



The Planning Inspectorate

Report to Westminster City Council

by Jill Kingaby BSc(Econ) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 02 August 2013

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION OF THE NPPF REVISION TO WESTMINSTER'S CORE STRATEGY

Document submitted for examination on 25 January 2013

Examination hearings held on 22 May 2013

File Ref: PINS/X5990/429/2

Abbreviations Used in this Report

AA	Appropriate Assessment
AMR	Annual Monitoring Report (to be re-named Authority's Monitoring Report)
CAZ	Central Activities' Zone
CIL	Community Infrastructure Levy
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
REMA	Revised Early Minor Alterations to the London Plan (REMA)
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WESRPA	West End Special Retail Policy Area

Non-Technical Summary

This report concludes that the NPPF Revision to Westminster's Core Strategy provides an appropriate basis for the planning of the Borough over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

The modifications can be summarised as follows:

- Add a new policy (CS47) to confirm the presumption in favour of sustainable development;
- Modify Policy CS18 to signal a positive planning approach to business and employment;
- Modify the supporting text on affordable housing policy to ensure consistency with the latest definition of affordable housing in the NPPF and to commit to keeping the strategic affordable housing target under review;
- Modify wording on Tourism, Arts and Culture and Uses of National International Importance to recognise the role of Lord's Cricket Ground;
- Modify the Key Diagram and Figure 59 on Housing Delivery to provide accurate information which aids effectiveness.

Introduction

- 1) This report contains my assessment of the NPPF Revision to Westminster's Core Strategy in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
- 2) The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Submission Draft plan (25 January 2013).
- 3) My report deals with the main modifications that are needed to make the plan sound and legally compliant, and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications that go to soundness are set out in the Appendix. They have all been subject to public consultation and I have taken the consultation responses into account in writing this report. A minor wording change has been introduced to **MM5** after the consultation phase and at the suggestion of the Council, in the interests of clarity of meaning.

Assessment of Duty to Co-operate

- 4) Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation.
- 5) The Council submitted a Supplement to the Compatibility Self-Assessment Checklist [WCC1¹] which listed the bodies with whom it has established and ongoing relationships. The Supplement describes work and liaison with the Mayor of London, other London Boroughs and all the relevant bodies prescribed in Regulation 4². None of these bodies has criticised the level or quality of co-operation with Westminster over the submitted plan. I am satisfied that the process of co-operation has been systematic and productive. Having regard for the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012, the duty to co-operate has been met.

Assessment of Soundness

Preamble

- 6) The NPPF Revision submitted for examination in January 2013 is designed to update Westminster's Core Strategy which was adopted in January 2011 [LDF8]. Changes have been made principally to achieve consistency with the National Planning Policy Framework (the NPPF or Framework). The opportunity has also been taken to align the plan with the new London Plan, July 2011, and to take into account new evidence such as the Office for National Statistics' population estimates. As already mentioned, the NPPF Revision has been carried out in the context of the Localism Act, 2011.

¹ [WCC1] Documents in the examination library are referenced in brackets thus

² Town and Country Planning (Local Planning) (England) Regulations 2012

Following the examination hearings, the Council proposed some minor modifications (eg. to paragraph 2.9) to reflect the latest results from the 2011 Census.

Main Issues

- 7) Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified four main issues upon which the soundness of the Plan depends. These are whether the NPPF revisions to the plan:
- are consistent with the NPPF's aims for growth and building a strong, responsive and competitive economy;
 - satisfy the requirements of the NPPF to deliver a wide choice of high quality homes, with clear and realistic policy for affordable housing;
 - strike a correct balance between promoting climate change mitigation and adaptation for a sustainable environment and avoiding an unreasonable scale of obligations and policy burdens for development;
 - adequately reflect recent changes in the NPPF and elsewhere concerning viability, introduction of the community infrastructure levy (CIL) and localism.

Issue 1 – The NPPF's aims for growth and building a strong, responsive and competitive economy.

Presumption in favour of sustainable development

- 8) The presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking (NPPF p.14). All plans should contain clear policies to guide how the presumption will be applied locally. The Council has proposed that a new Policy CS47 should be inserted into Part VI: Implementation of the Plan. I consider this modification to be necessary for consistency with national policy and effective planning (**MM1**).

Is there sufficient emphasis on economic growth and have market signals been taken into account?

