

Decision Maker:	Planning & City Development Committee
Date:	28 September 2017
Classification:	For General Release
Title:	Westminster City Plan – Direction of Travel
Wards Affected:	All
City for All Summary	The Westminster City Plan is a key tool in the delivery of the five programmes set out in City for All 2017/18; Civic Leadership, Building Homes and Celebrating Neighbourhoods, Greener City, World Class Westminster and a Smart Council.
Key Decision:	No
Financial Summary:	There are no direct financial implications as a result of the recommendations of this report.
Report of:	Director of Policy, Performance and Communications

1. EXECUTIVE SUMMARY

- 1.1 Government is putting increased emphasis on local planning authorities having up-to-date, single “local plan” documents (which bring together strategic policies and more detailed ones to govern individual planning decisions). They have announced their intention to intervene where an authority has no local plan by early next year.
- 1.2 The basic framework of our strategic policies is that put in place when we adopted our Core Strategy in January 2011 – the text and supporting data are now almost six years old and so predate changes to local, regional and national policies since then. There is, therefore, a pressing need to produce a single local plan combining strategic and more detailed development management policies. For these reasons, the Leader of the Council instructed that a higher priority be

given to expediting the review of the City Plan to reset our planning framework to deliver the wider aspiration of City for All 2017/18 and, in particular, increased affordable housing delivery.

- 1.3 The Planning and City Development Committee is made up of 16 members of the Council (12 Majority party members and 4 Minority party members) and is drawn from the membership of the Planning Applications Committees (Nos 1 to 4). Its Terms of Reference are:

1. To consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member.
2. To have oversight of the practices and procedures of the Planning Applications Sub-Committees (but not to consider individual planning applications) making recommendations where necessary to officers, Planning Applications Sub-Committees and/or the Cabinet for Planning and Public Realm.
3. To consider and recommend a training programme for members of the Planning Applications Sub-Committees.

- 1.4 Under 1 above, this report updates the Committee of progress on the revised City Plan at the post-Regulation 18 Notification /pre-Regulation 19 Notification stage, it informs Members of the broad direction of travel of the new Plan and it seeks Committee's views on the direction of travel of key policy areas.

2. RECOMMENDATION

- 2.1 That the Committee note the broad direction of travel of the Full Revision to the Westminster City Plan and provides views on the following:

(i) Westminster City Plan review - Regulation 18 consultation responses - paragraphs 5.4-5.7

3. REASONS FOR DECISION

- 3.1 The Planning and City Development Committee's remit is to 'consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member'. This report updates the Committee of progress on the revised City Plan, informing Members of the broad direction of travel and seeking Committee's views on that broad direction of travel.

4. BACKGROUND, INCLUDING POLICY CONTEXT

4.1 Westminster's development plan consists of:

- the London Plan (itself going through a review with a draft for public consultation expected late autumn 2017);
- Westminster's City Plan (adopted November 2016); and
- A large number of detailed development management policies from the Westminster Unitary Development Plan which were originally adopted in January 2007 and "saved" by a ministerial direction in 2010.

4.2 Government is putting increased emphasis on local planning authorities having up-to-date, single "local plan" documents (which bring together strategic policies and more detailed ones to govern individual planning decisions). They have announced their intention to intervene where an authority has no local plan by early next year. While Westminster's position is sufficiently different from other boroughs and local planning authorities outside London (i.e. we have the London Plan and reasonably up-to-date and National Planning Policy Framework (NPPF) - compliant strategic policies) the fact that we are relying on 'saved' policies nearly a decade old (and so pre-dating the NPPF) means that it is likely that Inspectors and Ministers will give the saved policies increasingly little weight in taking planning decisions affecting Westminster as time goes on.

