



City of Westminster

Cabinet Member Report

Decision Maker:	Cabinet Member for Built Environment
Date:	13 April 2016
Classification:	General Release
Title:	Special Policy Areas and Policies Map Revision to Westminster's City Plan: Submission Versions for submission to the Secretary of State and examination by an independent Inspector
Wards Affected:	All
City for All:	This decision enables progress towards the City for All commitment to update our City Plan.
Key Decision:	Yes
Financial Summary:	The resourcing of the submission of the revision to the Secretary of State and funding of the examination will be met from existing budgets.
Report of:	Director, Policy, Performance and Communication.

1. Executive Summary

This report asks the Cabinet Member to recommend the Special Policy Areas and Policies Map revisions to Westminster's City Plan to Full Council on the 27th April 2016 for agreement prior to submission to the Secretary of State pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2. Recommendations

That the Cabinet Member resolves:

- i. to consider the public responses to the Regulation 19 consultation on the Special Policy Areas and Policies Map Revision (listed at

Appendix 7 to the Consultation Statement which forms Appendix 3 to this report) and endorse the officers' comments thereon and the additional modifications contained in Annex A to the Consultation Statement,

- ii. to recommend the Special Policy Areas and Policies Map Submission Draft and the supporting documents (appended to this report, which are to be submitted to the Secretary of State) to Full Council on the 27th April 2016 to approve prior to submission to the Secretary of State,
- iii. to delegate to the Executive Director, Policy, Performance and Communications, power to make such minor modifications to the Special Policy Areas and Policies Map revisions and accompanying documents as are necessary, where these do not affect the meaning.

3. Reasons for Decision

- 3.1 To enable the council to provide a robust policy framework within the statutory local plan to determine applications, by progressing its Special Policy Areas and Policies Map Revision to the City Plan pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

4. Background, including Policy Context

- 4.1 The initial notification of and consultation on the intention to revise Westminster's City Plan: Strategic Policies (Regulation 18) was carried out from 19th March to 1st May 2015. A draft consultation document was formally consulted on (in accordance with Regulation 19) from 4th December 2015 until 7th February 2016. This was accompanied by a Consultation Statement, Integrated Impact Assessment (including the Sustainability Appraisal and Strategic Environmental Assessment), a Schedule of Changes to the Policies Map, Supporting Information and a habitats regulation assessment screening report.
- 4.2 Paragraph 182 of the National Planning Policy Framework sets out the four tests for soundness of a policy as follows:
 - “Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

- 4.3 Consultation responses received in response to the revision have been considered in terms of the extent to which they raise issues of soundness. Additional modifications are set out in Annex A to the Consultation Statement (Appendix 3).

5. Regulation 19 Consultation Responses

- 5.1 The Council formally consulted on its proposed Special Policy Areas and Policies Map Revision to the City Plan from 4th December 2015 – 7th February 2016. 51 consultees submitted responses on the policy, 43 of which were substantive, with an additional response on the related Habitats Regulations Assessment screening. Five unresolved objections were received from five respondents. Support for the revision were received from 34 respondents, four of whom also made objections or proposed minor changes.
- 5.2 The consultation responses are set out in detail in the Consultation Statement (Appendix 3), together with the Council’s discussion and response to the matters raised. Of the five unresolved objections, as set out in section 3.1, none are considered to give rise to concerns about the ‘soundness’ of the revision.
- 5.3 Six respondents proposed minor changes, as set out in section 3.3, and the proposed additional modifications are set out in a schedule in Annex A to the Consultation Statement.
- 5.4 Four responses set out in section 3.4 of the Consultation Statement are considered to fall outside the scope of this revision.

