

ROYAL BOROUGH OF KENSINGTON & CHELSEA LOCAL PLAN PARTIAL REVIEW

RESPONSE BY KENSINGTON SOCIETY TO INSPECTOR'S MATTERS, ISSUES AND QUESTIONS ON ISSUES 3c, 3d and 3e ENVIRONMENTAL LIMITS

Changing Context:

This is a fast-moving field to be addressed in the Local Plan Partial Review. So much has changed on this topic since the 2010 Plan and the plan has not kept pace with it. It is more than "Respecting Environmental Limits". It is about protecting and defending the environment. To rely on action plans, such as "Air Quality and Climate Change Action Plan", is not adequate. There is a need for policies and guidance

The subject of the environment and the dangers from poor air quality, increased use of plastic and the lack of controls over amount of demolition and excavation (and where is the demolition and excavation waste taken) and emissions from HGVs moving in and out of this borough and through London and from the construction machinery, all pose new challenges for the planning system.

The first paragraph in the NPPF states that its purpose is to "provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities". We have the means to better control our environment. The "resist" and "seek" is not good enough.

Climate Change (Policy CE1)

Q1. Are the changes to Policy CE1 in the RBKCLPPR justified and is the policy as revised consistent with national policy and in general conformity with the London Plan?

The changes are justified. However, they do not go far enough and as this is an issue which is becoming urgent, as air quality controls become more necessary, **early review is required**. The London Plan sets out the deadlines for review and so should this plan.

Q2. Does the proposed modification MINOR/069 to the reasoned justification adequately address the need for further guidance on water efficiency and other aspects of sustainable design to address climate change? Should it be considered as a 'main modification' which is necessary for soundness?

We do not consider this a major modification and accept change as proposed. However, there is a need for more emphasis on pollution in all areas of construction, both domestic and non-domestic. BREEAM may not be the most effective means for controlling pollution and, as elsewhere in this chapter, there needs to be **an early review of the policy**.

Flooding (Policy CE2)

Q3. Are the changes to Policy CE2 in the RBKCLPPR justified and is the policy as revised consistent with national policy and in general conformity with the London Plan in respect of flood risk from tidal and surface water?

The changes may be justified, but they fall short of the needs to address this problem. A large part of RBKC is within the Critical Drainage Areas. The RBKC website has four maps of these areas and a street-by-street list. The plan should incorporate these maps into one map and have a link to a consolidated Strategic Flood Risk Assessment.

- a. this is basically the former policy: “resist” is unenforceable as development after development with massively deep basements, including houses have been approved. It is insufficient and uncontrollable as proposed.
- b. the Strategic Flood Risk Assessment page in the website currently is a report and 10 appendices. It is confusing and should properly coordinated. And easily able to find.
- c. the Sequential Test is equally difficult to find, is 76 pages long and informative, but has no means or direction to produce a report on the test.

Waste (Policy CE3)

Q4. Is Policy CE3, as revised in the RBKCLPPR, positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in meeting the borough’s waste apportionment targets and delivering an effective waste management strategy for the borough? In particular:

Generally no, it is not effective and is already out of date. With the January 2018 ban by China on the import of most plastic waste from abroad, there is an urgent need to address plastic waste disposal. None of the WRWA plastic goes to China, but obviously any major change will reduce the options for disposal. The justification does not address the changing recognition of the increase in plastic waste and crucial review of what is acceptable as “waste” and alternative means for addressing and reducing our waste.

This is elsewhere cannot wait and **urgent policy changes need to be developed.**

a. Is there a signed agreement in place to pool the London Plan waste apportionment figures within the Western Riverside Waste Authority area?

It appears that there is an agreement, as to whether it is signed needs to be confirmed.

A report on Local Plan Partial Review – Publication Policies Policy Formulation Report – February 2017: Waste, states that “the Council has been working closely with these ‘WRWA WPAs’ (Western Riverside Waste Authority, Waste Planning Authorities) to prepare a joint evidence base regarding waste apportionments”.

b. If not what measures are proposed to manage any shortfall in waste arisings in the borough to the end of the plan period?

The report refers to: “The joint waste evidence base work (Waste Technical Paper) establishes that, when pooling apportionments and capacity, the WRWA WPAs are able to jointly meet their London Plan waste apportionment as a single entity, with a surplus of approximately 346,000 tonnes of waste per annum. The WRWA Waste Technical Paper will provide an update on capacity within the borough and WRWA area”.

c. Should the Plan commit to identifying and safeguarding further sites for waste management in the borough?

Yes, but more importantly we need to address means of reducing waste.

d. Do the proposed modifications (MINOR/071-073) to the reasoned justification to policy CE3, including the deletion of the apportionment capacity gap table, ensure an effective, justified and positively prepared plan in respect of waste? If so should they be considered as ‘main modifications’ necessary for soundness?

