

KNF - Regulation 16 consultation on Soho Neighbourhood Plan



Fri 10/07/2020 09:28

Dear Westminster Neighbourhood Planning Team

Please acknowledge receipt.

I am writing on behalf of the Knightsbridge Neighbourhood Forum (KNF) in response to the Regulation 16 consultation on the Soho Neighbourhood Plan (SNP or the Plan) which closes this evening.

KNF is extremely impressed by the SNP including its breadth, depth and thoughtful approach to many complex issues. We strongly support the direction of travel of the proposed plan and policies and urge you to be more ambitious still e.g. using 'must' and 'should' rather than 'encourage' and 'support' in planning policies relating to all environmental, climate change and circular economy related matters (Section 5 of the SNP). For example, KNF considers that the SNP should point more explicitly to the need to achieve zero air emissions from buildings and related sources as soon as possible. This will only be done if all development and refurbishment requiring planning permission is addressed by the Plan e.g. not only Major development within Policy 22. Please see the KNP's glossary for definitions. We assume that the SNP's intended life is to 2035 or 2040.

Soho, you and the Examiner may also find the KNP helpful in suggesting ways to tweak policies in the SNP to address any comments raised by others:

https://www.knightsbridgeforum.org/media//documents/knp_made_version_december_2018_131_218_website.pdf

We encourage you to look closely at the KNP's approach to providing pedestrian routes which require certain legal protections.

We encourage you to consider fully the SNP in the context of the changes that the KNF has proposed to Westminster City Council's draft City Plan in a letter and attachment to the Inspectors dated 25 June 2020 (which we submit here as evidence to the Soho consultation) (letter and seven attachments). It will also be found here:

<https://www.westminster.gov.uk/cityplan2040>

The changes we propose to the draft City Plan should be taken further in the SNP e.g. on environmental and climate change related matters including air, greening, drainage and waste matters.

Please contact me if you have any questions.

Best.

Simon

Simon Birkett
Chair

Knightsbridge Neighbourhood Forum



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25 June 2020

Dear Charlotte

Westminster City Plan 2019 – 2040 Examination

I am writing on behalf of the Knightsbridge Neighbourhood Forum (KNF) (Respondent reference number 51) to submit our statements for the hearing sessions based on the Matters, Issues and Questions document published by the Inspectors on 4 May 2020.

KNF is submitting separate statements on each of the seven matters listed in my email of 17 May 2020 to assist the Inspectors. Each statement explains: why we consider the Regulation 19 City Plan (with minor modifications) is not sound; what change to plan wording is required for soundness; and our evidence.

In summary, statements have been prepared for the following matters:

Matter 1 – Procedural/legal requirements
Matter 3 – Spatial Strategy
Matter 5 – Economy and Employment
Matter 6 – Connections
Matter 7 – Environment
Matter 8 – Design and Heritage
Matter 9 – Infrastructure, Implementation and Monitoring

For five of the statements we have used a tabular format which we believe makes clear, in response to your questions, why the Plan is unsound as drafted and what amendments need to be made to address this. For Matters 1 and 9 and part of Matter 3 it was more appropriate to present the Forum's evidence in paragraph form.

You'll see that our statements focus on matters relevant to three topics. No statement exceeds 3,000 words.

Environmental matters

KNF was very pleased to see Westminster City Council's declaration of a climate emergency on 18 September 2019 (i.e. after its Regulation 19 consultation) with its specific targets to achieve net zero by 2030 and 2040.

Westminster has rightly made strong reference to this development in the draft City Plan. However, its modifications did not follow through to include specific changes to policy wording. We think that this was a missed opportunity and mistake.

In relation to the soundness of the City Plan, neither it nor its supporting documents appear to make reference to the Mayor's London Environment Strategy (published on 31 May 2018) which sets out policies on a wide range of environmental matters including mitigation and adaptation to climate change. It is a statutory strategy which was prepared having regard to the objectives of the Paris Agreement. Westminster's climate declaration is more ambitious than the Mayor's current plans i.e. net zero by 2040 compared with 2050. KNF considers that WCC should have regard to the most recent London Environment Strategy in setting its policies. The Intend to Publish version of the London Plan is also highly relevant.

Furthermore, the draft City Plan should align to the Council's emerging Air Quality Action Plan 2019 – 2024 which was considered by the Council's Cabinet on 11 May 2020 i.e. the Cabinet agreed that the draft plan should be made more ambitious before being finalised.

Importantly, the KNF considers that there is no need for Westminster to produce more evidence as it can simply set a clearer end point objective in relevant policies, remove hurdles to developers and others to achieve it earlier (e.g. remove onerous restrictions on energy efficient windows in listed buildings and slavish requirements to replace trees 'like-for-like' in urban forests and a fast changing climate) and 'encourage' laggards to be more ambitious as end points approach. This was the approach adopted in the Knightsbridge Neighbourhood Plan.

The COVID-19 pandemic has further emphasised the importance of action on air pollution.

Central Activities Zone

The Forum has concerns about the relative fungibility of planning uses in the Knightsbridge International Centre and the possible extension of commercial activity into residential areas within Conservation Areas or nearby within the wider Central Activities Zone in the Knightsbridge Neighbourhood Area.

Hyde Park Barracks land

The Forum has raised concerns about the relationship between the Plan and the Site Allocations DPD in respect of the Key Development Sites. There is presently neither sufficient evidence to demonstrate that the sites the Plan needs to assist in meeting its housing requirements are developable, nor what is needed by way of mitigation for each site to be developable, with the associated implications for overall site capacity.

The intention, through our Matter Statements, is to assist the Council with the wording that will ensure the City Plan adequately reflects its crucial role in addressing this complex task.

KNF looks forward to participating in the hearings.

With best wishes.

Yours sincerely

Simon Birkett
Chair

25 June 2020

Submitted by the Knightsbridge Neighbourhood Forum (respondent ref. no. 51)**WESTMINSTER CITY PLAN EXAMINATION – MATTER STATEMENT 1****Matter 1 – Procedural/legal requirements**

6) Does the IIA assess all reasonable alternative spatial strategy options, levels of housing and employment need and options relating to other policies in the City Plan? Where it is considered that there are no reasonable alternatives is this clearly explained?

7) Has the methodology for the IIA been appropriate? What concerns have been raised and what is the Council's response to these? Have the requirements for SEA been met?

