



Westminster City Plan 2019-2040 Partial Review Examination

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Examination Webpage: [City Plan 2019-2040 Partial Review Examination](#)

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Matters, Issues and Questions

Introduction

Following my reading of the evidence and the representations made on the Westminster City Plan 2019-2040 Partial Review (hereafter referred to as the Plan), and having had regard to the responses by the Council to my initial questions (CD 001), I set out below more detailed matters, issues and questions on which I wish to hear further representations. Those representations can be submitted in writing or in person at the hearing.

Further information about the hearing and format of written statements is provided in the accompanying hearing schedule and guidance note, which should be read alongside the matters, issues and questions.

Participants should only respond to the questions which directly relate to the written representations they submitted to the Regulation 19 consultation on the Plan¹.

The Council has prepared schedules of main modifications (CORE 002b) and additional modifications (CORE 002c) that it has suggested could be made to the Plan in response to representations made to the Regulation 19 consultation. Participants may comment on these in their hearing statements, and these amendments will also be discussed during the hearing. For ease of reference, consolidated versions of the new policies are included in the appendices to the combined schedule of proposed modifications (CORE 002a).

¹ All references to regulations in this document are to the Town and Country Planning (Local Planning) (England) Regulations 2012

Matter 1: Scope of examination

Issue 1: Scope

The Plan submitted for examination is a partial review of the City of Westminster's City Plan 2019-2040. It is important to be clear what is in-scope and what is out-of-scope for the purposes of the examination. In response to one of my initial questions, the Council has confirmed that new Policies 8 (St Mary's Hospital), 9 (Westbourne Park Bus Garage), 10 (Land adjacent to Royal Oak), 11 (Grosvenor Sidings), 13 (Affordable housing) and 45 (Retrofit first) are all in-scope.

Changes to the Plan consequential on the new policies are also in-scope. These comprise the supporting text to each of the new policies, deletion of old Policy 9 (Affordable housing), renumbering of policies and the contents page, adding key performance indicators 37, 38 and 39 to the implementation and monitoring chapter, adding the new policies to the schedule of strategic policies in appendix 2, and adding definitions relevant to the new policies to the glossary.

All other changes are out-of-scope.

Q1 Do you agree with what is in-scope and out-of-scope for the purposes of the examination?

Out-of-scope changes that are material to the operation of the Plan should not be included as they are not subject to examination. The Plan contains a wide range of out-of-scope changes. The majority of these are contextual or update factual information. These include the changes to the foreword, chapters on 'Context' and 'Our Approach for Westminster', the introductory paragraphs to the chapters on 'Objectives' and 'Spatial Strategy', cross references in the supporting text to Policies 40 (Energy) and 42 (Design principles), and deletion of a reference to a forthcoming Site Allocations Development Plan Document in appendix 1.

Q2 Do the out-of-scope changes to the foreword, chapters and references listed above materially affect the Plan?

There are also changes proposed to some of the out-of-scope policies and a key performance indicator for the delivery of new homes. These comprise altered wording to Policies 39 (Flood Risk), 41 (Waste Management) and 46 (Building height), a new Figure 38 (Flood Zones), and a change to the trigger for Key Performance Indicator 1 in the Monitoring Framework. In each case, it is necessary to consider whether the changes proposed materially affect the policies in question or, in the case of Key Performance Indicator 1 materially alter the trigger for review.

Q3 Do any of the changes to the out-of-scope policies, supporting text or key performance indicator listed above materially affect the Plan?

Q4 Would the suggested modifications to out-of-scope policies (CORE 002a) materially affect the Plan?

Issue 2: Strategic policies

Plans are required to make explicit which policies are strategic in nature. All the new policies are identified as strategic policies. These should be limited to those

necessary to address the strategic priorities of the area. They should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or non-strategic policies.

Q5 Are all the new policies strategic in nature?

Issue 3: Superseded policy

New Policy 13 (Affordable housing) is intended to supersede Policy 9 (Affordable housing) in the current adopted City Plan. Regulation 8 requires that if the Plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. Appendix 3 to the Plan includes a schedule of superseded policies but does not include Policy 9.

Q6 Does the Plan clearly identify all superseded policies?

Issue 4: National Planning Policy Framework

A revised version of the National Planning Policy Framework (the revised Framework) was published on 12 December 2024. For the purposes of plan-making, paragraph 234 of the revised Framework sets out transitional arrangements for plans currently being prepared. Where a plan meets one or more of the exceptions listed in paragraph 234, it will be examined under the relevant previous version of the Framework.

