



City of Westminster Cabinet Member Report

Decision Maker:	Cabinet Member for Business, Licensing and Planning
Date:	12 July 2021
Classification:	General Release
Title:	Queen's Park Neighbourhood Plan Decision Statement
Wards Affected:	Queen's Park
City for All:	Making the Examiner's recommended modifications to the Queen's Park Neighbourhood Plan and proceeding to local referendum will support vibrant communities by providing planning policies that respond to local issues. Up-to-date planning policies will also support the other pillars of City for All.
Key Decision:	No
Financial Summary:	The costs of amending the Draft Queen's Park Neighbourhood Plan and administering a local referendum will be met within existing budgets.
Report of:	Executive Director of Innovation and Change

1.0 EXECUTIVE SUMMARY

- 1.1 This report seeks approval to make amendments to the draft Queen's Park Neighbourhood Plan in accordance with an independent examiner's recommendations, proceed to local referendum on whether the plan should be 'made' and, in the event of the result of the referendum being successful, to formally 'make' the plan. If 'made', the plan will form part of the council's Statutory Development Plan and be used alongside adopted policies in the London Plan and the City Plan to determine planning applications in Queen's Park.
- 1.2 Under neighbourhood planning regulations, councils are required to publish a 'decision statement', setting out what actions they propose to take in response

to an examiner's recommendations. A draft decision statement is provided as Appendix 1 of this report.

2.0 RECOMMENDATIONS

2.1 That the Cabinet Member agrees:

A) That the recommendations of the examiner as set out in the council's decision statement (see Appendix 1) be accepted.

B) That the examiner's recommendation that the Queen's Park Neighbourhood Plan, as modified in Appendix 2, proceed to referendum be accepted.

C) That in accordance with the examiner's recommendation, the referendum area be restricted the neighbourhood area designated by the council on 10th January 2014 as the Queen's Park Neighbourhood Area.

D) That if the result of the referendum is in support of the approval of the plan, the council proceeds to formally make the plan.

3.0 REASONS FOR DECISION

3.1 The examiner's recommendations will ensure the Queen's Park Neighbourhood Plan is clear and effective as a framework for making decisions on planning applications in the Queen's Park Neighbourhood Area. They address the concerns raised by the council and other stakeholders, and ensure the plan meets the basic conditions prescribed by legislation.

3.2 Before a neighbourhood plan can be made, it is a statutory requirement that it is first subject to a referendum (and two for areas that are designated as business neighbourhood areas). Before this happens, the council must publish a decision statement setting out the actions it proposes to take in response to the examiner's report.

4.0 BACKGROUND, INCLUDING POLICY CONTEXT

4.1 Neighbourhood plans are statutory planning documents which can establish general planning policies for the development and use of land in a neighbourhood. They must be prepared by a parish council or a designated neighbourhood forum made up of members of the local community. Once prepared, they are subject to public consultation, independent examination, and referendum(s).

4.2 Queen's Park neighbourhood area was designated by the council on 10th January 2014 in accordance with Section 61G of the Town and Country

Planning Act 1990. Queen's Park Community Council (QPCC) were first elected in 2014 and subsequently began preparing a draft neighbourhood plan.

4.3 QPCC published a draft plan for regulation 14 pre-submission consultation in October 2017. It was subsequently revised in light of comments received, before submission to the council in November 2020. Regulation 16 consultation on the plan was then carried out from November 2020 to January 2021.

4.4 In February 2021, the council, in consultation with QPCC, appointed Ms Jill Kingaby BSc (Econ) MSc MRTPI as independent examiner of the plan. The purpose of the examination was to determine if the neighbourhood plan met the basic conditions required by legislation, other legal requirements, and should proceed to referendum. The basic conditions, as set out in the Town and Country Planning Act 1990 (as amended) are that the plan:

- has appropriate regard to national policy;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies in the development plan for the area;
- is compatible with EU regulations;
- meets human rights requirements.

4.5 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 local referendum. It also recommended that the area for the referendum should be limited to the neighbourhood plan area.

Modifications

4.6 The modifications recommended by the examiner respond to issues raised through formal consultation on the draft plan by respondents, including the council.

4.7 Through the examination process, the examiner encouraged QPCC and the council to seek to overcome areas of disagreement as far as possible through a statement of common ground (SoCG).

4.8 The council considered the aims of the proposed plan policies to be mostly aligned with upper-tier emerging plans but collaborative dialogue between WCC and QPCC on preparing a SoCG helped address a limited number of identified conformity issues and to improve clarity and effectiveness of the plan. The examiner recommended all the changes proposed in the SoCG be made to the plan.

4.9 One outstanding issue with regards to the effectiveness of Policy 3 'Residential Gardens' was also highlighted in the SoCG and put forward for the examiner to

decide on. On such matter, the examiner's recommendation, as set out in her report, was to retain Policy 3 with some modified wording to assist case officers in the council ensure Policy 3 contributes to the achievement of sustainable development.

- 4.10 Finally, the examiner also recommended a small number of additional minor modifications to the plan beyond those already agreed between the QPCC and the council, which were aimed at addressing comments from other consultees more comprehensively. Officers support the examiner's recommended further changes which help improve clarity and policy effectiveness.

