

LONDON BOROUGH OF HAMMERSMITH & FULHAM

LOCAL PLAN EXAMINATION

WRITTEN STATEMENT

ISSUE 5: DESIGN, CONSERVATION, ENVIRONMENTAL SUSTAINABILITY

Does the Plan take a justified and suitably evidenced based approach towards design, conservation and environmental sustainability? Is the Plan consistent with national policy in such regards and will it be effective in implementation?

Date: 22 May 2017

1. Is Policy DC1 (Built Environment) justified by the evidence and how will it be effective in operation?

The council considers that the approach to the Built Environment in Policy DC1 is justified and supported by a comprehensive evidence base, which includes the Tall Buildings background paper (SD38), Townscape analysis for the regeneration areas (SD57 and SD58), Streetsmart (SD40) and the Thames Strategy Kew to Chelsea (SD39). Policy DC1 is also supported by an extensive range of conservation area appraisals, a heritage at risk register and a Local List of Buildings of merit register.

Policy DC1 addresses the aim of the NPPF, namely, that local authorities “should develop robust and comprehensive policies for design in their plan”. The NPPF states that the policies should not be over prescriptive, and should not impose preferences for architectural style, but that developments respond to local character and reflect the identity of local surrounding’s, establishing a strong sense of place. Policy DC1 is mindful of this requirement and avoids any such stipulation. Paragraph 126 of the NPPF seeks to ensure that the historic environment and its heritage assets are conserved, and that their contribution to local character is recognised. The council values its built heritage and is committed to its protection, as emphasised in Policy DC1.

Policy DC1 will be effective in its operation because it is supported by an extensive range of appraisals, evidence and appraisals as stated above. It will be an effective basis for determining planning applications because it sets out the considerations and issues for any design to address. It is not over-prescriptive, but clearly guides the applicant on the main issues against which a scheme will be measured to ensure it delivers high quality design, which is responsive to its local townscape context. The effective operation of Policy DC1 will also be achieved in tandem with other Local Plan policies, in particular the other Design and Conservation Policies to enable a thorough assessment of development within the borough and a holistic approach to design.

The London Plan (SD68) design principles include the desire to optimise the potential of sites, and the desire to respect local context, history, built heritage, character and communities. Policy DC1 is consistent with these aims. The Mayor of London has raised no conformity issues in relation to Policy DC1.

Proposed amendments (MC129 and MC130) as outlined in the council’s minor changes schedule (KD4) are proposed in response to representations against Policy DC1. These minor changes are considered to further enhance the policy and address the concerns raised by respondents.

2. Is Policy DC2 (Design of New Build) clear in its use of the word and meaning of ‘respect’?

The council considers that the use of the word 'respect' strikes an appropriate balance between providing clear policy guidance and allowing sufficient flexibility. This wording is considered to be important in achieving the council's preferred approach to development namely to be responsive to local context and reinforce local distinctiveness. This approach is clarified in greater detail in the supporting justification which gives clear guidance on the approach to development which the council would encourage applicants to adopt.

The word 'respect' originally derives from the council's UDP policy EN8, which contained much of the text that is now proposed for inclusion within policy DC2. Indeed, similar wording appears within the Core Strategy (SD4) built environment policy (policy BE1), which requires development to 'be of the highest standard of design that respects local context and character'. The word respect is also used in a similar context in the Development Management Local Plan (SD6) Policy DMG1.

The Inspector's report into the Development Management Local Plan (SD50) supported the council's use of the word 'respect' and concluded that there was no substantive evidence that the previous policies were unclear or inflexible to operate and that dictionary definitions of 'respect' suggested that there is little distinction in practical terms between its various alternatives.

3. Will DC3 (Tall Buildings) and DC7 (Views and Landmarks) be effective and are they consistent with national policy and aligned with the London Plan?

Should the criteria for DC3 include a reference to public benefits?

The Council's approach to tall buildings in Policy DC3 and to Views and Landmarks in Policy DC7 will be effective and is consistent with the aims of national and regional policy and guidance. It is a development plan led approach.

The relationship between significance assessment and impact assessment which forms the basis of the approach to heritage assets in the NPPF is encompassed in policies DC3 and DC7. Similarly, the NPPF places emphasis on the assessment of individual cases rather than the application of a set of principles. The council has attempted to capture this emphasis in these policies.

The council's approach to developing a policy for tall buildings was to adopt a two-stage process which is described in detail in the council's Tall Buildings Background Paper (SD38). Policy DC3 states that tall buildings, particularly where they have a disruptive and harmful impact on the skyline will be generally resisted. However it has identified four areas in Hammersmith and Fulham deemed appropriate for tall buildings. Within these four regeneration areas, a detailed analysis of the existing townscape character including the built heritage has been undertaken and has been instrumental in preparing the SPDs for White

City (SD55), Earls Court and West Kensington (SD54), and South Fulham Riverside (SD56). Policy DC3 details the criteria that any proposal for a tall building in those areas would be expected to meet in order for it to be acceptable.

Policy DC3 seeks to avoid harm and promotes development of tall buildings that reconcile heritage significance and economic, environmental, and social aspirations to achieve sustainable development, in areas deemed appropriate. Policy DC3 stresses the need to avoid harm in the first instance, and the policy refers to “unacceptable harm” which is the harm that is not outweighed by public benefits after the tests offered by the NPPF. If it is determined that a tall building would not cause harm, then the requirement to provide public benefits is reduced. Reference to public benefits was therefore not felt to be necessary in the context of Policy DC3. However, the policy relating to local views (DC7) and any impacts, and the policy relating to heritage assets and conservation (DC8) both contain references to the NPPF tests in which public benefits become an important consideration.

Policy DC3 is consistent with the aims of the London Plan which directs tall buildings to opportunity areas, and areas of growth, and areas where the infrastructure is capable of supporting increased development capacity. In addition, the council aim is to direct tall buildings to areas where they can contribute in a positive manner to the borough’s townscape and assist in the creation of a sense of place. In this respect the considered location of high quality tall buildings is integral to long term spatial vision for the borough. The London Plan (SD68) adopts a similar hierarchical approach to the tall buildings policy. Policy 7.7 – Location and Design of Tall and Large Buildings requires the identification of areas appropriate, sensitive and inappropriate locations and details criteria based assessments for tall buildings.