- 9) Policy CS1 of the plan encourages development which promotes Westminster's World City functions, and supports promotion of the vitality, function and character of the Central Activities Zone (CAZ). Policy CS18 requires commercial development to be appropriate in terms of scale and intensity of land uses, and character and function of the area. Neither policy was changed in the NPPF Revision of the plan, so Policy CS18 remains arguably a development management policy designed to restrain the unbridled growth of commercial development. Policy CS19 directs new office developments to the most suitable locations within Westminster including the Opportunity Areas, Core CAZ and North Westminster Economic Development Area. The minor change to wording does not alter the thrust of this economic policy.
- 10) This permissive but neutral, rather than proactive, stance on economic development is defended by the City Council. They say that Westminster's local economy has been successful and resilient in difficult economic times. There are competing demands for many types of development in this Borough but housing delivery is intrinsic to securing the appropriate balance to deliver sustainable economic growth. Residential has to be treated as a priority use if Westminster is to meet the housing needs of the London Plan. Mixed use development in the CAZ has been successfully delivered for some 30 years, and the approach complies with the ninth bullet of paragraph 17 in the NPPF.

- 11) The LDF Annual Monitoring Report 2010-11 [LDF12] (AMR) informs that a net loss of 30,000 sqm of B1 office floorspace occurred in Westminster in that year, with a net loss of 57,000 sqm for the CAZ. As to whether this signals a change in economic trends, Westminster Property Association argued that the loss of 57,000 sqm represents only a snapshot figure. The figure was skewed, it argued, by the change of use of a single office block. More attention should be given to the current development market and strong pipeline of projects coming forward. Other evidence indicated that some 40% of the loss in 2010-11 was made up of conversions to hotels and retail uses ahead of the Olympic Games. Office floorspace comprised some 46% of all floorspace in the Core CAZ in 2011, indicating a small albeit downward change from 48% in 2008 and 51% in 1990.
- 12) The London Office Policy Review 2012 [GLA8] confirms that the economies of the Capital, Central London and Westminster are complex and dynamic. I accept that it would be premature to change the plan's fundamental approach to the priority given to housing, the requirements of office occupiers and the balance of uses in the CAZ on the basis of one year's office floorspace figures. It is clearly necessary to continue monitoring local economic trends, especially the commercial sector, but the 2010-11 change by itself does not necessitate an immediate revision to the local plan³.
- 13) However, as paragraph 4.22 of the plan confirms, offices are a strategic use in Westminster. The Borough has the largest office stock in the UK with a more diverse market than the City of London or Canary Wharf. Recent findings of the West End Commission confirm the importance of West End businesses and indicate the need for policy to address the complexity of the West End, as well as competition and changing trends⁴. I consider that Westminster's plan should recognise the importance of economic growth more overtly and, in view of recent market signals, subscribe to a more proactive approach to secure ongoing economic development. Modifications to Policy CS18 to state that commercial development will be encouraged (**MM2**) are necessary to secure consistency with the NPPF and effective planning.

Retail and Core CAZ Policy

- 14) Paragraph 23 of the NPPF expects planning policies to be positive, promote competitive town centre environments, and provide for the management and growth of centres over the plan period. Policy CS6 of the plan encourages retail floorspace throughout the Core CAZ and Policy CS7 seeks improved retail space in the West End Special Retail Policy Area (WESRPA). Policy CS20 directs development to designated shopping centres and is protective of existing retail provision, especially A1 uses. The NPPF Revision plan recognises the role of Soho and Covent Garden as shopping areas but otherwise makes limited changes to this part of the Core Strategy.
- 15) Whether the plan is based on a clear understanding of all retail business needs within the area's operating economic markets was questioned. In particular, estimates of non-A1 and A2 uses in Oxford Street, made at the time of the examination of the Core Strategy in 2010, were said to be inaccurate. A recent survey⁵ found only 6 Class A2 uses plus about 12 'bureaux de change' kiosks along Oxford Street. However, even though Barclays and NatWest are not represented on Oxford Street, there are more than thirty A2 banks and building societies in the wider WESRPA. As the Goad Retail Survey map 2011/12 illustrates, nearly all the built up parts of Westminster are within

³ *Minor modifications to employment and working population figures in paragraphs 2.36 & 4.18 appropriately update the plan in line with the London Office Policy Review 2012.*

⁴ *West End Commission Final Report April 2013*

⁵ *REP/003/001 Shireconsulting for Barclays Bank PLC*

5 minutes walk of Class A2 facilities, indicating that the business needs of banks and building societies have not been neglected in Westminster.

