



Decision Maker:	Cabinet
Date:	21 st October 2019
Classification:	General Release
Title:	Westminster City Plan - Regulation 19 consultation and next steps
Wards Affected:	All
City for All:	The City Plan provides the 20 year spatial strategy for delivering the council's City for All priorities.
Key Decision:	Yes
Financial Summary:	The resourcing of the submission of the draft City Plan to the Secretary of State and funding of the examinations will be met from existing budgets.
Report of:	Executive Director Policy, Performance and Communication. Executive Director, Growth, Planning & Housing

1. Executive Summary

This report asks Cabinet to consider the responses to the Regulation 19 consultation on the draft City Plan policies and to note the policies where minor modifications will be made to improve the clarity, understanding and application of these policies. The full schedule of minor modifications will then be published alongside the draft City Plan and other supporting documents required for Regulation 22 submission prior to Full Council on 13 November.

2. Recommendations

That Cabinet resolves:

- i. to consider the public responses to the Regulation 19 consultation on the draft City Plan policies (shown in the Appendix 1).
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- ii. to note the schedule of policies where minor modifications will be made in response to the consultation feedback (shown in Appendix 2);
- iii. to delegate to the Cabinet Member for Place Shaping and Planning responsibility for the preparation of the draft City Plan and the supporting documents required for Regulation 22 submission to the Secretary of State. This will include publication of the schedule of minor modifications as well as addressing in full the other responses to the Regulation 19 consultation (including the legal compliance of the draft Plan and the duty to co-operate in producing the draft plan).

3. Reasons for Decision

- 3.1 The council's corporate strategy, City for All, sets an ambition for Westminster to be a place where people are born into a supportive and safe environment, grow and learn throughout their lives, build fantastic careers in world-leading industries, have access to high quality, affordable homes and retire into the community with dignity and pride.
- 3.2 The City Plan is the spatial interpretation of this strategy, providing a framework for all future development in the city. To provide a robust and up to date policy framework for the taking of planning decisions across the city, the council has undertaken a full 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 the adopted City Plan (Regulation 18) was carried out from 16th June 2017 to 28th July 2017. A draft informal City Plan was then consulted on between 12th November and 21st December 2018.
 - 4.2 In accordance with Regulation 19, formal consultation on the Publication Draft of the Plan was subsequently carried out between 19th June and 31st July 2019. This formal consultation stage was accompanied by a Consultation Statement, Duty to Co-operate Statement, an Integrated Impact Assessment (including the Sustainability Appraisal and Strategic Environmental Assessment) and supporting evidence and topic papers.
 - 4.3 The Regulation 19 consultation asked for feedback on whether the draft City Plan was sound. Paragraph 35 of the National Planning Policy Framework 2019 sets out the four tests for soundness:
 - “Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
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Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.”

- 4.4 Consultation responses received have been considered in terms of the extent to which they raise issues of soundness.
- 4.5 The Council does not consider that any of the objections or comments suggest the Publication Draft City Plan is not ‘sound’

Regulation 19 consultation responses

160 consultees submitted responses on the Publication Draft City Plan from a wide range of organisations – as shown in Table 1 below.

Consultee Type	Number of responses
Members and political parties	1
Healthcare institutions and providers	2
Other public sector institutions and bodies	3
Neighbouring boroughs	4
Cultural and Education institutions	6
BIDs	8
Charities, campaign groups and other clubs/associations	9
Consultancy firms and professional networks	9
Statutory consultees	12
Business and trade associations	22
Neighbourhood Forums, Amenity Societies and Residents' Associations	22
Individuals	23
Developers, landowners and real estate companies	39

- 4.6 A number of stakeholders said they consider the plan to be sound and 12 policies¹ attracted no direct soundness comments at all. 64 consultees raised issues which they considered to be related to the soundness of the Plan, however none of these are considered by the council to give rise to concerns about the ‘soundness’ of the revision.
- 4.7 Where soundness issues were raised by statutory consultees the council has engaged closely with these bodies to draw up Statements of Common Ground setting out our respective positions and, where appropriate, we have agreed

to proposing minor modifications to the Plan to resolve the objections. These will be published in full in the upcoming Cabinet Member Report.

- 4.8 The majority of comments on the Plan did not relate to soundness, however many comments pointed out where we can improve the clarity, understanding and application of our policies. These will be addressed through a series of minor modifications to the plan. A schedule of the policies where minor modifications will be made is set out in Appendix 2.
- 4.9 Four consultation responses were submitted on the Integrated Impact Assessment which was subject to consultation at the same time as the City Plan.
- 4.10 Responses were also received regarding the legal compliance of the draft Plan and the duty to co-operate in producing the draft plan. These will be addressed in full in the upcoming Cabinet Member Report.