The London Plan (SD68) and the London View Management Framework SPG (SD74) encourage local authorities to identify locally important views. Policy DC7 identifies such views which are primarily relatively extensive views to and from important landmarks along the riverside. The policy broadly identifies the importance and significance of each view and would expect applicants for development affecting these views to submit a thorough analysis of the impact as required by the NPPF and Historic England guidance in “The Setting of Heritage Assets” March 2015 (SD90).

It is considered that policies DC3 and DC7 are adequately justified and sit comfortably at the detailed level under the umbrella of national policy and the corresponding policies in the London Plan, and follows the joint guidance developed by English Heritage and CABE (SD89). The council’s approach in these policies is similar to that found to be robust by the Inspector at the Examination in Public into the Core Strategy and the Development Management Local Plan.

Proposed amendments (MC132 – MC134 and MC140 – MC143) as outlined in the council’s minor changes schedule (KD4) are proposed in response to representations against Policy DC3 and DC7. These minor changes are considered to further enhance the policy and address the concerns raised by respondents.

4. Is Policy DC5 (Shopfronts) clear, why does it include reference to the SPD in the policy and will it be effective in operation?

Policy DC5 is considered to be clear and will be effective in its operation. It is a long established development management style policy which would not preclude any future, more localised detail on shopfronts in coming forward in, for example, a neighbourhood plan.

The reference included within Policy DC5 to the Planning Guidance SPD has been included as a signpost to supplementary detail on shopfronts. A similar reference to the SPD was previously included in the equivalent Development Management Local Plan Policy (DMG4 of SD6) which was considered to be an acceptable approach. A reference to the Planning Guidance SPD is also included within the justification text of Policy DC5. The council would be happy to discuss the suitability of the SPD reference in the policy at the public hearings.

Proposed amendments (MC136 – MC139) as outlined in the council’s minor changes schedule (KD4) are proposed in response to representations against Policy DC5. These minor changes are considered to further enhance the policy and address the concerns raised by respondents giving, clarity and making it more effective.

5. Is Policy DC6 (Replacement windows) justified and will it be clearly effective in operation?

Windows are an important architectural component of most elevations and contribute greatly to the visual character of the building. They are particularly vulnerable elements in that they are relatively easily replaced or altered. Where this work is not carried out sensitively, it can have a profound effect on the building, diluting its character and detrimentally impacting upon the appearance of the general street scene.

The Planning department receive many letters regarding inappropriate replacement windows across the borough. It is a matter that residents feel strongly about. The council have therefore developed a policy on the issue, separate from the more overarching “Alterations and Extensions” Policy (DC4 of KD1).

The policy is considered to be effective in its operation and does not preclude or discourage the change from single glazed windows to double glazed replacements. The policy aims to ensure that any replacement window respects

the architectural character of the building and in the case of flats, is consistent with the overall design of the façade.

6. Is the approach of the Plan and wording of Policy DC8 (Heritage and Conservation) consistent with national policy and guidance in relation to heritage matters?

The council considers that its approach to heritage assets contained in policy DC8 is consistent with the National Planning Policy Framework, and that policy DC8 approach to conservation areas is consistent with the relevant statutory duty.

The statutory duties relating to conservation areas imposed on local planning authorities have not changed to any significant degree over the years. This is an indication of the robustness of the 1990 Act. It provided a strong legislative framework which has been well tested over the years. The statutory duties include procedural duties such as those to designate, review and develop policies for conservation areas, as well as the duty to ensure the preservation and enhancement of those areas designated.

Policy DC8 sets out a positive strategy for conserving the historic environment and is considered to be consistent with the overriding aims of the Conserving and Enhancing the Historic Environment section of the NPPF. It is clear from the NPPF that development which fails to give due weight to conservation is not sustainable and therefore contrary to the primary aim of the guidance. The council has reflected this message in Policy DC8. In order to tie the policy more directly to the NPPF, the importance of the nature and level of the assets significance is included in wording of the policy along with clarity on the more rigorous approach to be adopted for designated heritage assets.

Policy DC8 reflects the approach adopted in the NPPF in having a unified policy position for the consideration of applications affecting all heritage assets. Previously the council had operated separate policies for conservation areas, listed buildings, and buildings of merit etc in the council's Unitary Development Plan (2003).

The approach to conservation areas in policy DC8 is consistent with the local planning authority's statutory duty. The general principle that conservation areas should be sustained and enhanced remains in the NPPF, and forms the basis of the council's Heritage policy. Conservation areas are designated heritage assets so "great weight" should be given to their conservation. The loss of a building or other element that makes a positive contribution requires clear and convincing justification and may amount to substantial or less than substantial harm depending on the degree of contribution to the significance of the area. Policy DC8 includes appropriate criteria for the preservation of conservation areas.

There is no longer an express presumption in favour of preservation in the NPPF, Policy DC8 (b) reflects this and refers to the conservation of heritage assets in relation to their significance, namely that the greater the significance of the heritage asset, the greater the presumption should be in favour of its conservation. For the enhancement of conservation areas, policy DC8 requires any new development to positively contribute to the character and appearance of the conservation area. There is a positive obligation for local authorities to look for opportunities to enhance or better reveal the significance of the conservation area stemming from the NPPF. Policy DC8 (c) makes reference to this commitment.

Proposed amendments (MC144 and MC161) as outlined in the council's minor changes schedule (KD4) are proposed in response to representations against Policy DC8. These minor changes are considered to further enhance the policy and address the concerns raised by respondents. The amended wording of policy DC8 brings it more into line with the NPPF which requires development to bring forward substantial public benefits if substantial harm to the significance of the heritage asset has been identified, and is to be overcome.

7. Is DC9 (Advertisements) necessary, justified and will it be effective?

Policy DC9 will provide effective control over outdoor advertisements and is supported by the NPPF, in particular paragraph 67, which identifies that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

Policy DC9 provides criteria which will enable a detailed assessment of advertisements in the borough with a focus on those advertisements which will clearly have an appreciable impact on a building or on their surroundings. It includes wording which describes factors which will be assessed when determining applications – eg. In scale and in keeping, excessive advertising [cumulative impact], inappropriate illumination, poorly located, height above ground level. Beyond the Policy, it will be for individual proposals to be assessed in detail in relation to individual circumstances.

