing GI does not count towards the UGF – which is different than for majors). Require a before and after assessment and relate it to natural SuDS.	Reasonable alternative	This option will address all development so all opportunities for biodiversity uplift are considered. Developers will have to calculate the UGF of the existing site and provide a net gain. Developers will have to think about green /sustainable issues from the outset of a project. This could have positive knock-on effects on meeting other green policies (such as SuDS).
3	When the UGF score cannot be achieved to require a contribution towards the implementation of green infrastructure elsewhere to support strategic objectives such as green infrastructure, walking/cycling, air quality and drainage objectives.	Reasonable alternative	There may be sites where achieving the required UGF score is not possible or very difficult. We should ensure that developers do not use this as a getaway clause. The policy can provide funds for projects such as street planting to support green networks/chains, shading, and enhance air and water quality.
4	The Council should not adopt a UGF policy and continue the approach set out in existing policy CR5.	Not a reasonable alternative	This option would be contrary to London Plan 2021 Policy GB5.  The Local Plan is required to be in general conformity with the London Plan and therefore this is not considered to be a reasonable alternative.

## 2.5 PUBLICATION POLICY

Following consideration of the options presented above, consultation and reasonable alternatives, Policy GB15: Green Infrastructure is proposed as follows.

### **GB15: Green Infrastructure**

- A. All development should maximise opportunities for incorporation of green infrastructure.

#### **Urban Greening Factor**

- C. Major residential development is required to achieve an Urban Greening Factor score of 0.4.
- D. Major non-residential development is required to achieve an Urban Greening Factor score of 0.3.

## 2.6 PROPOSALS MAP

- 2.6.1 No changes are required to be made to the Proposals Map.

## 2.7 DUTY TO COOPERATE AND STRATEGIC ISSUES

- 2.7.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”<sup>14</sup>.
- 2.7.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”<sup>15</sup>. Strategic matters are further defined in paragraph 24 - 27 of the NPPF<sup>16</sup> and paragraph 009 - 017 of the PPG on maintaining effective cooperation<sup>17</sup>.
- 2.7.3 Figure 2 shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.
- 2.7.4 The Council has prepared a statement ground which sets out where we are in agreement with neighbouring authorities. This will be amended as and when appropriate.

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<sup>14</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

<sup>15</sup> Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

<sup>16</sup> [MHCLG, National Planning Policy Framework \(NPPF\), July 2021.](#)

<sup>17</sup> [DLUHC, MHCLG, Planning Policy Guidance, October 2021.](#)

Strategic issue	Relevant prescribed bodies <sup>18</sup>	Council actions Prescribed bodies' strategies, plans and policies which the Council has had regard to
All	The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)	Ongoing
All	New Local Plan Review Issues consultation – see Consultation Schedule	Sept. to Oct. 2020
All	New Local Plan Review Issues and Options consultation – see Consultation Schedule	Jun. to Oct. 2021
All	New Local Plan Review Regulation 18 Draft Policies consultation – see Consultation Schedule	Feb. to Mar. 2021

**Figure 2:** Duty to cooperate strategic issues, prescribed bodies and Council action.

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<sup>18</sup> Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

## 3. POLICY GB16: PARKS, GARDENS AND OPEN SPACES

### 3.1 INTRODUCTION

- 3.1.1 The NPPF defines open space as all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.
- 3.1.2 Council is determined to protect existing parks, gardens and open spaces and encourage further greening of the Borough where possible.

### 3.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

#### NATIONAL POLICY

##### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 3.2.1 The revised National Planning Policy Framework (NPPF) was updated on 19 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous NPPF published in March 2012 and revised in July 2018. The NPPF is a material consideration in planning decisions and guides policy development in Local Plans.
- 3.2.2 Parks and open spaces have an important role in achieving sustainable development and are mentioned in two overarching objectives of the planning system as per NPPF paragraph 8. Parks and open spaces are referred to within a social objective which seeks *“to support strong, vibrant and healthy communities, by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”*. The planning system’s environmental objective also refers to open spaces by encouraging to protect and enhance our natural environment and improving biodiversity.
- 3.2.3 The NPPF incorporates a number of policies which aim to protect green assets. Paragraph 20 states that strategic planning policies are required to contribute to and enhance the natural environment by making sufficient provision for *“conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigations and adaptation”*.
- 3.2.4 Paragraphs 92-93 state that local planning policies and decisions should aim to achieve healthy, inclusive and safe places and to provide the social, recreational and cultural facilities and services the community needs, by planning positively *“for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”*.

3.2.5 The NPPF recognises the importance of access to a network of high-quality open spaces and opportunities for sport and physical activity for the health and well-being of communities, and wider benefits those spaces can deliver for nature as well as supporting efforts to address climate change. Existing open space, sports and recreational buildings and land are therefore protected from building upon by the paragraph 99 of the NPPF with some exceptions specified.

#### NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

3.2.6 The National Planning Practice Guidance (NPPG) adds further context to the NPPF and must be read together with the NPPF.

3.2.7 The Open space, sports and recreation facilities, public rights of way and local green space PPG<sup>19</sup> provides key advice on open space, sports and recreation facilities, public rights of way and the new Local Green Space designation.

3.2.8 Paragraph 1 sets out the details on how should open space be taken into account in planning. The guidance states that local planning authorities should assess the need for open space and opportunities for new provision in their areas.

#### ENVIRONMENT ACT, 2021

3.2.9 The Environment Act 2021<sup>20</sup> sets out how the Government plan to protect and improve the natural environment in the UK. The Act comprises two thematic halves. The first provides a legal framework for environmental governance. The second makes provision for specific improvement of the environment, including measures on waste and resource efficiency, air quality and environmental recall, water, nature and biodiversity, and conservation covenants.

#### REGIONAL POLICY, STRATEGIES AND GUIDANCE

##### THE LONDON PLAN

3.2.10 London Plan's open spaces policy area is informed by the Good Growth objective "Creating a healthy city" set out below. GG3 Part B, D and G are relevant to the issue of access to and quality of open spaces in the Borough.

