



City of Westminster Cabinet Member Report

Decision Maker:	Cabinet Member for Planning and Economic Development
Date:	06 March 2024
Classification:	General Release
Title:	Westminster City Plan Partial Review Regulation 19 Consultation
Wards Affected:	All
Policy context:	This decision contributes to the following Fairer Westminster commitments: Fairer Environment, Fairer Housing and Fairer Economy.
Key Decision:	Yes. Decision has significant impact on communities living or working in two or more wards.
Financial Summary:	The resourcing of this consultation will be met from existing budgets.
Report of:	Executive Director, Innovation and Change.

1.0 EXECUTIVE SUMMARY

- 1.1 The Publication Draft of the partial review to Westminster City Council's City Plan 2019-2040 updates our plan for development in Westminster over the next 20 years in line with the council's Fairer Westminster Strategy. This partial review amends the affordable housing policy and introduces a new policy on retrofitting and four site allocation policies. It sets out the council's policies for making planning decisions in the borough. This Publication Draft plan has been prepared for the statutory Regulation 19 consultation stage, together with statutory supporting documentation (Policies Map, Duty to Co-operate Statement, Consultation Statement and Integrated Impact Assessment) alongside other evidence base documents and non-statutory supporting papers.

2.0 RECOMMENDATIONS

- 2.1 That the Cabinet Member for Planning and Economic Development agrees the Proposed

Documents for publication under Regulation 19 of the Town and Country Planning Local Planning) (England) Regulations 2012 attached as Appendices 1 - 7 to this report:

1. The Publication Draft Partial Review to the City Plan 2019 - 2040
2. Integrated Impact Assessment
3. Revised Policies Map
4. Duty to co-operate statement
5. Consultation statement
6. Habitat's Regulation Assessment
7. Statement of Representations Procedure

3.0 REASONS FOR DECISION

- 3.1 To partially amend the adopted City Plan to provide a robust and up to date policy framework within the statutory local plan for the taking of planning decisions across the city and delivery of Fairer Westminster commitments.

4.0 BACKGROUND, INCLUDING POLICY CONTEXT

- 4.1 Westminster's development plan is currently made up of:
- Westminster's City Plan 2019 – 2040 (adopted 2021).
 - Knightsbridge Neighbourhood Plan (made 2018)
 - Mayfair Neighbourhood Plan (made 2019)
 - Queen's Park Neighbourhood Plan (made 2021)
 - Soho Neighbourhood Plan (made 2021)
 - The London Plan (published 2021)
 - Pimlico Neighbourhood Plan (made 2022)
 - Fitzrovia West Neighbourhood Plan (made 2021)
- 4.2 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.
- 4.3 The first stage of this revision, known as a Regulation 18 consultation, took place in October-November 2022 and set out a statement on the scope of the revision to the City Plan and invited comment from stakeholders (including specific consultation bodies) on what the content of those policies should be.
- 4.4 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 was 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.
- 4.5 The representations made in response to the Regulation 18 consultation have been drawn on in preparing the draft plan and the council has used the period between Regulation 18 consultation and the formal Regulation 19 consultation for on-going engagement with stakeholders as policies evolve. The outcomes of the Regulation 18 consultation and

informal, ongoing engagement will be published alongside the revised City Plan within a Consultation Statement (see Appendix 5).

- 4.6 The Publication Draft City Plan is aligned with the Council's priorities set out in the Fairer Westminster Strategy and will help deliver upon a number of key commitments. This includes: better meeting the housing needs of residents, families and social care users through the provision of more genuinely affordable housing, the majority of which is for council rent through a change to our affordable housing policy (Fairer Housing); taking ambitious action on climate change with the aim of becoming a net zero council by 2030 and a net zero city by 2040 developments through the introduction of a retrofit first policy (Fairer Environment) and contributing to Westminster remaining economically successful, with a diverse, sustainable, resilient economy that delivers growth and benefits for all residents today and in the future in the delivery of site allocations policies for key sites in the city (Fairer Economy).
- 4.7 We have now reached the pre-submission formal consultation stage of plan development as prescribed in Regulations 19 and 20 of the Town and Country Planning (Local Planning)(England) Regulations 2012. The consultation, (which will ask stakeholders if they consider to the plan to be sound, legally compliant and if the Duty to Co-operate has been met) is intended to take place for a period of at least six weeks from 14th March 2024.

