



City of Westminster Cabinet Member Report

Decision Maker:	Cabinet Member for Business, Licensing and Planning
Date:	12 November 2021
Classification:	General Release
Title:	Westminster Local Development Scheme 2021 – 2024
Wards Affected:	All
City for All:	Publication of the updated Local Development Scheme commits the City Council to the production of a series of new planning policy documents that alongside the Westminster City Plan, will help shape future growth and development in Westminster in a manner that supports a thriving economy, a greener and cleaner city, vibrant communities, and a smart city.
Key Decision:	Yes
Financial Summary:	The costs of publishing the Local Development Scheme, and carrying out the work programme identified within it, will be met within existing budgets.
Report of:	Executive Director of Innovation and Change

1.0 EXECUTIVE SUMMARY

- 1.1 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.
- 1.2 The City Council's existing LDS was last updated in March 2020 - during the examination of the Westminster City Plan. It now needs updating to properly reflect future workstreams, resources, and likely timescales, and provide greater clarity to stakeholders as to when consultation on key future planning policy documents is likely. This report sets out details of the revised LDS for approval and subsequent publication.

2.0 RECOMMENDATION

- 2.1 That the Cabinet Member approves the publication of the attached Local Development Scheme 2021 – 2024 (Appendix 1).

3.0 REASONS FOR DECISION

- 3.1 To ensure that the City Council acts in accordance with the requirements of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

4.0 BACKGROUND, INCLUDING POLICY CONTEXT

Background

- 4.1 Under planning legislation, it is a statutory requirement that the City 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.
- 4.2 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 City Council intends to produce, and when they can engage in their development.
- 4.3 The existing LDS was last updated in March 2020 – in advance of the Westminster City Plan examination hearing sessions. The timescales within it are now out of date, as a result of the City Plan examination taking longer than initially anticipated, and the knock-on effect this has had on progressing subsequent planning policy documents. Competing pressures such as the need to continue to support extensive neighbourhood planning activity and respond to the government's planning reforms and proposals have also meant

that there is a need to streamline and prioritise what planning policy documents the City Council now intends to produce in order to ensure the contents of the LDS are realistic and deliverable.

Policy context

4.4 The adopted Westminster City Plan provides the City Council's overarching policy framework for supporting and managing growth through the determination of planning applications. However, to ensure its effective implementation, a series of other planning policy documents are also needed – to provide site specific guidance on key development opportunities, and to provide greater detail on a series of technical matters such as how certain planning obligations will be calculated, or how best practice in responding to the climate emergency can be achieved.

Details

4.5 Appendix 1 provides full details of the updated LDS. Key differences from the existing March 2020 version can be summarised as follows:

- The Westminster City Plan has been removed as a key area of work as it is now complete, with no plans for its immediate review;
- The Site Allocations Plan timescales have been revised, to allow greater scope for higher levels of frontloaded public consultation during the early stages of development of this document - specifically including separate 'call for sites' exercise and then a regulation 18 preferred options consultation, before a regulation 19 plan for submission is prepared;
- The removal of references to a Waste Data Study as it forms a piece of evidence base rather than a policy document;
- The Statement of Community Involvement (SCI) timescales have been revised to ensure they are realistic and deliverable;
- The Supplementary Planning Documents (SPDs) section has been revised to better reflect which SPDs are now anticipated as necessary to support the implementation of City Plan policies, and to emphasise the priority given to progressing the Environment SPD, the Planning Obligations and Affordable Housing SPD, and the Public Realm SPD. 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;
- References to the Community Infrastructure Levy (CIL) charging schedule reflect ongoing uncertainty over the impact of future planning reforms on infrastructure funding;
- The neighbourhood planning section has been updated to reflect latest progress on new plans, and highlight the high levels of ongoing neighbourhood planning activity in Westminster; and

- The Conservation Area Appraisals section has been amended to clarify that the updating of these documents is considered lower priority than the Site Allocations document and SPDs. It also notes that any work on this topic will prioritise areas without an existing appraisal, or where such work can help inform future Site Allocations.

4.6 It should be noted that the work programme set out in the updated LDS is based on the continued implementation of the current planning system. While the government have signified an intent for major reforms of the UK planning system through the August 2020 Planning for the Future White Paper, there is currently little certainty of when such reforms will be introduced and how far they will go. Furthermore, it is officers' view that some of the key documents in the LDS, such as the Site Allocations Plan, are well aligned to the direction of proposed planning reforms – i.e. a move towards more site specific guidance that provides greater certainty to the development industry and helps facilitate growth.