#### **GG3 Creating a healthy city**

To improve Londoners' health and reduce health inequalities, those involved in planning and development must:

- B Promote more active and healthy lives for all Londoners and enable them to make healthy choices.
- D Assess the potential impacts of development proposals and Development Plans on the mental and physical health and wellbeing of communities, in order to mitigate any potential negative impacts, maximise potential positive impacts, and help reduce health inequalities, for example through the use of Health

<sup>19</sup> DLUCH and MHCLG, [Open space, sports and recreation facilities, public rights of way and local green space PPG](#), March 2014

<sup>20</sup> DEFRA, [Environment Act 2021](#), November 2021.

Impact Assessments.

- G Plan for improved access to and quality of green spaces, the provision of new green infrastructure, and spaces for play, recreation and sports.

## **Green Infrastructure and Natural Environment**

- 3.2.11 Chapter 8 of the London Plan sets out policies that are aimed to shape London's green infrastructure. Policy G1 sets out the strategic green infrastructure approach and provides a framework for how this can be assessed and planned for.

### **Policy G1 Green Infrastructure**

- A London's network of green and open spaces, and green features in the built environment, should be protected and enhanced. Green infrastructure should be planned, designed and managed in an integrated way to achieve multiple benefits.
- B Boroughs should prepare green infrastructure strategies that identify opportunities for cross-borough collaboration, ensure green infrastructure is optimised and consider green infrastructure in an integrated way as part of a network consistent with Part A.
- C Development Plans and area-based strategies should use evidence, including green infrastructure strategies, to:
  - 1) identify key green infrastructure assets, their function and their potential function
  - 2) identify opportunities for addressing environmental and social challenges through strategic green infrastructure interventions.
- D Development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

- 3.2.12 The remaining policies in this chapter provide more detail on specific aspects of green infrastructure, which work alongside other policies in the Plan to achieve multiple objectives.

### **Metropolitan Open Land**

- 3.2.13 Policy G3 addresses issues related to the Metropolitan Open Land. Part A of the Policy affords the Metropolitan Open Land the same status and protection as Green Belt Land, stating that:

- 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt*
- 2) boroughs should work with partners to enhance the quality and range of uses of MOL.*

- 3.2.14 Parts B and C of the Policy address the process of extensions of or alterations to MOL designations.

## Open Space

3.2.15 Policy G4 addresses issues related to Open Space provision and protection. Part A of the Policy states that Development Plans should:

- 1) undertake a needs assessment of all open space to inform policy. Assessments should identify areas of public open space deficiency, using the categorisation set out in Table 8.1 as a benchmark for the different types required.<sup>136</sup> Assessments should take into account the quality, quantity and accessibility of open space
- 2) include appropriate designations and policies for the protection of open space to meet needs and address deficiencies
- 3) promote the creation of new areas of publicly-accessible open space particularly green space, ensuring that future open space needs are planned for, especially in areas with the potential for substantial change
- 4) ensure that open space, particularly green space, included as part of development remains publicly accessible.

3.2.16 Paragraph 8.4.2 outlines further details on open space needs assessments, highlighting that these should be in-line with objectives in green infrastructure strategies (drawing from existing strategies such as play, trees and playing pitches). It is noted that assessments “*should take into account all types of open space, including open space that is not publicly accessible, to inform local plan policies and designations*”.

3.2.17 Part B of the Policy states that Development proposals should “*not result in the loss of protected open space*” and “*where possible create areas of publicly accessible open space, particularly in areas of deficiency*”. Paragraph 8.4.3 further highlights the importance of securing appropriate management and maintenance of these newly created open spaces “*to ensure that a wide range of benefits can be secured and any conflicts between uses are minimised*”.

### ALL LONDON GREEN GRID 2012 (SPG)

3.2.18 The All London Green Grid (ALGG) SPG<sup>21</sup> was developed to support previous versions of the London Plan but remains relevant for the implementation of the London Plan 2021. ALGG is a policy framework that aims to protect, conserve and enhance London’s strategic network of green and open natural and cultural spaces; and to promote the design and delivery of ‘green infrastructure’ across London, for the benefit of people and wildlife.

3.2.19 Paragraph 8.1. 3 in the London Plan states that Mayor intends to review and update existing All London Green Grid SPG to provide guidance on the strategic green infrastructure network and the preparation of green infrastructure strategies.

3.2.20 The SPG identifies eleven Green Grid Areas (GGAs) within the capital that provide

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<sup>21</sup> Mayor of London, [All London Green Grid SPG](#), March 2012

the basic framework from which policies and projects can be developed and delivered. The Borough falls into the Central London Green Grid Area (GGA12) with 4 Green Links running through the Borough: Fulham Link, Chelsea Link, Central London Link and Regent's Canal Link. The SPG recognises that the urbanised nature of this area presents unique challenges in implementing green infrastructure interventions and places great emphasis on urban greening of streets as well as enhancing the Thames Path National Trail.

3.2.21 The following strategic green infrastructure opportunities, as identified in the SPG, have a direct relevance to the Borough:

- 1) Develop a linear park along the Thames between Chelsea Bridge and Tower Bridge by enhancing the Thames Path National Trail and riverside spaces, embracing the heritage and identity of London anchored by two World Heritage Sites (Tower of London, Palace of Westminster and Westminster Abbey).
- 2) Reinforce the Royal Parks as key local and international heritage destinations for activities to promote health and well being, skills training, and biodiversity
- 4) Promote and enhance the cultural offer and environmental quality of central London's Victorian cemeteries (in particular the 'Magnificent Seven').
- 6) Create a linear parkway in the Wormwood Scrubs to World's End green corridor, integrating the recreation sections of Counters Creek at Earl's Court.
- 8) Encourage a balanced use of the Regent's Canal towpath for responsible and appropriate use in order to maintain and enhance its amenity value by improving wayfinding and new shared use path signage along the towpath, promoting the heritage aspects of the landscape and improving the connectivity with communities.
- 11) Create new public realm and green space, including green roofs, as an integrated part of major infrastructure schemes, including Crossrail and the Thames Tideway Tunnel, ensuring that they are connected to the existing green space network to encourage walking and cycling.

