1.0 INTRODUCTION

1.1 The Council adopted its Core Strategy in December 2010, a document which was intended to look ahead to 2028 setting a clear policy framework as to where new development should be located, the nature of this development and what uses should be protected.

1.2 Whilst the Core Strategy largely replaced the Council’s previous plan, the Unitary Development Plan, some policies were not replaced and remain the current planning policies. The Council intends to bring these remaining policies into a single document, the Core Strategy (ultimately to be called the Local Plan).

1.3 The majority of these remaining policies relate to conservation and design. These are subject to a separate document, a document which is currently out to consultation. Also out to consultation is a draft policy concerning basement development, a change which will feed into the Renewing the Legacy and Engaging Public Realm chapters of the Core Strategy. The policies relating to both housing and to business are also subject to a separate review. This is ongoing. Similarly the policies relating to public houses have been re-written and will be subject to an examination in the Spring of 2013.

1.4 The Council is therefore currently consulting on bringing the remaining policies (those not covered by the consultations/papers set out above) into the Core Strategy.

1.5 The principal topics that are being brought forward relate to:

- Temporary sleeping accommodation
- Diplomatic and allied uses
- Off street coach parking facilities
• Public transport interchanges
• Noise and vibration
• Contaminated Land

1.6 It should be noted that these amendments are not intended to alter the meaning of the UDP policies, nor the meaning of the plan taken as a whole. In addition Core Policies have been amended to reflect the thrust within the NPPF to support economic growth and to correct the original omission of a strategic policy linked to the Borough’s central vision. This relates to the need to safeguard the existing townscape and mix of uses which uphold the Borough’s residential quality of life.

1.7 As well as bringing all the relevant policies into a single document (and ultimately allowing for the deletion of the entire UDP) a number of minor changes are proposed which are intended to bring the supporting text up to date. Examples include removing reference to the Planning Policy Statements, the Government guidance now superseded by the National Planning Policy Framework, or updating the progress made on the development of the strategic sites.

1.8 The purpose of this report is to start the process of ensuring that the development of these miscellaneous policies has been informed through a formal process of Sustainability Appraisal/ Strategic Environmental Appraisal. Whilst the process is simply to bring existing policies from the UDP to the Core Strategy, the UDP policies were not subject to an initial SA/SEA as predated the process.

2.0 SUSTAINABILITY APPRAISAL/ STRATEGIC ENVIRONMENTAL ASSESSMENT (SA/SEA)

2.1 SEA involves the systematic identification and evaluation of the environmental impacts of a strategic action (e.g. a plan, programme or policy). In 2001, the EU legislated for SEA with the adoption of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the
environment (the ‘SEA Directive’). The Directive entered into force in the UK on 21 July 2004 and applies to a range of English plans and programmes including LDFs.

2.2 Under the Planning and Compulsory Purchase Act 2004 (PCPA), Local Authorities must undertake SA for each of their DPDs and SPDs – the constituent parts of the LDF. SA is therefore a statutory requirement for LDFs along with SEA.

2.3 The Government’s approach is to incorporate the requirements of the SEA Directive into a wider SA process that considers economic and social as well as environmental effects. To this end, in September 2004, the Government published draft guidance on undertaking SA of LDFs which incorporates the requirements of the SEA Directive1 (‘the Guidance’).

2.4 Accordingly the adopted Core Strategy was subject to a full SA/SEA. This was a requirement of it being found to be ‘sound’ in 2010. All the elements and stages of the original SA/SEA are available on the Councils website1.

2.5 The purpose of this SA/SEA scoping report is to ensure that the miscellaneous policies brought forward from the UDP comply with the requirements of the SEA Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004.

2.6 Furthermore, issuing the SEA/SA report alongside the Miscellaneous Draft Policy paper will help to provide objective information for consultees.


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1 Available from: http://www.rbkc.gov.uk/planningandconservation/planningpolicy/localdevelopmentframework/sustainabilityappraisal.aspx
3.0 CONTENTS OF THIS REPORT

3.1 Figure 1 (below) sets out the outputs at each stage of the SA/SEA process. This Addendum report documents the Scoping (or Stage A) of the process, setting out the context and objectives of the SA/SEA. It also establishes the baseline and decides on the scope of the SA/SEA.