- 1.1. The Plan's Integrated Impact Assessment (IIA) fails to have regard to the London Environment Strategy (LES). The LES is a statutory strategy which the Mayor of London is required to prepare by s351A of the Greater London Authority Act 1999 which sets out the Mayor's policies and proposals for a number of factors of the environment including climate change mitigation and adaptation. The LES is the successor to, amongst other things, the Mayor of London's Climate Change Mitigation and Energy Strategy (2011) referred to in the IIA.
- 1.2. In particular, the LES sets out a strategy for achieving zero carbon by 2050 (in pursuance of the objectives of the Paris Agreement and the statutory requirements of the Climate Change Act 2008), including setting Carbon Budgets for London. The London Carbon Budget sets levels which are more ambitious than the national carbon budgets so that within the first carbon budget period (2018-2022) London will aim to achieve a 40 per cent reduction in carbon dioxide emissions on 1990 levels, in the second budget period (2023-27) a 50 per cent reduction, and in the third budget period (2028-2032) a 60 per cent reduction.
- 1.3. Whilst the objectives of the Paris Agreement are identified as relevant to the SEA, the problem of climate change is described as a global problem. No consideration has been given to the regional assessment of what London needs to do in order to help achieve the objectives of the Paris Agreement set out in the LES. Importantly, there has been no consideration of whether the Plan is consistent with the London Carbon Budget set out in the LES.
- 1.4. The Knightsbridge Neighbourhood Forum ('KNF' or 'Forum') anticipates that conformity with the LES will require more ambition in number of policies in the draft City Plan e.g. with respect to Matter 7. Helpfully, the KNF considers that there is no need for Westminster to produce more evidence as it can simply set a clearer end point objective in relevant policies, remove hurdles to developers and others to achieve it earlier (e.g. remove onerous restrictions on energy efficient windows in listed buildings and slavish requirements to replace trees 'like-for-like' in urban forests and a fast changing climate) and 'encourage' laggards to be more ambitious as end points approach. This Knightsbridge Neighbourhood Plan adopts a similar approach.
- 1.5. The LES is so obviously material to the SEA that it is irrational not to take it into account in the SEA (*R. (Samuel Smith Old Brewery) v North Yorkshire CC* [2020] P.T.S.R. 221). The failure to have regard to such an obviously material consideration would vitiate the adoption of the Plan unless the error is corrected (*R. (Plan B Earth) v Secretary of State for Transport* [2020] EWCA Civ 214).

25 June 2020

Submitted by the Knightsbridge Neighbourhood Forum (respondent ref. no. 51)

WESTMINSTER CITY PLAN EXAMINATION – MATTER STATEMENT 3

Matter 3 – Spatial Strategy

4) How are [the principles set out in Part A of Policy 1] consistent with national policy?

5) Do they cover all necessary issues?

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>As explained in the Forum’s statement in respect of Matter 1, the Plan fails to properly address the requirements of regional policy on what London needs to do in order to contribute to the achievement of the carbon reduction required by the Climate Change Act 2008 (as amended).</p> <p>Policy 1A makes no reference to these requirements, or to the Council’s subsequent declaration of a climate emergency and a commitment for the borough to be net zero carbon by 2040. Moreover, there is nothing in the supporting text about how this requirement flows through the overall spatial strategy; arguably the need to reduce greenhouse gas emissions is the only matter which every aspect of the spatial strategy can and must address.</p>	<p>Add a new clause 1A(11) to Policy 1 that reads: <u>“Ensuring that development contributes fully to the commitment to be a net zero carbon borough by 2040 without worsening indoor or ambient air quality.”</u></p>	<p>The Paris Agreement, ratified by the UK in 2016, enshrines a firm commitment to restricting the increase in the global average temperature to “well below 2°C above pre-industrial levels and [to pursue] efforts to limit the temperature increase to 1.5°C above pre-industrial levels” as well as an aspiration to achieve net zero greenhouse gas emissions during the second half of the 21st century. The Climate Change Act 2008 established a legally binding target to reduce the UK’s greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990. In 2019, the 80% was amended in the legislation to 100%, in line with the Paris Agreement. The Committee on Climate Change May 2019 report (https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf) highlights what the UK needs to do to achieve net zero carbon by 2050. See also the Climate Change Committee’s 2020 Progress Report to Parliament dated 25 June 2020 which provides practical examples of the policy changes needed https://www.theccc.org.uk/2020/06/25/covid-19-can-be-an-historic-turning-point-in-tackling-the-global-climate-crisis/.</p> <p>The Mayor’s London Environment Strategy 2018 (LES) sets out the challenge for London. Since 1990, carbon emissions have fallen by 25%. To achieve zero carbon by 2050, the rate of reduction must be increased threefold over progress to date since 1990. Much of the past reductions have been due to reduced gas consumption and decarbonisation of the national grid, but the LES forecasts that local actions within London will need to account for 25% of the 90% reduction required by 2050 against 1990 levels (Figure 34). Given that WCC</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
		<p>has committed to achieving this target by 2040, it must follow the LES but undertake all actions on a faster timetable.</p> <p>The impact of the COVID-19 crisis further highlights the extent of the changes needed. Research published on 19 May 2020 in the journal Nature Climate Change (Le Quéré, C., Jackson, R.B., Jones, M.W. et al. <i>Temporary reduction in daily global CO₂ emissions during the COVID-19 forced confinement</i>. Nature Climate Change 2020 - https://rdcu.be/b4lg7) found that the impact on 2020 annual carbon emissions of COVID-19 will depend on the duration of the confinement, with a low estimate of -4% (-2 to -7%) if pre-pandemic conditions return by mid-June (which can now reasonably be discounted as a credible scenario), and a high estimate of -7% (-3 to -13%) if some restrictions remain worldwide until the end of 2020. To place this in context, preventing a rise of much more than 1.5°C would require annual emissions to fall by about 50% (7.5% per annum) between now and 2030, and reach net zero by 2050 (source: IPCC Special Report on Global Warming of 1.5°C, October 2018). Under normal conditions, emissions have risen every year since 2016, with 2017-2019 seeing increases of 1.5%, 2.1% and 0.6% respectively.</p> <p>The Plan therefore needs to explicitly reflect the target in policy (net zero carbon) and needs to be much clearer about how it is going to achieve an even more ambitious timescale (2040 versus 2050). It must do so, as a minimum, by making clear reference to it in its main spatial strategy policy. This should explicitly show how its policies are informed by the draft London Plan which is directly addressing, through its own policies, the requirement to be net zero carbon by 2050 by requiring development to be at least Air Quality Neutral (Policy SI1) and all new major development to be net zero carbon (Policy SI2), reflecting the whole life cycle of construction and operation through its energy hierarchy. Please note also that Westminster has an emerging ‘Air Quality Action Plan 2019 – 2024’ that was considered positively by the Council’s Cabinet on 11 May 2020.</p> <p>The Council’s Environment Topic Paper (EV_ENV_001) states at paragraph 6.3 that, “...emerging data and analysis on energy use and carbon emissions trajectories being developed in response to Westminster’s Climate Emergency Declaration will help inform future City Plan reviews and add to the local evidence base for sustainable design policy.” The CCC May 2019 report highlights how challenging it will be to achieve net zero carbon</p>