We agree that the gap table is unnecessary and is a movable target anyway. We should be pushing through policy for reduction in waste and increases in waste disposal.

The London Plan addresses reducing waste. This policy should as well.

London Plan (2017): Policy SI7 Reducing waste and supporting the circular economy

A *Waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal will be achieved by:*

4) meeting or exceeding the recycling targets for each of the following waste streams and generating low-carbon energy in London from suitable remaining waste:

a) municipal waste 127 – 65 per cent by 2030

b) construction, demolition and excavation waste – 95 per cent by 2020

Air Quality (Policy CE5)

Q5. Are the changes to Policy CE5 in the RBKC LPPR justified and is the policy as revised consistent with national policy and in general conformity with the London Plan in respect of managing the impact of development on air quality in the borough?

The changes are justified, but do not go far enough. As before there should be a set date for early review – no later than 2020.

a. It says “the Council will carefully control the impact of development on air quality...” by refusing assessment but states no means of evaluated the

assessment or refusing or requirement improvement in the assessment. There is no action plan. The sentence should be “require an air quality assessment for all major development and that all major developments are Air Quality Positive.”

- b. We do not accept “financial contributions”. This passes the responsibility back to the Council who is not capable of administrating it nor should it accept the responsibility. We disagree with “materially” and allowing the payment of financial contributions instead of meeting the physical measures.
- c. We **disagree** with the removal of BREEAM. The Council should not remove the requirement, set out in the Code of Sustainable Homes, for reducing pollution and emissions and improving air quality
- d-c “resist” and “seek” are actions without any meaning.
- e-d “controlled during demolition and construction” does not set limits. The limits or the controlling body needs to be defined. Disagree with “if required by the Council”, it should be required for all.

Draft London Plan (2017)

Policy SI1 Improving air quality

A *London’s air quality should be significantly improved and exposure to poor air quality, especially for vulnerable people, should be reduced:*

1) Development proposals should not:

a) lead to further deterioration of existing poor air quality

4) Development proposals must demonstrate how they plan to comply with the Non-Road Mobile Machinery Low Emission Zone and reduce emissions from the demolition and construction of buildings following best practice guidance.

Q6. Are any further changes necessary in respect of the control of NO2 emissions in the light of the Government’s Air Quality Plan published in July 2017 and the London Mayor’s latest proposals for the Ultra-Low Emission Zone?

Yes

Issue 3d: New and Enhanced Rail Infrastructure (Policy CT2)

Q7. Is Policy CT2 positively prepared, justified and based on effective joint working in respect of its safeguarding proposals for a Crossrail 2 station in King’s Road?

No comment

Issue 3e: Parks, Gardens, Open Spaces and Waterways (Policy CR5)

Q8. Is Policy CR5 as updated in the RBKCLPPR consistent with national policy and in general conformity with the London Plan? Is it justified in requiring all development to contribute towards improving open space?

The Society supports this policy, which is justified in a densely built Borough with extreme residential land values. Developers seek to minimize any new open space provision, by including balconies and roof gardens in their schemes (including for childrens playspace). These are not an adequate substitute for green space. Hence the need for a policy which resists loss of private and public green space, the former contributing to bio-diversity and air, quality, and views.

Q9. Would the designation of a Local Green Space at Meanwhile Gardens in Golborne be justified as part of RBKCLPPR? Would this be necessary for the soundness of the Plan?

The Society supports the use of a Local Green Space designation in relation to Meanwhile Gardens. This area of green space has a particular history, in that It was established in the 1976 through community efforts and is managed by a trust. Unlike many green spaces in the Borough, Meanwhile Gardens does not have the protections of a series of Acts of Parliament on garden squares. The gardens were re-furbished by landscape architects Planet Earth, with support from National Lottery and British Waterways Board. It is not a municipal open space or park maintained by RBKC. The space would seem to meet all the NPPF Paragraph 77 criteria for designation as Local Green Space and it would seem straightforward for the Council to make this designation as part of the LPPR process.

The Society also supports the proposition that the stretch of the Grand Union Canal and its immediate towpaths within the Borough should be granted Conservation Area status. This status already applies to the sections of the canal in Hammersmith & Fulham and In Brent. The development of the Old Oak area will see significant development of the western stretch of the canal as a major London-wide amenity, and there is scope for commonly agreed conservation policies across several planning authorities.

10. Should consideration be given to other aspects of Policy CR5 as part of this partial review, including a full review of indoor and outdoor recreation facilities, biodiversity enhancements on key waterways and the designation of Local Green Spaces? If not when would these issues be considered?

The Society agrees that Policy CR5 could be significantly updated and extended in relation to waterways. The OPDC Regulation 19 Draft Local Plan Policy P3 on the Grand Union Canal includes a vision and a series of sub-policies number a) to r) on how the canal could contribute to biodiversity and to the Mayor's Blue Ribbon network. There may also be further open spaces meeting the criteria for Local Green Space.