3.2 Stage A from figure 1 (as set out in subsequent sections of this report) is divided into the following 5 key tasks:

- A1 – Context;
- A2 – Baseline;
- A3 – Sustainability issues;
- A4 – SA Framework; and
- A5 – Consult on scope.

3.3 This report documents tasks A1 to A5. It also sets out the policy background for the proposed amendments to the Core Strategy.
3.0 POLICY BACKGROUND

3.1 The Royal Borough of Kensington and Chelsea adopted its Core Strategy in December 2010. This was based upon seven strategic objectives; to Keep Life Local, Foster Vitality, offer Better Travel Choices; create an Engaging Public Realm, Renew the Legacy, provide for a Diversity of Housing and Respect Environmental Limits. Of these, Keeping Life Local, Engaging Public Realm, Renewing the Legacy and Diversity of Housing are the subject of a separate review. This section sets out the background to the remaining chapters, and explains how the extant UDP policies will be integrated as appropriate.
Fostering vitality

3.2 This chapter is concerned with those uses which contribute to the vitality of the Royal Borough. It is concerned with the wide variety of cultural, creative and commercial uses which can significantly contribute to the well being of residents and the capital’s role as a world city. This is articulated by Strategic Objective CO2.

3.3 The policy review intends to bring the extant UDP policies relating to temporary sleeping accommodation and diplomatic uses within the Fostering Vitality chapter.

3.4 Temporary sleeping accommodation. Whilst many people visiting the Borough will stay in conventional hotels, they will also use a number of other types of accommodation, including holiday lettings, lettings by companies for worker accommodation and time-share schemes. Under the Greater London Council (General Powers Act) 1973 accommodation occupied by the same person for less than 90 consecutive nights, is considered to be temporary. Planning permission is required for a change of use from permanent to temporary residential accommodation. This change of use can have implications on the Borough’s stock of permanent accommodation, and therefore will be resisted. This approach is was set out in the extant UDP policies T5 and T6 which are now proposed to be articulated by Policy CF6.

Policy CF6
“The Council will resist the provision of holiday lets and other temporary sleeping accommodation where it involves the loss of permanent residential accommodation”.

3.5 Diplomatic and allied uses. There are a considerable number of diplomatic uses in the Borough. This reflects the Borough’s central location and the prestige of a Kensington and Chelsea address. However, the Council recognises that these uses can have an impact on both the character and the amenity of the Borough. This impact is often associated with traffic generation and with the introduction of quasi commercial uses in residential areas. The
extant UDP policies E28 and E29 defined those areas in which diplomatic uses should be located. This is brought forward in the new policy CF10.

Policy CF10
“The Council will ensure that the impact of diplomatic missions and other activities in the Borough are minimised. To do this the Council will require diplomatic uses to be located in the area indicated on the Diplomatic and Allied Uses Proposals Map.”

Map 1: Diplomatic and Allied Uses Proposals Map.
The shaded areas are those which are considered to be unsuitable for such uses.
Better Travel Choices

3.6 This chapter is concerned with ensuring that a range of transport uses are available, reducing dependency on the use of private cars. This ambition is articulated by the Strategic Objective CO3 which states that, “walking, cycling and public transport to be safe, easy, attractive and inclusive for all and preferred by residents and visitors to private car ownership and use.”

3.7 The policy review intends to make explicit reference to both off street coach parking facilities and to improving public transport interchanges within an amended policy CT1.

3.8 **Coach parking.** The UDP extant policy TR20 currently resists the loss of off-street coach parking. This approach is considered essential to ease the congestion problems associated with inappropriate on-street coach parking. Reference to their protection will be added to Policy CT1 (i) which states,

> “The Council will resist new public car parks and the loss of off-street coach parking.”

3.9 **Public transport interchanges.** The Council recognises that during public transport journeys passengers often change between services or from one type of transport to another. Therefore, to encourage the use of public transport it is important that interchange is made as easy as possible. To this end the explicit reference to public transport interchanges currently made in the extant UDP policies TR16 and TR17 will be added to Core strategy policy CT1(j) which states,

> “The Council will ensure that new developments provide or contribute toward improvements to public transport services, access to them and interchange between them.”