Proposed amendments (MC162 – MC169) as outlined in the council's minor changes schedule (KD4) are proposed in response to representations against Policy DC9. These minor changes are considered to further enhance the policy and address the concerns raised by respondents.

8. Is DC10 (Telecommunications) consistent with national policy?

The policy is considered to be consistent with national guidance, specifically paragraph 43 of the NPPF. The policy in part (d) seeks to ensure due consideration for the co-location of any new infrastructure with existing communications apparatus, which is encouraged by paragraph 43 of the NPPF. Moreover the policy does not impose an outright ban and is therefore consistent

with paragraph 44 of the NPPF. The policy allows for specific circumstances that would enable telecommunications equipment to be sited in the areas covered by that part of the policy.

9. Is DC11 (Basements and Lightwells) justified and clearly worded to ensure effective delivery?

The construction of basements, and the subsequent effect that large scale excavations have on immediate neighbours and the wider local community has been a cause of great concern to borough residents. Basement construction can cause nuisance and disturbance for neighbours and others in the vicinity, through construction traffic, parking suspensions and the noise, dust and vibration of construction itself.

A number of complaints and objections have been received by the Council in association with planning applications for works at basement level (both new and extensions), these relate to:

- disruption and noise involved during construction, especially in residential areas;
- effects on neighbouring properties in regards to dust and dirt during construction;
- damage to the foundations of adjoining basements and other homes;
- traffic issues and concerns with contractors vehicles blocking the road and their driveway for long periods of time; and
- concerns with over-development of the site and adversely affect the amenity of the immediate neighbours.

These concerns have been heightened by the growth in the number of planning applications for basements in the Borough. The vast majority of these are extensions under existing dwellings and gardens within established residential areas.

It is considered that the issues associated with basement development cannot be dealt with through other local or national policies or legislation. and national planning policy is silent on the issue of basement development as it is largely written for above-ground development.

The GLA has published Supplementary Planning Guidance on Sustainable Design and Construction (SD81) which supports the need for Local Plan policies on basements, it states that where there is pressure for basement developments, boroughs should consider whether there are any particular local geological or hydrological issues that could particularly affect their construction, and adopt appropriate policies to address any local conditions.

The Council does have an existing local policy on basements in the Development Management Local Plan (SD6) but this is not considered to deal adequately with the increasing scale and number of planning applications and all the cumulative

issues set out in the reasoned justification. Policy DC11 is clearly worded to ensure effective delivery with a set of detailed criteria for the holistic management of basement development. It covers all material planning considerations, not only those relating to noise and disturbance but also drainage, trees, character and appearance, setting out the type of investigations and studies that should be carried out. This approach is clarified in greater detail in the supporting justification which gives clear guidance on the approach to development which the council would encourage applicants to adopt.

Given the upturn in planning applications relating to basement development in the borough and the potential individual and cumulative impact on environmental, social, design and economic objectives it is considered that Policy DC11 is justified within the Local Plan.

10. Is CC1 (Reducing Carbon Dioxide Emissions) robust and viable? Does the LP reference and plan for issues surrounding 'clean air' and the energy hierarchy robustly and adequately? Is it consistent with national policy?

If climate change impacts are not mitigated, H&F can expect to experience a range of detrimental impacts such as increased flood risks, over heating and drought. Policy CC1 is considered to be a strong policy in terms of the requirements it sets out for new developments to reduce their CO2 emissions, thereby helping to mitigate their climate change impacts.

The Policy ensures developments assess in detail the CO2 emissions that will be generated as a result of new buildings and requires the implementation of on-site sustainable energy measures to reduce CO2 emissions in line with the London Plan targets. These are stringent targets – for major residential proposals, the target is now for these to be zero carbon and for other major developments the current proposal is for a 35% improvement on the Building Regulations 2013 minimum emissions requirements, although from 2019, these will also be required to be zero carbon.

The policy requires major developments to implement energy conservation measures through the implementation of the London Plan (2016) sustainable energy policies and meeting the associated CO2 reduction targets. The focus of the Policy is major developments, but the inclusion of energy efficiency and other low carbon measures is also encouraged in minor developments. Policy CC1 also ensures that where necessary appropriate mitigation measures are integrated into developments at early design stage to make sure that on-site measures are implemented in line with the London Plan Energy Hierarchy to maximise CO2 emissions reductions. CC1 is therefore considered to be robust in terms of its requirements and also viable given its consistency with the London Plan and also national policy, as outlined below.

Paragraph 93 of the NPPF states that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure". Local Planning Authorities are expected to actively support the move to a low carbon future and in determining planning applications. Paragraph 96 of the NPPF states that local planning authorities should expect new development to carry out a number of actions to this effect, including designing policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily. Policy CC1 is therefore considered to be consistent with national policy.

As currently drafted, there is no reference to local air quality issues in Policy CC1. However, as a result of the comments received at Regulation 19 stage, in particular those made by the H&F Air Quality Commission, some minor amendments are proposed on this issue.

In their consultation comments, the Commission notes that "the GLA energy hierarchy puts CHP above sustainable energy sources, but LBHF should break from this to prioritise sustainable energy sources". They also suggest the insertion of some text to ensure that energy generation systems such as communal heating systems are only accepted where "this can be done without degrading air quality".

In line with the AQ Commission's comments, an amendment is proposed to bullet point (d) of CC1 which covers the inclusion of communal heating systems, CHP units etc, to add "if this can be done without having an unacceptable impact on air quality". (MC168)

The Proposed Submission Local Plan also includes a separate policy on air quality, Policy CC10 which requires all major developments (amended to developments which may be impacted by local sources of poor air quality or may adversely contribute to local air quality by a proposed minor amendment (MC188)) to provide an air quality assessment that considers the potential impacts of pollution from the development on the site and on neighbouring areas. This includes emissions from on-site plant and equipment such as boilers and CHP systems or other technologies that might give rise to emissions to air. This policy is also proposed to be amended to reflect the potential impacts that energy generation could have on local air quality. Minor amendment MC191 adds the following bullet-point: "(e) Requiring all decentralised energy schemes to demonstrate that they can be used without having an unacceptable impact on air quality. Where this is not possible, CHP systems will not be prioritised over other air quality neutral technologies".

