



<b>Meeting or Decision Maker:</b>	Cabinet Member for Planning and Economic Development
<b>Date:</b>	7th October 2022
<b>Classification:</b>	General Release
<b>Title:</b>	Westminster City Plan Partial Review – Regulation 18 Notification and update to Westminster’s Local Development Scheme
<b>Wards Affected:</b>	All
<b>Key Decision:</b>	Yes
<b>Financial Summary:</b>	The resourcing of the Partial Review to the City Plan will be met from existing budget, and where there is a financial risk should the scope of the review be expanded, from corporate funding or reserves.
<b>Report of:</b>	Executive Director Innovation and Change. Executive Director Growth, Planning & Housing

## 1. Executive Summary

- 1.1 This report asks the Cabinet Member to recommend launching a consultation on a partial review to the adopted City Plan 2019 – 2040 pursuant to Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), every Local Planning Authority is required to prepare and maintain a document known as a Local Development Scheme (LDS). This document sets out the timetable for the preparation of planning policy documents.
- 1.3 The council’s existing LDS was last updated in December 2021 and now needs further updating to reflect future workstreams in light of the proposed partial review to the City Plan. It sets out likely timescales and provides greater clarity

to stakeholders as to when consultation on key future planning policy documents is likely. This report also sets out details of the revised LDS and seeks approval for its publication alongside the launch of Regulation 18 Consultation on the partial review of the City Plan.

## **2. Recommendations**

That the Cabinet Member resolves:

- i. to publish a Regulation 18 statement of intent and consult on the content of the proposed review of the adopted City Plan 2019 - 2040;
- ii. to publish an updated Local Development Scheme.

## **3. Reasons for Decision**

- 3.1 The council's vision for a Fairer Westminster sets out an ambitious vision to deliver more affordable housing (including a greater proportion of social tenure) and a greener, cleaner city with retrofitting prioritised over redevelopment to contribute to net zero carbon ambitions. To provide a robust and up to date policy framework for the taking of planning decisions across the city, the council is beginning a partial review of its City Plan pursuant to Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.2 The council's Local Development Scheme setting out the programme of work over the next three years has been revised to reflect the new priority of a partial City Plan review and the anticipated timeframes of document preparation. Its publication will ensure that the council acts in accordance with the requirements of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

## **4. Policy context – City Plan**

- 4.1 The City Plan 2019-2040 was adopted in April 2021 and work on a new Site Allocations Development Plan Document began shortly thereafter. Following a change in political administration in May 2022, the council has a new vision for the city and has therefore prioritised a partial review of the adopted City Plan policies on affordable housing, retrofit to deliver on key commitments.
- 4.2 The first stage in this revision, known as a Regulation 18 consultation, sets out a statement on the scope of the revision to the City Plan and invites comment from stakeholders (including specific consultation bodies) on what the content of those policies should be. The proposed Regulation 18 Notice can be found at Appendix 1.
- 4.3 Revisions to the City Plan will also incorporate site allocation policies which the council had previously intended to progress as a separate development

plan document. A call for sites was undertaken in January 2022 and the Regulation 18 consultation will be an opportunity for further sites to be submitted or more detail to be provided on sites previously raised, alongside any comments on the content of thematic policies that are being proposed for revision.

- 4.4 Combining the partial City Plan review with the Site Allocations into one single development plan document represents efficiencies in terms of work and costs involved in their preparation.
- 4.5 Once consultation has closed, the responses will be used to form or revise policy wording, based on any necessary evidence base which will be commissioned. The council will use the period between Regulation 18 consultation and the formal Regulation 19 consultation for on-going engagement with stakeholders as policies evolve.
- 4.6 The City Plan partial review will also be subject to an iterative Integrated Impact Assessment which will assess the environment, sustainability, health and equalities impacts of the proposed policies and inform decisions on the form of the policies to mitigate impacts and ensure objectives of the IIA are met. More detail on the IIA is provided in section 8 of this report.

#### **Policy context – Local Development Scheme**

- 4.7 Under planning legislation, it is a statutory requirement that the council publishes and maintains a document known as a Local Development Scheme (LDS), which sets out the planning policy documents it intends to produce and over what timeframe. While the LDS itself does not provide any specific planning policies, it provides a useful starting point for the development industry, local communities, and other stakeholders, to understand what planning policy documents the council intends to produce, and when they can engage in their development.
- 4.8 The existing LDS was last updated in December 2021 – prior to the change in political administration at the council and new ambitions to revise a limited number of policies in the plan. A new LDS (which can be found at Appendix 2) has therefore been prepared. Key differences from the existing December 2021 version are:
  - A partial review of the City Plan 2019-2040 has been included, (incorporating site allocations, as explained above) with a new timetable for the production of this development plan document.
  - The Supplementary Planning Documents (SPDs) section has been revised to better reflect progress on the production of SPDs and proposals to revise the adopted Environment SPD following the commissioning of new evidence. The anticipated production of a Heritage and a Design SPD have been removed from the LDS as there will not be capacity to work on these

within the next three years given priority work on the City Plan partial review.