Respecting Environmental Limits

3.10 This is a wide reaching chapter concerned with the implications of development on climate change, flooding, waste, biodiversity, air quality and
noise and vibration. The strategic objective notes that development will, “contribute to the mitigation of, and adaption to, climate change; significantly reduce carbon dioxide emissions; maintain low and further reduce car use; carefully manage flood risk and waste; protect and attract biodiversity; improve air quality; and reduce and control noise within the Borough.”

3.11 In terms of policy, this chapter includes updates relating to noise and vibration and contaminated land.

3.12 **Noise and vibration.** The Council recognises that the dominant sources of noise in the Borough are generated by road and rail traffic and by building and construction activity. This is reflected by Policy CE6, which states that “the Council will carefully control the impact of noise and vibration generating sources which affect amenity, both during the construction and operational phases of development.” In addition the Council recognises that some development is characterised as being “noise sensitive”. Such development, which includes residential, is “located in the most appropriate location and wherever located, is protected against existing sources of noise and vibration.” (CE6(a))

3.13 **Contaminated land.** Policies PU3 and PU4 considered potentially contaminated land and how it should be addressed when determining a planning application. Given the largely residential history of much of the Borough, only a small part of the Borough is likely to be contaminated. However, there is a legacy of industry in some area, and therefore care must be taken to ensure that potential contamination is appropriately addressed. A new policy CE7 sets out the process needed to ensure that the potential risks of contaminated land are considered and that any contamination is adequately mitigated before development proceeds. To deliver this the Council will,

a) “require the reports and investigations shown in criteria (b) to (e) to be carried out by a competent person

b) Require a desk top study and preliminary risk assessment
c) **Require a site investigation and detailed risk assessment in line with current best practice guidance**

d) **Require a remediation strategy that sets out how any identified risks from the reports above are going to be addressed**

e) **Require a validation report once remediation has taken place.**

**Strategic Objectives**

3.14 The NPPF emphasises the need for planning to promote the economy. To reflect this emphasis Strategic Policy CP3 has been amended to state that, “The Council will protect, promote and enhance the local distinctiveness and economic success of the Places of the Borough, and improve their character and quality and the way they function.”

3.15 In addition a third policy has been added to correct the original omission of a strategic policy linked to the Borough’s central vision. A policy has been added which reflects the need to safeguard the existing townscape and mix of uses which uphold the Borough’s residential quality of life.

“**Policy CP4**

*Quality*

The Council will safeguard the existing high quality townscape and finely grained mix of uses to uphold the residential quality of life.”

**4.0 SEA/SA STAGE A: Tasks A1 to A4**

**Task A1 – Identifying other relevant plans, programmes and sustainability objectives**

4.1 An initial review of policies, plans, programmes, strategies and initiatives (PPPSIs) was carried out as part of the LDF Scoping Report\(^2\). A number have been superseded given the passage of time and the adoption of the National Planning Policy Framework in March 2012. This section, therefore, outlines those PPPSIs, including those that postdate the original scoping report, which

are considered to be of particular relevance to the policy regarding basement development.

National

National Planning Policy Framework
Environment Act 1995
Planning (Listed Buildings and Conservation Areas) Act

London
The London Plan (2011)
The Mayor's Air Quality Strategy
The Mayor's Economic Development Strategy
The Mayor's Ambient Noise Strategy
The Mayor's Transport Strategy

Local
Air Quality Action Plan
Contaminated Land – Remediation Strategy
Contaminated land - Inspection Strategy
Local Development Scheme (2011)
Noise Supplementary Planning Document (2009)
Transport Supplementary Planning Document (2009)

Table 1. List of relevant policies, plans, programmes, strategies and initiatives.

Task A2 – Collecting Baseline data

The guidance on the SA of local planning documents notes that “sufficient information about the current and likely future state of the plan area should be collected to allow the plan’s programme’s effects to be adequately predicted.” The intension is therefore, to assemble sufficient data to ensure that, where possible each of the Council’s SA Objectives is ‘underwritten’ with comprehensive and up-to-date baseline information.
4.3 The LDF SA / SEA Scoping Report in 2005 identified the baseline information to be collected as a basis for prediction and monitoring the effects of proposals on the Council’s seventeen Sustainability Appraisal Objectives. Table 2 sets out this baseline information. Where appropriate it has been supplemented with additional data sources identified by the Council’s Annual Monitoring Report.