Q7 Do the transitional arrangements in paragraph 234 of the revised Framework apply to the submission Plan?

Q8 If so, what is the relevant previous version of the Framework for the purposes of the examination?

Issue 5: Representations

Representations received during the Regulation 19 consultation are contained in the Regulation 19 Full Representations document (CORE 015), with a summary of the matters raised in the Submission Consultation Statement (CORE 014). Two of the representations received after the deadline for responses are included in the representors list. It is a matter for the Council whether to accept them as valid.

Q9 Has the Council accepted all representations contained in the Regulation 19 Full Representations (CORE 015) as valid for the purposes of the examination?

Matter 2: Legal Compliance

Preparation of the Plan needs to have met certain legal and procedural requirements as set out in the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012, other legislation and national planning guidance.

Issue 1: Duty to co-operate

Q10 Is the Plan in general conformity with the London Plan 2021?

Q11 Has the Council engaged constructively, actively and on an on-going basis with all the relevant authorities and prescribed bodies in developing the new policies contained in the Plan?

Q12 Are there any outstanding issues with relevant authorities or prescribed bodies in respect of co-operation?

Issue 2: Statement of Community Involvement

Q13 Were adequate opportunities given for participants to access and make comments on the emerging Plan? Have any concerns been expressed about the process of commenting on the Plan?

Issue 3: Sustainability Appraisal

Q14 Have the new policies in the Plan been appraised against economic, social and environmental objectives? Did that appraisal include any reasonable alternative options? Was the appraisal process robust and objective? Have the conclusions of the appraisal influenced development of the new policies?

Q15 Have the requirements for Strategic Environmental Assessment been met?

Issue 4: Habitats Regulations Assessment

Q16 Would the new policies in the Plan have any significant adverse effect on sites of ecological importance as defined in the Conservation of Habitats and Species Regulations 2017? Has any concern been raised by Natural England?

Issue 5: Equalities Impact Assessment

Q17 Has due regard been given to the aims set out in Section 149 of the Equality Act 2010 to advance equality of opportunity for those with protected characteristics?

Issue 6: Climate Change

Q18 Do the new policies in the Plan contribute towards the mitigation of, and adaptation to, climate change?

Issue 7: Flood Risk

Q19 Has a sequential, risk-based approach been taken to the location of development in the new policies in the Plan? Are there any reasonably available sites appropriate for the development proposed in the new policies that are in areas with a lower risk of flooding?

Matter 3: Policy 13 - Affordable housing

In response to representations received at the Regulation 19 stage, the Council has proposed significant modifications to Policy 13 (affordable housing) from the

wording contained in the Plan. In responding to the questions below, interested parties are invited to comment on the modifications as well as the submission text. For ease of reference, a consolidated version of the Council's modifications to Policy 13 is included in appendix 10 of CORE 002a.

Issue 1: Tenure split

- Q20 Is there need for affordable housing in the City of Westminster? What evidence is there for a need for different affordable housing tenures? To what extent is the need for different tenures of affordable housing being met?**
- Q21 What effect would adopting a 70:30 social homes: intermediate homes tenure split have on viability of development in the City of Westminster?**

Issue 2: Affordable housing requirement on small-scale residential developments

- Q22 Is the requirement to provide affordable housing on small-scale residential developments consistent with national policy and in general conformity the London Plan? If not, what justification is there for doing so?**
- Q23 What effect would the requirement for small-scale residential development to provide an element of affordable housing have on viability of such developments?**
- Q24 Is the wording of Policy 13 clear about when major and small-scale development is required to contribute towards the provision of affordable housing?**
- Q25 Is the wording of Policy 13 clear about what constitutes small-scale residential development? Is the definition of small-scale residential development consistent with national policy and in general conformity with the London Plan?**

Issue 3: Portfolio sites

- Q26 Is the proposal to require all portfolio sites to be in the City of Westminster in general conformity with the London Plan?**
- Q27 Is the proposal to require all portfolio sites to be in the City of Westminster justified in terms of viability?**

Issue 4: Vacant building credit

- Q28 Are the criteria relating to vacant building credit consistent with national policy and guidance?**

Matter 4: Policy 43 - Retrofit first

In response to representations received at the Regulation 19 stage, the Council has also proposed significant modifications to Policy 43 (retrofit first) from the wording contained in the Plan. In responding to the questions below, interested parties are

invited to comment on the modifications as well as the submission text. For ease of reference, a consolidated version of the Council's modifications to Policy 43 is included in appendix 11 of CORE 002a.