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		<p>by 2050, so a 2040 date requires immediate action in this version of the Plan, not future reviews which may not come into effect until 2025 at the earliest.</p> <p>The Council’s Environment Topic Paper (EV_ENV_001) references two important documents – its draft Carbon Reduction Strategy (2020-2030) and its draft Carbon Offset Guidance – neither of which has been submitted to the Examination and appear to be unavailable generally on the internet. It is therefore not possible to understand how carbon reduction is to be achieved and how and when offsetting is appropriate as compared with direct on-site measures.</p> <p>Last but not least, it is necessary to consider ‘air’ holistically i.e. greenhouse gases, air quality, climate change and public health together, not as independent silos. The importance of striking this balance is reflected in our suggested amendments to Policy 1A.</p>

12) What was the intended purpose of including the Key Development Sites in Appendix 1 and referring to them in Policy 1? What is their status in terms of allocations and what evidence is there to support their inclusion for example in terms of flood risk and the effect on heritage assets?

13) What is the basis for the Council's proposed modifications in relation to these sites? What status would the sites have and how would they contribute to development needs?

16) What role will the Site Allocations DPD have in relation to these sites?

- 3.1. Ongoing correspondence between the inspectors and the City Council on the status of the 'Key Development Sites' set out in Appendix 1 of the Plan has still not clearly justified or clarified their status. The size and nature of these sites means that any future development of them will have significant effects on their immediate locality, and as such any proposals for these sites, and their initial allocation for development should be based on a thorough and robust appraisal as set out by the inspectors. This is of particular importance given that it is assumed the Council will be relying on these sites for significant housing delivery and for contributing significantly to other targets within Policy 1.
- 3.2. The only relevant associated site in Knightsbridge is the Hyde Park Barracks, which is subject to focused policies in the 'made' (i.e. adopted) Knightsbridge Neighbourhood Plan. The Knightsbridge Neighbourhood Forum's ('KNF's' or 'Forum's') understanding is that the site was allocated as part of the adopted City Plan (consolidated version November 2016), as one of the 'Proposals Sites' that were identified as being key for the delivery of the Plan's strategic objectives. In this, the Hyde Park Barracks is site number G3, allocated for residential as the preferred use. In the Draft City Plan the site was again listed originally as a 'key development site' in Appendix 1 of the Plan, again for residential use, with an indicative site capacity of 128 homes, albeit subject to primary legislation to release the site for development. In subsequent drafts of the Plan, the indicative capacity of the site was increased to 250 units (based on a change in site boundary) with additional notes added setting out key considerations for informing development proposals, including surrounding constraints, and the policies within the Knightsbridge Neighbourhood Plan.
- 3.3. However, there is ongoing concern that there is insufficient evidence to justify that the Key Development Sites are developable. The Forum's particular interest is in respect of the Hyde Park Barracks site as indicated above. This is a complex site with many constraints and issues which must be overcome in order to deliver (apparently) approximately 250 dwellings in a sustainable manner that respects its sensitive location, setting and key planning considerations, all of which is set out in detail in the Knightsbridge Neighbourhood Plan, in addition to the need to achieve biodiversity net gain without compromising the viability of development. No evidence has been submitted by the Defence Infrastructure Organisation or others to give assurance that there is a reasonable prospect of this being achieved.
- 3.4. If the inspectors are satisfied that the sites can remain part of the City Plan, this puts significant importance on the Site Allocations DPD in guiding the future development of these sites, based on a detailed understanding and assessment of these sites. As a minimum, the future Site Allocations DPD must specifically identify and provide the necessary context to ensure that the following matters (in addition to any other relevant planning issues) are addressed properly in relation to the Hyde Park Barracks site, with the 'made' Knightsbridge Neighbourhood Plan policy relating to the Barracks and MOL at the forefront:
 - Heritage and Conservation
 - Townscape and views

- Landscape
- Amenity
- Biodiversity
- Metropolitan Open Land
- Land use
- Transport and highways impacts

3.5. The Plan must also, through its IIA, fully assess the sustainability impacts of each site in terms of CO₂ emissions, adaptability to extreme weather and efficient use of natural resources.

25 June 2020

Submitted by the Knightsbridge Neighbourhood Forum (respondent ref. no. 51)

WESTMINSTER CITY PLAN EXAMINATION – MATTER STATEMENT 5

Matter 5 – Economy and Employment

Policy 15

- 9) *Is the approach to new main town centre uses justified and consistent with national policy, including in relation to the sequential test and retail impact assessment?*
- 10) *Is the approach to the protection of A1 uses and the introduction of other uses justified and sufficiently flexible?*
- 11) *Is the approach in general conformity with the London Plan?*
- 12) *Are the proposed modifications necessary for soundness? Are any other modifications necessary?*