It is considered that air quality issues are therefore adequately covered in the Local Plan in a way that is consistent with the London Plan and also national policy.

11. Should CC2 (Ensuring Sustainable Design and Construction) refer to renewable energy technologies? Is CC2 (b) justified and viable?

Policy CC2 does not currently refer to renewable energy technologies, although it does refer to “minimising energy use”.

As identified in the Policy, minimising energy use is one aspect of how sustainable design and construction can be achieved. Policy CC1 on Reducing Carbon Dioxide Emissions provides detailed energy related policy requirements, including but these are not repeated in Policy CC2 as it is considered to be clear that new developments, in particular major developments, are required to comply with both CC1 and CC2.

The Policy is considered to be justified as it is consistent with the requirements of the NPPF and the London Plan. Paragraph 6 of the NPPF states that “the purpose of the planning system is to contribute to the achievement of sustainable development”. It also notes at Paragraph 56 that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. The London Plan (2016) has a similar policy to CC2 – Policy 5.2 on Sustainable Design and Construction – which is comparable in relation to the issues covered.

The first London Plan in 2004 included a sustainable design and construction policy similar to the one in the current 2016 version. The 2013 Development Management Local Plan also includes a similar policy – Policy DM H2 on Promoting Sustainable Design and Construction. Until its withdrawal in 2015, the Code for Sustainable Homes provided guidance to developers on the environmental performance of new residential developments. All major developments, particularly residential, have been required to comply with a policy along the lines of Policy CC2 for many years. Developers have been able to design and construct developments in line with these requirements without impacting on the viability of such schemes. It is also noted that no objections to CC2 were received during the Regulation 19 consultation.

On this basis, Policy CC2 is considered to be a viable policy.

12. Is the approach of the Local Plan towards flood risk supported by an adequate evidence base and consistent with national policy? Is the approach to flooding robust? Is a reference to the sequential test required? Is the Environment Agency in agreement with the approach of the Local Plan to such matters?

Do Policy CC3 (Flood Risk et al) and its supporting text refer adequately to Groundwater Source Protection Zones?

The main local evidence base that supports the Proposed Submission Local Plan policies in relation to flood risk are the Strategic Flood Risk Assessment (SFRA) (SD48) and the Surface Water Management Plan (SWMP) (SD49).

A draft update of the SFRA document was published in 2016 (SD48) at the time of the Regulation 19 consultation, although formal consultation on the document was not carried out until March 2017. The final SFRA has not been published yet, although this will take place in early Summer. No significant changes are proposed for the final SFRA compared to the consultation draft version. The SWMP (2016) was also published as a background paper for the Regulation 19 consultation.

In addition, Thames Water has modelled the impact of London's projected population growth and climate change on its drains and sewers to understand their ability to cope with these future challenges. The modelling shows that for a relatively common rainfall event in 2020 (one that would be expected on average once every other year), some areas of London, including H&F, would not have sufficient drainage or sewerage capacity to manage the expected flows, leading to an increasing risk of surface water and sewer flooding. This study also forms part of the evidence base that has informed the Proposed Submission Local Plan policies.

Paragraph 100 of the National Planning Policy Framework states that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere".

It goes on to say that "Local Plans should be supported by a Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change".

Policy CC3 states that the council will require developments to reduce the use of water and minimise current and future flood risk by implementing a range of flood risk related measures which are in line with the NPPF and national guidance, including that provided by the Environment Agency.

The Policy also confirms that, as part of the FRA, the requirements of the National Planning Policy Framework must be addressed and, where applicable, an Exception Test must also be carried out and included in the FRA. Development considered to be potentially at risk of flooding are required to include mitigation measures that will provide adequate flood protection for the

lifetime of the development. The requirements of Policy CC3 are considered to be consistent with the requirements of national policy on flood risk.

Flood risks are present in the borough from the River Thames, groundwater, surface water and sewers, as outlined in the council's SFRA and SWMP. Policy CC3 on Minimising Flood Risk and Reducing Water Use is considered to be a strong policy in terms of the requirements it sets out for new developments to assess and mitigate flood risks from these sources. The Policy ensures that inappropriate developments do not take place in areas with high flood risks and that where necessary appropriate mitigation measures are integrated into developments at early design stage to make sure that occupants can stay safe from flooding and that buildings are flood resilient for the lifetime of the development.

There is no reference in Policy CC3 to the need for the Sequential Test to be carried out for specific development sites. This is not considered to be necessary, as explained in Para 6.259 of the Proposed Submission Local Plan: "As most of the borough is at risk from some form of fluvial/tidal flooding from the River Thames, it would be unreasonable to restrict development only to Flood Zone 1 in the north of the borough, particularly as much of this area is also at risk from sewer and surface water flooding (covered by Policy CC4). The council considers that from a borough-wide perspective, the Sequential Test permits the consideration of all sites for development, subject to individual sites satisfying the requirements of the Exception Test (as outlined in the council's Planning Guidance SPD). This is a well established approach in the H&F Local Plan documents. No comments or objections were received on the issue of not including reference to the Sequential Test in Policy CC3 as part of the Regulation 19 consultation. The Environment Agency has not objected to this matter. The approach is therefore considered to be acceptable.

The Environment Agency (EA) reviewed the draft Strategic Flood Risk Assessment (2016) (SD48) and noted that they found the evidence base sound, although some recommendations were made for updates to be included in relation to breach modelling for 2100 and to account for climate change impacts. Similar comments were received from the EA during the formal consultation on the SFRA in March 2017.

The EA specifically welcomed the inclusion of the requirements set out in the Thames Estuary 2100 plan (SD95) that sites must where necessary enhance, raise flood defences - or demonstrate raising is possible in the future and also commented on the strong surface water policies.

