

Responses to Public Questions Council - 26 September 2023

a) David Hilton of Ascot and Sunninghill ward will ask the following question of Councillor Bermange, Lead member for Planning, Legal and Asset Management

Would the Cabinet Member explain the relevance of climate change when deciding the number of parking spaces to be provided in new developments?

Climate change is caused by Greenhouse Gas (GHG) Emissions. Transport is the source of about a third of the country's GHG emissions and different modes of transport give rise to varying levels of emissions.

It is well recognised that ensuring modal shift away from the use of the private car is important for climate change mitigation, and there are a number of factors which impact on people's travel choices. These include the availability of public transport, provision of active transport infrastructure, provision of shared mobility options such as car clubs and the accessibility of local facilities. It is also well established that lower levels of readily accessible car parking (including physical availability, cost and convenience) are a push factor which can encourage more sustainable travel choices, particularly as part of a balanced approach where viable alternatives are provided.

The recent establishment of Active Travel England as a statutory consultee on planning matters, demonstrates the importance of planning decisions to enabling modal shift. Travel plans, submitted alongside planning applications, are an important way of communicating and facilitating alternative travel options.

Moreover, car parking has a significant impact on the urban environment. Avoiding overprovision of car parking enables greater allocation of space for other beneficial purposes such as increased leisure/recreational spaces, increased green spaces or sustainable transport infrastructure. This can lead to significantly better quality of the public realm and improved amenity for the public, including improved experience of walking and cycling, improved perceptions of safety, reduced noise, and improved air quality. Further many of these alternative uses provide greater opportunities for adaptation to the impacts of climate change, providing for additional urban greening, sustainable drainage and biodiversity opportunities.

Planning decisions must balance many different considerations, which are often unique to a site or location, however, ensuring that there isn't an overprovision of parking within developments, providing for the communication of alternative options and maximising the space available for other beneficial use serves an important role in both reducing GHG emissions and mitigating the impacts of climate change.

b) Andrew Hill of Boyn Hill ward will ask the following question of Councillor Werner, Leader of the Council and Lead member for Community Partnerships, Public Protection and Maidenhead

It's been a mandatory statutory duty since 2021 for councils to protect licenced mobile park home residents by conducting fit and proper person assessment tests of their management, and by publishing a register.

When did RBWM first become aware of these mandatory statutory duties, and why has RBWM chosen not to comply with these two duties?

The Council has been aware of the mandatory statutory duty since 2021 for councils to protect licenced mobile park home residents by conducting fit and proper person assessment tests of their management, and by publishing a register.

Sadly, the previous administration didn't treat the creation of the proper persons register as a priority. Since the new administration has arrived, we have asked officers to treat this as a priority and they are currently reviewing the Caravan Site Licensing procedure which includes the FPP process. The policy will be published on the Council's website together with the Fit and Proper Persons Register in due course.

The situation at Strande Park is much more complex however as it involves many legal processes including the FPP register, planning issues, license issues and compliance issues. These legal processes are taking a long time which we are all finding very frustrating.

We do however need named witness statements to pursue many of these legal processes and I have told the officers to do everything they can to create a safe process for them to give their statements.

c) Andrew Hill of Boyn Hill ward will ask the following question of Councillor Bermange, Lead member for Planning, Legal and Asset Management

Last December the Government introduced binding 2040 air quality targets for PM2.5 micro-particulates which DEFRA states are "the air pollutant that causes most harm to human health".

Why is RBWM treating planning applications that demonstrate local breach of this 2040 target during their operational phase as being policy compliant, and by what practical mechanism will you meet the target?

There is clear evidence that PM2.5 has a significant impact on human health, including premature mortality, allergic reactions, and cardiovascular diseases.

In 2021, the fraction of mortality attributable to particulate air pollution for Windsor and Maidenhead in 2021 was 5.9%, above the average for England at 5.5%.

The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 places a duty on the Secretary of State that, by 2040, the annual average of 10µg/m³ for PM2.5 should not be exceeded anywhere in England, and population exposure must be reduced by at least 35% compared with the 2018 baseline.

Whilst the national trend is that PM2.5 concentrations is moving in the right direction, having reduced by circa 32% between 2009 and 2022, more action is needed to meet the binding 2040 target, as well as the non-binding 2028 interim target of 12µg/m³.

Actions being taken by the Borough to improve Air Quality are clearly set out within Air Quality Annual Status Report. The latest ASR, published in June 2023, which includes specific measures relating to PM2.5 in response to the new legislation, is available on the Council's website at: <https://www.rbwm.gov.uk/home/environment-and-waste/environmental-health/air-quality-annual-status-report-asr>

Within planning decision making, in appropriate circumstances planning applications are accompanied by Air Quality Assessments prepared by qualified persons. These assessments are considered by Officers within both the Planning and Environmental Health Teams, to ensure that the requirements set out in BLP Policy EP2 are met. That said, we recognise that this policy is weaker than equivalent air pollution policies adopted by some authorities; the London Plan, for example, requires an “Air Quality Positive” approach. As with a number of BLP policies we intend to keep EP2 under review.

The authority has not granted permission to any planning applications which it considers would result in a breach of the national 2040 target and does not consider that any non-policy compliant decisions have been made in that respect. It is important to recognise that, generally, the incremental impact of new development on PM2.5 levels is marginal, and the policy does not require planning permission be refused in such circumstances.