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 15 does not distinguish sufficiently between the International Centres and other Town Centres in order to properly protect what gives the International Centres their iconic status. Specifically, it fails to protect the class A1 uses which have always been critical to the recognition of the International Centres – particularly Knightsbridge – as prime destinations for high end shopping.</p>	<p>Amend clause 15C(3) to read: <i>“3a. not result in two or more non-A1 uses consecutively in the ground floor frontage of an International Centre and the A1 total floorspace in the International Centre falling below 40% of the total floorspace in the International Centre or three or more non-A1 uses consecutively in the ground floor frontage of a CAZ Retail Cluster, Major, District or Local Centre.</i> <i>3b. in the ground floor frontage of a CAZ Retail Cluster, Major, District or Local Centre, not result in three</i></p>	<p>Knightsbridge International Centre is losing A1 retail across a wide range of unit sizes. Its flagship stores are under threat, the most recent example being an application (subsequently withdrawn) for the use of the former Burberry store as a restaurant (appl. ref. 19/09936). The Council’s Town Centre Health Check 2017 (EV_E_007) identified that just 48% of floorspace in Knightsbridge International Centre was in class A1 use. Given that in 2008 this figure was 68%, the decrease represents a long term trend. Despite this, the Council’s Commercial Growth Topic Paper (EV_E_001) identifies a need for more A1 retail floorspace in the International Centres.</p> <p>Without amendment to protect their A1 uses more fully, Policy 15 will be ineffective in distinguishing properly between International Centres and all other Town Centres, despite saying at paragraph 15.14 that the International Centres, “...provide London’s prime retail destinations and offer <u>unparalleled specialist and comparison retail of regional and national importance that draws in international visitors</u>” (our emphasis). Applying the proposed policy approach in Policy 15C(3) to a situation today in Knightsbridge where 48% of floorspace is in A1 use will, at best, retain the current mix</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
	<p><u>or more non-A1 uses consecutively.</u>”</p>	<p>rather than protect retail units and floorspace so that other high-end retailers have the opportunity to locate in Knightsbridge should they choose to. As stated at paragraph 15.16 of the Plan, “Where provided, non-A1 uses will normally be subsidiary to primary A1 uses, and will enhance and sustain, rather than dilute the centre’s comparison shopping role.” Yet the policy as proposed allows for such non-A1 uses to account for half of the units in an International Centre, which would not represent a subsidiary role. In this regard therefore, the policy as currently worded will be ineffective. The Forum proposes that Policy 15C(3) can address this by adding into the clause the need to ensure that at least 40% of ground floor units along a frontage are in A1 use.</p>
<p>Policy 15B is not effective because it fails to recognise and seek to preserve the elements which make the International Centres distinct from other retail centres. It enables the erosion of the A1 retail offer in Knightsbridge by permitting subsidiary uses in its large format stores when there is already a large range and choice of cafés, restaurants and take-aways in the International Centre.</p>	<p><i>Amend Clause 15B to read: “A1 retail will remain the priority use at ground floor throughout the town centre hierarchy, and at first floor level within centres characterised by large format, multi-level stores. <u>It may be supported by subsidiary standalone units and uses within larger stores that increase customer dwell time and enhance town centre vitality and viability. The use of upper floors for residential use is supported in principle across all parts of the town centre hierarchy except the International Centres. Subsidiary uses in the International Centres will only be permitted on the upper floors of large format, multi-level stores where they are needed to retain the ongoing viability of the store.</u>”</i></p>	<p>This issue is particularly important given the growing number of units in retail centres where there are multiple uses and it is unclear what the primary use is. For example, many A1 comparison retail units have café/food takeaway areas which account for a significant proportion of their floorspace yet are still classified as shops. Without clear and appropriate limits on the proportion of floorspace in units that is not primarily A1 use, then the result will be that most units in a centre are either food and drink outlets or class A1 units with a significant proportion of their space taken up providing café facilities serving food and drink.</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>The supporting text to Policy 15 does not effectively identify the role of the Knightsbridge International Centre as distinct from a Major, District or Local Centre. This follows through into Policy 15 which is not effective in protecting the International Centre in its A1 retail role.</p>	<p>Add a new paragraph immediately after paragraph 15.17 to read: <u>“Key principles for development in the Knightsbridge International Centre are contained in the Knightsbridge Neighbourhood Plan. Its specific policies reflect the KIC’s unique characteristics which make it a world-class shopping destination and for which general town centre policies are not appropriate. It is important that, in order to maintain and enhance its status, that Knightsbridge’s world-class retailers are retained and not lost to comprehensive or mixed development which could result in fewer comparison retailers offering commoditised goods and brands.”</u></p>	<p>Maintaining the iconic status of the Knightsbridge International Centre is fundamental to people wanting to visit its shops, many of which are not found on a typical high street. If it is treated like a ‘normal’ Major, District or Local Centre then the whole rationale for identifying an International Centre is lost along with its role. Given the likely significant impact of COVID-19 on the retail sector, it is even more important that the most key elements of the retail offer are protected and given the opportunity to establish their bricks-and-mortar presence in the post-COVID-19 world. Paragraph 15.17 provides the context for addressing issues in the main shopping street (Oxford Street) of the other International Centre, the West End. It is considered that Policy 15 would be effective if similar context was provided for the Knightsbridge International Centre.</p> <p>In its representations to the Regulation 19 Plan consultation, the Forum proposed wording which it said could form part either of Policy 15 or its reasoned justification. It is considered that this wording would be more appropriately part of the reasoned justification. For clarity it is re-presented in the Forum’s suggested changes here, along with the proposed location within the text.</p>
<p>Policy 15 is not effective because the blanket approach to town centre uses across the CAZ in Clause H fails to properly reflect the sequential approach as described in and required by the NPPF. This is exacerbated by the test requiring development proposals to only have to demonstrate that they do not have ‘significant harm’ on the amenity of local residents.</p>	<p>Amend clause 15H to read: <u>“Town centre uses outside the designated town centre hierarchy in the CAZ will also only be supported in principle throughout the CAZ, where they demonstrate do not cause significant harm to that there are no suitable sites within local town centres and no adverse impact individually or cumulatively on local character or residential amenity. In order to minimise the impact of the large number of</u></p>	<p>The rationale and justification for the designation of the Central Activities Zone (CAZ) is provided by the London Plan. The ‘Intend to Publish’ version of the draft London Plan says at paragraph 2.4.5 that development plans should set out an appropriate balance between the various CAZ strategic functions, having regard to local circumstances. Policy SD4 (The Central Activities Zone (CAZ)) then requires that:</p> <ul style="list-style-type: none"> - The vitality, viability, adaptation and diversification of the international shopping and leisure destinations of the West End and Knightsbridge should be supported (Clause F). - The quality and character of predominantly residential neighbourhoods, where more local uses predominate, should be conserved and enhanced (Clause K). - Development Plans should develop locally sensitive policies to meet the requirements of the London Plan (Clause N).