Sustainability Appraisal

- 4.8 As part of the plan preparation process the council is required to produce a sustainability appraisal of its proposed policies. It is the council's practice to meet this requirement by producing an integrated impact assessment covering equalities, community safety and health. The preparation of the draft Integrated Impact Assessment (IIA) is an iterative process and the assessment will be updated as policies continue to evolve to adoption. The IIA will be published alongside the Publication Draft City Plan (See Appendix 2).

Duty to co-operate

- 4.9 The Planning and Compulsory Purchase Act 2004 requires the council to cooperate with neighbouring boroughs, the Mayor and a range of other stakeholders on strategic planning issues. Officers have engaged with their counterparts in other boroughs (the London Borough of Brent, the London Borough of Camden, the City of London, the London Borough of Lambeth, the London Borough of Wandsworth and the Royal Borough of Kensington and Chelsea) and the Mayor in preparing the draft plan and will continue to do so through the plan preparation process. A 'duty to co-operate' statement has been prepared which sets out how the council has met the requirements and a draft statement of common ground has also been prepared documenting the cross-boundary matters that have been discussed and progress in cooperating to address these. The Duty to Co-operate Statement can be found at Appendix 4. The Statements of Common Ground will be published following the Regulation 19 consultation.

General conformity

- 4.10 The council is also required to ensure its plan is in general conformity with the London Plan as prescribed in Regulation 21 of those Regulations. The Publication Draft City Plan has been prepared so it meets this requirement with regards to the London Plan (2021). The Publication Draft City Plan is considered to be in general conformity with the London Plan.

Soundness

- 4.11 Officers have reviewed the Publication Draft City Plan policies and are satisfied that they properly take account of national requirements for plan soundness and that it is 'sound' (the formal test that will be applied when the plan is examined in public). Soundness is set out in paragraph 35 of the National Planning Policy Framework and means the plan is:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the city's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic priorities that have been dealt with rather than deferred; and
 - **Consistent with national policy** – it enables the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

5.0 Publication Draft City Plan

- 5.1 The Publication Draft City Plan is a partial revision to council's plan for development in Westminster over the next 20 years. There are three strands to the partial review:
- Affordable housing – seeks delivery of more affordable housing, and more social housing
 - Retrofitting – seeks to reduce unnecessary demolition taking place to contribute to achieving net zero
 - Site Allocations – new site specific policies to set the core principles for development at key locations in the city.

6.0 Next Steps

- 6.1 The Publication Draft City Plan and supporting documentation will be published for consultation in accordance with Regulation 19 for a period of at least six weeks from 14th March 2024. As required by the 2012 regulations and in line with our adopted Statement of Community Involvement, the Publication Draft City Plan and its supporting documentation will be available on the council's website, and for inspection at its offices at 64 Victoria

Street. Hard copies for reference will also be made available at all of Westminster's libraries.

- 6.2 All responses received in accordance with Regulation 20 will be considered, together with the Mayoral response in relation to general conformity with the London Plan in accordance with Regulation 21. Any necessary amendments will be made to the plan and the Cabinet Member will then be asked to recommend Full Council agrees to submit the plan to the Secretary of State to begin the examination process.
- 6.3 Following this, the Publication Draft City Plan will be submitted to the Secretary of State in accordance with Regulation 22 for consideration by an independent inspector, at a series of hearings known as an examination in public. The inspector will provide a report following the hearings, and subject to the Inspector's recommendations and any necessary changes, the revised City Plan will be adopted by Full Council.

7.0 FINANCIAL IMPLICATIONS

- 7.1 There are limited financial implications. 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 Inspector require additional evidence base to be produced to justify the policies as they go through examination. In the event of this cost is in excess of planning policy budget additional funding will be sought corporately or from reserves.

8.0 LEGAL IMPLICATIONS

- 8.1 The proposed stages of plan development and local development scheme follow legally prescribed procedures as set out in the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning)(England) Regulations 2012. Relevant individual Regulations are referenced where relevant throughout this report.
- 8.2 Regulation 19 stipulates that before submitting a plan (or revision) to the Secretary of State the local authority must make the proposed submission documents available and publish a statement of representations procedure (setting out details about the availability of documents and arrangements for making comments), and advertise the fact that the Publication Draft documents are available for inspection (including the places and times). The statement of representations procedure can be found at Appendix 7.
- 8.3 The proposed submission documents are comprised of the Publication Draft City Plan, the Integrated Impact Assessment (including a sustainability appraisal, health impact assessment and equalities impact assessment), a revised Policies Map, Consultation Statement and Duty to Co-operate Statement. A suite of evidence base documents will also be published to support the Publication Draft City Plan policies. Representations to this stage are made under Regulation 20, and these should predominantly be about the 'soundness' of the revisions as defined in paragraph 35 of the National Planning Policy Framework.
- 8.4 At this stage a view is also sought from the Mayor of London as to the general conformity

of the proposed revisions with the London Plan, under Regulation 21.