6. Regulation 22 Submission to the Secretary of State

- 6.1 The Council does not consider that any of the unresolved objections or comments suggest the Special Policy Areas and Policies Map Revision Publication Draft is not ‘sound’ for the reasons set out in the Consultation Statement.
- 6.2 A number of minor changes to the revisions, consisting of post-Regulation 19 additional modifications, as defined in S23(2) Planning and Compulsory

Purchase Act, as amended by s112 Localism Act, are included in Annex A of the Consultation Statement. These minor changes do not materially affect the policies set out or change the meaning or approach of the revisions and the policies they contain. They are not considered to be main modifications to the plan which would require a further stage of consultation and would nor does their inclusion affect the 'soundness' or otherwise of the revisions i.e. the additional modifications are not necessary to make the revisions sound, albeit that they improve the revisions.

- 6.3 Therefore, it is proposed to submit the Revision and supporting documents to the Secretary of State for consideration by an independent Inspector under Regulation 22 of the Town and Country (Local Planning)(England) Regulations 2012.

7. Financial Implications

- 7.1 There are limited financial implications, with continued progression of the revision and the costs associated with the examination to be met from existing budgets.

8. Legal Implications

- 8.1 The procedures set out in the Town and Country Planning (Local Planning)(England) Regulations 2012 have been carried out and the council is satisfied that all legal requirements have been met.
- 8.2 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. These consultation requirements have been carried out. It is considered that the Special Policy Areas and Policies Map Revision to Westminster's City Plan: Submission Draft appended to this report meets the 'soundness' tests as set out in paragraph 182 of the National Planning Policy Framework.

9. Staffing Implications

- 9.1 No issues arising.

10. Business Plan Implications

- 10.1 Delivery of the Special Policy Areas and Policies Map Revision will contribute to the update of the City Plan which is one of the commitments in City for All under 'Heritage' - to take pride in our role as custodian and protect our heritage by managing places and spaces that can be enjoyed now and in the future. It is also a key

measure in the Policy Performance and Communications Business Plan 2015-2017.

11. Consultation

11.1 All required and appropriate consultation has been carried out.

12. Crime and Disorder Act 1998

12.1 This is considered in the Integrated Impact Assessment which forms part of the supporting documentation. No issues arising.

13. Health and Safety Issues

13.1 This is considered in the Integrated Impact Assessment which forms part of the supporting documentation. No issues arising.

14. Human Rights Act 1998

14.1 No issues arising.

15. Conclusions and Reasons for the Proposed Decision

15.1 This report asks the Cabinet Member to recommend the Revision to Full Council on the 27th April 2016 for agreement prior to submission to the Secretary of State. This will ensure that Westminster's Special Policy Areas can continue to thrive and remain globally competitive.

If you have any queries about this report or wish to inspect one of the background papers please contact Collette Willis on 020 7641 2387, fax 020 7641 3050, email cwillis@westminster.gov.uk.

Appendices

1. Special Policy Areas and Policies Map Revision to Westminster's City Plan: Submission Draft
2. Schedule of Changes to Policies Map: Submission Draft Special Policy Areas and Policies Map Revision
3. Consultation Statement: Submission Draft Special Policy Areas and Policies Map Revision
4. Integrated Impact Assessment: Submission Draft Special Policy Areas and Policies Map Revision
5. Habitats regulation assessment screening report

Background Papers

1. Special Policy Areas and Policies Map Revision Publication Draft (Regulation 19) (December 2015)
2. Mayfair and St James's Consultation Booklet (2013)
3. Westminster's Economy Consultation Booklet (2014)
4. Social and Community Uses Consultation Booklet (2014)
5. The West End Consultation Booklet (2015)
6. Formal notification of intention to make a number of revisions to Westminster's City Plan (Regulation 18) (March 2015)
7. National Planning Policy Statement March 2012
8. Localism Act 2011
9. Planning and Compulsory Purchase Act 2004 (as amended)
10. Town & Country Planning Act 1990 (as amended)
11. Town & Country Planning (Local Planning)(England) Regulations 2012

Declaration of Interest

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

Signed: _____ Date: _____

NAME: _____

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
**Special Policy Areas and Policies Map Revision to Westminster's City Plan:
Submission Versions for submission to the Secretary of State and examination
by an independent Inspector**

Signed

Cabinet Member for the Built Environment

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, 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.