## LONDON ENVIRONMENT STRATEGY, 2018

3.2.22 The London Environment Strategy<sup>22</sup> sets out an ambitious vision for improving London's environment for the benefit of all Londoners. The strategy provides a holistic plan for tackling the city's environmental challenges. Chapter 5 is dedicated to Green Infrastructure. The main aim is to make London "*the world's first National Park City where more than half of its area is green; where the natural environment is protected and the network of green infrastructure is managed to benefit all Londoners*".

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<sup>22</sup> Mayor of London, [London Environment Strategy](#), May 2018.

- 3.2.23 The strategy identifies London's Opportunity Areas as parts of the city that have large capacity for development. By turning these areas into liveable neighbourhoods, they present an opportunity to improve existing, and plan new green infrastructure that is better connected and better integrated into the built environment.

#### LONDON URBAN FOREST PLAN, 2020

- 3.2.24 The London Urban Forest Plan<sup>23</sup> sets out the goals and priority actions needed to protect, manage and expand the capital's urban forest.

#### LOCAL

#### EXISTING LOCAL PLAN POLICY (LOCAL PLAN, 2019)

- 3.2.25 The existing Local Plan policy on parks, gardens and open spaces is set out below:

#### **Policy CR5: Parks, Gardens, Open Spaces and Waterways**

The Council will protect, enhance and make the most of existing parks, gardens and open spaces, and require new high quality outdoor spaces to be provided.

To deliver this the Council will, in relation to:

#### **Parks, Gardens and Open Spaces**

- a. resist the loss of existing:
  - i. Metropolitan Open Land;
  - ii. public open space;
  - iii. private communal open space and private open space where the space gives visual amenity to the public;
  - iv. Local Green Spaces where these are designated in a neighbourhood plan or other development plan document.
- b. resist development that has an adverse effect upon the environmental and open character, appearance and function of Conservation Areas, Metropolitan Open Land or sites which are listed within the Register of Parks and Gardens of Special Historic Interest in England, or their setting;
- c. resist development that has an adverse effect on garden squares and communal gardens, including proposals for basements;
- d. require development to make planning contributions towards improving existing or providing new publicly accessible open space which is suitable for a range of outdoor activities and users of all ages;
- e. require all major developments to provide on site external play space, including for under fives, based on expected child occupancy;
- f. require all green open space to optimise biodiversity and wildlife habitat;

<sup>23</sup> Mayor of London, [London Urban Forest Plan](#), November 2020.

- g. protect the open spaces surrounding the Royal Hospital from inappropriate development both in the landscaped areas themselves and in the neighbouring streets.

### RBKC PARKS STRATEGY 2016/25

- 3.2.26 RBKC Parks Strategy<sup>24</sup> sets out the Borough’s priorities for deployment of its resources in parks and open spaces managed by the Council over the coming years.

### RBKC GREENER LIVING GUIDE

- 3.2.27 RBKC produced the Greener Living guide<sup>25</sup> to assist residents in taking action to reduce their carbon footprints and live more sustainably. “Creating Your Green Spaces” Chapter provides guidance on how residents can create their own small green spaces on balconies, roof terraces and front or back gardens.

### RBKC GREENING SUPPLEMENTARY PLANNING DOCUMENT, 2021

- 3.2.28 The Greening SPD, published in June 2021<sup>26</sup>, covers all facets of planning that can contribute towards the reduction of carbon emissions and how the environment will be placed at the centre of decision making.

### SUMMARY

Date	Document	Organisation
Jul. 2021	<a href="#">National Planning Policy Framework</a>	MHCLG
Jul. 2019	<a href="#">Planning Policy Guidance</a>	MHCLG and DLUHC
Nov. 2021	<a href="#">The Environment Act 2021</a>	DEFRA
Mar. 2021	<a href="#">The London Plan 2021</a>	Mayor of London
Mar. 2012	<a href="#">All London Green Grid SPG</a>	Mayor of London
May 2018	<a href="#">London Environment Strategy</a>	Mayor of London
Nov. 2020	<a href="#">London Urban Forest Plan</a>	Mayor of London
Dec. 2019	<a href="#">RBKC Local Plan</a>	RBKC
	<a href="#">RBKC Parks Strategy 2016/25</a>	RBKC
	<a href="#">Greening Living Guide</a>	RBKC
Jun. 2021	<a href="#">RBKC Greening Supplementary Planning Document</a>	RBKC

<sup>24</sup> RBKC, [Parks Strategy 2016/25](#)

<sup>25</sup> RBKC, [Greener Living Guide](#)

<sup>26</sup> RBKC, [Greening SPD, June 2021](#)

### 3.3 EVIDENCE BASE

#### RBKC OPEN SPACES AUDIT 2022

- 3.3.1 The Council undertook an Open Spaces Audit, analysing quantity, quality and accessibility of open space across the Borough. The report identifies areas of public open space deficiencies as per guidance in the London Plan.
- 3.3.2 This final stage of the assessment involved the translation of the findings of the previous stages into a set of clear priorities and principles to guide future policy within the emerging the Local Plan. Recommendations are based on a robust understanding of open space provision in RBKC and will seek to guide both the delivery of new open spaces as well as prioritisation for the enhancement of existing sites.
- 3.3.3 A set of recommendations for the future planning and management of the open space network in RBKC was identified based on the following two aims:
1. Protect the existing network of open space and seek to increase provision in areas that fall below the required standards for quantity and accessibility.
  2. Improve access, functionality and quality of existing open spaces.

