

# **Consultation Statement: RBKC Greening Supplementary Planning Document (SPD), June 2021**

## **Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012**

The Council has prepared a RBKC Greening Supplementary Planning Document (SPD) providing guidance on all facets of planning that can contribute towards reducing carbon emissions and promoting a healthier borough. In accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), this Consultation Statement sets out:

### **Regulation 12 (a) (i) the persons the local planning authority consulted when preparing the supplementary planning document**

The Council undertook a six-week consultation on the Draft Greening SPD from 12 January to 23 February 2021.

We also organised and held focus group meetings with the Borough's residents' associations, Extinction Rebellion, Edge - who are funded by the World Bank, and Cadogan Estates.

The Local Planning Authority has a Planning Policy consultation database which has about 2,500 consultees. A direct mail out was sent to all consultees on the Planning Policy database by email notifying them of the consultation and inviting comments. The documents were also available online under 'current consultations' on the planning pages of the Council's website and were open to anyone for comment. In addition to the Council's website, hard copies of the SPD were made available on request and were posted if practicable.

The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2021, change the requirements to make certain documents available for inspection and on request. These regulations make temporary changes to how documents are required to be made available under regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the 2012 Regulations"). They temporarily remove the requirement on a local planning authority to make documents available for public inspection at the authority's principal office and at such other places as the authority considers appropriate (we normally provide them in local libraries, but these are closed at present).

The Planning Policy database includes 'general', 'specific', 'prescribed' and 'local' consultation bodies as required by legislation. The 'general consultation' bodies include voluntary bodies such as Kensington Society, Chelsea Society and Tenants and Residents Associations, bodies which represent the interests of different racial, ethnic or national groups such as London Gypsy and Traveller Unit, bodies representing religious groups such as Christ Church Kensington, bodies representing the interests of disabled persons such as Action Disability Kensington and Chelsea and bodies which represent the interests of persons carrying out business in the Royal Borough such as KC Chamber of Commerce.

The 'specific' and 'prescribed' consultation bodies consulted included the Environment Agency; Natural England, Historic England, the Highways Agency, the Clinical Commissioning Group, Thames Water and the Mayor of London (GLA).

The 'local' consultation bodies consulted included individual residents and persons carrying on business in the Royal Borough who signed up to the above database or visited the specific pages of the Council's website.

## **Regulation 12 (a) (ii) a summary of the main issues raised by those persons**

A total of fifty responses were received through the consultation method via letter, email or the on-line response form through the Council's planning consultation portal. However, most did not respond to every question in the response form and instead chose to respond to a select number of questions that were of particular interest to them.

Among the respondents were a significant number of industry experts, including, Imperial College, the Natural History Museum and Historic England.

### **Letters of Support**

Almost all responses received were very supportive of the Draft SPD and its objectives. We received many positive comments praising the Council's direction of travel and agreeing with the general principles embedded in the Draft SPD. Respondents were particularly supportive of concepts such as the circular economy and whole lifecycle carbon approach, but also the focus on appropriate and sensitive retrofitting, urban greening and sustainable drainage. In addition, several industry experts, including Imperial College, Historic England and TfL expressed their support for the Draft SPD and agreed with the requirements and standards it sets.

A number of respondents were supportive of provisions in the Draft SPD in principle but also expressed concern that the SPD does not go far enough to address climate change, arguing that the Council should extend the SPDs' requirements from just major development to all development.

Respondents also raised the following issues which are set out below:

- Difficult to find and understand what guidance is relevant for householders.
- The SPD should set stronger targets and requirements should be extended to all development not just major development.
- The SPD does not properly address the issue of air quality in the Borough.
- The SPD fails to give due regard to the potential negative impacts of green technology implementation, particularly air source heat pumps on the amenity of residents and character of the Borough.
- The SPD doesn't prioritise active and sustainable transport.
- The SPD does not give due regard to the importance of trees.
- The SPD does not prioritise protection and provision of larger green open spaces.

### **Letters of objection**

Only one objection completely opposing the SPD was received in which the respondent disagreed with the science on climate change and therefore the need to address and mitigate its impacts. However, the Draft SPD has been produced in the context of national, London and wider Council policy which all support the measures put forward in the SPD. Therefore, this objection could not be taken any further.