- 16) Disagreements at appeal as to the percentage of frontages in A1 use in specific streets at a point in time do not, in my opinion, indicate flaws in the plan which is currently being examined⁶. There may be lessons from these cases for the planned updating of Westminster's development management policies, but all three appeals were dismissed suggesting that the City Council put forward strong enough reasons to resist the growth of A2 use in these cases.
- 17) Shireconsulting on behalf of Barclays Bank PLC provided good evidence that its outlets make a significant contribution to footfall on shopping streets. However, the vitality of shopping centres depends on a wider range of factors. The retail offer of WESRPA has according to the City Council recently achieved rising spending levels, very low vacancy of units, and considerable regeneration of buildings and the public realm. I agree with the view that dilution of the A1 shopping function of Oxford, Regent and Bond Streets could undermine the West End's international standing and be contrary to supporting sustainable economic growth.
- 18) Class D of the Government's Provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 permits change of use from a range of uses including A1-A5 inclusive to a flexible use falling within classes A1, A2, A3 or B1, for up to two years. The site must revert to its previous lawful use at the end of the flexible use period. A new Class C permits any building and land within its curtilage to be used as a state-funded school for one academic year. In view of the low vacancy levels in Central London, and the protection given to listed buildings and spaces greater than 150sqm against Class D use, these changes seem unlikely to have a major impact on the Borough's retail offer especially in the West End.
- 19) The Key Diagram should be modified to eliminate the "other major CAZ retail" reference for clarification and to aid effectiveness (**MM3**). However, I see no need for further amendments to Policies CS6, CS7 and CS20 for consistency with the NPPF, or to introduce new provision for short-term flexible uses.

The new Inclusive Local Economy and Employment Policy

- 20) Westminster contains areas of social deprivation in the north-west and south of the Borough, and the AMR indicates a rising unemployment rate. The new policy aims to secure training and employment opportunities for local residents, providing a more skilled and accessible workforce for employers and the construction industry. The policy is justified as it would address a potential barrier to growth and sustainable development. The City Council confirms that the policy would be applied selectively, would be subject to Policy CS32 and the requirements for planning obligations, and would not compromise the overall delivery of appropriate development. Evidence that the policy measures are already being delivered on some sites indicates that the new policy should be effective.
- 21) I conclude on the first issue that the NPPF's aims for growth and building a strong, responsive and competitive economy are met so long as the specified modifications are made.

⁶ REP/003/001 refers to APP/X5990/A/11/2144257, APP/X5990/A/12/2171618 & APP/X5990/C/10/2137014.

Issue 2 – Satisfying the requirements of the NPPF to deliver a wide choice of high quality homes, with clear and realistic policy for affordable housing

Housing supply

- 22) Paragraph 47 of the NPPF sets out the approach for local planning authorities to boost significantly their supply of housing. The London Plan sets a target of 770 dwellings pa for Westminster, and the City Council is able to demonstrate some 4,600 deliverable units for the first five years of the plan. This exceeds five years worth plus a 5% buffer. A 5% buffer and not 20% is appropriate for Westminster as it consistently met the London Plan targets set for 1999-2010/11. A 5-15 year housing supply schedule giving details of site size and characteristics, planning status and discussions with developers, was first produced in 2007 and last updated in December 2012.⁷
- 23) The updated housing trajectory (Fig 37) and Appendix 4: Housing Delivery satisfy the requirements of paragraph 47 for a housing implementation strategy. However, it is essential that Figure 59 is corrected to record performance against annual London Plan targets accurately (**MM4**).
- 24) The NPPF Revision includes a change to Policy CS14 to relax the restraint imposed on reducing the number of residential units and to permit two flats to be joined to form a family-sized dwelling. I have considered whether further change is needed to take account of the quality of a proposed replacement. However, 'quality' would need to be defined for effective implementation and the City Council advised that, in Westminster, poor quality is not a common feature. Often, the higher the 'quality' of a property, the more likely it is to be developed for investment rather than occupation. There could be a significant loss of small units of arguably lower quality but having nothing fundamentally wrong with them if the proposed change were made. This would be unjustified and inconsistent with boosting housing supply.

