

Duty to Cooperate Statement

Regulation 19 Consultation

March 2024





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1 Introduction

1.1 Background and legal requirements

The 'Duty to cooperate' is a statutory duty for local planning authorities. Section 110 of the Localism Act inserted Section 33A into the Planning and Compulsory Purchase Act 2004 and states that all local planning authorities must co-operate with other local planning authorities, county councils and bodies or other persons as prescribed. According to Section 33A, authorities need to specially cooperate while preparing their development plan documents.

Paragraph 24 of the National Planning Policy Framework (NPPF) (2023) also states that "local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries". Moreover, according to paragraph 25 local authorities should also "collaborate to identify the relevant strategic matters which they need to address in their plans" and "engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers)".

Paragraph 27 of the National Planning Policy Framework (NPPF) (2023) has also introduced a requirement to produce Statements of Common Ground throughout the plan-making process to document where effective cooperation is (and is not) taking place as plans are drawn up and taken through the statutory process to adoption. More information about it can be found in section 3.

Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 identifies the following prescribed bodies with whom all planning authorities should co-operate with:

- The Environment Agency
- Historic England
- Natural England
- The Mayor of London
- The Civil Aviation Authority
- The Homes and Communities Agency
- Each established Primary Care Trust
- The office of Rail Regulation
- Transport for London
- Each integrated transport authority (Transport for London)
- Each highway authority
- The Marine Management Organisation
- Each local enterprise partnership

The National Planning Guidance – Plan-making (2023) details how Duty to cooperate Statements should be produced.

1.2 Westminster's context

National and regional planning context

Westminster's adopted City Plan 2019-2040 was produced in accordance with the 2019 revised version of the NPPF. Since then, the NPPF has since been revised in 2023 and the partial City Plan review has been prepared in accordance with the latest iteration.

In a London context, the Mayor's London Plan sets the Spatial Development Strategy for the whole of London and sets objectives for strategic issues such as housing delivery, affordable housing, commercial growth, the role of the CAZ, infrastructure delivery, climate change, and sustainable transport. Planning for strategic matters central to the duty to cooperate therefore largely takes place at the London-wide level to inform the London Plan and is co-ordinated by the Greater London Authority (GLA). As per other local plans in London, the partial City Plan review is required to be in general conformity with the London Plan.

The London Plan was adopted in March 2021, shortly before the City Plan 2019-2040 was adopted. Since adoption, the Mayor of London has adopted new London Plan Guidance (LPG) in the form of a suite of Design and Characterisation LPGs and undertaken consultation for further LPGs to be published. These LPGs provide further guidance on the implementation of London Plan 2021 policies. Additionally, the Greater London Authority has hosted a number of stakeholder events through the Planning for London Programme, an engagement programme that will inform a London Plan review after this Mayoral term. This early engagement will not seek to make specific policy recommendations but seek to understand how Londoners view different challenges and the extent or lack of agreement around different approaches to tackling them to inform the London Plan review.

A number of neighbouring planning authorities have recently reviewed their Local Plans or are currently reviewing them. Figure 1 summarises the status of all neighbouring planning authorities Local Plan review:

Figure 1 - Neighbouring planning authorities' Local Plan revision status

Authority	Local Plan status
London Borough of Lambeth	 Lambeth Local Plan adopted on 22 September 2021. Regulation 18 consultation on the draft Site Allocations Development Plan Document took place in Jan/Feb 2022. Regulation 19 consultation scheduled for Feb/March 2024 with adoption anticipated in Spring/Summer 2024.
London Borough of Camden	 Undertaking review of Local Plan adopted in 2017. Regulation 18 consultation on a draft Site Allocations Local Plan took place in 2020/21 and early 2022. Site allocations are now being incorporated into the draft new Local Plan, rather than being taken forward in a separate allocations plan. Consultation on Draft Local Plan and updated Site Allocations scheduled for early 2024 with adoption anticipated in Summer 2026.

Royal Borough of Kensington and Chelsea	 Received post-hearing letter from Inspector on Local Plan Review. Consulting on Main Modifications and anticipate adoption in 2024.
City of London	 Preparation of new City Plan 2040 with Regulation 18 consultation taking place between 2016 and 2023. Anticipate Regulation 19 consultation in Spring/Summer 2024 with submission to Secretary of State in Autumn 2024 and adoption in Summer 2025.
London Borough of Brent	 The existing Local Plan was adopted in February 2022.
London Borough of Wandsworth	 The existing Local Plan was adopted in July 2023. Undertaking a partial review of the Local Plan with Regulation 18 consultation anticipated in 2023, Regulation 19 consultation in 2024 and adoption in 2026.