#### SUMMARY

Date	Document	Organisation
Sep. 2022	RBKC Open Spaces Audit	RBKC

### 3.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

- 3.4.1 As set out in section 2.4 above.
- 3.4.2 The options and alternatives considered are:

	Option	Status	Reason
1	Continue the current approach by which we support the provision of new play space for major developments, but recognise that there may be circumstances where a payment to support/enhance the provision of an existing facility may be appropriate.	Preferred Option	Whilst new large-scale developments will be expected to provide for the play needs of those living in the newly created place, it may be appropriate for smaller schemes to contribute to existing facilities.
2	Expand the requirement to provide on-site	Reasonable alternative	This requirement might be too onerous to put as a

	provision of new play space or payments in lieu where appropriate onto minor schemes under 10 housing units.		blanket requirement for a smaller scale development and might have negative effects on the viability of the schemes and thus hinder smaller sites from coming forward.
3	Adopt a stricter policy which would not allow for payments in lieu of on-site provision of play space for major developments and instead would require on-site provision.	Not a reasonable alternative	It is recognised that the provision of safe and stimulating play facilities are vital for children's' well-being and development. However, it is important to acknowledge that RBKC is a densely developed and highly constrained Borough with little room for new development or new play spaces. Therefore, it is not always possible for development to provide new play spaces. In some cases, a contribution towards the maintenance and improvement of existing play spaces in the Borough is all that can be reasonably expected.
4	Adopt a policy which would not allow for payments in lieu of on-site provision of play space, and which would require all developments (including minor) to provide play space on-site.	Not a reasonable alternative	Imposing this requirement on minor developments would not be reasonable given the highly built up and constrained nature of the borough. Often this would be physically impossible to achieve.

## 3.5 PUBLICATION POLICY

3.5.1 Following consideration of the options presented above, consultation and reasonable alternatives, Policy GB16: Parks, Gardens and Open Spaces is proposed as follows.

### **GB16: Parks, Gardens and Open Spaces**

- A. The Council will protect, enhance and make the most of existing parks, gardens and open spaces, and require new high quality outdoor spaces to be provided.

### **Existing parks, gardens and open spaces**

- B. The following open spaces are protected, and any loss will be resisted:
  - i. Metropolitan Open Land;
  - ii. Public open space;
  - iii. Private communal open space;
  - iv. Local Green Spaces where these are designated in a neighbourhood plan or other development plan document.
- C. Resist development that has an adverse effect upon the environmental and open character, appearance and function of Conservation Areas, Metropolitan Open Land or sites which are listed within the Register of Parks and Gardens of Special Historic Interest in England, or their setting.
- D. Resist development that has an adverse effect on garden squares and communal gardens, including proposals for basements and rear extensions. Provision of new parks, gardens and open spaces.
- E. Require development to make planning contributions towards improving existing or providing new publicly accessible open space which is suitable for a range of outdoor activities and users of all ages.
- F. Major developments will be required to provide on-site external play space, including for under-fives, particularly in areas of play space deficiency.
- G. Require all green open space to optimise biodiversity and wildlife habitat.
- H. Protect the open spaces surrounding the Royal Hospital from inappropriate development both in the landscaped areas themselves and in the neighbouring streets.
- I. Support the provision of a meanwhile open space at Cremorne Wharf until such a time as it is brought back into wharf use for waste management or waterborne freight handling purposes.

## **3.6 PROPOSALS MAP**

- 3.6.1 No changes are required to be made to the Proposals Map.

## **3.7 DUTY TO COOPERATE AND STRATEGIC ISSUES**

- 3.7.1 As set out in section 2.7 above.

## 4. POLICY GB17: BIODIVERSITY

### 4.1 INTRODUCTION

- 4.1.1 Biodiversity (Biological Diversity) is the term used to describe the variety of all life on earth (animals, plants, fungi and micro-organisms). Biodiversity is concerned with interactions within and between species and the communities, habitats and ecosystems in which they occur.
- 4.1.2 There is a need to update the existing Local Plan biodiversity policy to ensure the Local Plan conforms with the new Environmental Act 2021, which requires development to provide a minimum 10% on site biodiversity net gain.

### 4.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

#### NATIONAL POLICY

##### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 4.2.1 Paragraphs 174 – 182 of the NPPF<sup>27</sup> relate to conserving and enhancing the natural environment. Particularly relevant to biodiversity and geodiversity is paragraph 179b, which sets out that local plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

##### PLANNING POLICY GUIDANCE (PPG)

- 4.2.2 Planning Practice Guidance on Biodiversity, Geodiversity and Ecosystems<sup>28</sup> provides further detail on this topic.

##### 25 YEAR ENVIRONMENT PLAN, 2018

- 4.2.3 The 25 Year Environment Plan<sup>29</sup> sets out government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first.

##### ENVIRONMENT ACT, 2021

- 4.2.4 The Environment Act 2021<sup>30</sup> sets out how the Government plan to protect and improve the natural environment in the UK. The Act comprises two thematic halves. The first provides a legal framework for environmental governance. The second makes provision for specific improvement of the environment, including measures on waste and resource efficiency, air quality and environmental recall, water, nature

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<sup>27</sup> MHCLG, [National Planning Policy Framework](#), July 2021.

<sup>28</sup> DLUHC and MHCLG, [Planning Practice Guidance: Biodiversity, Geodiversity and Ecosystems](#), July 2019.

<sup>29</sup> DEFRA and Rt Hon Michael Gove MP, [25 Year Environment Plan](#), October 2021.

<sup>30</sup> DEFRA, [Environment Act 2021](#), November 2021.

and biodiversity, and conservation covenants.

- 4.2.5 The Environment Act 2021 introduces the requirement for development to achieve a minimum 10% on site biodiversity net gain.

#### BRITISH STANDARDS FOR BIODIVERSITY

- 4.2.6 BS 42020<sup>31</sup> is a standard developed by BSI in association with biodiversity experts and stakeholders. The standard provides guidance on how to incorporate biodiversity into planning and development. It provides clear recommendations and guidance to ensure that actions and decisions taken at each stage of the planning process are informed by sufficient and appropriate ecological information.