Policy CS16 Affordable housing

- 25) Policy CS16 aims to achieve more than 30% affordable homes, although the supporting text records past achievements of 22% of new homes completed 2005/6 to 2010/11. Eligible sites on the five year list of deliverable sites are expected to secure about 33% affordable housing. Allowance for sites providing fewer than 10 homes and not required to provide affordable housing, however, reduces the estimate for affordable homes to about 25%. The aim of Policy CS16 to achieve more than 30% is aspirational and highly desirable to meet the high level of need for affordable housing in the Borough, but it needs to be realistic and viable too.
- 26) The City Council listed the significant number of changes in affordable housing since preparation and adoption of the Core Strategy including transfer of Homes and Community Agency powers to the Mayor, removal of Government grant in Westminster, introduction of the affordable rent product, the Mayoral CIL, proposed Revised Early Minor Alterations to the London Plan (REMA) and significant increases in housing values in Westminster. The Core Strategy was under-pinned by work on viability by consultants DTZ, which had a database 2005-2008⁸. Although notes on implementation of affordable housing policy for the interim period between adoption of the Core Strategy and the City Management Plan [WCC11] have guided the

⁷ *The Rolling Supply of Housing (2009) [WCC5] was updated in 2012*

⁸ *Financial Viability Assessment: Affordable Housing Proportions & Thresholds, final report July 2010*

application of targets, thresholds and payments in lieu, there remains a case for a more up-to-date viability assessment for affordable housing in Westminster.

- 27) The City Council argued that it was not within the scope of this 12 month review to re-examine the affordable housing target and take account of all the above-mentioned changes. I note that Westminster, with a sizeable number of other Boroughs, made representations to the REMA examination expressing objections to the proposed changes to affordable housing policy notably those for affordable rented housing. The Inspector's report on REMA has not yet been publicised and there remains uncertainty over the London Plan's affordable housing policy and implications for Westminster.
- 28) Paragraph 173 of the NPPF emphasises the importance of giving careful attention to viability and costs in plan-making. Also, Westminster is aiming to introduce a CIL charging schedule in early 2014 and paragraph 4 of the Government's CIL Guidance 2012 makes clear that there must be consistency between a local plan and the CIL rates. The CIL schedule will need to be under-pinned by economic valuation to demonstrate that CIL charges would not have such an adverse effect on economic viability that they would impede development across the area. These factors mean that Policy CS16 must include a realistic target for the achievement of affordable housing, especially in the short term.
- 29) Westminster Property Association examined a number of major applications which had recently been granted planning permission by the City Council and demonstrated a failure to meet the affordable housing target. However, the City Council advised that these 17 examples represented a small proportion of the relevant total of 94 schemes over this time period. In addition, only 7 of the 17 were granted permission after the 30% target became applicable, and the examples do not make proper allowance for the homes which would be delivered by payments in lieu. There can be significant differences in measuring affordable housing in terms of floorspace and the number of units, which can distort percentage calculations. Measured in terms of units rather than floorspace, six of the schemes referred to by Westminster Property Association actually exceeded the 30% target.
- 30) I am unable to conclude from the submitted evidence that the 30% target, which was sound when the Plan was examined in 2010, is demonstrably unviable. A lower target could be out of conformity with the London Plan. The Council argues that a longer time period than the 2 years since adoption of Policy CS16 is required to assess its deliverability, and I accept this. The Council has proposed a change to paragraph 4.15 of the Plan stating that it will monitor and keep the strategic target under review (**MM6**). This is necessary for justification and effectiveness.
- 31) Policy CS16 and the supporting text makes no mention of affordable rented housing, even though this is included in the definition of affordable housing alongside social rented and intermediate housing in the Glossary to the NPPF. Westminster's evidence to the REMA examination demonstrated that setting rent caps at 80% of market rents would not result in housing that would be affordable to those most in housing need.⁹ It is unclear at the present time, as already mentioned, whether the REMA will be modified to reflect the concerns over affordable rented housing policy expressed by Westminster and other Boroughs.