Neighbourhood planning in Westminster

The council has formally designated a total of 21 Neighbourhood Areas covering most of the area of the City of Westminster. If a Neighbourhood Area has a designated Neighbourhood Forum, it has powers to make a Neighbourhood Plan which becomes part of Westminster's Development Plan. The council therefore has a working relationship with all its designated Neighbourhood Forums. At moment of writing, a number of Neighbourhood Forums had developed a Neighbourhood Plan or were working on it. Figure 2 summarises the status of all Neighbourhood Forums plan's preparations:

Figure 2 - Neighbourhood Areas and Neighbourhood Plans

Neighbourhood Area	Neighbourhood Plan status
Bayswater	N/A
Belgravia	 Belgravia Neighbourhood Plan was submitted to the council in May 2023. Examination started on 30th August 2023 and concluded on 8th December 2023 with the issuing of the Examiner's final report. Approval has been given for the plan to procced to local referendum, which has been scheduled for 22nd February 2024.
Church Street	N/A
Churchill Gardens	N/A
Ebury Bridge	N/A
Fitzrovia (West)	 Fitzrovia West Neighbourhood Plan was formally made on 8th October 2021.

Hyde Park and Paddington	•	Early drafting of Plan.
Knightsbridge	•	Knightsbridge Neighbourhood Plan was formally made on 11 th December 2018.
Little Venice and Maida Vale	N/A	
Maida Hill	•	Regulation 14 consultation on draft Neighbourhood Plan closed on 20 th November 2023.
Marylebone	•	Early drafting of Plan.
Mayfair	•	Mayfair Neighbourhood Plan was formally made on 24 th December 2019.
Notting Hill East	•	Regulation 14 consultation on draft Neighbourhood Plan closed on 15 th August 2023.
Pimlico	•	Pimlico Neighbourhood Plan was formally made on 7 th December 2022.
Queen's Park CC	•	Queen's Park Neighbourhood Plan was formally made on 25 th November 2021.
St James	•	Regulation 14 consultation on draft Neighbourhood Plan closed on 10 th September 2023.
St Johns Wood	N/A	
Soho	•	Soho Neighbourhood Plan was formally made on 8 th October 2021.
South East Bayswater	N/A	
Victoria	•	Early drafting of Plan.
Westbourne	N/A	

2 Westminster's key stakeholders and partners

2.1 Introduction

This section sets out who are Westminster's key stakeholders and partners. The council has a working relationship with all of them and has therefore engaged with them when preparing the partial City Plan review. Whilst the majority of engagement taken place with stakeholders and partners are in the form of meetings, this does not encapsulate all forms of engagement taken place, such as through written format. The council will continue to engage with all its stakeholders and partners through the appropriate means.

2.2 Statutory stakeholders (including neighbouring local authorities)

a. The Mayor of London / the Greater London Authority (GLA):

The Mayor of London adopted the current London Plan in 2021. The London Plan is the statutory spatial development strategy for Greater London and Westminster's City Plan and development policies need to be "in general conformity with it". Accordingly, the council and the Mayor of London have a working relationship and engage and meet on a regular basis to discuss any strategic matters or potential general conformity issues. Between 2021 and time of writing, both authorities have discussed a wide range of planning strategic issues such as:

- Affordable housing
- Environment policies
- Site Allocations
- Planning for London Programme
- National planning policy reform consultation

b. Neighbouring local authorities and the Central London Forward partnership (CLFP):

The council engages on a regular basis with its six neighbouring boroughs: the London Borough of Brent, the London Borough of Camden, the City of London, the London Borough of Lambeth, the London Borough of Wandsworth and the Royal Borough of Kensington and Chelsea. Officers regularly meet with neighbouring boroughs to discuss strategic and cross-boundary issues.

The council is a member of the Central London Forward partnership which has eight core members: the City of Westminster, the London Borough of Camden, the City of London, the London Borough of Islington, the Royal Borough of Kensington and Chelsea, the Lambeth London Borough, the London Borough of Southwark and the London Borough of Wandsworth. The partnership also has four associate members working on employment and skills policy and programmes: the London Borough of Hackney, the London Borough of Tower Hamlets, the London Borough of Lewisham and the London Borough of Haringey. The partnership was established to advocate and support the collective interests of its membership through the provision of strategic policy advice, research, advocacy and programme management. It also facilitates collaboration between boroughs.

c. London Councils and the Association of London Borough Planning Officers (ALBPO):

Westminster City Council is a member of London Councils, a cross-party organisation that represents London's 32 borough councils and the City of London Corporation. London Councils represents its members in front of the Government, the Mayor of London and any other bodies and works to develop policies that will help the members deliver the best possible deal for their residents.