*NB there is no statutory requirement to provide details of which SPDs the City Council intends to produce, but this has been included for completeness and to give stakeholders further clarity.*

- The Statement of Community Involvement (SCI) timescales have been revised to ensure they are realistic and deliverable and to better reflect renewed council commitments for community engagement.
- The neighbourhood planning section has been simplified reflecting the fact that the timetable for production of such plans is outside of council control.
- The anticipated timing of the publication of the Authority Monitoring Reports for the next three years has been included.
- Reference to updates to the Community Infrastructure Levy Charging Schedule have been removed to reflect ongoing uncertainty over the impact of future planning reforms on infrastructure funding and given the priority of other workstreams over the LDS time period.
- Superfluous information (on governance, resourcing, risk and review) not required by the regulations for an LDS has been removed.
- The Conservation Area Appraisals (CAAs) section has had minor revisions. The LDS is clear that although CAAs are important documents given Westminster's heritage, the updating of these documents is considered lower priority than the City Plan partial review and SPDs. However, the LDS does not rule out production of new CAAs, especially for those areas without one in place already, where resource constraints allow.

## **5. Financial Implications**

- 5.1 There are no direct financial implications of publishing the updated LDS, the publication of the LDS itself will be carried out electronically, minimising print costs.
- 5.2 Wherever possible, the production of the documents referred to within the updated LDS, and their supporting evidence will be carried out in-house, with consultation on them led by the planning policy team. However, there will likely be a need to commission consultants to produce supporting evidence on some technical matters such as housing need and development viability. In the longer term, there will also be a need to remunerate the Planning Inspectorate for the costs associated with the examination of the revised City Plan.
- 5.3 The costs associated with the preparation of the City Plan revision, including commissioning of evidence base and public examination are to be met from the existing Policy and Projects planning policy budget. However, risks are

involved should the scope of the plan review be expanded following pressure through consultation responses to include a greater number of policies, which will require commissioning of relevant evidence base and a longer examination - leading to greater Planning Inspectorate costs. In the event of this cost in excess of planning policy budget additional funding will be sought corporately or from reserves.

## **6. Legal Implications**

- 6.1 The Local Development Scheme has been prepared in accordance with the requirements of section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 6.2 Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires local planning authorities to notify stakeholders of its intention to prepare a local plan and invite representation from them. The publication of the Regulation 18 Statement and launch of consultation satisfies this regulation. Section 26 of the Planning and Compulsory Purchase Act 2004 requires that revisions to development plan documents (DPDs) go through the same statutory procedures as new DPDs.
- 6.3 The Director of Law has reviewed this report and is satisfied that all legal requirements have been met to date.

## **7. Carbon Impact**

- 7.1 A partial revision to the City Plan to incorporate stronger policies on retrofitting will have a significant impact on embodied carbon by helping reduce the unnecessary demolition of buildings as part of their development. A stronger policy approach to retrofitting will also guide management of Westminster's significant existing heritage building stock as development takes place, to ensure it is fit for purpose in the context of the climate emergency.

## **8. Impact on the environment**

- 8.1 Under the Planning and Compulsory Purchase Act 2004 regulations, a Sustainability Appraisal (SA) - including a Strategic Environmental Assessment (SEA) - prepared in accordance with the Strategic Environmental Assessment Directive EC/2001/42, is required for all Development Plan Documents. This stipulates that all local plans and spatial development strategies must be informed through an appraisal which considers how specific economic, social and environmental objectives will be met.
- 8.2 To meet these requirements for the City Plan partial review, an Integrated Impact Assessment (IIA) will be prepared to assess the likely impact of draft

policies on environment, sustainability, health and equalities. The IIA process is iterative, re-assessing policies as they evolve and informing policy decisions.