Issue 1: Purpose and definitions

- Q29 Is a retrofit first approach to limiting embodied carbon emissions consistent with national policy and in general conformity with the London Plan?**
- Q30 Is it clear to what type and size of development the policy applies? Where this is differentiated by height or use is that differentiation justified by evidence?**
- Q31 What effect would a retrofit first approach have on the viability of development in the City of Westminster? Would it materially limit other objectives of the Plan or London Plan, including optimising site capacity through a design led approach?**
- Q32 Are the meanings of terms used in the policy clear and effective? How can these be defined for the purposes of the policy?**
- Q33 Are the requirements for additional information in terms of audits, assessments and statements necessary and proportionate for all types and sizes of development to which the policy applies? Is the policy the appropriate mechanism for requiring the submission of information with planning applications?**

Issue 2: Prioritising retrofitting over demolition

- Q34 Are the criteria in Part A (Part D if modified as suggested by the Council) clear as to their meaning? Are they applicable individually or together?**
- Q35 What is meant by 'bespoke operational requirements' in Part A3 ('specialised operational and access requirements' in Part D2 if modified as suggested by the Council)?**
- Q36 What is meant by the term 'public benefits' in Part A1 (Part D4 if 36modified as suggested by the Council)? What is meant by 'substantially greater' in Part D4 as proposed to be modified by the Council?**

Issue 3: Reducing embodied carbon emissions

- Q37 In Part B, are the London Energy Transformation Initiative (LETI) metrics justified and effective for use in the policy? Is the modified approach suggested by the Council in Part G using numerical figures justified and effective?**
- Q38 What is the purpose of including aspirational targets in the policy? Are they necessary or effective?**

Issue 4: Unlocking and promoting retrofitting

Q39 Is the wording of Part D (Part H if modified as suggested by the Council) sufficiently clear as to the weight to be given to retrofit development which involves townscape, design or heritage impacts? It is consistent with national policy, in general conformity with the London Plan?

Matter 5: Site Allocations

Issue 1: General considerations

Q40 Should the policies contain more detail on uses, height and quantum of development?

Q41 Should the policies refer to the incorporation of trees for consistency with national policy?

Issue 2: Policy 8 - St Mary's Hospital

Q42 Does the policy need to specify responsibility for and timing of a masterplan for the site allocation?

Q43 Is further detail required of future healthcare needs on the site? For effectiveness, should the policy clarify that the provision of new and replacement hospital floorspace is intended to be through the consolidation and intensification of the existing hospital, releasing land for other uses.

Q44 Does the policy strike an appropriate balance between the preservation of heritage assets and redevelopment of the site allocation? Is the approach to heritage consistent with national policy?

Q45 Should the policy clarify the requirements for permeability and pedestrian routes through the site allocation for effectiveness?

Issue 3: Policy 9 - Westbourne Park Bus Garage

Q46 Is the policy wording consistent with national policy on heritage assets?

Q47 Does the policy take sufficient account of the effect of existing land uses on the living and working conditions of future occupants and the design of outdoor spaces?

Q48 Does the policy take account of all infrastructure constraints on the allocated site?

Q49 Is the policy clear as to the approach to meanwhile uses on the site allocation?

Q50 How realistic is the provision of a footbridge across the canal? Is the encouragement of such infrastructure justified by development on the site allocation?

Issue 4: Policy 10 - Land adjacent to Royal Oak

- Q51 Does the policy set out clearly the preferred uses on the site allocation?**
- Q52 Does the policy provide sufficient guidance for a design-led approach to optimising density and building heights?**
- Q53 Does the policy take sufficient account of the effect of existing land uses on the living and working conditions of future occupants?**
- Q54 Is the policy clear as to the approach to meanwhile uses on the site allocation?**

Issue 5: Policy 11 - Grosvenor Sidings

- Q55 Is the policy wording consistent with national policy and local assessment on heritage assets?**
- Q56 Does the policy take sufficient account of the effect of existing land uses on the living and working conditions of future occupants and the design of outdoor spaces?**
- Q57 Is the approach to assessing flood risk consistent with national policy? Does the policy manage residual flood risk?**

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