- 4.2.7 BS 8683 *Process for designing and implementing biodiversity net gain - specification* builds on and adds to the UK's Good Practice Principles of Biodiversity Net Gain. It translates these principles and actions into a specification standard, providing a consistent and structured process for designing and implementing BNG based on good practice.

#### REGIONAL POLICY, STRATEGIES AND GUIDANCE

##### LONDON PLAN 2021

- 4.2.8 London Plan 2021<sup>32</sup> Policy G6 – Biodiversity and Access to Nature sets out that boroughs should protect and enhance biodiversity, particular relating to sites of importance for nature conservation (SINCs). In addition, Policy G6 states that development should manage impacts on biodiversity and secure a net gain, establishing a mitigation hierarchy to minimise impacts. The full policy is set out below:

##### **Policy G6 Biodiversity and Access to Nature**

- A Sites of Importance for Nature Conservation (SINCs) should be protected.
- B Boroughs, in developing Development Plans, should:
- 1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks.
  - 2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them.
  - 3) support the protection and conservation of priority species and habitats that sit outside the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans.
  - 4) seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context.
  - 5) ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with

<sup>31</sup> BSI, [Smart Guide to Biodiversity in Planning and Development](#), August 2013.

<sup>32</sup> Mayor of London, [London Plan 2021](#), March 2021.

legislative requirements.

- C Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:
  - 1) avoid damaging the significant ecological features of the site.
  - 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site.
  - 3) deliver off-site compensation of better biodiversity value.
- D Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
- E Proposals which reduce deficiencies in access to nature should be considered positively.

4.2.9 Further guidance on Policy G6 and SINC designations in particular is set out in paragraph 8.6.1 – 8.6.6.

#### [URBAN GREENING FOR BIODIVERSITY NET GAIN: A DESIGN GUIDE, 2021](#)

4.2.10 The Mayor of London's Urban Greening for Biodiversity Net Gain design guide<sup>33</sup>, produced in partnership with the London Wildlife Trust, provides detailed guidance to applicants on how the requirements set out in policy can be achieved through good design. It introduces simple design considerations for different types of urban greening features which can make space for nature in our built environments and is relevant to anyone involved in the design of new developments. It should not be seen as a replacement for professional ecological or landscape advice, rather its aim is to inspire more projects to consider how they can adopt an interdisciplinary approach to make the city greener and wilder.

#### [LONDON ENVIRONMENT STRATEGY, 2018](#)

4.2.11 The London Environment Strategy<sup>34</sup> sets out an ambitious vision for improving London's environment for the benefit of all Londoners. The strategy provides a holistic plan for tackling the city's environmental challenges.

#### [LONDON URBAN FOREST PLAN, 2020](#)

4.2.12 The London Urban Forest Plan<sup>35</sup> sets out the goals and priority actions needed to protect, manage and expand the capital's urban forest.

### **LOCAL**

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<sup>33</sup> Mayor of London, [Urban Greening for Biodiversity Net Gain: A Design Guide](#), March 2021.

<sup>34</sup> Mayor of London, [London Environment Strategy](#), May 2018.

<sup>35</sup> Mayor of London, [London Urban Forest Plan](#), November 2020.

## EXISTING LOCAL PLAN POLICY (LOCAL PLAN, 2019)

4.2.13 The existing Local Plan biodiversity policy is set out below:

### **Policy CE4: Biodiversity**

The Council will protect the biodiversity in, and adjacent to, the borough's Sites of Nature Conservation Importance and require opportunities to be taken to enhance and attract biodiversity.

To deliver this the Council will:

- a. protect Sites of Nature Conservation Importance and/or require the provision of significantly improved habitats to attract biodiversity in accordance with the national, regional and local policy and biodiversity targets and ecosystem targets Plans;
- b. protect the biodiversity value of Green Corridors and the Blue Ribbon Network and require that development proposals create opportunities to extend or link Green Corridors and the Blue Ribbon Network;
- c. require a site specific Ecological Impact Assessment for all major developments in or adjacent to Sites of Nature Conservation Importance, Green Corridors, open space, and the Blue Ribbon Network and their features important for biodiversity;
- d. require development proposals to create opportunities, where possible, for attracting biodiversity and habitat creation, having regard to the national, regional and local biodiversity and ecosystem targets.

## RBKC GREENER LIVING GUIDE

4.2.14 RBKC produced the Greener Living guide<sup>36</sup> to assist residents in taking action to reduce their carbon footprints and live more sustainably.

## RBKC GREENING SUPPLEMENTARY PLANNING DOCUMENT, 2021

4.2.15 The Greening SPD, published in June 2021<sup>37</sup>, covers all facets of planning that can contribute towards the reduction of carbon emissions and how the environment will be placed at the centre of decision making. Chapter 13 in particular focuses on biodiversity, including detailed guidance on the London Plan mitigation hierarchy requirements.

## RBKC BIODIVERSITY ACTION PLAN, 2022 – 2027

4.2.16 The Council's Biodiversity Action Plan<sup>38</sup> is a guide for how we will protect and

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<sup>36</sup> RBKC, [Greening Living Guide](#).

<sup>37</sup> [RBKC, Greening SPD, June 2021](#).

<sup>38</sup> RBKC, [Biodiversity Action Plan 2022 – 2027](#).

support wildlife in the borough, and the resources needed to do this. The document sits alongside the Council's Green Plan and is interlinked with our commitments to climate change and air quality. The Plan considers local, regional and national policy, scientific data on species and habitats, and planning policies on protecting and supporting biodiversity.

