

Draft Knightsbridge Neighbourhood Plan

Regulation 18 (2) Decision Statement

1. Summary

- 1.1 Following an independent examination of the plan, Westminster City Council recommends that the Knightsbridge Neighbourhood Plan is modified as set out in Table 1 of this statement, and then proceeds to referendum.
- 1.2. The Council agree with the Examiner's recommendation that the referendum area for the Knightsbridge Neighbourhood Plan (as modified) should be the approved Neighbourhood Area as set out in Figure 1 of the Plan – also included as Figure 1 of this Decision Statement for convenience.
- 1.3 The Decision Statement, Examiner's Report, and other background documents can be viewed on the Council's website at <https://www.westminster.gov.uk/NP-knightsbridge>. Copies of the Decision Statement are also available for inspection at the following location during normal opening hours:
 - Mayfair Library, 25 South Audley Street, London, W1K 2PB
 - Victoria Library, 160 Buckingham Palace Road, London, SW1W 9UD
 - Westminster City Council, 5 The Strand, London, WC2N 5HR
 - Westminster City Council, Portland House, Brassenden Place, London, SW1E 5RS
- 1.4 If approved at referendum, the Knightsbridge Neighbourhood Plan will form part of the statutory development plan and will be used alongside the Westminster City Plan, saved policies from the Westminster UDP, and the London Plan, when determining planning applications within Knightsbridge Neighbourhood Area.

2. Background

- 2.1 Knightsbridge Neighbourhood Area (as shown in Figure 1 of this statement) was designated by the Council on 27th March 2014 in accordance with Section 61G of the Town and Country Planning Act 1990. On 21st July 2015 Knightsbridge Neighbourhood Forum were designated as the neighbourhood forum for the area, and subsequently began preparing a Draft Neighbourhood Plan.
- 2.2 The Knightsbridge Neighbourhood Forum published a draft plan for Regulation 14 pre-submission consultation in December 2016. It was subsequently revised in light of comments received, before submission to the Council in November 2017. Regulation 16 consultation on the plan was then carried out from December 2017 to February 2018.
- 2.3 In February 2018, the Council, in consultation with Knightsbridge Neighbourhood Forum, appointed Ms Jill Kingaby BSc (Econ) MSc MRTPI as independent examiner of the plan. The purpose of the examination of the plan was to determine if it met the basic conditions required by legislation, other legal requirements, and should proceed to referendum.

2.4 The Examiner considered that a public hearing into the plan was not required and the examination was conducted through written representations. The Examiner's report concludes that, subject to making the modifications recommended in her report, the plan meets the basic conditions set out in legislation, and should proceed to a local referendum. It also recommended that the area for the referendum should be the Neighbourhood Plan Area.

3. Decision

3.1 The Neighbourhood Planning (General) Regulations 2012 requires that the local planning authority outline how it intends to respond to the Examiner's recommendations.

3.2 Having considered each of the recommendations made in the Examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft plan set out in Table 1 of this Decision Statement. These changes are considered to be necessary to ensure that the draft plan meets the basic conditions and legal requirements.

3.3 The submitted plan was accompanied by a Sustainability Report which incorporated an assessment of equalities, a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications set out in Table 1 are considered to necessitate revisiting any of these assessments.

3.4 Westminster City Council agrees:

A) That the recommendations of the Examiner and the subsequent amendments proposed as set out in Table 1, the Examiner's Report, and document ED10: Knightsbridge Neighbourhood Plan 2017-2037, be accepted.

B) That the Examiner's recommendation that the Knightsbridge Neighbourhood Plan, as modified, proceed to referendum on the basis that the plan meets the basic conditions, is compatible with the European Convention on Human Rights, complies with the statutory definition of a neighbourhood development plan, and comprises provisions that can be made by such a document.

C) That, in accordance with the Examiner's recommendation, the referendum area be the Neighbourhood Area as designated by the Council on 27th March 2014.