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
	<p><i>visitors to the International Centres and the Strategic Cultural Areas within the CAZ, there will be a general presumption against town centre uses in neighbouring areas that are predominantly residential.”</i></p>	<p>Policy 15H of the Plan allows any town centre use anywhere throughout the CAZ in Westminster – including outside the retail centres – subject to the test of ‘significant harm’ to local character or residential amenity. In practice, a test of ‘significant harm’ sets a very low bar for demonstrating that uses such as retail, restaurants and health centres will not have a detrimental effect on residential amenity. Whilst an individual town centre use major not have a significant impact, when such non-residential uses start to cluster in a residential area, the cumulative impact becomes more significant. The policy takes no account of this and therefore does not adequately reflect the requirement of draft London Plan Policy SD4K to conserve and enhance the quality and character of predominantly residential neighbourhoods, where more local uses predominate.’</p> <p>Moreover, the blanket approach to CAZ activities in Policy 15H does not differentiate the strategic functions of the CAZ, nor does it establish any form of local sensitivity. Both are requirements of the draft London Plan. Paragraph 2.4.4 of the draft London Plan identifies the strategic functions of the CAZ. Most of these relate to main town centre uses as defined by the NPPF and as considered in Policy 15H of the Plan. Whilst Policy SD5C of the draft London Plan says that offices and other CAZ strategic functions are to be given greater weight relative to new residential development, clause C2 identifies that the exception to this is in ‘wholly residential streets or predominantly residential neighbourhoods’. Clause D then explains that these residential areas should be identified, presumably on the Policies Map. The Plan and Policy 15H does not recognise this distinction in such residential areas, nor does it identify them on the Policies Map. In Knightsbridge, it is considered that the majority of the Knightsbridge Neighbourhood Area outside the International Centre and the Strategic Cultural Area is a predominantly residential neighbourhood consisting largely of wholly residential streets.</p> <p>Previous adopted versions of the City Plan recognised the diversity of areas within the CAZ, such as Knightsbridge, Pimlico, Marylebone and Fitzrovia. These areas have historically been recognised as containing significant residential communities, within which new commercial uses have been directed to recognised town centres as stated above. Previously only the Core CAZ was presumed to be generally acceptable in</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
		<p>principal for new retail uses (not <u>all</u> town centre uses), while also being subject to other detailed policies on residential amenity, and in relation to entertainment uses.</p> <p>It is considered that this variety of character across the CAZ should continue to be recognised, particularly in residential parts of the CAZ such as Knightsbridge, and that, if anything, the town centre-first approach to new retail and town centre uses will become more important as part of the recovery from the COVID-19 crisis, given the likelihood of retail demand falling and vacancies rising.</p> <p>Paragraph 85 of the NPPF states that planning policies should support the role that town centres play and should take a positive approach to their growth. In this regard, the requirement to apply the sequential test to uses proposed outside the identified centres is fundamental. Policy 15H does not properly reflect the need to apply the sequential test and suggests that main town centre uses are supported in principle anywhere in the CAZ, whether in a defined Town Centre or otherwise. This is contrary to national policy and therefore Policy 15H, as currently worded, is unsound.</p>

Policy 17

17) Is the approach to food and drink and entertainment uses justified? How will it be implemented in practice in respect of the issue of over-concentration and how will this be defined?

21) Are any modifications necessary for soundness?

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 17A is not effective because it does not define what ‘over-concentration’ means in terms of food and drink and entertainment uses. The test of harm to residential amenity of vitality and character is difficult to apply and fails to reflect that an over-concentration of food and drink and entertainment uses could also harm the diversity and function of the retail centre itself.</p>	<p>Amend Clause 17A to read: <i>“Proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be <u>further prevented where this could harms residential amenity, or the vitality and character of the local area or the diversity that defines role and function of the retail centre...</u>”</i></p>	<p>The ‘Intend to Publish’ version of the draft London Plan (Policy SD4F) promotes the diversification of destinations such as the Knightsbridge International Centre yet Policy 17A, as currently worded, would be likely to result in a narrowing of the type of retail offer available as this would dilute the offer of the large format retail stores which are one of its features.</p>

25 June 2020

Submitted by the Knightsbridge Neighbourhood Forum (respondent ref. no. 51)

WESTMINSTER CITY PLAN EXAMINATION – MATTER STATEMENT 6

Matter 6 – Connections

Policy 31

1) Taking each individually, are Policies 25-32 justified, effective, consistent with national policy and in general conformity with the London Plan?

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 31C is not effective because it relies on a strategy that has no status and has not been submitted to the Examination.</p>	<p>Amend clause 31C to read: <i>“C. The council will support the continued roll out of on street electric charging points or wireless charging facilities for use by the general public across Westminster that are future-proofed in terms of technology, capacity and demand.in line with the emerging Westminster Electric Vehicle Strategy (2019).</i></p>	<p>By 2035, fully five years before the end of the plan period, no new petrol or diesel cars will be permitted to be sold in the UK. The expectation is that new vehicles will be low emission and principally electric vehicles. The need for appropriate charging facilities for such vehicles therefore becomes paramount. Whilst private provision of charging facilities in line with parking standards will address the needs where parking provision is made, there will be numerous other types of vehicle usage for which other forms of charging provision is required. This includes taxis and private hire vehicles and delivery vehicles. In particular for these vehicles, the need to charge as quickly as possible is paramount and the expectation is that, over the period to 2035, improvements in technology will mean that the speed of charging improves dramatically. However, this requires the necessary technology and systems to be in place. Many developers will be unaware of what the appropriate technology might be at the time and what upgrades to the electricity transmission network are required.</p> <p>The Westminster Electric Vehicle Strategy 2019 has not been submitted to the Examination and is not available on the internet. Therefore, it is not possible to know what provision it makes for charging points. Moreover, this document has no status and does not therefore place any clear policy commitment or requirement on the Council or developers alike to contribute towards achieving these objectives, either through developer contributions or through the design of buildings and spaces.</p>

25 June 2020

Submitted by the Knightsbridge Neighbourhood Forum (respondent ref. no. 51)

WESTMINSTER CITY PLAN EXAMINATION – MATTER STATEMENT 7

Matter 7 – Environment

Policy 33

1) Taking each individually, are Policies 33-38 justified, effective, consistent with national policy and in general conformity with the London Plan?

3) Are the requirements for air quality assessment and mitigation set out in Policy 33 clear and justified? Is it clear what developers would need to do if air quality neutral status cannot be achieved? Are the financial contributions towards air quality clear? How have the requirements of Policy 33 factored into the viability assessment?