Regulation 22 Submission to the Secretary of State of the draft City Plan

- 4.11 The pre-submission modifications will not change the meaning or approach of the Plan and the policies it contains are appropriate to be considered as part of the examination process. They are not considered to be sufficiently major to require a further stage of consultation and nor does their inclusion affect the 'soundness' or otherwise of the revisions i.e. the minor modifications are not necessary to make the revisions sound, albeit that they improve the revision.
- 4.12 Therefore, it is proposed that the Cabinet Member for Planning & Place-shaping publishes a Cabinet Member decision report to seek approval from Full Council on 13 November for the submission of the draft City Plan and its 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.

5. Financial Implications

- 5.1 There are limited financial implications with the continued progression of the revision to the City Plan. The costs associated with the examination are to be met from existing budgets.

6. Legal Implications

- 6.1 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.
 - 6.2 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 draft City Plan appended to this report meets the 'soundness'
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tests as set out in paragraph 35 of the National Planning Policy Framework.

- 6.3 Following completion of the Regulation 19 consultation, the revised draft of the City Plan was considered by counsel who advised, amongst other things, as to the compliance of the draft with the NPPF soundness test as set out in paragraph 4 above.

7. Business Plan Implications

- 7.1 Delivery of a new City Plan is a key measure in the Policy Performance and Communications Business Plan 2018-2019. It is also a specific City for All commitment. It will also contribute towards other City for All commitments:

- delivery of affordable housing through the new policy approach, support for the creation of more jobs (*City for Opportunity*);
- improvements to air quality and the development of healthy places through policies to mitigate and limit air pollution and to develop greener, healthier places (*Healthier and Greener City*);
- development of proposals for the Oxford Street District through a renewed approach to retail in the West End (*City that Celebrates its Communities*).

8. Impact on the environment

- 8.1 A formal Integrated Impact Assessment (IIA) was published alongside the Publication Draft City Plan. The IIA assesses in detail the impact on the environment and sustainability. The IIA shows that overall the draft policies will be beneficial for environmental quality in Westminster.

9. Health, wellbeing impact assessment, including health and safety implications

- 9.1 The health and well-being assessment was undertaken as part of the Integrated Impact Assessment (see section 8 of this report). The IIA also includes a crime safety assessment. The IIA shows that overall the draft policies will be beneficial for health and wellbeing in Westminster.

10. Equalities implications

- 10.1 Under the Equalities Act 2010 the 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
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- foster good relations between persons who share a relevant protected characteristic and those who do not share it.

10.2 The 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 The equalities implications of the policies in the draft City Plan have been assessed as part of the Integrated Impact Assessment. This shows that none of the proposed policies are expected to have a negative impact on any of the groups with protected characteristics under the 2010 Act and the Public Sector Equalities Duty has been met. Completion of the IIA is an iterative process, so the document will be kept updated as the plan proceeds through examination, ensuring that any equalities issues that arise as modifications are made to the Plan will be identified and can be considered.

11. Consultation

11.1 All required and appropriate consultation in accordance with the Town and Country (Local Planning)(England) Regulations 2012 has been carried out and in accordance with the Council's Statement of Community Involvement (June 2014). Consultation with the following groups was undertaken on the proposed submission documents for a period of six weeks from 17th June 2019:

- All Members
- Statutory consultees, including those subject to the statutory duty to cooperate (Section 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012) and the ‘specific consultation bodies’ as defined in regulation 2 of those Regulations.
- The Mayor of London and the GLA family.
- Neighbouring boroughs.
- The “general consultation bodies” defined in regulation 2 of the 2012 Regulations – voluntary bodies and those representing different racial, ethnic or national groups; those representing different religious groups; disabled people; and the interests of those carrying out business in Westminster. This will be done through the Planning Policy database. The database currently comprises about 1,700 consultees including members of the public, businesses and residents’ groups.
- Internal consultees within the city council, including the Executive Leadership Team and senior managers.

11.2 In addition to this, all submission documents and supporting documents will be accessible to all on the Council’s Planning Policy webpage - <https://www.westminster.gov.uk/revision-westminsters-city-plan> and on a dedicated consultation site <https://www.westminster.gov.uk/cityplan2040> as the Plan proceeds through examination.

**If you have any queries about this report or wish to inspect one of the background papers please contact: Kimberley Hopkins
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Appendices

1. Summary of Regulation 19 responses to the draft City Plan policies.
2. Schedule of policies where minor modification will be made (N.B. The full schedule of minor modifications will be published alongside the draft City Plan and other supporting documents required for Regulation 22 submission prior to Full Council on 13 November).

Background Papers

1. Formal notification of intention to make a number of revisions to Westminster's City Plan (Regulation 18) (June 2017)
2. Localism Act 2011
3. Planning and Compulsory Purchase Act 2004 (as amended)
4. Town & Country Planning Act 1990 (as amended)
5. Town & Country Planning (Local Planning)(England) Regulations 2012

¹ Housing renewal areas, innovative housing, education and skills, digital infrastructure, Harley Street and Savile Row SPAs, sustainable transport, public transport, heritage, building height in the housing renewal areas and security measures