4.3 The basic framework of our strategic policies is that put in place when we adopted our Core Strategy in January 2011 – the text and supporting data are now almost six years old and so predate City for All Year 2017/18 and the increased emphasis on housing delivery and changes to local, regional and national policies since then. A further reason for expediting the City Plan review is the increasing importance of neighbourhood planning and ensuring that draft neighbourhood plans are in general conformity with the strategic policies of the local plan. We will be able to be more helpful to neighbourhoods in developing their plans (and commenting on them) if our Plan is clear about the strategic policies we will insist on and if these are clearly up-to-date. Such clarity will provide the basis for a constructive relationship with neighbourhoods as more of them take their own plans forward.

4.4 Through the Cabinet Member portfolio changes, Full Council, the Leader's Breakfast, meetings with the WPA and landowners/developers, conferences and events etc., the Leader of the Council has reinforced this message and that a higher priority will now be given to expediting the review of the City Plan – not just to deliver revised housing policies but to reset our planning framework to deliver the wider aspiration of City for All 2017/18. There is, therefore, a pressing need to produce a single local plan combining strategic and more detailed development management policies

4.5 To do this a City Plan Task Force has been established. This is chaired by the Director of Policy, Performance and Communications and is made up of senior

officers from other Directorates who provide input and challenge. This Committee, alongside the Business, Planning and Transport Policy & Scrutiny Committee, will receive reports and updates at key stages of the statutory timetable. This is the first of those reports.

- 4.6 The process for making a local plan is covered by statutory legislation and there are legal steps we have to comply with for our plan to be found 'sound'. As the City Plan progresses through its statutory stages and depending on the level of stakeholder agreement the draft plan would have very significant weight in decision-making. Our timetable is very tight and does not allow for unforeseen events such as major changes in national/regional policy. We also have limited scope for taking account of emerging London Plan policies (although we have fully engaged with the GLA's consultation on the "A City for All Londoners" document and held Duty to Cooperate meetings with the GLA and TfL, statutory consultees and neighbouring boroughs).
- 4.7 The timetable has allowed for the responses received from the 'Building height – Getting the right kind of growth for Westminster' consultation to be considered in drafting the new growth/tall/higher buildings policies. The 'Building height – Getting the right kind of growth for Westminster' consultation will be reported more fully to the Business, Planning and Transport Policy & Scrutiny Committee on 15th November.

5. THE DIRECTION OF TRAVEL FOR THE CITY PLAN

Interim Statement of our new approach to Housing Delivery: Application of Adopted City Plan Policies

- 5.1 On 13th June 2017 the Leader of the Council and the Cabinet Member for Planning & Public Realm issued a joint interim statement on our new approach to housing delivery through the application of adopted City Plan policies. This re-emphasised that Westminster needs more homes (and affordable housing in particular) and that we had fallen short in delivery over recent years. The interim statement reinforced the need for more affordable housing in Westminster and that we want to provide more homes for those that support the central London economy and for those who want to stay in the city and raise families – contributing to their local neighbourhoods and communities.
- 5.2 It signposted the drafting of a new Westminster City Plan; acknowledging that whilst this will set out a strong ambition to deliver more housing in the city – both market and (in particular) affordable – it will take time. In the interim we will implement a new approach based on existing adopted City Plan policy to deal with applications seeking to deliver housing. This is based on the central presumption that developments should meet the full viable affordable housing requirements set in the City Plan. It set out a direction of travel for a range of policy areas:

Affordable Housing Cascade

- Aim: To see more actual delivery of affordable homes, rather than payments in lieu.
- Adopted Policy: S16
- We will emphasise more strongly the importance of on-site and, where justified, off-site delivery in the application of the priorities for affordable housing delivery.
- We will expect developers to fully evidence their justification for moving each step down the cascade from on-site delivery.
- Payment in lieu will be a last resort; just as the policy says.
- Changes to future policy: we intend to strengthen the policy cascade in Policy S16 to make our priority for actual delivery absolutely clear and to set the standard of evidence required to move through the list of priorities.