In terms of the EA comments on Policy CC3 on Minimising Flood Risk and Reducing Water Use, they noted that it was encouraging to see the awareness of Groundwater Source Protection Zones but commented that there was no supporting text. This comment has been accepted and a minor amendment

(MC169) proposed to provide some additional guidance. See below for further details on this.

The EA also advised that the Proposed Submission Local Plan should acknowledge that H&F is within an area of 'Serious' Water Stress. This point was also accepted and a proposed minor amendment (MC170) has been made to the justification text in line with the EA's suggested text.

The issue of Groundwater Source Protection Zones (GSPZs) was introduced into Policy CC3 following comments received from the EA at Regulation 18 consultation stage, although there are actually no GSPZs in H&F area.

In their Regulation 19 consultation response the Environment Agency (EA) encouraged awareness of GSPZs in Policy CC3 and advised that 'measures' are specified to ensure that GSPZ's are protected during development. As there are no such Zones in H&F, there is considered to be little need to provide detailed information on this issue. However, it is agreed that some additional text should be added to the justification section so that this is made clear.

A minor amendment is therefore planned (MC169), to clarify that although GSPZs are now referenced in Policy CC3, there are currently no such Zones in H&F that require specific protection.

13. Are the greenfield run off rates within Policy CC4 (surface water et al) deliverable and viable? Is the policy adequately aligned with the London Plan?

The Proposed Submission Local Plan policy wording for CC4 refers to the need for all major developments to implement Sustainable Drainage Systems (SuDS) to enable a reduction in peak run-off to greenfield run off rates for storms up to the 1 in 100 year event (plus climate change allowance). This is a strengthening of the policy in terms of the performance of major developments in relation to surface water management compared to current policy (Policy DM H3) which refers to an "expectation" of achieving greenfield run-off rates and sets an attenuation improvement target of at least 50%, although the Policy also states that where possible, 100% attenuation should be achieved.

London Plan (2016) Policy 5.13 requires that developments should utilise SuDS - unless there are practical reasons for not doing so - and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with a drainage hierarchy set out in the Policy. According to the GLA (as reported in the London Sustainable Drainage Action Plan (2016) SD81), this policy has remained broadly unchanged since 2004 and is understood to be working well for large-scale development. Evidence from the strategic planning applications referred to the Mayor shows that most applications over recent years have included proposals to significantly reduce rainwater discharge. These reductions are often to greenfield run-off

rates but almost always achieve at least a 50 per cent cut in the site's previous peak run-off. There is a similar level of performance for major planning applications determined by H&F.

Greenfield run-off rates, or similar are therefore frequently achieved already but given the high level of flood risks present in the borough as a result of surface water and sewer flows, as outlined in the council's Surface Water Management Plan (SWMP) (2016) (SD49), the council decided to raise the "expectation" to achieve greenfield rates to a "requirement" for major sites. This proposed change was supported by Thames Water in their Regulation 19 consultation comments.

Only one objection to Policy CC4's requirement for greenfield runoff rate requirements was received, from Imperial College London who wanted the policy to be re-worded to match the London Plan Policy. This suggestion has been rejected on the basis that a more stringent approach is required in H&F due to the scale and nature of the flood risks in the borough as evidenced by the SWMP and Thames Water's sewer capacity study.

14. Should there be reference to the Water Framework Directive within the Plan?

The Water Framework Directive (WFD) is not referenced in the Proposed Submission Local Plan. In their Regulation 19 consultation response the Environment Agency (EA) recommend that reference is included to the Directive in respect of Policy CC5 on Water Quality and RTC1 on the River Thames and RTC3 on the Design and Appearance of Development within the Thames Policy Area.

In their comments on Policy RTC1 and Policy RTC3, the EA requested the inclusion of some additional wording to ensure that the policy guides development to take into account both the flood risk and biodiversity aspects of the Thames Estuary 2100 plan (SD95) and the requirements of the Water Framework Directive set out in the Thames River Basin Management Plan, although their suggested amendment did not reference the WFD directly.

In relation to Policy CC5, the EA advised the council to reference the WFD within the policy. Although the EA acknowledged that there are no water bodies in H&F, they suggested that the council could still play a role in maintaining, improving or preventing a deterioration in the status of surrounding water bodies. The council accepts these comments and has proposed a minor amendment (MC174) to refer to the WFD in the Policy justification text. The WFD is therefore considered to be adequately reference in the Proposed Submission Local Plan, taking this minor amendment into account.

15. Are matters relating to waste management and hazardous substances dealt with adequately in the Local Plan?

Through policies CC6 (Strategic Waste Management) CC7 (On-Site Waste Management) and CC8 (Hazardous Substances) the council considers that the Local Plan adequately deals with matters relating to waste management and hazardous substances.

In terms of waste management, Policy CC6 primarily deals with strategic waste management matters relating to London Plan requirements including waste apportionments (this is explained below), whilst Policy CC7 sets out the requirements for on-site waste management for all new development. Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste (refuse and recyclables) generated by a development, including collection and storage of waste which will enable efficient recycling and refuse collection. As well as on-site energy recovery where feasible. In accordance with the Waste Hierarchy, a key aim of the policy is for developments to firstly minimise waste, as well as seeking to encourage sustainable waste behaviour through increasing and promoting recycling. The aims of Policy CC7 are therefore consistent with the Mayor of London's Business and Municipal Waste Management Strategies which promote the re-use of resources and reductions in the levels of waste production.

The London Plan seeks to encourage the re-use and recycling of construction, demolition and excavation (CD&E) waste within London, with a target set for London to re-use and recycle 95% of its CD&E waste by 2020, with high levels of recycling already achieved. In line with the aims of the London Plan, for CD&E waste in LBHF, Policy CC7 seeks to manage this waste stream sustainably through encouraging the re-use and recycling of CD&E waste as far as possible. Major developments in the borough will also be expected to produce a site waste management plan for CD&E waste which provides details of the type and quantity of waste arisings as well as the proposed methods of disposal including means of transportation.

With major developments identified and beginning to take place within the council's regeneration areas, this provides opportunities for them to make provision for on-site waste management. Policy CC7 therefore seeks to encourage major development proposals, particularly within the regeneration areas to consider the provision of on-site waste management facilities in order to facilitate the re-use and recycling of waste generated by the development, particularly for industrial and commercial waste streams.