4.4 The table only includes the monitoring details of the principal SA objectives that may be affected (be this positively or negatively) by the proposed changes. In some cases the SA objective has a number of strands. The table doesn’t include any monitoring data that is not of relevance to the proposed additions to the Core Strategy

<p>| Objective 3. To support a diverse and vibrant local economy to foster sustainable economic growth |
| Employment in key tourist sectors in the Borough such as hotels |
| Unemployment rate |
| Proportion of people of working age in employment |
| Embassy by location |
| Objective 5. To minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables and adopt measures to adapt to climate change |
| CO2 emissions |
| Co2 emissions by end user, transport |
| Objective 7. To improve air quality in the Borough |
| Road Transport CO2, NOx and PM10 emissions |
| Objective 9. Reduce pollution of air, water and land |
| Noise complaints |
| Number of Noise Abatement Notices served (s80 of the Environmental Protection Act) |
| Objective 9a. To prioritise development on previously developed land. |
| New dwellings built on previously developed land |
| All new development on previously used land |
| Objective 10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic |
| Number of trips per person by mode. Trips by car should be decreasing if objective is being achieved |
| Travel to work by car |
| Travel to work by public transport |
| Households with 1 car or more |
| Households with 2 or more cars/vans |</p>
<table>
<thead>
<tr>
<th>Nature of school trip</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road accidents</td>
</tr>
<tr>
<td>Traffic congestion</td>
</tr>
<tr>
<td>Leisure trips by mode of transport</td>
</tr>
<tr>
<td>S106 contributions to highways and transport issues</td>
</tr>
<tr>
<td>Modes of transport</td>
</tr>
<tr>
<td>Monetary investment in public transport, walking and cycling</td>
</tr>
<tr>
<td>Objective 13. To aim that the housing needs of the Royal Borough’s residents are met</td>
</tr>
<tr>
<td>Average house prices</td>
</tr>
<tr>
<td>House price to income ratio</td>
</tr>
<tr>
<td>Household and dwellings household, single person households and dwelling stock (contextual indicator)</td>
</tr>
</tbody>
</table>

Table 2: Baseline information

4.5 The 2005 Scoping report describes the various key attributes of the Borough under each sustainability attribute heading, to provide a outline of the current situation in the Borough. This remains relevant.

Data ‘gaps’ and availability

4.6 The Council does not have access to comprehensive data which sets out the location, nature or scale of short term lets. The ROSA database is not complete.

Task A3 - Main social, environmental and economic issues and problems identified

4.7 Section 4.3 of the original Scoping Report, along with the Sustainability Appraisal iterations and the Core Strategy provides a summary of the key social, environmental and economic issues that have been identified as of the most importance to the Royal Borough. This list is summarised in table 2 below.

<table>
<thead>
<tr>
<th>Economic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deprivation, shortage of small office space, high average house prices</td>
</tr>
<tr>
<td>Environmental</td>
</tr>
<tr>
<td>Poor air quality, shortage of open space, high number of noise and vibration</td>
</tr>
</tbody>
</table>

complaints and recycling targets

Social

Limited availability of low cost housing, shortage of doctors surgeries, need for new schools, lack of elderly person homes, high crime in some areas

Table 2: Summary of key social, environmental and economic issues identified with scoping report (2005)

STAGE A: Task A4 - Sustainability Appraisal Framework

4.8 The Council’s 16 SA objectives set out in the LDF SA / SEA Scoping Report are shown in Table 3 below. Changes may be made to these in light of the consultation on this Scoping Report Addendum.