Use of Section 106 Funds

- Aim: To be clear that affordable housing will be the strategic priority for the use of section 106 contributions from residential developments and the residential elements of mixed use schemes.
- Adopted Policies: S16, S33
- Offsetting contributions for purposes like public realm improvements or social and community contributions will only be considered acceptable in the most exceptional cases.
- Changes to future policy: We will apply this principle as a matter of practice and will enshrine it in policy and guidance in revising the City Plan.
- Changes to future policy: The Council will be more transparent about how affordable housing funds are used.

Viability Assessments

- Aim: We want to be clear that our starting point is that to be acceptable to the council, developments should make provision for policy-compliant levels of affordable housing provision.
- Adopted Policy: S16
- There will be a presumption that developments will meet the full viable affordable housing requirements. Where a developer questions this and submits viability evidence to justify providing less we will commission our own independent advice and we will expect the delivery of the quantity of affordable housing suggested by the *Council's* consultants as being viable.
- Changes to future policy: The expectations on viability reports will be made clearer in policy S16.

Cost of land

- Aim: We will be more rigorous in applying the principle that, if developers willingly pay too much in acquiring a site, we will not allow a reduction in the policy compliant affordable housing contribution to be reduced.

- Adopted Policy: S16
- All parties concerned should be fully aware of the levels of affordable housing required by Westminster's adopted planning policy when land transactions are negotiated and agreed. Going forward we expect that decisions about the amounts paid will take this into account. Equally, landowners need to reset their expectations about the price they will receive.
- If developers decide to take the risk of bidding for land on the basis of delivering *less* affordable housing than our policy requires and using viability as a way of negotiating the requirement down, they should not be surprised if they are unsuccessful.
- Changes to future policy: The City Plan will make it clear that developers have a duty to think about viability in this context from the start and should price this in when deciding how much to pay for land.
- We recognise that there will be applications in the pipeline based on transactions concluded before this statement and will exercise an appropriate level of flexibility for an interim period of three months from the date of this statement.

Post-permission viability reviews

- Aim: To secure more appropriate levels of affordable housing from schemes where the market changes *after* permission is granted in ways that weren't anticipated and which result in the delivery of more affordable housing becoming viable for that scheme.
- Adopted Policies: S16, London Plan policy 3.12 (B)
- Large and phased schemes will be subject to post-permission viability review mechanisms to see whether changes in the market after permission is granted, before implementation of the scheme, or individual phases within it, have improved the viability of the schemes and if they can support the delivery of more affordable homes.
- We have already made a start, reassessing all the major schemes currently in the planning system to see whether it is possible to agree more affordable housing.
- Changes to future policy: We will extend the principle to later stages in the development process through revision of the City Plan and we will look to adopt the approach to post-permission viability set out in the Mayor's recently published Affordable Housing and Viability SPG.

Affordable Housing Credits

- Aim: To ensure that planning policies for the delivery of affordable housing do not become over complicated.
- Adopted Policy: S16
- Having consulted on introducing an 'affordable housing credits' system we are not convinced that the suggested benefits of delivering more affordable housing, faster would be realised - at least to the extent sufficient to justify the additional complexity involved and the risk that credits become an end in

themselves. We have, therefore, decided not to pursue this policy approach going forward.

- We will not accept residential schemes which have already been permitted to be treated as a “credit” against the affordable housing requirement for future schemes.
- Credits used to satisfy the mixed use policy which we have accepted must result in additional housing above what is already in the pipeline.
- Changes to future policy: Affordable housing delivered by the council or using public subsidy may be a material consideration to meet the affordable housing requirements when future housing proposals are submitted by the same developer.

Unallocated Residential Parking

- Parking – unallocated parking spaces will no longer be required – residential developments which are expected to deliver parking spaces should provide allocated parking spaces for the occupants of that development.

- 5.3 The interim statement referenced the fast-track revision of the Westminster City Plan and that the statutory ‘Regulation 18’ consultation on the new plan will begin shortly. It also made clear that the council was open to new, innovative ideas to deliver more affordable housing and that we would urge landowners, developers and their agents to engage with the council and to put forward ideas to deliver more genuinely affordable housing that we would champion when lobbying the Mayor and Government.