## SUMMARY

Date	Document	Organisation
Jul. 2021	<a href="#">National Planning Policy Framework</a>	MHCLG
Jul. 2019	<a href="#">Planning Policy Guidance</a>	MHCLG and DLUHC
Oct. 2021	<a href="#">25 Year Environment Plan</a>	DEFRA
Aug. 2013/ Aug. 2021	<a href="#">British Standards for Biodiversity: BS42020</a> and <a href="#">BS8683:2021</a>	BSI
Nov. 2021	<a href="#">The Environment Act 2021</a>	DEFRA
Mar. 2021	<a href="#">The London Plan 2021</a>	Mayor of London
Mar. 2021	<a href="#">Urban Greening for Biodiversity Net Gain: A Design Guide</a>	Mayor of London
May 2018	<a href="#">London Environment Strategy</a>	Mayor of London
Nov. 2020	<a href="#">London Urban Forest Plan</a>	Mayor of London
Dec. 2019	<a href="#">RBKC Local Plan</a>	RBKC
	<a href="#">Greening Living Guide</a>	RBKC
Jun. 2021	<a href="#">RBKC Greening Supplementary Planning Document</a>	RBKC
2022	<a href="#">RBKC Biodiversity Action Plan, 2022 – 2027</a>	RBKC

## 4.3 EVIDENCE BASE

- 4.3.1 As part of the new RBKC Biodiversity Action Plan, a borough-wide habitat survey is being carried out in 2022 on all open spaces over 0.25 hectares (excluding private garden squares outside of SINC sites). The survey will provide an update on the status of the borough's 24 SINC sites (Sites of Importance for Nature Conservation) and set the baseline against which future biodiversity net gain enhancements will be measured. To date, the surveyors have recommended the extension or upgrading of some SINC sites which have shown to be particularly well managed for biodiversity, or that form a strategic green corridor across the borough. They have also raised concerns about SINC sites at risk for biodiversity, and in one case, where the site may lose SINC designation due to extensive development works that have already taken place.
- 4.3.2 The RBKC Bee Superhighway, launched in 2019, is a project to protect and enhance the borough's habitats, increase the amount of wildflower coverage and other pollinator-friendly planting in Kensington and Chelsea, and introduce other features that support bees, butterflies, flies, moths and other pollinators. A network

of pollinators ‘steppingstones’ will connect our green spaces and important habitats, providing increased food, shelter and nesting sites for pollinators. Habitat enhancement works sit alongside a public engagement programme to encourage support from residents, schools and community groups. To date, 17 projects have been completed to enhance habitats for pollinators, with a target to deliver 5 new projects each year (2022-2027 BAP Action P2.1).

- 4.3.3 At least 30 percent of new planting schemes should comprise pollinator-friendly plants (BAP Action P3.3).
- 4.3.4 Any new park and open space must have 30 percent of its area designed for wildlife (BAP Action P9.1).
- 4.3.5 South Ken Zen+ Nature Positive Working Group – Working with the Exhibition Road Cultural Group focussed on supporting the recovery of biodiversity, species and ecosystems.
- 4.3.6 High Street Kensington BID – working with the Welcoming Public Spaces steering group to support greening initiatives for biodiversity enhancement, aiming to create an east-west green corridor across the Borough (BAP P6.1).
- 4.3.7 The Council provides an annual audit of SDL160 – Local sites in positive conservation management – to Defra, as part of our commitment under Biodiversity Duty (Section 40 NERC Act 2006).
- 4.3.8 The Council manages nearly 70 community kitchen gardens that provide opportunities for access to nature and support the physical and mental health and wellbeing of approximately 700 RBKC residents. This programme is extremely popular, with a long waiting list for every garden, and targets to develop, refurbish or expand one site per year (BAP Action P9.2).
- 4.3.9 Development proposals must show at least a 10% net gain for biodiversity from Autumn 2023, to meet new legislation (Environment Act 2021). Biodiversity enhancements will need to be maintained for at least 30 years and kept on a public register. Management and maintenance proposals for biodiversity enhancements that meet BNG targets should be included in pre-planning applications.

## SUMMARY

Date	Document	Organisation
2022	RBKC Biodiversity Action Plan, 2022 - 2027	RBKC

## 4.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

4.4.1 As set out in section 2.4 above.

4.4.2 The options and alternatives considered are:

1	To include an uplift which reflects the site's potential for both, major and minor planning applications.	Preferred option	<p>This option will address all development so all opportunities for biodiversity uplift are considered. Developers will have to consider green /sustainable issues from the outset of a project. This could have positive knock-on effects on meeting other green policies (such as SuDS and UGF).</p> <p>This approach is in accordance with the Environment Act 2021.</p>
2	To introduce the biodiversity uplift for major development only in line with the London Plan 2021.	Not a reasonable alternative	<p>Generally, major developments have more space to achieve the uplift required. Minor developments may struggle for space. Not all the sites will be included in the requirement and it may lead to missing opportunities.</p> <p>However, the only limiting the requirement to deliver a BNG would not be in accordance with the Environment Act 2021</p>

## 4.5 PUBLICATION POLICY

4.5.1 Following consideration of the options presented above, consultation and reasonable alternatives, Policy GB17: Biodiversity is proposed as follows.

### **GB17: Biodiversity**

- A. The Council will protect the biodiversity in, and adjacent to, the Borough's Sites of Importance for Nature Conservation (SINCs) and/or require the provision of significantly improved habitats to attract biodiversity in accordance with national, regional and local policy and biodiversity and ecosystem targets.
- B. The Council will protect the biodiversity value of Green Corridors and the Blue-Ribbon Network. Development proposals will be required to create opportunities to extend or link Green Corridors and the Blue-Ribbon Network.
- C. All major development is required to undertake and submit a site-specific Ecological Impact Assessment.
- D. Relevant development including major development must achieve a minimum on-site biodiversity net-gain of 10 per cent in accordance with the Environment Act 2021 and forthcoming Regulations.
- E. A Biodiversity Net Gain Strategy is required for development adjacent to the River Thames.

## **4.6 PROPOSALS MAP**

- 4.6.1 No changes are required to be made to the Proposals Map.

## **4.7 DUTY TO COOPERATE AND STRATEGIC ISSUES**

- 4.7.1 As set out in section 2.7 above.