The Council's Planning Guidance SPD will also include further guidance for on-site waste management. This is due to be updated shortly.

Given there are a number of facilities (gas holders and pipelines) which handle and transport hazardous substances, the Local Plan includes a policy on

hazardous substances (Policy CC8) to ensure the safety and protection of residents when guiding new development. Through this policy, the types of development around these sites will be controlled, as well as resisting development which may pose a risk to people occupying sites and buildings in the vicinity of these sites.

The notifiable sites and pipelines are identified in the policy and on the Local Plan Proposals Map, which includes the distance from the notifiable sites for which consultation with the HSE is required. Through Policy CC8, the Local Plan is therefore considered to deal with hazardous substances adequately. Policy CC8 is further explained as part of the question below.

Is Policy CC6 (Strategic Waste Management) justified and will it be effective in implementation?

The council's spatial planning policy in relation to strategic waste management is outlined in Boroughwide Policy CC6 (Strategic Waste Management). The policy states that the council will pursue sustainable waste management, including planning to manage the waste apportionments set out in the London Plan. This policy is supported by a robust evidence base which includes the council's Waste Background Paper (SD53), the Joint Waste Technical Paper (SD52) and the OPDC's Waste Strategy (SD92). This evidence has been prepared alongside joint working and engagement with other waste planning authorities and statutory bodies and are considered to meet the requirements of the Duty to Cooperate, as well as National and London Plan policies relating to waste planning.

In accordance with national policy, LBHF are required to plan for waste by identifying suitable sites to meet the waste management needs of the area. Further to this, the London Plan policies are seeking to manage as much of London's waste within London as practicable and are working towards managing the equivalent of 100% of London's waste (household and commercial/industrial) within London by 2026. In order to achieve this target, the London Plan requires boroughs to identify sufficient land and waste facilities required to manage the tonnage of waste apportioned to each London borough to 2036. For LBHF, the apportioned waste is 247,000 tonnes.

The council's Waste Background Paper (SD53) provides the full history and background evidence to support the approach to strategic waste management set out in Policy CC6 of the Local Plan. In particular, it provides evidence on how the council have addressed the requirements of national policy, including the National Planning Policy for Waste (and associated guidance) as well as the London Plan policies, including meeting the waste apportionments. It also summarises the current position with regard to waste collection and disposal arrangements in the borough which are of relevance to the policy approach taken. The background paper also provides details on the waste sites within Hammersmith and Fulham and sets out the significant waste movements

(imports and exports) that take place with other authorities both within and outside London.

Two large waste sites (Old Oak Sidings (Powerday) & EMR) and some other smaller sites exist within the Old Oak area of Hammersmith and Fulham. Since 2015, the Old Oak area to the north of the borough and the five waste sites within it, now fall within the boundary of the OPDC. As part of the proposals to redevelop the Old Oak area, the EMR site is proposed to be relocated to facilitate regeneration of this area. As OPDC does not have an apportionment in the London Plan, OPDC are required to cooperate with LBHF to ensure its apportionment is met.

In line with the Duty to Cooperate, the boroughs within the Western Riverside Waste Authority (WRWA) area (Kensington & Chelsea, Wandsworth & Lambeth including OPDC) have been working jointly on waste matters and have prepared a Waste Technical Paper (SD52). This provides up to date capacity evidence for individual Local Plan's being prepared by the WRWA boroughs, to support meeting their London Plan apportionments. It also takes into account site closures and includes details on the management of other waste streams identified in the NPPG.

The OPDC has also prepared a Waste Strategy (SD92) which is another key evidence document supporting the approach to strategic waste management in Policy CC6. This paper sets out OPDC's approach to supporting the host boroughs including LBHF to meet their waste apportionment. This concludes that the Old Oak Sidings (Powerday) waste site can meet LBHF's apportionment target in terms of available/future capacity on the site to manage the required amount of waste and in terms of sufficient land being available for waste management. As such, in accordance with the London Plan, OPDC's Local Plan (SD94) is safeguarding the waste site for the lifetime of its Local Plan.

These evidence base documents demonstrate that there is sufficient land and capacity at the Old Oak Sidings (Powerday) site to meet LBHF's apportionment. Therefore, policy CC6 identifies the Powerday site as being able to manage LBHF's apportionment up to 2036. This will be achieved through on going cooperation and joint working with OPDC who are seeking to safeguard the Powerday site in their emerging Local Plan (SD94), as well as continuing to work with the other authorities within the WRWA area.

LBHF acknowledge the lack of evidence relating to construction, demolition & excavation (CD&E) waste in the Local Plan as referenced by Thurrock Council in their representation. The preparation of the joint Waste Technical Paper (SD52) is considered to address this issue. The Waste Technical Paper (SD52) covers all waste streams identified in the NPPG, including an assessment of construction, demolition and excavation waste in terms of anticipated arisings and capacity available in both LBHF/OPDC and the WRWA area as a whole. The Waste Technical Paper forecasts overall waste arisings for CD&E waste using the

boroughs anticipated housing and commercial development until 2036. This includes major development due to take place in the Hammersmith and Fulham (including OPDC). However, this does not include London-wide strategic infrastructure which the GLA have started to investigate as part of the London Plan Review. For LBHF and OPDC, there is considered to be sufficient capacity at the Old Oak Sidings (Powerday) site to accommodate its anticipated CD&E waste arisings up to 2036. The council have therefore proposed some additional wording to Policy CC6 to reference CD&E waste. Please see MC184 of the Schedule of Suggested Minor Changes (KD4)

In their representations to the Local Plan, Surrey County Council suggested that more reassurance is provided that Policy CC6 is deliverable by referring to the OPDC Waste Strategy and the current progress of the OPDC's Local Plan which is safeguarding the Powerday site. LBHF consider that through working with OPDC, Policy CC6 is deliverable and will be effective in implementation. However, in light of their representation, LBHF acknowledge that some additional wording is necessary to reference the status of OPDC's Local Plan and supporting Waste Strategy. Please see minor change MC176 and MC177 of the Schedule of Suggested Minor Changes (KD4).