London Councils runs a number of committees, networks and forums. In relation to planning issues, the Association of London Borough Planning Officers (ALBPO) is run by London Councils. Westminster City Council's Planning Policy Officers attend the regular meetings of the ALBPO

Development Plans Committee and the ALBPO Policy Officers Sub-Group where strategic matters and new development plans are discussed.

d. Historic England (HE):

Historic England is the government's adviser on the historic environment. The concentration of Heritage assets in Westminster is unlike any other part of London and the council therefore maintains a working relationship with different teams of the London Regional Office of Historic England to ensure that the council's policies protect and enhance Westminster's unique environment. Officers from the council engage continuously with Historic England on determination of listed building consent applications and planning applications affecting heritage assets and on development of projects for the public ream and other enhancements. A number of key strategic projects such as the "Palace of Westminster Restoration and Renewal Programme", the programme of works on Buckingham Palace and the Northern Estates programmes involve regular meetings with Historic England and other stakeholders.

e. Other statutory consultees:

The council has a working relationship with a wide range of other specific statutory consultees. Officers from the council engage in an ongoing basis with transport infrastructure providers such as Transport for London, Network Rail and the Highways Authority for England to discuss the provision of transport infrastructure among other strategic issues. Similarly, the council works together with a wide range of water supply, social, energy and other local needs infrastructure providers such as Thames Water, the National Health Service and the Metropolitan Police. The River and Canal Trust, the Marine Management Organisation, Natural England, the Environment Agency, the Civil Aviation Authority and the Homes and Communities Agency.

A comprehensive log of meetings that have taken place between the council and its statutory stakeholders is attached as Appendix 1.

2.3 Non-statutory stakeholders and partners

a. Neighbourhood Forums and Amenity Societies:

Westminster's designated Neighbourhood Forums can produce Neighbourhood Plans which need to be in general conformity with both the London Plan and Westminster's City Plan. Officers from the council maintain a working relationship with the Neighbourhood Forums and meet and discuss issues of interest on a regular basis.

b. The Business Improvement Districts (BID):

A number of Business Improvements Districts cover different areas of Westminster and are supported by the council and the Greater London Authority. BIDs have taken an increasing role in place leadership and driving local economic growth. The council has a working relationship with the Marble Arch Partnership, the Northbank BID, the Baker Street Quarter Partnership BID, the Heart of London Business Alliance BIDs, the New West End Company BID, the Paddington Now BID, the Fitzrovia Partnership, the Victoria BID, the Victoria Westminster BID and other business organisations.

c. Westminster Property Association (WPA):

The Westminster Property Association represents about 250 developers, property and landowners, occupiers and professional advisers in Westminster. The council engages with the association on a regular basis when considering new planning policy approaches or economic development policy. Both Members and officers have met regularly with WPA representatives to discuss emerging City Plan policies.

d. Landowners:

Officers engage and maintain a working relationship with landowners relevant to the site allocations as part of this review to ensure collaboration as part of policy and place-making.

e. Other non-statutory consultees and partners:

Westminster council is one of a number of organisations working to manage change across the city. The council works on a wide range of strategies, policies and projects that are often but not always led by the organisation itself. The council has a record of effective partnership engagement and works closely – both formally and informally- with a large number of partners, for example, when delivering large-scale council projects (e.g. Oxford Street District, Strand-Aldwych), when delivering regeneration and housing renewal projects or when planning for London's future infrastructure (e.g. Crossrail, Tideway project).

A log of meetings that have been taken place between the council and its non-statutory stakeholders and partners is attached as Appendix 2.

3 How co-operation has influenced partial City Plan review

3.1 Policy evolution as a result of cooperation

Discussions on strategic matters with the council's key stakeholders and partners has influenced the partial City Plan review policies. Figure 3 details how policies have evolved following discussions and helps demonstrate that the council has complied with its duty-to-cooperate. Figure 3 and Appendices 1 and 2 are not an exhaustive list of every discussion the council has had with relevant stakeholders and partners but is a high-level summary of all the engagement work the council has done.