5.0 CITY FOR ALL

- 5.1 Publication of the updated LDS commits the City Council to the production of a series of new planning policy documents that alongside the Westminster City Plan (adopted April 2021), will help shape future growth and development in Westminster in a manner consistent with the vision and objectives of City for All. Alongside other planning policy documents, it includes commitments to produce:
- A Site Allocations Plan – which will help support a thriving economy and smart city by identifying opportunities for commercial and residential growth;
 - An Environment SPD – which will provide technical guidance to facilitate a greener and cleaner city; and
 - An updated Statement of Community Involvement – which will help ensure community engagement in the planning process to achieve vibrant communities.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications of publishing the updated LDS - as it does not propose the production of any additional planning policy documents to those already committed to in the existing LDS published in March 2020. Furthermore, the publication of the LDS itself will be carried out electronically, minimising print costs.
- 6.2 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. As individual documents progress, there will likely be a need to commission consultants to produce supporting evidence on some technical matters – such as on development

viability. Where this is the case, costs will be met from the existing Policy and Projects budget.

7.0 LEGAL IMPLICATIONS

7.1 The preparation and maintenance of an up-to-date LDS is a statutory requirement of the Planning & Compulsory Planning Act 2004 (as amended by the Localism Act 2011) and Town and Country Planning (Local Planning) (England) Regulations 2012. Given the existing LDS is now out of date and refers to timescales for the production of planning policy documents that have not been met, failure to now update the LDS would result in a failure to meet the City Council's legal obligations.

8.0 STAFFING IMPLICATIONS

8.1 None. The work programme set out in the updated LDS is based on the staffing resources available to carry out such work, as detailed within Section 4 (Project Management) of the document – see Appendix 1.

9.0 CONSULTATION

9.1 If this report is approved, the updated LDS will be published on the planning policy pages of the City Council website. As some key stakeholders have already enquired about any proposed updates to the LDS, an email alert will also be sent to all consultees on the City Council's planning policy database, drawing attention to its publication.

10.0 EQUALITIES IMPLICATIONS

10.1 Under the Equalities Act 2010 the City 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.

10.2 The City 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.

10.3 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.

10.4 Officers have considered the need for a formal Equalities Impact Assessment (EIA) of the proposed update to the LDS. Individual documents within the LDS will each be subject to consideration of their impacts on groups with protected characteristics, either through subsequent Cabinet Member reports, or through inclusion as part of an Integrated Impact Assessment for the Site Allocations Document. The commitment within the LDS to progressing the production of future planning policy documents, does not in itself have any direct impacts, and it has therefore been concluded that a full EIA is not necessary.

11.0 BUSINESS PLAN IMPLICATIONS

11.1 The production of the documents set out in the updated LDS will support the City Council’s ability to use its planning powers to achieve the vision and objectives set out in a City for All.

12.0 IMPACT ON THE ENVIRONMENT

12.1 The publication of the updated LDS commits the City Council to the production of several documents that will help ensure future development in Westminster fully considers its impacts on the built and natural environment – for example the Site Allocations Document, and thematic SPDs on the Environment, Design and Heritage. The direct impacts of such documents will be assessed as they are progressed, including through an Integrated Impact Assessment that supports the Site Allocations Document, and future Cabinet Member Reports on individual SPDs.

13.0 HEALTH, WELLBEING IMPACT ASSESSMENT INCLUDING HEALTH AND SAFETY IMPLICATIONS

- 13.1 The publication of the updated LDS commits the City Council to the production of several documents that will impact on residents, workers and visitor's health and wellbeing. The direct impacts of such documents will be assessed as they are progressed, including through an Integrated Impact Assessment that supports the Site Allocations Document, and future Cabinet Member Reports on individual SPDs.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Sean Walsh
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APPENDICES

Appendix 1 – Local Development Scheme 2021 - 2024

BACKGROUND PAPERS

None

Cabinet Member for Business, Licensing and Planning: Councillor Matthew Green

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: _____

Cabinet Member for Business, Licensing and Planning

State nature of interest if any

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(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 Local Development Scheme 2021 – 2024** and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for Business, Licensing and Planning

Date

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:
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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, Director of Legal Services, 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.