## 5. POLICY GB18: TREES AND LANDSCAPE

### 5.1 INTRODUCTION

- 5.1.1 Trees are the ultimate carbon capture and storage machines. Like great carbon sinks, woods and forests absorb atmospheric carbon and lock it up for centuries through the process of photosynthesis. Trees therefore play a critical role in our efforts to mitigate the impacts of climate change. Trees and landscaping also play an integral role in improving our health and wellbeing, acting as a haven for wildlife and biodiversity as well as contributing to the Borough's high-quality character.
- 5.1.2 The NLPR will continue the existing approach to the protection of existing trees and provision of new trees in the Borough set out in the adopted Local Plan.

### 5.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

#### LEGISLATIVE FRAMEWORK

- 5.2.1 Ownership of trees can be characterised as being either public or private. In the case of publicly owned trees, the Council has responsibility for street trees, trees in parks, and those growing within the grounds of Council housing. Privately owned trees can be found either in individual gardens, communal garden squares, cemeteries or growing on commercial and institutional premises.
- 5.2.2 The means by which the Council can influence what happens to trees in private ownership is largely provided by the Town and Country Planning Act 1990<sup>39</sup>, Section 23 of the Planning and Compensation Act 1991<sup>40</sup> and the Town and Country Planning (Trees) Regulations 1999<sup>41</sup>. The Town and Country Planning Act enables the Council to designate Conservation Areas within which trees are protected, to make Tree Preservation Orders (TPOs) in certain cases and to control development activity in accordance with policies within the Council's Local Plan. Where a TPO has been made it is an offence to prune, cut down, uproot or willfully damage or destroy a tree without obtaining the Council's permission. Permission is required where it is proposed to carry out any work such as pruning or felling trees or undertaking construction work which may affect a tree in a Conservation Area. Any breach of permission or conditions may lead to the Council taking enforcement action.

#### NATIONAL POLICY

##### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 5.2.3 Paragraph 131 under Section 12 - Achieving Well-Designed Places of the NPPF<sup>42</sup> outlines the important contribution of trees to well-designed places, as well as to the mitigation of and adaptation to climate change. Stating that "*trees make an important contribution to the character and quality of urban environments, and can*

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<sup>39</sup> HM Government, [Town and Country Planning Act, 1990](#).

<sup>40</sup> HM Government, [Planning and Compensation Act, 1991](#).

<sup>41</sup> HM Government, [Town and Country Planning \(Trees\) Regulations, 1999](#).

<sup>42</sup> MHCLG, [National Planning Policy Framework](#), July 2021.

*also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (footnote 50 - unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users”.*

- 5.2.4 Paragraph 180 (c) under Habitats and biodiversity of Section 15 – Conserving and enhancing the natural environment reflects the value ascribed to trees in the planning system, stating out that “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (footnote 63 - For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists”.*

#### PLANNING POLICY GUIDANCE (PPG)

- 5.2.5 Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas<sup>43</sup> explains the legislation governing Tree Preservation Orders and tree protection in conservation areas.
- 5.2.6 Planning Practice Guidance on the Natural Environment<sup>44</sup> explains key issues in implementing policy to protect and enhance the natural environment, including guidance on planning for trees in development schemes.

#### 25 YEAR ENVIRONMENT PLAN, 2018

- 5.2.7 The 25 Year Environment Plan<sup>45</sup> sets out government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first.

#### ENVIRONMENT ACT, 2021

- 5.2.8 The Environment Act 2021<sup>46</sup> sets out how the Government plans to protect and improve the natural environment in the UK. The Act comprises two thematic halves. The first provides a legal framework for environmental governance. The second makes provision for specific improvement of the environment, including measures on waste and resource efficiency, air quality and environmental recall, water, nature

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<sup>43</sup> DLUHC & MHCLG, [Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas](#), March 2014.

<sup>44</sup> DLUHC & MHCLG, Planning Practice Guidance: [Natural Environment](#), July 2019.

<sup>45</sup> DEFRA and Rt Hon Michael Gove MP, [25 Year Environment Plan](#), October 2021.

<sup>46</sup> DEFRA, [Environment Act 2021](#), November 2021.

and biodiversity, and conservation covenants.

## REGIONAL POLICY, STRATEGIES AND GUIDANCE

### LONDON PLAN 2021

5.2.9 London Plan 2021<sup>47</sup> Policy G7 – Trees and Woodland is set out below:

#### **Policy G7 Trees and Woodland**

- A London’s urban forest and woodlands should be protected and maintained, and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London’s urban forest – the area of London under the canopy of trees.
- B In their Development Plans, boroughs should:
  - 1) protect ‘veteran’ trees and ancient woodland where these are not already part of a protected site.
  - 2) identify opportunities for tree planting in strategic locations.
- C Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

5.2.10 Further guidance on Policy G7 is set out in paragraph 8.7.1 – 8.7.3.

### LONDON ENVIRONMENT STRATEGY, 2018

5.2.11 The London Environment Strategy<sup>48</sup> sets out an ambitious vision for improving London’s environment for the benefit of all Londoners. The strategy provides a holistic plan for tackling the city’s environmental challenges.

### LONDON URBAN FOREST PLAN, 2020

5.2.12 The London Urban Forest Plan<sup>49</sup> sets out the goals and priority actions needed to protect, manage and expand the capital’s urban forest.

## LOCAL

### EXISTING LOCAL PLAN POLICY (LOCAL PLAN, 2019)

5.2.13 The existing Local Plan trees and landscape policy is set out below:

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<sup>47</sup> Mayor of London, [London Plan 2021](#), March 2021.

<sup>48</sup> Mayor of London, [London Environment Strategy](#), May 2018.

<sup>49</sup> Mayor of London, [London Urban Forest Plan](#), November 2020.

## **Policy CR6: Trees and Landscape**

The Council will require the protection of existing trees and the provision of new trees that compliment existing or create new, high quality green areas which deliver amenity and biodiversity benefits.