Westminster City Plan review - Regulation 18 consultation

- 5.4 On 16th June 2017 the council issued the statutory ‘Regulation 18’ Notice informing all interested parties that, following the completion of three sets of revisions in 2016 (relating to basements, mixed use and special policy areas/policies map), the council intends to carry out a full review of the entire plan to include those policies currently “saved” from the Unitary Development Plan (2007). The notice also asked for comments on the proposed scope of the review and explained the headline issues the review would be likely to include.
- 5.5. The Regulation 18 consultation noted that the full revision will result in a single local plan providing a strategic planning policy framework for the City of Westminster for the period to 2035. This revision will be known as the ‘Westminster City Plan Full Revision’ and that the city council intends that it will result in a local plan by the third quarter of 2018. The scope of the Westminster City Plan Full Revision will focus on but not be limited to:
- **A renewed vision and strategic objectives.**
 - **Increasing overall housing targets and the delivery of affordable housing** on site, and, where appropriate, off site; in preference to a payment in lieu, through changes to the affordable housing policy cascade; changes to the calculation of payment in lieu; changes to policy relating to ‘super-size’

residential units; reviewing the use of affordable housing credits, introducing policies on affordable rent, tenure mix, amending the split between intermediate and social housing to 60:40, introducing post-permission reviews of viability where larger schemes are not providing policy-consistent levels of affordable housing, and to enable families to remain in Westminster, with the use of s106 prioritised for meeting housing need.

- **A focus on joint work across the public sector to make the most efficient use of land assets ('One Public Estate')**
- **Reconsideration of existing policy designations;** including 'Core and Wider Central Activities Zone (CAZ)' and the 'West End Special Retail Policy Area', and the way these relate to Westminster's and the Mayor's CAZ; the introduction of a new 'West End' designation; potential changes to the North Westminster Economic Development Area; separate policy treatment of the Church Street/Edgware Road and other housing renewal areas; changes to reflect the wider role of St. John's Wood as a centre for leisure and recreation, and consequent changes to other designations.
- **Changes and simplification of policies adopted as part of the Mixed Use revision.** In particular this will involve:
 - the removal of policy S1 3A which introduces a 30% commercial uplift 'allowance' without providing residential floorspace, in the Core CAZ.
 - Changes to policy S1 3B which allows a 30% commercial uplift 'discount' for proposals involving an increase in floor space of 30-50%
 - A change of approach to Mixed Use credits, and a greater emphasis on delivery of housing on site (see above).
 - Amendment of the cascade at Policy S1 3C
 - Changes and simplifications to the supporting text.
- **Changes to business and employment policies** with increased support or employment through policies which focus on the provision of a range of workspace, support for the digital economy and job opportunities for Westminster residents.
- **Changes to policy S20 Offices and other B1 floorspace** policy to encourage a range of types of floorspace, without detriment to the delivery of affordable housing.
- **A review of retail policies to include the addition of an exception to policy S21 Retail** in respect of development which provides for a better mix of uses, or more unique uses and to clarify policy related to A2 uses following the council's Article 4 direction in respect of A1 to A2 uses.
- **Review of policies on the night-time economy and, in particular, the concept and policy wording of the existing 'Stress Areas'** to reflect a more positive approach to the evening and night time economy, a possible relaxation of the policy restrictions on entertainment uses, combined with a stricter requirement to contribute to a reduction in cumulative impact in the currently named stress areas.
- **Clarification on the policy position on tall and higher buildings,** guided by the outcomes of the 'Building Height – Getting the Right Kind of Growth

for Westminster' consultation and to include a review of local views in policy S26.