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 33 is not effective in addressing the issue of air pollution, which is expected to be one of the most acute threats to human health (particularly in urban areas) over the plan period. It fails to provide clear direction in all the ways that it can to ensure that development is at least air quality neutral.</p>	<p>Add a new clause after 33C to read: <u>“All major developments and those subject to an Environmental Impact Assessment, including change of use and refurbishments, should aim to achieve Zero Local Emissions.”</u></p>	<p>It is recognised today that air pollution is one of the most severe issues affecting human health, both in this country and globally. London is one of the locations in the UK where air pollution is greatest, with Westminster having a number of locations that are particular hotspots, e.g. Brompton Road. Given the severity of the air pollution issue in Westminster borough, the Forum considers that the Council should encourage developers to go further than the requirements of the draft London Plan. In particular, this relates to achieving Zero Local Emissions (development that emits no emissions to air directly or indirectly other than filtered air after ventilation or cooking).</p> <p>Westminster City Council should include the updated draft ‘Air Quality Action Plan 2019 -2024’ among the examination documents. It supercedes the plan for ‘2013 – 2018’. Furthermore, the Council’s Cabinet decided at its meeting on 11 May 2020 to ‘refresh’ the ‘2019 – 2024’ plan and noted that “...it is envisaged that a refreshed Action Plan will be more ambitious in its commitments to reduce air pollution in Westminster”. The City Plan should align to the emerging AQAP 2019-2024. See para 5.4 on page 5: https://committees.westminster.gov.uk/documents/b16555/Follow%20on%20Agenda%2011th-May-2020%2019.00%20Cabinet.pdf?T=9</p>

Policy 35

6) Are the contributions expected from development towards Green Infrastructure set out in Policy 35 clear and do they cover all types of Green Infrastructure, particularly sports and play? Have the viability implications of developer requirements of Policy 35 been taken into account?

7) Is Policy 35 consistent with paragraph 174 of the NPPF?

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 35 is not consistent with national policy because it fails to fully and properly address the requirement of paragraph 174 of the NPPF to ‘...identify and pursue opportunities for securing measurable net gains for biodiversity’. This is because it does not provide a robust framework for ensuring the delivery of on-site biodiversity gains. Moreover, this is not able to feed into a measurable framework which reflects the requirement of Policy G5 (Urban greening) of the draft London Plan to develop an Urban Greening Factor.</p>	<p>Amend 35B to read: <i>“...design of the scheme. <u>Until superseded by a local target for Westminster, the Mayor’s Urban Greening Factor will apply to major developments.</u>”</i></p> <p>Amend 35G to read: <i>“Developments should achieve biodiversity net gain, wherever feasible and appropriate and only in exceptional circumstances should a contribution be made in the form of a biodiversity credit. Proposals should include a clear planting plan that demonstrates resilience to climate change, diseases and pests.”</i></p>	<p>Biodiversity net gain can be achieved and there is plenty of guidance out there as to how it can be done, e.g. NPPG (https://www.gov.uk/guidance/natural-environment) and CIEEM (https://cieem.net/biodiversity-net-gain-guidance-published/). But the Council, as noted in its Environment Topic Paper (EV_ENV_001), only intends to give local guidance through its Green Infrastructure Strategy, “which will be produced during the life of the City Plan” (para. 4.8). This is a matter of significant importance and urgency, therefore must be part of the examined Plan. The Council must be able to demonstrate how its policies will achieve biodiversity net gain but does not do this. Moreover, if biodiversity credits are paid by developers unable to achieve net biodiversity gain on their site, then there must be a robust strategy in place which ensures these credits are used effectively to maximise net biodiversity gain elsewhere.</p> <p>Draft London Plan Policy G5 (Urban greening) requires boroughs to develop an Urban Greening Factor. The Plan has not done this, nor has it made reference to the draft London Plan interim target scores.</p>
<p>Policy 35 is not consistent with national policy because it fails to fully and properly address the requirement of paragraph 174 of the NPPF to ‘...identify and pursue opportunities for securing measurable net gains for biodiversity’ with specific reference to trees. Policy 35 only refers to trees within the context of their canopy cover.</p>	<p>Replace 35I with the following clause: <i>“Development must take every opportunity to maximise the planting of species-diverse trees that will contribute to a healthy urban forest, with a balanced age structure, that will be resilient to climate change, diseases and pests”</i></p>	<p>A policy requirement that simply encourages the planting of trees of any species in any spare space will result in poor outcomes, particularly if the sole consideration of their value is canopy cover. Whilst the heat island effect is one specific threat from climate change, planting trees that provide shade will only help to minimise the direct effects on humans on a day-to-day basis; an effective strategy for planting must also contribute towards mitigating the more fundamental, long term impacts of climate change by recognising the role they play as carbon stores. In this regard, the importance of planting a range of tree species is critical. This will minimise the general threat of diseases, pests and climate change to the tree population. Currently in London the plane tree</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
	<p><u>and provide shade and help to connect habitats.</u>"</p> <p>Add new clause 35J to read: <u>"All Key Development Sites are expected to demonstrate how they have taken every opportunity to maximise tree planting on the site."</u></p>	<p>predominates, a species that has been devastated by 'plane wilt' in other cities such as Lyon, France.</p> <p>Draft London Plan Policy G7 (Trees and woodlands) requires development plans to identify opportunities for tree planting in strategic locations. Despite the Council's Environment Topic Paper (EV_ENV_001) stating in para 4.19 that it does this, no specific locations have been identified. It is assumed that this will only be undertaken as part of the Council's Green Infrastructure Strategy but this has yet to be prepared. The Key Development Sites, including Hyde Park Barracks, are a good opportunity to address this in the Plan, being the largest sites with the greatest potential to accommodate substantial planting programmes.</p>

Policy 36

11) Does Policy 36 provide sufficient protection for current and future flood management infrastructure?