8.5 Legal Services (re: Isaac Carter) has reviewed this report and is satisfied that all legal requirements have been met to date.

8.6 The Cabinet Member Terms of Reference delegate the powers of this decision to the Cabinet Member. In accordance with Paragraph 33.12 of the Council's Access to Information Procedure, this proposed key decision was entered in the Forward Plan on 30 November 2022 and the necessary 28 clear days' notice has been given. A period of five clear days - the call-in period – must elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

9.0 CLIMATE IMPACT

9.1 It is now mandatory to include the carbon impact of the decision proposed in all reports as part of the Council's commitment to becoming a carbon neutral council by 2030 and a carbon neutral city by 2040. 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, saving wasted carbon from redevelopment and construction waste. 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.

10.0 IMPACT ON THE ENVIRONMENT

10.1 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.

10.2 To meet these requirements for the Publication Draft City Plan, an Integrated Impact Assessment (IIA) has been prepared to assess the likely impact of draft policies on environment, sustainability, health and equalities.

10.3 The IIA report has within it a detailed framework for assessing the impacts of each policy against the 17 objectives to understand their likely positive, neutral or negative impacts.

10.4 The IIA shows that overall the draft policies will be beneficial for environmental quality in Westminster. The IIA process is iterative, re-assessing policies as they evolve and informing policy decisions.

11.0 EQUALITIES IMPLICATIONS

11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 The equalities implications of the policies in the draft City Plan have been assessed as part of the Integrated Impact Assessment. This assesses 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.
- 11.5 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.

12.0 CONSULTATION

- 12.1 In accordance with the Statement of Community Involvement (2023), consultation of the following groups will be undertaken on the proposed submission documents for a period of at least six weeks from 14th March 2024:
- i. All Members
 - ii. Statutory consultees, including those subject to the statutory duty to cooperate (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
 - iii. The Mayor of London and the GLA family
 - iv. Neighbouring boroughs
 - v. 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 1,700 consultees including residents and other members of the public, businesses, landowners and developers, special interest groups and residents' groups.

- vi. Internal consultees within the city council, including the Executive Leadership Team and senior managers.

12.2 In addition the submission documents will be accessible to all on the Council's Planning Policy webpage - <https://www.westminster.gov.uk/planning-building-control-and-environmental-regulations/planning-policy/city-plan-partial-review> and on a dedicated 'Common Place' consultation site.

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

Agnieszka Zimnicka, Head of Planning Policy
azimnicka@westminster.gov.uk

APPROVED BY

Name and Title	Date sent	Date approved
Pedro Wrobel, Executive Director for Innovation and Change	01/02/2024	05/02/2024
David Cookson, Finance	11/01/2024	18/01/2024
Isaac Carter, Legal	11/01/2024	30/01/2024
Maria Burton, Governance	01/02/2024	02/02/2024

APPENDICES

Appendix 1 is the Publication Draft City Plan.

Appendix 2 is the Integrated Impact Assessment for the Partial Revision.

Appendix 3 is the revised Policies Map.

Appendix 4 is the Duty to Cooperate Statement

Appendix 5 is the Consultation Statement

Appendix 6 is the Habitat's Regulation Assessment

Appendix 7 is the Statement of Representations Procedure.

BACKGROUND PAPERS

- Westminster's City Plan 2019 – 2040 (adopted 2021)
- Regulation 18 Notice of revision to Westminster's City Plan Development Plan Document incorporating site allocations
- Planning and Compulsory Purchase Act 2004 (as amended)
- Town & Country Planning (Local Planning)(England) Regulations 2012

Declaration of Interest

I have no interest to declare in respect of this report

Signed:  Date: 27 February 2024

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 19 Consultation and reject any alternative options which are referred to but not recommended.

Signed 

Cabinet Member for Planning and Economic Development

Date ...27 February 2024.....

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.