- **A review of the uses protected by the St. James's Special Policy Area**, in particular private members' clubs.
- **A review of all 'design' policies, including potential for minor amendments and simplification to the basements policy.**
- **An update of policy S29 Health, Safety and Well-being,**
- **A review of policy S34 Social and Community infrastructure**, in particular the necessity for continued protection of these uses on large development sites.
- **A review of all transport policies including removal of references in policy S41 'Pedestrian Movement and Sustainable Transport'** to reducing the reliance on private motor vehicles and single person motor vehicle trips, and introduction of wording to ensure development does not impede traffic flow and vehicle movement.
- **Specifying which principles and parts of the plan should be taken into account in the preparation of neighbourhood plans.**

5.6 The Full Revision also includes those areas previously the subject of a series of informal consultation booklets, published between October 2013 and March 2015 (and not already covered by the three revisions made in 2016). As such the Full Revision also includes policies relating to the following areas:

- Town centres and retail, including street markets
- Commercial and West End.
- Environmental policies (e.g. energy and waste)

The Full Revision will also:

- Provide greater detail to those policies in the City Plan, ensure that development accords with the objectives set out in the City Plan and is consistent with national policies and those emerging from preparation of the London Plan and other Mayoral strategies.
- Revise the adopted Westminster's City Plan (November 2016) and Policies Map as appropriate
- Ensure policies are presented in a way that is clear, concise, and user-friendly.

Westminster City Plan review - Regulation 18 consultation responses

5.7 Regulation 18 consultation closed on 28th July 2017. In total 45 responses were received from a range of stakeholders. Although formally this consultation is on the scope of the revision rather than on the proposed policies themselves, many of the respondents did express views on these and the comments made are being taken into account in drafting the new City Plan policies. A summary of the responses received by key topic area are set out below:

Housing

- There was a large amount of cross-sector support for the proposal to review the housing policies to increase housing and affordable housing delivery across the city, particularly to meet the demand for intermediate housing for those on middle to lower incomes.
- Generally, the proposal to 'flip' the proportion of social and intermediate housing from 60% social and 40% intermediate was supported. The Minority Party have expressed their objection to the proposal.
- There was support for densification around commuter hubs and encouragement for build to rent in line with recent proposals from Government. However, densification in general was raised as a concern in relation to the impact this will have on social and community facilities.
- Concerns were raised about the introduction of post-permission viability reviews. Developers commented that reviews which take place prior to completion will create uncertainty, affect viability and deliverability of schemes- they advise that reviews should only take place prior to implementation, and should not be used to increase affordable housing contributions above the policy compliant level regardless of the amount of profit the scheme generates. Developers also requested that post-permission viability reviews only apply to large multi-phased schemes.
- Some respondents want the City Plan policy requiring 33% of new homes as family sized housing to be reviewed as this does not best address housing need.
- Some respondents are concerned about the balance between residential and commercial uses in the CAZ – there was a suggestion that the focus should be for housing delivery outside of CAZ, particularly affordable housing for viability reasons.

Mixed use

- A number of responses to the proposed direction of travel of the mixed use policy were received from the property and development sector. In particular, the Westminster Property Association (WPA) does not welcome the proposed change but in their response to the Regulation 18 consultation they suggested a potential way forward for the council to consider.
- In essence this was to pose the question whether going forward the mixed use office policy should focus on securing affordable housing from commercial development as a priority, given the pressing need for this. Discussions are being held with the WPA about how this principle might be taken forward in the new policies.

The CAZ, West End and other policy designations/boundaries

- A number of responses to the proposed changes to the CAZ boundaries were received. Some consultees linked this to an objective to 'promote the night time economy' and were not supportive. A number of consultees expressed concern in regards to potential change in more local policy designations. For example, that 'inappropriate development', including tall offices, could be brought about by the arrival of Crossrail 2 in areas such as Belgravia and Victoria.
- Landowners, developers and agents were generally more supportive of a review of the CAZ, West End and Opportunity Area boundaries. A more appropriate boundary for the West End, which should be extended beyond the current West End Special Retail Policy Area and take a broader policy approach dealing with the range of uses in the area over and above retail, was supported by the BIDS and estates.
- Many felt that the CAZ should remain the primary land use designation and commercial land uses should continue to be the priority within the CAZ. Consultees would be keen to see a new West End designation embed some of the employment and commercial space targets agreed by the West End Partnership (WEP).
- The Core CAZ (or however defined) should continue to promote an improved public realm and focus on pedestrians. The alignment of Westminster's CAZ area boundary with the Mayor's CAZ boundary was welcome.