⁹ *The gross household income required to afford rent equivalent to 80% of market housing in Westminster was calculated to range from £55,700 for a 1 bed property to £219,300 for a 4 bed property. The 25th percentile of residents in Westminster have gross median pay of £22,880 and half of households in social rented housing have gross annual income of £12,000 or less – WCC/002 Response to Inspectors' matters, issues and questions*

- 32) The City Council draws a distinction between (i) affordable housing products, of which affordable rented accommodation would be one, along with social rented and intermediate housing, and (ii) client groups with housing needs. The Plan refers to the latter and does not seek to be prescriptive as to which products should meet the needs; Westminster states that it is open to imaginative solutions to housing delivery for those who cannot afford market housing. The definition in the plan's Glossary is deliberately neutral in terms of actual products. I accept that this does not amount to conflict with the NPPF. The wording in paragraph 4.13 should be changed however to make this clear and avoid inconsistency with national policy (**MM5**).
- 33) I have considered whether the Plan should allow for the provision of off-site affordable housing at the Knightsbridge/Hyde Park Barracks, strategic site No 34. However, both the NPPF and the London Plan make clear that affordable housing off-site should only occur in exceptional circumstances, and the City Council has been unable to identify any for this site. Plans for the Travis Perkins Building site No 18 are clearly being developed, but there is insufficient evidence of exceptional circumstances applying to this site, and the plan need not be modified.
- 34) The Council has given due consideration to the Montague report but, in view of the strength of the private rental sector in Westminster, considers there is no case for waiving affordable housing in order to boost build-to-let development. I accept that amending policies to allow for private rental housing in some instances could add unwanted complexity at the implementation stage.
- 35) I conclude on the second issue that, as long as the above-mentioned modifications are made, the plan meets the requirements of the NPPF regarding delivery of a wide choice of high quality homes, with a clear and realistic policy for affordable housing.

Issue 3 - The correct balance between promoting a sustainable environment and avoiding an unreasonable scale of obligations and policy burdens for development, in respect of policy for climate change mitigation and adaptation

- 36) The plan includes a number of revisions notably to the sections addressing Sustainable and Inclusive Design and Energy Infrastructure which indicate a more robust approach to tackling climate change and pollution. The City Council justifies these with reference to paragraph 94 of the NPPF which expects local planning authorities to adopt proactive strategies for mitigation and adaptation. Paragraph 145 of the NPPF seeks planning policies which comply with and contribute towards EU limit values or national objectives for pollutants. Plan changes have also been made to reflect the replacement of PPS25 with the Technical Guidance to the NPPF concerning flood risk.
- 37) I have considered whether these changes to the plan would conflict with paragraphs 173 onwards in the NPPF, Ensuring Viability and Deliverability. Concern was raised that deleting the reference in Policy CS27 to reducing energy use and emissions "*in line with national and regional standards as a minimum*" would encourage the City Council to seek standards of carbon reduction, on-site renewable energy generation and Code for Sustainable Homes/ BREEAM targets substantially in excess of national and regional standards. This could threaten the ability of many sites to be developed viably.
- 38) The changes in the NPPF Revision plan are qualitative and general rather than quantitative or precise. They do not impose new requirements on developers but mainly describe the challenges facing Westminster more directly than before, eg. on air quality, or clarify aspects of the plan's strategy, eg. on energy infrastructure. Local targets and how to realise them will be set out when the City Management policies are included in the Local Plan. This will be the stage when viability and deliverability will be examined in detail. An important task then will be to ensure that detailed policies for reducing energy use and emissions and adapting to climate

change will not result in such an uplift in costs that much-needed development fails to provide competitive returns to a willing land-owner. However, I am satisfied that the current plan provides a sound strategic policy framework for responding to climate change and pollution in line with the NPPF.

Issue 4 – Recent changes in the NPPF and elsewhere concerning viability, introduction of the community infrastructure levy (CIL) and localism

- 39) The NPPF expects local planning authorities to assess the likely cumulative impacts on development of all standards and policies, ensuring that implementation of the plan is not put at risk. Whether a cumulative impact assessment has been undertaken for Westminster has been questioned. However, the City Council's monitoring of major, minor and other planning decisions indicates that adoption of the Core Strategy two years ago has not undermined delivery. The current plan would add just one substantive new policy, aside from the model policy, which is entitled Inclusive Local Economy and Employment. Its requirement for developers to contribute to initiatives for employment, training and skills' development would only apply "where appropriate". It has been negotiated for appropriate sites already without detriment to viability. The City Council considers that the cumulative impact of meeting standards and policies would not put implementation of the plan at risk.
- 40) Delivery of the affordable housing target is an important matter as outlined above. I agree that thorough and diligent testing of the cumulative effects of policy will form a critical input to the review of Development Management policies, although it is unnecessary to add a policy to Part VI stating that fact. Economic viability will also be scrutinised in detail as the CIL schedule is developed. Work on CIL preparation is reportedly at an early stage although the City Council aims for the schedule to be in place early next year. There is no need, in my view, for the reasoned justification to Policy CS32 to repeat the requirements for setting CIL rates, or for the plan to refer to the RICS Guidance on Financial Viability in Planning. Policy CS32 as revised sets out a generalised but informative framework for plan implementation distinguishing between CIL and planning obligations, with reference to the Mayoral CIL in the supporting text.
- 41) Regarding social and community infrastructure, the submitted plan introduces more flexibility into the reasoned justification to Policy CS33 having regard for viability when planning new or improved facilities. I have considered the argument that private facilities should not be covered by this policy as it could stifle the expansion or upgrading of social and community provision. However, I have seen no substantive evidence of harm and, bearing in mind the high land values in Westminster, consider that the policy is sound.
- 42) Paragraphs 6.6 to 6.8 of the plan include appropriate new information about neighbourhood planning, which reflects guidance in the NPPF. I conclude that the plan is consistent with the NPPF and other recently issued Government policy concerning viability, the community infrastructure levy (CIL) and localism/neighbourhood planning.