Conclusion

- 4.12 Officers are satisfied that the examiner's recommendations would enhance the plan, improve its effectiveness in making planning decisions, and ensure the basic conditions are met. Ward Members have been briefed and have made no objections to the council following the examiner's recommendations.
- 4.13 The submitted plan was accompanied by a Strategic Environmental Assessment Screening Report and a Habitats Regulations Assessment Screening Report. None of the examiner's recommended modifications are considered to necessitate revisiting any of these assessments.
- 4.14 The examiner's recommendations on the plan are not binding on the council, who may choose to make a decision which differs from the examiner. However, any significant changes from the examiner's recommendations would require a further period of public consultation, and as set out above and in table 1 of Appendix 1, all examiner recommendations are supported by officers.

5.0 CONSULTATION

- 5.1 Consultation on the draft plan has been undertaken in accordance with statutory requirements. The submitted plan was accompanied by a consultation statement, prepared by QPCC, detailing how the drafting of the plan was informed by public consultation.
- 5.2 The council carried out formal Regulation 16 consultation on the plan from November 2020 to January 2021 in line with statutory requirements. This included publicising the plan on the council's website and writing to all relevant stakeholders on the council's planning policy database. Due to the coronavirus pandemic, physical copies of the plan were not made available at libraries or at council offices in this instance.
- 5.3 Now that the examiner's report has been received, it is a requirement of the neighbourhood planning regulations that the council publish a Decision Statement setting out the actions it proposes to take in response to the

examiner's recommendations. A draft Decision Statement is provided in Appendix 1. If approved, this will be published on the council's website.

6.0 FINANCIAL IMPLICATIONS

6.1 Neighbourhood planning legislation imposes a number of costs on local authorities – including staff time to support forums, the cost of carrying out consultation on draft plans, and the costs of appointing an independent examiner and administering a local referendum.

6.2 All costs are met from existing budgets, and where applicable, offset by grant funding available from the Ministry of Housing, Communities and Local Government (MHCLG) to support the roll out of neighbourhood plans. Once a date has been set for the referendum, the council is eligible to apply for a grant from MHCLG of £20,000. It is anticipated that this will cover the costs of Electoral Services arranging the referendum.

7.0 LEGAL IMPLICATIONS

7.1 The designation of Neighbourhood Forums, Areas, and the making of Neighbourhood Plans, are governed by the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

7.2 It is a requirement of Regulation 18 of the Neighbourhood Planning Regulations 2012 (as amended) that local authorities publish a decision statement setting out how they intend to respond to an examiner's recommendations. A draft decision statement is included as Appendix 1 to this report.

7.3 If supported at referendum, the Queen's Park Neighbourhood Plan will become part of the statutory development plan and used alongside adopted planning policies in determining planning applications within the Queen's Park Neighbourhood Area.

8.0 BUSINESS PLAN IMPLICATIONS

8.1 None.

9.0 IMPACT ON THE ENVIRONMENT

9.1 The proposed plan (as modified by the Examiner's recommendations) includes a number of policies aimed at ensuring future development in Queen's Park has a positive impact on the local environment – in terms of protecting and enhancing open and green spaces, promoting improved environmental sustainability and air quality through safeguarding and encouraging walking and cycling, and supporting retrofitting to achieve net zero emissions.

10.0 HEALTH, WELLBEING IMPACT ASSESSMENT INCLUDING HEALTH AND SAFETY IMPLICATIONS

- 10.1 The proposed plan (as modified by the Examiner’s recommendations) aims to improve local wellbeing through protecting local amenities, open spaces and spaces for food growing. The plan also seeks to encourage sustainable mobility through safeguarding and enhancing the local walking and cycling environment. These seek to ensure that new development activity in the area fully addresses the health and wellbeing of residents, workers and visitors, and health and safety implications.

11.0 EQUALITIES IMPLICATIONS

- 11.1 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 foster good relations between persons who share a relevant protected characteristic and those who do not share it. 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.
- 11.2 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.
- 11.3 When the plan was submitted, it was accompanied by a Basic Conditions Statement, which incorporated an assessment of sustainability and considered whether policies would improve local opportunities. Broadly this found that the plan would have small scale positive effects on local opportunities, through matters such as protecting and improving access to community facilities and open and green spaces, a wide range of homes for different needs (including affordable homes) and ensuring the public realm is safe and accessible, including for people with limited mobility. The United Nations Sustainable Development Goals, which includes equalities matters, are also embedded into the plan itself. It is also worth noting that the plan must be consistent with City

Plan policies, which themselves have been subject to detailed equalities impact assessment.

- 11.3 Officers have considered the need for a formal equalities impact assessment (EIA) of the Queen's Park Neighbourhood Plan. Policies promoting pedestrian movement (including for the less mobile), protecting open spaces and the natural environment, and encouraging community and cultural uses, will all have a positive impact on protected groups. As no potential negative equality impact of the plan was identified, it has been concluded that a full EIA was not necessary.

**If you have any queries about this report please contact: Michela Leoni on
07890 380194 or email mleoni@westminster.gov.uk**

APPENDICES

- 1 – Regulation 18 (2) Decision Statement
- 2 – Examiner's report on the Queen's Park Neighbourhood Plan
- 3 – Queen's Park Neighbourhood Plan (Regulation 16 submission version)
- 4 – Statement of Common Ground between Westminster City Council and Queen's Park Community Council

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

Declaration of Interest

I have 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:

I own a property in Queen’s Park Ward, in which I live however I have not had any involvement in the consultation or formation of the Queens Park Neighbourhood Plan .

For the reasons set out above, I agree the recommendation(s) in the report entitled **Queen’s Park Neighbourhood Plan Decision Statement** 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.