Design, Heritage and Tall Buildings

- A number of respondents referred to their previous responses to the 'Building Height – Getting the Right Kind of Growth for Westminster' consultation. In general, developers, landowners and property advisors welcomed the direction of travel set out in the consultation document, and acknowledged that if we are to retain our economic competitiveness it is necessary to build additional height and density at appropriate locations to deliver additional floorspace and jobs.
- They made the point that the very limited land in Westminster needs to be used more efficiently to accommodate additional growth: density and intensity of development should be increased. Extra height is one important element of this; throughout the history of the City, buildings have become higher. Design policies need to make this clear and tall buildings, therefore, should be considered where there are growth opportunities and where the context is appropriate.
- Further consideration of tall building policies would be welcomed, a balance needs to be struck between conservation and the benefits of new development for the future but this should allow the City to continue to evolve

as it always has, without detriment to the overall character of the City. The Opportunity Areas also have significant potential to accommodate additional economic growth as well as larger and taller buildings. The revision of the Plan should provide clear support for intensification and densification, including some additional height, through appropriate changes to design policies to enable growth, especially within the CAZ and Opportunity Areas.

- On the other hand, heritage groups, residents, some neighbourhood forums and amenity societies felt that the extant UDP and Westminster City Plan policies provide a strong foundation for this review and have served the borough well. In view of the exceptional historic environment of Westminster it will be important to include heritage in the renewed vision and strategic objectives; it should also be key when determining where and how growth should be accommodated, both to sustain this inheritance and inspire new development.

The evening and night-time economy (inc. the 'Stress Areas')

- Some consultees pointed out how operational requirements on businesses can be restrictive and a coordinated approach to planning, licensing and street management was recommended. A number of consultees felt the plan review should distinguish between evening uses, such as restaurants and theatres, and late night uses such as clubs and music venues, as different evening uses have very different impacts.
- More than one consultee would welcome a review around the concept and policy wording of the existing 'Stress Areas'. Local residents disagreed with any relaxation of policy restrictions on entertainment uses and called for stricter requirements on activities so they contributed to reducing the cumulative impact on the current stress areas.
- Many consultees wanted a greater diversity of activities in the evening and night-time economy, such as later opening for restaurants, cultural institutions, theatres and shops. A more diverse culture and night time economy offer has the potential to lead to a more inclusive and responsible street culture at night, with a wider range of groups attracted to the evening and night time economy.
- On the other hand, many respondents stressed the need of finding the right balance between the vitality of town centres and the amenity of neighbouring residents. This concern was shared by local neighbourhood associations and neighbouring local authorities. Many felt that developments outside the existing commercial areas should be resisted to protect residential amenity.

Social and Community Uses

- Several consultees supported a review of the social and community uses policy – with some supporting reduced protection for private social and community uses but continuing to retain protection for public facilities.
- Developers and some landowners expressed issues with the existing social and community policy with regard to disposal of assets. Particular issues raised included the requirement of an assessment of demand from other social and community providers which is seen to be too onerous a requirement and costs land owners when having to market a site for 12-18 months.
- Alternative approaches suggested include having a Westminster, London or UK-wide approach to the provision of social and community facilities to encourage the most efficient use of public assets in line with the One Public Estate ethos.
- Other concerns raised were the pressures created on existing social and community facilities by the development of high numbers of new housing, that protection remain for theatres in the West End and that the provision of new public toilets should be considered by a policy in the plan.