Figure 3 – Policy evolution as a result of co-operation

Strategic	Key stakeholders	Outcome of co-operation
issue	ney stakenorders	Catcome of the operation
Affordable housing	GLA, LB Lambeth, LB Wandsworth, LB Camden, City of London, LB Southwark, LB Brent, LB RBKC	There was general support for Westminster 's approach to the amendment of Policy 9 in the City Plan to prioritise social rented homes over intermediate homes and requiring small-scale residential developments to contribute to affordable housing delivery. Knowledge sharing from the GLA and neighbouring authorities who have taken similar approaches, mainly in relation to the need to consider housing needs alongside viability, the pros and cons of different affordable housing delivery mechanisms and the types of affordable housing that work best in different parts of London.
Retrofit	GLA, Environment Agency, LB Lambeth, LB Wandsworth, LB Camden, City of London, LB Southwark, LB Brent, LB RBKC	There was general support for Westminster's approach for a new retrofit first approach to development. Other neighbouring authorities are keen to understand how Westminster progresses with this new policy as potential for others to undertake a similar approach. Some authorities are interested in the evidence base we develop for the policy. Discussions with the GLA have led to specific changes to the policy, particularly to ensure that strategic issues such as housing delivery are protected.
Site allocations	GLA, Historic England, Environment Agency, LB Lambeth, LB Wandsworth, LB Camden, City of London, LB Southwark, LB Brent, LB RBKC, Transport for London	There was general support for Westminster's proposed site allocations with site-specific design-related issues raised where the site is located close to the border or has implications for a neighbouring authority. Potential implications on heritage, townscape and environment were also discussed where relevant to a particular site. As a result of the advice from key stakeholders, the contents of the site allocation policies have become strategic and high level. It was agreed that as part of any cross-boundary strategic implications that Statements of Common Ground are put in place.

3.2 The draft Infrastructure Delivery Plan

Alongside the City Plan 2019-2040, the council has also published a draft Infrastructure Delivery Plan. Its content has been informed by effective engagement with a wide range of stakeholders and partners. During the process, the council has engaged with partners including:

- United Kingdom Power Network;
- Cadent Gas;
- BT;
- Network Rail;
- Transport for London;
- National Highways;
- Greater London Authority;
- Neighbourhood Forums;
- RBKC;
- National Health Service (HUDU);
- Thames Water;
- Adult Education Service
- The Royal Parks;
- The Port of London Authority;
- The Metropolitan Police;
- The London Ambulance Service;
- The London Fire Brigade; and
- A series of communications providers.

The council will continue to engage with all its stakeholders and partners when preparing a new version of the Infrastructure Delivery Plan.

4 Statements of Common Ground

4.1 Statements of Common Ground

Alongside the duty-to-cooperate, the 2023 revision to the NPPF introduced a requirement to produce Statements of Common Ground throughout the plan-making process. These are a written record of the progress made by planning authorities on strategic cross-boundary issues as they prepare local plans. They document where effective cooperation is (and is not) taking place as plans are drawn up and taken through the statutory process to adoption.

In support of the Partial City Plan Review, the council will produce Statements of Common Ground with the Mayor of London and its neighbouring boroughs, where relevant. The statements will cover any strategic cross-boundary issues relevant to the policies contained in this partial review of the City Plan where there is a disagreement.

5 Conclusion

5.1 Conclusion

During the production of the Partial City Plan Review, the council has actively engaged with key stakeholders and partners on all strategic matters. The submitted plan is the culmination of a number of processes, activities and levels of engagement and co-operation, as set out within this document. The City Plan responds to the views expressed and comments made during its preparation by several of the prescribed bodies.

Where prescribed bodies have raised no issues with the contents of the plan, it should be noted that they were invited to comment on the contents of the plan at each stage of public consultation.

This report, the Authority Monitoring Reports and the Consultation Statement show how the council has complied with its duty-to-cooperate. These together with Statements of Common Ground with our neighbouring boroughs (and other statutory stakeholders where relevant) will be used during the Examination in Public to show that the Partial City Plan Review is based on effective joint working across local authority boundaries.