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 36 is not sound because it fails to take into account the need to plan for the impacts of climate change, including rising sea and watercourse levels.</p>	<p>Amend 36I to read: <u>"New development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken. Where possible, it should incorporate mitigation and resilience measures for possible</u></p>	<p>Paragraph 148 of the NPPF states that planning plays an important role in minimising the vulnerability of developments and building in resilience to the impacts of climate change, including flood risk. Policy 37 as worded does not require development proposals to demonstrate how they have built in resilience, simply that they have addressed the direct impacts of their scheme at the time of the application. The Council's draft Strategic Flood Risk Assessment 2019 (EV_ENV_010) notes at paragraph 3.4.13 that climate change is likely to have a major impact on future flood risk. For Westminster this is significant in relation to surface water flooding, which is expected to be addressed by SuDS provision.</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
	<u>increases in seasonal watercourse levels as a result of climate change.</u> "	

Policy 37

- 1) *Taking each individually, are Policies 33-38 justified, effective, consistent with national policy and in general conformity with the London Plan?*
- 2) *Do Policies 33-38 effectively deal with the full range of issues?*
- 15) *Should Policy 37 set out carbon reduction targets? Is the proposed payment in lieu for developments unable to meet carbon reduction requirements clearly articulated?*
- 16) *Should the requirement for major development to install energy monitoring equipment and undertake energy monitoring be specified in Policy 37?*
- 17) *Have all the requirements of Policy 37 been fully taken into account in the viability assessment?*

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 37 is not in general conformity with Policy SI2 (Minimising greenhouse gas emissions) of the London Plan</p>	<p>Amend 37A to read: <i>“<u>The council will promote requires all major development to be net zero carbon and expects all development, including refurbishments, to reduce on-site energy demand and maximise the use of low carbon energy sources, particularly on-site, to minimise the effects of climate change.</u>”</i></p>	<p>Policy SI2 of the London Plan clearly states that ‘major development should be net zero carbon.’ Policy 37A is therefore not in general conformity with this.</p> <p>In addition, the policy fails to address the impact of small (non-major) sites. The Council’s Housing Topic Paper (EV_H_013) projects in Table 3 that 15% of all units on identified sites will be delivered through schemes of less than 10 dwellings. On windfall sites, this increases to 20% (para. 6.6.6). This equates to over 2,800 dwellings on small sites. It is imperative, given the urgency of the need to ensure all development significantly reduces its carbon emissions, that small sites are explicitly required to be designed so that they reduce energy demand.</p> <p>Equally, the scale of the task to meet net zero carbon is so significant that all aspects of development must contribute. The majority of development in Westminster will be refurbishment of existing buildings rather than construction of new buildings. It is therefore imperative that refurbishment improves energy efficiency of existing buildings.</p>
<p>Policy 37 should set out carbon reduction targets, given the importance of the requirement to meet carbon reduction targets, both set in law by the UK Government and committed to by Westminster City Council.</p>	<p>Amend 37 to include carbon reduction targets by appropriate points during the Plan period, preferably 5-yearly.</p>	<p>Given the clear targets for emissions reduction set in law by the UK Government (net zero carbon by 2050) and through a resolution of the Council (net zero carbon across Westminster borough by 2040), it is imperative that targets for emissions reduction are set to measure progress. Given the scale of the task by 2050 and particularly 2040, significant reductions in emissions are in the first 10 years of the plan period. Without targets for the development sector – one of the most significant contributors to emissions</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
		currently – there is a danger that the overall target for 2040 will be unachievable and this point will be reached comparatively early in the Plan period. It is paramount therefore to have measurable, interim targets for 5-yearly periods over the lifetime of the Plan.
Policy 37C is not sufficiently clear about the extent of the likely payment towards the Carbon Offset Fund and the impact of this on viability. The proposal to prepare a Supplementary Planning Document on the matter at a future date fails to properly address the severity of the issue and the need for development to be making effective contributions towards carbon reduction targets from the very start of the plan period. In this regard the policy has not been justified and is not effective.		The Council has not demonstrated how its Carbon Offset Fund contribution requirements are to be set so that they make development viable. The current cost of carbon sought by the Council is £60 per tonne over a 30-year period (source: Westminster Carbon Offset Fund Guidance, Jan 2020) whereas the draft London Plan tested a figure of £95 per tonne of carbon as part of its viability assessment (source: draft London Plan para. 9.2.8). It is unclear whether the Council’s Local Plan Viability Review (EV_GEN_001) took into account either of these figures in its assessments. All it assumes is an addition of 1.4% to base build costs for residential and 2% for commercial. It should be noted that the Westminster Carbon Offset Fund Guidance (Jan 2020) has not been submitted to the Examination therefore the Forum is concerned that the evidence base is insufficient to determine whether the carbon price advised by the draft London Plan has been tested and development remains viable. This is a matter of significant importance and urgency, therefore must be part of the examined Plan.
<p>Policy 37 should require all major development to install energy monitoring equipment and undertake energy monitoring, otherwise the policy could be ineffective in addressing the significant issue of carbon emissions reduction.</p> <p>Also, it is not just monitoring of energy that is important. The energy strategy of major development must ensure that it is as efficient as possible and, as far as possible, addresses its own energy needs on site. An additional clause in the policy needs to make this clear in order for the policy to be effective.</p>	<p>Amend clause 37A to read: <i>“...the effects of climate change. Major development must ensure that provision is made for energy monitoring.”</i></p>	<p>The Council’s Environment Topic Paper (EV_ENV_001) notes that Westminster has among the highest annual energy consumption of all local authority areas in the UK (para. 6.18). Nationally, energy usage in buildings is of the biggest contributors to carbon emissions. Therefore, the challenge to reduce and minimise energy consumption across the whole of Westminster borough is significant and must start with new buildings.</p> <p>The increase in demand for electricity as opposed to what traditionally has been more of a mix of energy sources means that the demand on the grid will be significant. Development will increasingly need to be able to produce and store its own energy which can then be used on site as electricity in an efficient way. In this regard, this is a core part of the Mayor’s energy hierarchy (draft London Plan, Figure 9.2). However, whilst the hierarchy provides the high level process for minimising energy use and maximising efficiency, it is incumbent on Local Plan policies to articulate this more clearly. Policy 37 must provide clearer direction on what is expected of development proposals.</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 37 should address the need to minimise water consumption and to ensure that the water supply infrastructure is protected and enhanced.</p>	<p>Add new sub-heading and clause to Policy 37 to read:</p> <p><i><u>“WATER USAGE</u></i> <i><u>All development should minimise water consumption and peak flows through good design.”</u></i></p>	<p>Objective 7 of the Plan is to ‘Improve air quality, minimise noise and other polluting impacts, and reduce carbon and water demands by minimising detrimental impacts from development’. However, the Plan does not include any policies which address water demand, directly or indirectly. Water efficiency and reduction in water consumption is critical to mitigating the impacts of climate change. Draft London Plan Policy SI5 (Water infrastructure) requires development plans to, “...promote improvements to water supply infrastructure and contribute to security of supply”. The Plan makes no reference to promoting the protection and improvement of the water environment or Integrated Water Management Strategies, as required by Policy SI5.</p>

