

Planning and Borough Development

Kensington Town Hall, Hornton Street, LONDON, W8 7NX

Executive Director Planning and Borough Development

Mr Jonathan Bore

My reference: Environmental Assessment
Screening decision for Kensington Academy and
Leisure Centre Planning Brief

Please ask for: Patricia Cuervo

14 March 2011

Dear Sir or Madam,

In accordance with Environmental Assessment of Plans and Programmes Regulations 2004 we have consulted the statutory consultees to determine whether or not the Kensington Academy and Leisure Centre Draft Planning Brief for Public Consultation was likely to have significant environmental effects and therefore whether a strategic environmental assessment (SEA) was required. Natural England was the only statutory consultee who responded. Their response is attached as Appendix 1 at the end of this letter.

This Planning Brief explains the fact that the Royal Borough of Kensington and Chelsea has a long standing need for more secondary school places in the north of the Borough as more than a third of children who live and are educated in a local authority secondary school, go to school outside the Borough. This document also explains how a number of possible sites were considered and the site of the existing Kensington Leisure Centre, including the all-weather pitches and Lancaster Green was been selected as the best option. This document provides guidance for the site as a whole that planning applications should follow before the school can be built on the site. Whilst the site is considered in its entirety, it is worth noting that the focus is predominantly concentrated on the western land parcel, as this is the land which is expected to come forward to deliver the school.

Having considered the requirements of the Regulations (in particular, the criteria set out in Schedule 1 of the 2004 Regulations) and the responses received from the consultation bodies, the Council's view is that an SEA is not required in this instance. It is likely however that any planning application for the development proposed by the SPD will be an application for which an environmental impact assessment will be required in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.

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The Council is required to inform your organisation about this decision. The statement of reasons is attached. Please let me know if you have any queries in connection with the above. If you have any comments I would be grateful if you could contact the officer Patricia Cuervo directly by the 15th April.

Yours sincerely,

Jonathan Bore
Executive Director

Statement of reasons

The draft Kensington Academy and Leisure Centre Planning Brief (“the SPD”) is a plan or programme as described by regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the Regulations”) i.e. it applies to small area at local level. The Council has determined that the SPD is not likely to have significant environmental effects, having taken into account the requirements of the Regulations (in particular the criteria set out in Schedule 1 of the Regulations) and the responses received from the consultation bodies.

The Council reached the above conclusion for the following reasons:

- This SPD applies to a small area at local level. The SPD is a framework for site-specific design and planning guidance for future development of the Kensington Academy and Leisure Centre and its surroundings but it does not influence other plans and programmes.

Note

The planning application(s) for the whole development proposed by the SPD will require an environmental impact assessment(s) in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as it qualifies as a Schedule 2 (10b) development in terms of the above regulations. In accordance with these regulations, the proposal is defined as an ‘Urban Development Project’ with a site area over the 0.5 hectare applicable threshold set out in Column 2 of Schedule 2 of the regulations.

Therefore, the environmental issues relevant to the development will be addressed at the EIA stage. In particular the EIA will cover the probability, duration, frequency and reversibility of the effects, the cumulative nature of the effects, the transboundary nature of the effects; the risks to human health or the environment, the effects on areas or landscapes which have a recognised national, community or international protection status, and the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected and the value and vulnerability of the area likely to be affected due to:

- special natural characteristics or cultural heritage;
- exceeded environmental quality standards or limit values; or
- intensive land-use).

Appendix 1 Comments from Natural England

Dear Ms Cuervo,

Kensington Academy & Leisure Centre Draft Planning Brief – Screening Assessment Opinion

Thank you for your correspondence dated 31 January 2011, requesting Natural England's views and comments on the above consultation document. Your letter has been passed to me as a member of the Future London Team for response.

Natural England is the Government agency that works to conserve and enhance biodiversity and landscapes, promote access to the natural environment, and contribute to the way natural resources are managed so that they can be enjoyed now and by future generations.

Whilst Natural England acknowledges that this site does not contain any designated sites, the Council are still required to consider ecology and biodiversity for the area in respect of any development proposed.

Although there are no designated areas within the Brief area, there are restricted habitats within the Play Space area to the western boundary of the Brief area, which should be considered as part of any development.

The Council needs to refer to the London Plan (Consultation Draft Replacement Plan – October 2009) paragraph 2.1.2.

Paragraph 2.2.6 refers to open space in the form of playing pitches – playing pitches are not “open spaces”, providing negligible biodiversity/ecology opportunities due to usage and managed nature of the pitches.

2.2.8 Refers to planting to contribute to “visual amenity”, this should be related to increasing and enhancing the biodiversity and ecological potential for an area, rather than aesthetic reasons.

Under paragraph 2.2.16 reference is made to other Council Supplementary Planning Documents, although there is no reference to any Biodiversity or Ecological SPD's.

Inclusion of this would link in to PPS 9 – Biodiversity and Geological Conservation as per the reference below;

Paragraph 14 of PPS9: Biodiversity and Geological Conservation¹ states that “*Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.*”

National Policy section 2.4 makes no reference to PPS 9 and the Council should ensure compliance with this document.

There is Green/Open space within the Brief area, although the Council seems to imply that it could be reduced. There is reference within the document that;

“It would be considered acceptable in principle if the design for the academy finds imaginative

¹ Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM August 2005.

ways to accommodate the school facilities on this part of the site whilst also providing facilities”.

This is quite an open statement, and does not necessarily provide for the retention and or enhancement of existing facilities in compliance with relevant legislation. This site is an Area of Deficiency for access to nature and Green space and the Council should ensure there is not net loss of existing levels of provision, and should also seek to provide an increase or enhancement of existing levels.

Chapter 7 – Planning Gains – this section states that “Any contribution will be subject to the development remaining economically viable”.

Schemes need to be sustainable, and therefore should consider the impact and potential for ecology/biodiversity as part of a holistic approach.

There are a number of queries raised by this Supplementary Planning Document that should be addressed or clarified, prior to Natural England providing any further or substantive comments.

I hope that this makes Natural England’s position clear but if you have any further questions about this letter or require further information please do not hesitate to contact me.

Yours Sincerely,

David Hammond
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Natural England London Region

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