Policy CC6, together with Policy CC7 will be effective in implementation by promoting sustainable waste behaviour and ensuring waste is managed sustainably in line with the Waste Hierarchy. This will be achieved through requiring all developments to provide adequate facilities for the storage and collection of waste. This will be secured by way of a planning condition on the planning permission. The council also has its own waste management team who are consulted on applications for development. Planning officers works with these colleagues to ensure the design of future development for waste management is adequate and encourages sustainable waste behaviour, including recycling as much as possible.

Through Policy CC7 and Policy CC6, major developments, particularly those in the regeneration areas, will be expected to provide on-site waste management facilities in order to enable the re-use and recycling of waste generated by the development. The council has identified a number of areas which provide suitable opportunities for on-site waste management, including the White City Opportunity Area, Earls Court and West Kensington Opportunity Area, Fulham Regeneration Area and the development at Imperial Road in South Fulham. This will be implemented effectively through early discussions with applicants on suitable sites, so it can be designed into the development.

Should Policy CC8 (Hazardous Substances) include a reference to the Fulham Holder Stations?

At the time of drafting the Local Plan, the Fulham North and Fulham South Holder Stations on the Imperial Gasworks site at Imperial Road still had HSE hazardous substance consents in place. This therefore required the council to make specific reference to these hazardous substances in Policy CC8 of the Local Plan.

On the 8th June 2016, the LBHF Planning Committee resolved that the council will begin the process to revoke the hazardous substance consents for Fulham North and Fulham South Holder Stations. This process started in January 2017.

Since submission of the Local Plan, the hazardous substance consents for Fulham North and South Holder Stations at Imperial Road have been formally revoked. In line with representations made by Hadley Property Group and National Grid Property, the council therefore considers it appropriate to propose a further minor change to the Local Plan, not currently shown in the minor changes schedule (KD4) which removes specific reference to Fulham North and South Holder Stations in Policy CC8. This will also necessitate a change to the designation of Notifiable installations as shown on the proposals map. This change is not currently shown in the proposals map changes document (KD2).

16. Is Policy CC10 (Air Quality) justified and viable in implementation?

The aim of Policy CC10 is to seek the reduction of the potential adverse air quality impacts of new developments.

The inclusion of Policy CC10 – as proposed in the Submission Local Plan and with the proposed minor amendments – is considered to be justified on the basis that it is consistent with the requirements of national policy and the London Plan. It is also legitimate for the Local Plan to have a specific policy on improving local air quality as the whole of the borough of Hammersmith and Fulham has been designated an Air Quality Management Area and there is a need and expectation from residents that new developments will contribute to improvements in air quality in the borough.

Policy CC10 complies with the requirements of the NPPF (paragraph 124) which states that “Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”.

The London Plan (2016) includes Policy 7.14 on Improving Air Quality which sets requirements for new development proposals and also states that Boroughs should have policies that seek reductions in levels of pollutants referred to in the

Government's National Air Quality Strategy and to take account of the findings of their Air Quality Review and Assessments and Action Plans, in particular where Air Quality Management Areas have been designated.

The whole of H&F was designated as an Air Quality Management Area (AQMA) in 2000 for 2 pollutants – Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) which are 2 of the pollutants referenced in the National Air Quality Strategy. The AQMA remains in place as the council's annual Review and Assessment reports show that the Government's air quality standards continue to be exceeded across the borough – particularly for NO₂. The council has an adopted Air Quality Action Plan in place which includes details of a range of actions to be taken by the council and others to reduce emissions of NO₂ and PM₁₀ and improve local air quality. This includes actions relating to "using the planning system" to do this.

The new London Local Air Quality Management (LLAQM) framework has had Mayoral approval and is now the formal system for London. The Annual Status Reports (ASR) will be required to include specific information on the air quality mitigations the London Borough of Hammersmith and Fulham as required through the Planning process.

The inclusion of air quality related planning policies in the H&F Local Plan and London Plan are well established and developers have had to have regard to such policies for over 10 years when submitting planning applications, particularly in relation to major developments. It is accepted practice that air quality is a material planning consideration and that air quality issues need to be assessed and appropriate mitigation measures proposed in line with the requirements of the relevant Local Plan and London Plan policies. The inclusion of air quality mitigation measures, where these are needed, can be designed into new developments and integrated without affecting the viability of schemes.

No outright objections to Policy CC10 were received as part of the Regulation 19 public consultation. Comments were received from a number of consultees, mainly in relation to suggesting positive amendments, many of which have been taken on board and included in the proposed minor amendments to the Local Plan. including the H&F Air Quality Commission who commended the Proposed Local Plan on the clean air measures embedded in the document.

Some minor amendments are proposed to CC10 to clarify that the requirement for air quality assessments should apply to developments which may be impacted by local sources of poor air quality or may adversely contribute to local air quality (rather than just applying to major developments) (MC188); to differentiate between the impacts of the construction/demolition phase of development and the operational phase (MC189); and to allow for a financial contribution to be included as part of a site's mitigation measures to reduce its air quality impact where this is necessary to supplement on-site measures (MC190). Minor amendments MC191 and MC192 also take account of the

potential impacts that energy generation plant in new developments could have on local air quality.

The facts that air quality issues have been identified in the Local Plan (and London Plan) and an air quality policy successfully implemented for such a long time and that no developers have objected to the inclusion of Policy CC10 in the Proposed Local Plan are considered to show that such policies are accepted. The policies are also known to influence design of developments to help minimise emissions and reduce exposure to poor air quality, which is clearly beneficial to the borough and the quality of life of our residents.

Overall, Policy CC10 is therefore considered to be justified and viable.

17. Is Policy CC13 (Control of Polluting Uses) justified and deliverable in terms of its applicability to 'all proposed developments'?

The aim of Policy CC13 is to require all new developments to show that they will not create any undue detriment to the general amenities enjoyed by existing surrounding occupiers. This requirement also applies for mixed use developments, where similar protection will also be afforded to the prospective residents and other users where there is potential for activities within the new development to impact on their immediate neighbours on the same site. The Policy makes specific reference to the need for mitigation measures to be implemented to prevent impacts from a range of emissions – e.g. smoke, fumes, dust, steam, light, vibration, smell, noise, etc.