Other Matters of Soundness

- 43) Lord's is arguably the world's most famous cricket ground and is the custodian of the laws of cricket. It makes a significant contribution to London's visitor economy. I consider that its contribution should be recognised, protected and supported through this Plan, and endorse the proposed modifications which would achieve this (**MM7, MMS**).

Assessment of Legal Compliance

44) My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The LDS February 2012 [LDF10] pre-dates publication of the NPPF but states that once it is published, the Core Strategy will be reviewed to ensure conformity and any necessary changes made as soon as possible. The plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2007 and is somewhat dated. Consultation has been compliant with its key principles [see LDF6], including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out [LDF4 & 5] and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (October 2012) sets out why AA is not necessary, and Natural England agrees (letter November 2012).
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
The London Plan	Correspondence from the Mayor dated 11 September 2012 confirms that the plan is in general conformity with the London Plan.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

45) The plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

46) The Council has requested that I recommend main modifications to make the Plan sound and legally compliant and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix, the NPPF Revision to Westminster's Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Jill Kingaby

Inspector

This report is accompanied by the Appendix containing the Main Modifications

Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in italics.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	143	New Policy CS47 and paragraph 6.1	<p><u>PART VI: IMPLEMENTATION</u> <u>THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT</u> <u>6.1 The National Planning Policy Framework includes a presumption in favour of sustainable development which is the 'golden thread' running through both plan-making and decision-taking.</u></p> <p><u>POLICY CS47 THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT</u> <u>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u> <u>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</u> <u>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</u></p> <ul style="list-style-type: none"> • <u>Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</u> • <u>Specific policies in that Framework indicate that development should be restricted.</u> <p><u>Reasoned Justification</u> <u>To achieve the optimum balance of economic, social and environmental planning roles which constitute the three dimensions of sustainable development and ensure delivery of this balanced approach at local level. To ensure delivery of sustainable development, including through neighbourhood planning.</u></p>
MM2	85	Policy CS18	<p><u>POLICY CS18 COMMERCIAL DEVELOPMENT</u> <u>Commercial Development will be encouraged and directed to Paddington, Victoria and Tottenham Court Road Opportunity</u></p>

<i>Ref</i>	<i>Page</i>	<i>Policy/ Paragraph</i>	<i>Main Modification</i>
			<u>Areas, the Core Central Activities Zone, the Named Streets, the North Westminster Economic Development Area and designated Shopping Centres.</u>
MM3	28/29		Delete 'Other major CAZ retail' from key to Key Diagram.
MM4	177	Figure 59	Modify 'Housing Delivery against Targets' graph as shown below
MM5	77	4.13, 4.14	<p>...Because of this, Westminster has an acute need for affordable homes, in both the social and intermediate sectors. An additional 5,600 social rented homes (<u>or other affordable housing to meet the needs of those eligible for social housing</u>) would be required annually to meet demand</p> <p>4.14 Regional guidance sets out an objective of a 60:40 split for social and intermediate provision, <u>and this is currently under review...</u></p>
MM6	80	Policy CS16 reasoned Justification	Beyond 2012, the council is confident that these policies, together with the council's Housing Renewal Programme, will yield an increase in affordable provision to over 30% of overall housing delivery. The council will review the impact of these policies in order to sustain and increase this proportion when the Housing Renewal Programme ends. <u>However, the council will keep the strategic affordable housing target under review to ensure it remains deliverable, including the transition to a Westminster's CIL, the Housing Renewal Programme, national and regional changes and monitoring data through the Authority's Monitoring Report and other evidence.</u>
MM7	91 100	4.33 5.7	<p>Westminster is at the heart of London's visitor economy with an unrivalled range of visitor attractions and hotel accommodation. It is the most visited London borough with over 55 million trips per year ix, with the attraction of iconic heritage sites such as the Houses of Parliament, Westminster Abbey and Buckingham Palace and their many ceremonial events, and as well as a <u>significant cultural, sporting, leisure, entertainment and retail offer. ...</u></p> <p>... and world-famous arts and cultural institutions, <u>an international sporting venue</u> and other visitor attractions. Most of these uses are located in the Core Central Activities Zone.</p>
MM8	198	Glossary	<p>Tourist attractions Includes museums and galleries (D1 Non-residential institutions), theatres (<i>sui generis</i>), concert halls (D2 Assembly and Leisure), unique attractions such as London Zoo, <u>Lord's Cricket Ground and Madame Tussauds, ...</u></p>