To deliver this the Council will:

- a. resist the loss of trees unless:
  - i. the tree is dead, dying or dangerous;
  - ii. the tree is causing significant damage to adjacent structures;
  - iii. the tree has little or no amenity value;
  - iv. felling is for reasons of good arboricultural practise.
- b. resist development which results in the damage or loss of trees of townscape or amenity value;
- c. require where practicable an appropriate replacement for any tree that is felled;
- d. require that trees are adequately protected throughout the course of development;
- e. require new trees to be suitable species for the location and to be compatible with the surrounding landscape and townscape
- f. require landscape design to:
  - i. be fit for purpose and function;
  - ii. be of a high quality and compatible with the surrounding landscape, and townscape character;
  - iii. clearly defined as public or private space;
  - iv. optimise the benefit to wildlife habitat;
- g. serve Tree Preservation Orders or attach planning conditions to protect trees of townscape or amenity value that are threatened by development.

### **RBKC GREENING SUPPLEMENTARY PLANNING DOCUMENT, 2021**

- 5.2.14 The Greening SPD, published in June 2021<sup>50</sup>, covers all facets of planning that can contribute towards the reduction of carbon emissions and how the environment will be placed at the centre of decision making.

### **RBKC TREE STRATEGY, 2015**

- 5.2.15 The Council's adopted Tree Strategy<sup>51</sup> provides detailed guidance for residents and those with a responsibility for trees in the borough. The Strategy details how trees are planted, preserved and maintained in accordance with sound

<sup>50</sup> [RBKC, Greening SPD, June 2021.](#)

<sup>51</sup> [RBKC, Tree Strategy, 2015.](#)

arboricultural practices whilst regarding their contribution to amenity and the urban landscape for both current and future generations.

## SUMMARY

Date	Document	Organisation
1990	<a href="#">Town and Country Planning Act, 1990</a>	HM Government
1991	<a href="#">Planning and Compensation Act, 1991</a>	HM Government
1999	<a href="#">Town and Country Planning (Trees) Regulations, 1999</a>	HM Government
Jul. 2021	<a href="#">National Planning Policy Framework</a>	MHCLG
Mar. 2014	<a href="#">Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas</a>	DLUHC & MHCLG
Jul. 2019	Planning Practice Guidance: <a href="#">Natural Environment</a>	DLUHC & MHCLG
Oct. 2021	<a href="#">25 Year Environment Plan</a>	DEFRA & Rt Hon Michael Gove MP
Nov. 2021	<a href="#">Environment Act 2021</a>	DEFRA
Mar. 2021	<a href="#">London Plan 2021</a>	Mayor of London
May 2018	<a href="#">London Environment Strategy</a>	Mayor of London
Nov. 2020	<a href="#">London Urban Forest Plan</a>	Mayor of London
Sep. 2019	<a href="#">Local Plan</a>	RBKC
Jun. 2021	<a href="#">RBKC, Greening SPD, June 2021.</a>	RBKC
2015	<a href="#">RBKC, Tree Strategy</a>	RBKC

## 5.3 EVIDENCE BASE

### RBKC TREE PRESERVATION ORDERS

5.3.1 The Council maintains and regularly updates its list of TPOs in the borough. These are published online on the Council's website<sup>52</sup>.

## SUMMARY

Date	Document	Organisation
May 2022	<a href="#">Trees</a>	RBKC

<sup>52</sup> RBKC, [Trees](#), May 2022

## 5.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

5.4.1 As set out in section 2.4 above.

5.4.2 The options and alternatives considered are:

1	The Council will continue the approach to the protection and preservation of the trees in the Borough and provision of new trees set out in existing Local Plan policy CR6.	Preferred option	Existing Policy CR6 was found to be sound on examination of the Council's adopted Local Plan published in Sep. 2019.
2	The Council will not have a policy on the preservation of existing trees in the Borough and provision of new trees with development.	Not a reasonable option	<p>This is not a reasonable alternative as the approach would be contrary to National Policy and London Plan Policy on the preservation and provision of trees.</p> <p>The Local Plan must be in conformity with National Policy and general conformity with the London Plan.</p>

## 5.5 PUBLICATION POLICY

5.5.1 Following consideration of the options presented above, consultation and reasonable alternatives, Policy GB18: Trees and Landscape is proposed as follows.

### GB18: Trees and Landscape

#### Protection of Trees

- A. The Council will resist the loss of trees value, based on amenity, historic or ecological value.
- B. Exception to criterion A above will be where:
  - i. The tree is dead, dying or dangerous.
  - ii. The tree is demonstrated as causing significant damage to adjacent structures.
  - iii. Felling is for reasons of good arboricultural practice.

- C. Resist development which results in the damage, or loss, of trees of townscape or amenity value, or gives rise to the threat, immediate or long term, of the continued well-being of such trees.
- D. Trees must be adequately protected throughout the course of development, including identified Root Protection Areas.
- E. The Council will serve Tree Preservation Orders or attach planning conditions to protect trees of townscape or amenity value that are under threat from development, inappropriate pruning works or removal.

#### **Loss of Trees**

- F. Require where practicable an appropriate replacement of a suitable size for any tree that is felled and that safeguarding measures are implemented to ensure that the tree has the best possible opportunity of reaching maturity.
- G. Where the loss of a tree is unavoidable the Council will require that any new tree compliments existing trees and assists in creating new, high quality green areas which deliver amenity and biodiversity benefits.
- H. New trees must be of a suitable species for the location and be compatible with the surrounding landscape and townscape, mitigate the effects of climate change and significant rainfall events.

#### **Landscape Design**

- I. Require landscape design to:
  - i. Be fit for purpose and function.
  - ii. Be of a high quality and compatible with the surrounding landscape, townscape character and mitigate the effects of climate change and significant rainfall events.
  - iii. Clearly defined as public or private space.
  - iv. Optimise the benefit to wildlife habitat including biodiversity net gain as set out in Policy GB17.
  - v. Proactively encourage tree planting where this can contribute to mitigating the effects of climate change and flood risk.

## **5.6 PROPOSALS MAP**

- 5.6.1 No changes are required to be made to the Proposals Map.

## **5.7 DUTY TO COOPERATE AND STRATEGIC ISSUES**

- 5.7.1 As set out in section 2.7 above.



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

[www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)