The inclusion of Policy CC13 in the Submission Local Plan is considered to be justified on the basis that it is consistent with the requirements of national policy and the London Plan. It is also legitimate for the Local Plan to have a specific policy on managing the potential impacts of a range of environmental pollutants as many activities can create nuisance or public health impacts, particularly in such a densely populated borough where residential and commercial/industrial uses have to exist and operate in close proximity. There is a need and expectation from residents that new developments will not cause additional pollution impacts that could interfere with the existing and future quality of life in the borough.

Policy CC13 complies with the requirements of the NPPF (paragraph 120) which states that "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account".

The London Plan (2016) includes Policy 7.15 on Reducing and Managing Noise, which sets requirements for the implementation of transport, spatial and design

policies so that they reduce and manage noise to improve health and quality of life. In preparing their LDF documents, Boroughs are expected to have policies that manage the impact of noise through the spatial distribution of noise making and noise sensitive uses.

Many activities can be a source of nuisance, a hazard to health, or both. The size of development is not necessarily a determining factor in terms of whether a development could create unacceptable impacts. For example, a small-scale development could cause emissions to air that have detrimental impacts and cause a nuisance to nearby residents, if they are not controlled. The council wishes to encourage enterprise but the benefits of any new enterprise or commercial activity must always be set against any adverse effects on the amenities of local residents and existing businesses.

As outlined above, Policy CC13 is consistent with national and regional policy requirements on controlling potentially polluting uses. As for Policy CC10, CC13 is not a new policy as the current Core Strategy and Development Management Local Plan includes Policies CC4 on Protecting and Enhancing Environmental Quality and DM H11 on Control of Potentially Polluting Uses which are similar in their requirements to Policy CC13. These have been in use since 2011 and 2013 respectively.

The inclusion of planning policies in H&F the Local Plans and London Plans on controlling pollution impacts is therefore well established and developers have had to have regard to such policies for over 10 years when submitting planning applications and delivering new developments in the borough. It is accepted practice that pollution impacts such as noise, fumes, odour etc can be material planning considerations and that where there is potential for these and other impacts to arise as a result of development, that these issues need to be assessed and appropriate mitigation measures proposed in line with the requirements of the relevant Local Plan and London Plan policies. The inclusion of mitigation measures, where these are needed, can be designed into new developments and integrated without affecting the viability of schemes.

No comments were received on Policy CC13 as part of the Regulation 19 public consultation.

Overall, Policy CC13 is therefore considered to be justified and deliverable.

18. Are issues of land contamination, remediation and water/air quality acknowledged sufficiently by the Plan?

The Proposed Submission Local Plan includes specific policies on water quality (CC5), contaminated land (CC9) and air quality (CC10).

The Spatial Vision for the Proposed Submission Local Plan sets out the council's aims for the borough, including that by 2035, H&F will be the greenest borough. To achieve this, the Vision is that all development in the borough, both buildings

and infrastructure will have been intelligently designed for durable and resilient futures, supporting the move to a low-carbon economy and taking account of climate change impacts, including being able to provide effective performance in terms of energy, water and waste and to improve people's health and well-being and quality of life. By 2035, most areas of the borough will be of high environmental quality. The council will have reduced road traffic generated in the borough and will have reduced the impact of other road traffic on the local environment, particularly in terms of air quality and noise impacts.

The Local Plan's Strategic Objective of Delivering an Environmentally Sustainable Borough includes commitments on issue such as local air quality, sustainable design matters and enhancing the environment.

In terms of contaminated land, water and air quality, the latter issue is considered to be particularly important to the borough and air quality is referenced in a number of related policies and justification texts such as for Policy T1 on Transport and T3 on Increasing and Promoting Opportunities for Cycling and Walking. Strategic Site Policy HRA2 on the A4, Hammersmith Flyover, also refers to the opportunity that the proposal to tunnel the A4 in Hammersmith town centre to enhance environmental quality through the improvement in noise and air quality. Enhancing green infrastructure in the borough, as supported by Policy OS5 Greening the Borough is considered to have a number of benefits to the borough. Soft landscaping and increasing the number of trees not only benefit biodiversity but also can help to reduce the impact of higher summer temperatures and reduce rainfall run-off rates, which will help to reduce the risk of surface water flooding, as well as improving the borough's health, for example through improved local air quality.

In terms of comments received during the Regulation 19 consultation, the Environment Agency (EA) made some comments on Policy CC5 on Water Quality, including a suggestion to refer to the Water Framework Directive (WFD), although they also noted that they found the Policy to be sound. In response to these comments, a minor amendment (MC174) is proposed to refer to the WFD as recommended.

The EA also commented Policy CC4 on Minimising Surface Water Run-off with Sustainable Drainage Systems (SuDS), suggesting that this focussed on flood mitigation matters when it could also refer to issues including water quality. It is agreed that SuDS can provide a number of benefits, although it is noted in the Policy that "as well as being designed to minimise flood risk, surface water drainage measures must be designed and implemented where possible to help deliver other Local Plan policies such as those on biodiversity, amenity and recreation, water efficiency and quality". It is considered that the Planning Guidance SPD would be an appropriate place to expand on the multiple benefits that SuDS can provide, including in relation to water quality.

The Canal and River Trust (CRT) and Port of London Authority (PLA) were consulted on the Proposed Submission Local Plan. The CRT did not raise any comments in relation to water quality issues; neither did Thames Water, although they did express support for the Plan's promotion of the use of SuDS. The PLA made some comments in relation to River Thames related policies noting that the Thames should be conserved and improved – in terms of its water quality, wildlife and attractiveness as an open space. The PLA promote the use of their "Thames Vision" framework in this respect although it is considered that the Local Plan Policies as drafted will help contribute towards meeting its objectives.

No comments were received on Policy CC9 on Contaminated Land. This is taken as an indication that the Policy is accepted and considered to be justified and viable.

A number of comments were received in air quality issues, including Policy CC10, particularly from the H&F Air Quality Commission. A range of minor amendments has been proposed as a result of the comments received from the Commission. These are covered in more detail in response to Question 16.

Contaminated land, air quality and water quality issues are therefore considered to have been acknowledged sufficiently in the Proposed Submission Local Plan.