### **Regulation 12 a (iii) how those issues have been addressed in the supplementary planning document**

There were a number of supportive comments which did not result in any substantive change to the Draft SPD, and the objection raised in relation to the scientific evidence of climate change could not be taken any further as outlined above.

Comments suggesting changes and amendments to the SPD were largely not taken further as they were considered to be covered by the document in its draft form or the existing Local Plan; would cause the SPD to no longer be in conformity with the London Plan 2021; or were beyond the scope of what planning can control. However, a new section on municipal waste recycling was added in response to the comments received. In addition, the guidance on trees in sections 11 and 13 was also expanded. The table below sets out how each of the main issues raised in the consultation have been considered and addressed.

Issue	Action
<ul style="list-style-type: none"> <li>• Difficult to find and understand what guidance is relevant for householders.</li> </ul>	<ul style="list-style-type: none"> <li>• We have produced a standalone supplement which will provide dedicated householder guidance to sit alongside the SPD.</li> </ul>
<ul style="list-style-type: none"> <li>• The SPD should set stronger targets and requirements should be extended to all development not just major development.</li> </ul>	<ul style="list-style-type: none"> <li>• The requirements for major development are proportionate to the scale of development supported by evidence. It would not be reasonable to set the same requirements for smaller scale development.</li> </ul>
<ul style="list-style-type: none"> <li>• The SPD does not properly address the issue of air quality in the Borough.</li> </ul>	<ul style="list-style-type: none"> <li>• Air quality is a wider issue than planning alone can address. It is considered that the SPD fully addresses air quality to the extent that can be done through the process of planning. The Council is separately reviewing its Air Quality Action Plan.</li> <li>• In addition, every element of the SPD from the circular economy, whole life cycle carbon approach, energy hierarchy, retrofitting, air quality, urban greening and biodiversity all aim to reduce carbon emissions and improve air quality.</li> <li>• We cannot set requirements for interventions beyond the scope of the planning system to control.</li> </ul>
<ul style="list-style-type: none"> <li>• The SPD fails to give due regard to the potential negative impacts of green technology implementation, particularly air source heat pumps on the amenity of residents and character of the Borough.</li> </ul>	<ul style="list-style-type: none"> <li>• Heat pumps are largely permitted development and we can only set requirements for mitigation of noise where planning permission is required.</li> <li>• Section 7 of the SPD explicitly states that potential noise, vibration and other nuisances from green technology, particularly air source heat pumps, is an issue that the Council will monitor and we have set the requirement for a noise and vibration assessment where air source heat pumps are proposed and planning permission is required.</li> <li>• The Government's Ten-Point Plan sets out the need to replace gas boilers and due to the constrained nature of the Borough, air source heat pumps are</li> </ul>

	the only appropriate alternative at present.
<ul style="list-style-type: none"> <li>The SPD doesn't prioritise active and sustainable transport.</li> </ul>	<ul style="list-style-type: none"> <li>Section 10 of the SPD explicitly encourages development to support and facilitate active and sustainable transport.</li> <li>The SPD is supplementary to the Local Plan which contains policy that explicitly seeks to encourage active and sustainable transport modes over the private car (see Policies CO3 and CT1 for example).</li> </ul>
<ul style="list-style-type: none"> <li>The SPD does not give due regard to the importance of trees.</li> </ul>	<ul style="list-style-type: none"> <li>This comment has been acknowledged and we have committed to expanding the guidance on trees in the SPD in sections 11 and 13.</li> <li>In addition, the Council's Arboriculture Department has committed to updating the Council's Tree Strategy and Trees and Development SPD in 2022.</li> </ul>
<ul style="list-style-type: none"> <li>The SPD does not prioritise protection and provision of larger green open spaces</li> </ul>	<ul style="list-style-type: none"> <li>Green open spaces are considered to be included within the provisions of section 11 of the SPD.</li> <li>The SPD is supplementary to the Local Plan which contains policy that explicitly protects existing green open spaces and establishes the Council's aim to provide more open spaces through development (see policy CR5 for example).</li> </ul>