<table>
<thead>
<tr>
<th>SA objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To conserve and enhance the natural environment and biodiversity</td>
</tr>
<tr>
<td>2. To reduce crime and anti-social behaviour and the fear of crime</td>
</tr>
<tr>
<td>3. To support a diverse and vibrant local economy to foster sustainable economic growth</td>
</tr>
<tr>
<td>4. To encourage social inclusion <em>(including access)</em>, equity, the promotion of equality and a respect for diversity</td>
</tr>
<tr>
<td>5. To minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables and adopt measures to adapt to climate change</td>
</tr>
<tr>
<td>6. To reduce the risk of flooding to current and future residents</td>
</tr>
<tr>
<td>7. To improve air quality in the Royal Borough</td>
</tr>
<tr>
<td>8. To protect and enhance the Royal Borough’s parks and open spaces</td>
</tr>
<tr>
<td>9. To reduce pollution of air, water and land</td>
</tr>
<tr>
<td>9a. To prioritise development on previously developed land</td>
</tr>
<tr>
<td>10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic</td>
</tr>
<tr>
<td>11. To reduce the amount of waste produced and maximise the amount of waste that is recycled</td>
</tr>
<tr>
<td>12. To ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities</td>
</tr>
<tr>
<td>13. To aim that the housing needs of the Royal Borough’s residents are met</td>
</tr>
<tr>
<td>14. To encourage energy efficiency through building design; maximise the re-use of</td>
</tr>
</tbody>
</table>
15. To ensure the provision of accessible health care for all Borough residents

16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage

Table 3: Sustainability Appraisal Framework: SA objectives

4.9 It is not proposed to change or add any further Objectives or sub-Objectives to the existing SA Framework. The principal SA Objectives of relevance are set out below.

**Temporary sleeping accommodation.** SA objectives 3 (Local economy), 10 (Traffic reduction) and 13 (Housing) are considered to be of particular relevance.

**Diplomatic and allied uses.** SA objectives 3 (Local economy), 10 (Traffic reduction) and 13 (Housing) are considered to be of particular relevance.

**Off street coach parking facilities and public transport interchanges.** SA Objectives 5, (Climate Change), 7 (Air Quality), 9 (Pollution) and 10 (Sustainable traffic) are considered to be of particular relevance.

**Noise and vibration.** SA Objective 9 (Air pollution) is considered to be of particular relevance.

**Contaminated Land.** SA Objective 9 (Air pollution) and 9a (Previously developed land) are considered to be of particular relevance.

**Strategic objective.** SA Objective 3 (Local economy) is considered to be of particular relevance.

5.0 CONSULTATION

**STAGE A – Task A5: Consultation on the Scope of the SA/SEA**

5.1 In accordance with the regulations implementing the SEA Directive, the Council has a statutory duty to consult the three statutory SEA Consultation Bodies, namely English Heritage, English Nature and the Environment Agency, on the scope of the assessment contained in this Addendum Scoping Report. In accordance with these regulations, the period of consultation is 5 weeks, ending on 31st January 2013.
5.2 This report focuses primarily on tasks A1 – A4 and when commenting on this report, respondents are asked to consider four key questions:

- Are the policies / plans / programmes / strategies / initiatives that have been highlighted as being of relevance to a future policy relating to basement extensions appropriate?
- Do you know of any further baseline indicators that might provide useful information? If so, please provide the information or a source for the data.
- Are the sustainability problems identified for the Royal Borough the correct ones?
- Do the SA objectives encompass all the necessary issues?
- Do you have any further comments on the Miscellaneous Matters Draft Policy?

6.0 NEXT STEPS
6.1 Following consultation on this Addendum Scoping Report, the Council will carry out a sustainability appraisal on the next stage of the Miscellaneous Matters document. The SA / SEA report (or ‘Stage B’ of the SA process) involves assessing the various options put forward against the Borough’s relevant SA objectives.

6.2 In addition, this ‘Stage B’ assessment will include:
- Testing the policy objectives against the SA Framework;
- Developing and refining options;
- Predicting and assessing effects;
- Identification of mitigation measures; and
- Developing monitoring proposals
6.3 The draft policy will be put out for public consultation in accordance with the adopted Statement of Community Involvement. The Council is required to notify stakeholders when the Council is likely to consult, which in this instance will be between Thursday 6\textsuperscript{th} December and Thursday 31\textsuperscript{st} January 2013. The Sustainability Appraisal (SA) of the draft policy will be published alongside the policy document. These documents will be available on the Council’s website.

**Further Information**

Further information on the development of a draft Miscellaneous Matters policies and the accompanying SA process can be obtained from:

The Policy Team  
The Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London SW14 7HE  
Tel 020 7361 3236