6 Appendix

6.1 Appendix 1 Schedule of meetings with statutory stakeholders

Date	Consultee	Strategic issues discussed
08.09.22	Central London Forward	 Presentation from City of London on Skills for a Sustainable Skyline Taskforce Updates on Article 4 Direction progress Short-term lets Future of the Office in central London research
18.10.22	ALBPO Development Plans Committee	Cross-London planning strategic issues
12.01.23	Central London Forward	The Levelling-up and Regeneration BillUpdates on Article 4 Direction progress
17.01.23	ALBPO Development Plans Committee	Cross-London planning strategic issues
02.02.23	LB Camden	 Affordable housing Retrofitting Site allocations LB Camden Local Plan Review
06.02.23	City of London	 Retrofitting City of London Local Plan update Whole life carbon optioneering guidance
06.02.23	LB RBKC	Affordable housingRetrofittingSite allocations
22.08.23	GLA	 Affordable housing Retrofitting Site allocations Planning for London programme Student housing London Plan Guidance Westminster's Planning Obligations and Affordable Housing SPD GLA Affordable Housing LPG Government consultation on planning reform
29.08.23	LB Brent	 Affordable housing Affordable housing delivery from small-scale residential developments s Mayor's portfolio approach Student housing Retrofitting Site allocations – St Mary's Hospital Brent's design code for Staples Corner Brent Cross West Brent's Article 4 Directions Government consultation on planning reform
05.09.23	LB Wandsworth	 Affordable housing

		 Retrofitting Site allocations – Grosvenor Sidings Wandsworth Local Plan Partial Review Clapham Junction Masterplan Government consultation on planning reform
11.09.23	LB Camden	 Affordable housing Mayor's portfolio approach Student Housing Gypsy and Traveller Sites Assessment Retrofitting Site allocation – St Mary's Hospital Camden Local Plan Review Euston Area Action Plan Government consultation on planning reform Neighbourhood planning
12.09.23	LB Southwark	 Affordable housing Affordable housing delivery from small-scale residential developments Retrofitting Site allocation Southwark SPD preparation Government consultation on planning reform
14.09.23	LB Lambeth	 Affordable housing Student housing Retrofitting Site allocations – Grosvenor Sidings Lambeth Site Allocations DPD Government consultation on planning reform
18.09.23	Environment Agency	 Affordable housing Retrofitting Site allocations Thames Estuary 2100 Plan
19.09.23	City of London	 Affordable housing Retrofitting CoL Sustainability SPD and Carbon Options guidance document Site allocations Neighbourhood planning Government consultation on planning reform
20.09.23	LB RBKC	 Affordable housing Affordable housing delivery from small-scale residential developments First homes Retrofitting Site allocations – St Mary's Hospital, Westbourne Park Bus Garage and Grosvenor Sidings Government consultation on planning reform Neighbourhood planning Westminster's Planning Obligation and Affordable Housing SPD
19.10.23	Transport for London – Places for London	Site meeting at Royal Oak on site allocations
31.10.23	GLA	Westminster affordable housing update

		 Westminster Planning Obligation and Affordable Housing SPD Site allocations
16.11.23	Transport for London – Places for London	Site allocations – Westbourne Park Bus Garage
30.11.23	Historic England	Building heightsHeritageSite allocations
18.12.23	LB Wandsworth	Building heightsHeritageSite allocations – Grosvenor Sidings
19.12.23	GLA	Building heightsHeritageSite allocations
24.01.24	Network Rail	Site allocations – Grosvenor Sidings
01.02.24	Network Rail	Site allocations – Grosvenor Sidings
13.02.24	GLA	Retrofitting

6.2 Appendix 2- Schedule of meetings with non-statutory stakeholders and partners relating to the partial review

Date	Consultee	Strategic issues discussed
14.11.2022	Future of Westminster Commission	Affordable housing policy direction of travel
02.08.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
30.08.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
18.09.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
03.10.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
04.10.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
9.10.23	Cohort Ltd.	 Meeting on site allocations – St Mary's Hospital
11.10.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
16.10.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
19.10.23	Transport for London – Places for London	Site meeting at Royal Oak on site allocations
23.10.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
7.11.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
08.11.23	DP9 on behalf of Tower Transit	 Meeting on site allocations – Westbourne Park Bus Garage
13.11.23	WPA	Workshop on retrofit policy

13.11.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
14.11.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
16.11.23	Transport for London – Places for London	 Meeting on site allocations – Westbourne Park Bus Garage
24.11.23	Development Industry	Workshop on retrofit policy
27.11.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
06.12.23	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
06.12.23	Cohort Ltd.	 Meeting on site allocations – St Mary's Hospital
08.01.24	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
09.01.24	Neighbourhood Forums, Resident Associations, BIDs and Amenity Societies	 Workshop on site allocations – Grosvenor Sidings
15.01.24	Neighbourhood Forums, Resident Associations, BIDs and Amenity Societies	 Workshop on site allocations – St Mary's Hospital, Royal Oak and Westbourne Park Bus Garage
16.01.24	Imperial College Healthcare NHS Trust	 Meeting on site allocations – St Mary's Hospital
24.01.24	Network Rail	Site allocations – Grosvenor Sidings
01.02.24	Network Rail	Site allocations – Grosvenor Sidings

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