Signed

Cllr Richard Beddoe, Cabinet Member for Place Shaping and Planning

Date

Table 1: Examiner’s recommendations and Westminster City Council response

Examiner modification number (EM)	Page no./ other reference	Modification	Council response and reason for change
PM1	Page 32 paragraph 3.1	Objective 3.0 – Protect and enhanceGardens MOL including and enable development of the Hyde Park Barracks Land as a strategic housing site.	Agree to modification. Necessary for general conformity with adopted City Plan policy – which identifies the site as a strategic site capable of being developed for housing should the current defence use of all or part of the site cease.
PM2	Page 48 paragraph 4.29	Second sentence: In addition to Westminster City Council’s standards and procedure regarding construction activity and community engagement, in particular as set out in the Council’s Code of Construction Practice, July 2016 , outside of the neighbourhood plan	Agree to modification. Necessary for general conformity with adopted City Plan policy, and to contribute towards sustainable development by ensuring impacts of construction activity on residential neighbourhoods are managed and mitigated.
PM3	Page 56	Policy KBR28: Enabling Active Travel D. Where practicable and viable, Development will be resisted where it would: proposals for development should be designed so as not to:	Agree to modification. Necessary having regard to national policy – i.e. that opportunities to promote walking and cycling through scheme design take account of viability and practicality issues, rather than using policy as a means to refuse schemes that deliver other benefits.
PM4	Pages 65 to 68	Policy KBR35: Healthy Air C. All development should be less polluting than existing development that it will replace must aim	Agree to modification. Necessary for general conformity with adopted London Plan policy, and to ensure policies are viable and deliverable as set out in the NPPF.

		<p>to be at least ‘air quality neutral’ and not cause or contribute to worsening air quality.</p> <p>On major development</p> <p>10.8 Delete the second half of this paragraph: “A legal opinion by ... is considered ‘significant’ ”.</p>	
PM5	Page 72	<p>Policy KBR39: Trees</p> <p>The tree population... urban forests and. It should be regenerated with healthy and diverse species with a balanced age structure that respects existing character and heritage to maximise its landscape and amenity benefits</p>	<p>Agree to modification. Ensuring any re-planting of trees respects local character and heritage (rather than existing character and heritage which could change over time) will ensure conformity with national policy and contribute towards sustainable development.</p>
PM6	Pages 75 to 77	<p>Policy KBR41: Healthy People</p> <p>C. Proposals should be designed Developers are encouraged to ensure that communal internal or external lighting, where</p> <p>10.30 It is particularly important in the Neighbourhood Stress Area areas referenced in (Policy KBR15): Mitigating the impact of commercial development.</p>	<p>Agree to modifications. Softening requirements for communal lighting necessary to conform with national policy on considering viability impacts, and removal of neighbourhood stress areas necessary for internal consistency within the document.</p>
PM7	Pages 79 to 81	<p>Policies Map and Inset Maps</p>	<p>Modifications supported. Updates to mapping material necessary for internal consistency within the</p>

		<p>Remove View north along Montpelier Street from maps and their keys.</p> <p>Last sentence of the third paragraph should be modified to read: The Plan was then subject to a further public consultation; and a planning examination; and before a referendum of residents</p>	<p>document. Rephrasing necessary for factual correctness.</p>
<p>All other tracked changes set out in doc ED10 not superseded by the above or commentary in the Examiners Report</p>	<p>See Appendix 2 to Examiner Report: ED10 – Knightsbridge Neighbourhood Plan 2017 - 2037</p>		<p>Modifications agreed. Necessary to overcome concerns raised by at regulation 16 that the submitted plan was highly prescriptive and would impose onerous requirements on Council planners and developers; overly focussed on process; went beyond the scope of neighbourhood land use planning; and did not support sustainable growth.</p> <p>NB the majority of these modifications set out in document ED10 were agreed with Knightsbridge Neighbourhood Forum through a Statement of Common Ground produced during the examination – see documents ED09 and ED10 at https://www.westminster.gov.uk/NP-knightsbridge</p>

Figure 1: Knightsbridge Neighbourhood Area