- 8.3 An IIA scoping report was prepared as part of the preparation of the City Plan 2019 – 2040. The scoping report examined the key environment, sustainability, health and equalities issues for Westminster and from that emerged 17 objectives. The IIA scoping report has within it a detailed framework for assessing the impacts of each policy against the objectives to understand their likely positive, neutral or negative impacts. As the baseline issues set out in that scoping report remain relatively unchanged, the objectives and assessment framework are being carried forward for the City Plan review.
- 8.4 A report has been prepared to accompany the Regulation 18 City Plan consultation setting out that while new plans, programmes and policies have been produced since the scoping report was initially prepared, and some key data has changed, none of this materially impacts the key sustainability issues facing Westminster, and the existing IIA objectives provide a reasonable framework for testing the sustainability credentials of any revised policies. A copy of this report is provided at Appendix 3.
- 8.5 The full Integrated Impact Assessment will be published at Regulation 19 stage of Plan preparation in accordance with the legislation listed above.

## **9. Equalities implications**

- 9.1 Under the Equalities Act 2010 the council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;
- to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to
  - foster good relations between persons who share a relevant protected characteristic and those who do not share it.
- 9.2 The council is also required to have due regard to the need to take steps to take account of disabled persons’ disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled

persons; and to encourage participation by disabled persons in public life. The 2010 Act states that “having due regard” to the need to promote equality of opportunity involves in particular having regard to:

- the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
- take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
- take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
- encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

9.3 The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.

9.4 The equalities implications of the policies in the draft City Plan as they are developed will be assessed as part of an Integrated Impact Assessment (IIA, see sections 7 and 8 of this report). This will assess whether draft policies will have a positive, neutral or negative impact on any of the groups with protected characteristics under the 2010 Act and the Public Sector Equalities Duty, and make recommendations on policy wording as necessary.

9.5 Completion of the IIA is an iterative process, so the document will be kept updated as the plan proceeds through its consultation stages and on to examination, ensuring that any equalities issues that arise as modifications are made to the plan will be identified and can be considered.

## **10. Consultation**

10.1 Consultation on the Regulation 18 Notice will be carried out in accordance with the Town and Country (Local Planning)(England) Regulations 2012 and in accordance with the Council’s Statement of Community Involvement (SCI) (June 2014). A new Statement of Community Involvement is currently being drafted to update the council’s approach to engagement. It will set out how the council intends to more proactively and effectively engage with communities on the development of planning policy documents. Consultation on the City Plan review will follow these broad principles in the interim ahead of the adoption of the new SCI.

10.2 The following groups will be consulted for a period of six weeks from 7<sup>th</sup> October 2022:

- All Members
- Specific consultees, including those subject to the statutory duty to cooperate (Part 2, Section 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012) and the ‘specific consultation bodies’ as defined in regulation 2 of those Regulations
- The Mayor of London and the GLA family
- Neighbouring boroughs
- The “general consultation bodies” defined in regulation 2 of the 2012 Regulations – voluntary bodies and those representing different racial, ethnic or national groups; those representing different religious groups; disabled people; and the interests of those carrying out business in Westminster. This will be done through the Planning Policy database. The database currently comprises about 1,500 consultees including members of the public, businesses and residents’ groups.
- Internal consultees within the city council, including the Executive Leadership Team and senior managers.

10.3 In addition to this all relevant documents will be accessible to all on the Council’s Planning Policy webpage [www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-policy/emerging-policies-and-consultations](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-policy/emerging-policies-and-consultations).

## **11. Human Rights**

11.1 Throughout the proposed partial review of the City Plan, the council will give careful consideration to its obligations under the European Convention of Human Rights as it has effect in the law of the United Kingdom under the Human Rights Act 1998. In particular, careful consideration will be given to the right to respect for private and family life of members of the public who will be impacted by any proposed amendments to the City Plan. This is a qualified right, which means that in certain circumstances, the state can interfere with this right if the framework outlined in Article 8(2) in respect of the state’s legitimate aims are applicable or the proposed measures are in accordance with the law or necessary in a democratic society



**If you have any queries about this report or wish to inspect one of the background papers please contact:**

Kimberley West, Head of City Planning Policy  
[kwest@westminster.gov.uk](mailto:kwest@westminster.gov.uk)

### **Appendices**


1. Regulation 18 Notice of revision to Westminster's City Plan Development Plan Document incorporating site allocations
2. Local Development Scheme
3. Integrated Impact Assessment Scoping Report

### **Background Papers**

1. Planning and Compulsory Purchase Act 2004 (as amended)
2. Town & Country Planning (Local Planning)(England) Regulations 2012

**Declaration of Interest**

I have no interest to declare in respect of this report

Signed:  Date: 06 October 2022  
NAME: **Councillor Geoff Barraclough**

State nature of interest if any

.....  
.....

*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled **Westminster City Plan Partial Review – Regulation 18 Notification and update to Westminster’s Local Development Scheme** and reject any alternative options which are referred to but not recommended.

Signed  .....

Cabinet Member for Planning and Economic Development

Date ...06 October 2022.....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:  
.....

.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.