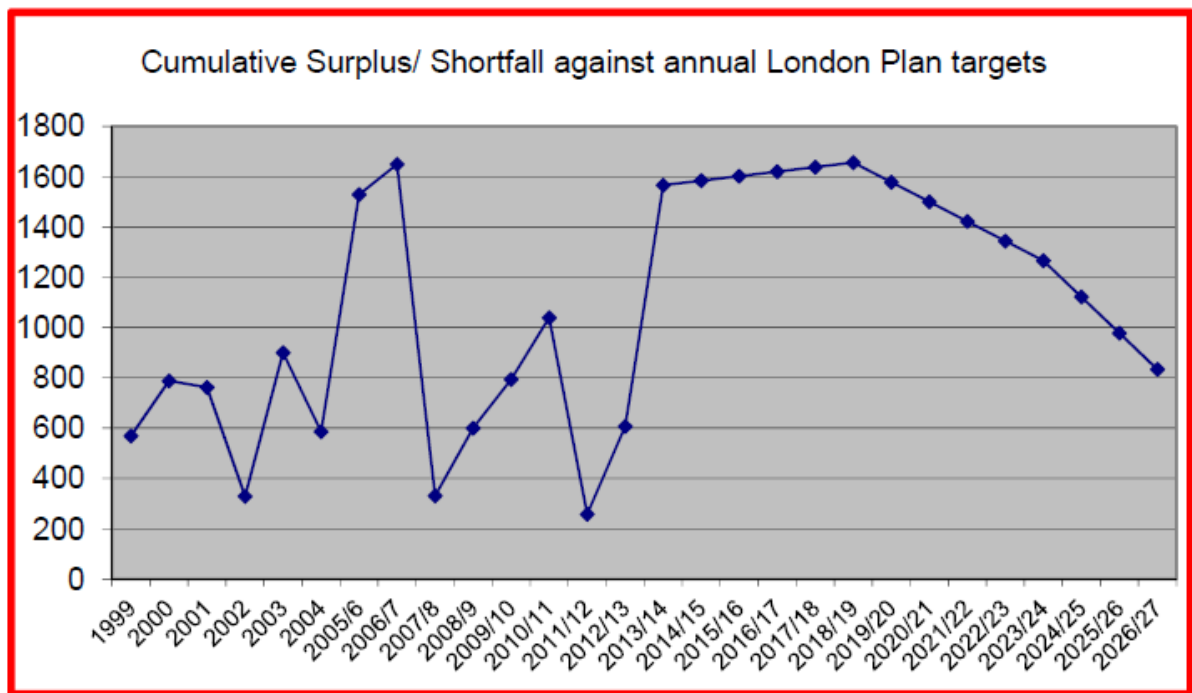
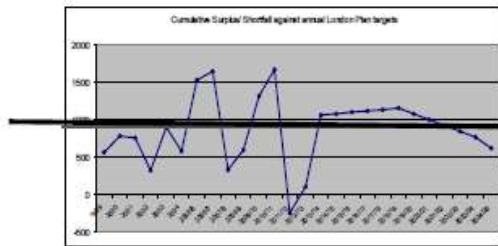


FIGURE 59 HOUSING DELIVERY AGAINST ~~LONDON PLAN~~ TARGETS 1999-~~2025/26~~ 2026/27 ~~2024/25~~