Transport

- A number of responses were received referring to the review of transport policies as described in the Regulation 18 consultation letter and, in particular, the reference to “introduce wording to ensure development does not impede traffic flow and vehicle movement”.
- There was support for giving greater weight in the revised City Plan for delivery and servicing plans (DSPs) as well planned DSPs can have positive impacts on the public realm and air quality.
- There was much support for reviewing the requirement for off-street residential car parking in new residential developments, especially given the significant challenge of accommodating off-street parking on small residential developments.
- Wandsworth Council requested that their proposed new pedestrian and cycle bridge across the River Thames between Vauxhall Bridge and Grosvenor Bridge be recognised in the emerging Local Plan.

Health and Wellbeing, Open Space

- There was some support for the existing health and wellbeing policy but more support for a review of the policy. In particular, to encouraging healthy lifestyles and choices such as incorporating active design guidelines and

requiring the protection and provision of food growing space in new developments.

- Air quality was raised in relation to the health and wellbeing policies – with suggestions that clean air and green space be a ‘golden thread’ running throughout all policies along with more encouragement of walking and cycling to reduce the use of the private car.
- There was support for a policy which protects open space and requires the provision of new open spaces as part of redevelopments.

Next Steps

5.8 Officers are finalising responses to the comments received at Regulation 18. A current draft of the policies is with Counsel for review. Counsel has been asked to look at the policies generally and to advise on any suggested changes to ensure they are lawful and likely to meet the test of soundness in paragraph 182 of the NPPF.

5.9 Following consideration by Counsel, further iteration of policy and consideration by this Committee and the Cabinet Member(s) as appropriate, the introductory and supporting text to the City Plan will be developed and finalised and a fully revised Plan issued for a six week statutory consultation under Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012.

6. FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications as a result of the recommendations in this report. Costs associated with the review of the City Plan will be met from existing budgets.

7. LEGAL IMPLICATIONS

7.1 The proposed stages of plan development 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. Individual Regulations are referenced where relevant throughout this report, in particular Regulations 18 and 19.

7.2 **Regulation 18** stipulates that the local planning authority must:

- notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and
- invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.

7.3 The bodies or persons referred to in 7.2 above are:

- such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
- such of the general consultation bodies as the local planning authority consider appropriate; and
- such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.

7.4 In preparing the local plan, the local planning authority must take into account any representation made to them in response to the above invitations.

7.5. **Regulation 19** stipulates that before submitting a local plan to the Secretary of State under section 20 of the Planning and Compulsory Purchase Act 2004, the local planning authority must:

- make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and
- ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).

8. CONSULTATION

8.1 In line with the Statement of Community Involvement in Planning, the council has undertaken the consultation on the scope of the revision to the City Plan in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012. Duty to Co-operate meetings have been held with the statutory consultees, including the GLA and TfL, neighbouring boroughs and individual neighbourhood forums, as appropriate. The Westminster Amenity Society Forum (WASF) has been briefed on the scope and direction of the City Plan review.

8.2 Regular meetings have been held with the WPA. The Leader, Cabinet Member for Planning & Public Realm, the Chairman of the Planning and City Development Committee and senior officers have all spoken or presented at conferences, seminars, events and briefings on the City Plan review and the increased priority given to affordable housing delivery.

8.3 Consultation responses received from the 'Building height – Getting the right kind of growth for Westminster' consultation have been considered in drafting the new growth/tall/higher buildings policies. The 'Building height – Getting the right kind of growth for Westminster' consultation will be reported more fully to the

Business, Planning and Transport Policy & Scrutiny Committee on 15th November.

9 BUSINESS PLAN IMPLICATIONS

- 9.1 Updating the Westminster City Plan is a priority commitment in the Policy, Performance & Communications Directorate Business Plan (2015-17) and the Policy, Performance & Communications Strategy and Communications Plan 2017/18.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Andrew Barry-Purssell, Place & Investment Policy Manager, Policy & Strategy, Policy, Performance and Communications, 020 7641 5662 abarrypurssell@westminster.gov.uk

BACKGROUND PAPERS

1. Regulation 18 notice
(https://www.westminster.gov.uk/sites/www.westminster.gov.uk/files/regulation_18_notification_letter_and_notice_v2.pdf)
2. Responses to regulation 18 consultation