25 June 2020

Submitted by the Knightsbridge Neighbourhood Forum (respondent ref. no. 51)

WESTMINSTER CITY PLAN EXAMINATION – MATTER STATEMENT 8

Matter 8 – Design and Heritage

Policy 39

- 1) *Taking each individually, are Policies 39-46 justified, effective, consistent with national policy and in general conformity with the London Plan?*
- 2) *Do Policies 39-46 effectively deal with the full range of issues?*
- 3) *Does Policy 39 have sufficient emphasis on water efficiency? Is it in general conformity with the London Plan in this regard? Have the viability implications been fully taken into account? Are the proposed modifications necessary for soundness?*

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 39D, as worded, is ineffective in providing clarity to developers as to the issues that they must address in order that development helps the UK to achieve its net zero carbon target of 2050 and Westminster borough to achieve the same target by 2040. In addition, it fails to acknowledge that a lot of development will be in the form of refurbishment of existing buildings and that the energy use of the UK’s existing building stock is one of the most significant contributors towards our current profile of emissions.</p>	<p>Amend clause 39D to read: <i>“Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of <u>mitigate and adapt to</u> climate change by incorporating principles of sustainable design, including: ...”</i></p> <p><i>Amend clause 39D(3) to read:</i></p> <p><i>3. <u>optimising resource efficiency, including for refurbishments, by taking steps now to meet anticipated future energy and water needs and minimise urban heat island effects;</u></i></p>	<p>The revised wording proposed to Policy 39D follows the approach taken into Reading Local Plan Policy CC2 (Sustainable Design and Construction), adopted in 2019. This policy was assessed in the Sustainability Appraisal for its impacts regarding CO₂ emissions, adaptability to extreme weather and efficient use of natural resources. Negative impacts with regard to these objectives will be mitigated by other policies within the Plan.</p> <p>The Westminster Viability Report 2019 (EV_GEN_001) tested for the additional cost of developing to zero carbon standard and found that it has no material difference in terms of the number of sites that are rendered unviable by the higher cost. In fact, the report states that zero carbon adds 1.4% to costs of residential development (para. 3.13) and BREEAM ‘Excellent’ adds 2% (para. 3.14). Given that Policy 39 requires BREEAM ‘Excellent’ on non-residential developments therefore there is no reason why the policy should not require zero carbon for residential development <u>including refurbishments</u>.</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
	<p>Amend clause 39E to read:</p> <p><i>“Applicants will demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards as follows:</i></p> <p><i><u>...3. The achievement of BREEAM or equivalent standards will be achieved alongside net zero carbon imperatives and without worsening indoor or ambient air quality.</u></i></p>	<p>It is more efficient to make long-term improvements to a building when it is built or refurbished than have to retrofit it at a later date e.g. change it from gas heating and water radiators to electric heating.</p>
<p>Policy 39 is not effective because it does not properly address the issue of water stress which has been identified in its evidence base as a major threat arising from climate change.</p>	<p>Amend clause 39D as above.</p>	<p>Westminster and the wider region is classified as an area of serious water stress by the Environment Agency. Thames Water’s Water Resource Management Plan 2019 (https://corporate.thameswater.co.uk/about-us/our-strategies-and-plans/water-resources#wrmp) identifies London as having a shortage of water supply compared with demand under its baseline scenario from now through the whole of the plan period (and beyond to 2099). The need to conserve water is paramount. It is therefore vital that high water efficiency standards are a policy requirement. At present, these should be the higher standards as required under Regulation 36(3) of the Building Regulations 2015.</p>

Policy 40

4) Is Policy 40 consistent with national policy and the statutory requirements associated with heritage assets? Is it clear? Are the proposed modifications necessary for soundness?

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 40 is not consistent with national policy because it does not appropriately</p>	<p>Add a new clause after 40R to read:</p>	<p>Paragraph 1.6 of the Council’s Viability Report (EV_GEN_001) notes that 76% of borough is covered by conservation areas and there are 11,000 listed buildings and</p>

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>balance to need for buildings to reduce their carbon emissions alongside the requirements of national policies for the historic environment.</p>	<p><u>RETROFITTING</u></p> <p><i>“Refurbishment of listed buildings and/or other buildings in Conservation Areas must mitigate and adapt to climate change.”</i></p>	<p>structures. They therefore are likely to form a major part of any refurbishment activity. The Committee on Climate Change’s May 2019 report entitled ‘Net Zero: The UK’s contribution to stopping global warming’ (https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf), highlights what is needed to meet net zero carbon and this includes making all existing buildings more energy efficient (Box 6.1). Modern designs of double glazing – a common limitation of energy-efficient refurbishment of listed buildings and in conservation areas – can reflect heritage design so should be included as part of guidance to applicants in a supplementary planning document or equivalent. The Council’s Environment Topic Paper (EV_ENV_001) cites at paragraph 6.20 its ‘Retrofitting Historic Buildings for Sustainability’ document from 2013. Innovation in design has improved considerably in the seven years since it was published therefore it is out of date. For example, the statement in the document that double glazing in listed buildings will ‘generally not be considered acceptable’ (p.33) must be reviewed.</p>

25 June 2020

Submitted by the Knightsbridge Neighbourhood Forum (respondent ref. no. 51)**WESTMINSTER CITY PLAN EXAMINATION – MATTER STATEMENT 9****Matter 9 – Infrastructure, Implementation and Monitoring*****5) What will be the relationship with the Site Allocations DPD?***

- 9.1 The way that the Key Development Sites are addressed in both the Regulation 19 version of the draft City Plan and in the proposed minor modifications is not effective in demonstrating that the sites can come forward and deliver the stated quantum of development and therefore give assurance that the overall housing requirement can be met. Moreover, there is no indication given of the potential issues that may act as constraints to delivery or will require mitigation. The Housing Supply Topic Paper (EV_H_013) simply states that a site is ‘developable’ without explaining why. As stated in national Planning Practice Guidance (NPPG), for a site to be considered developable, its suitability, availability and achievability must be assessed. The NPPG states that, “Where constraints have been identified, the assessment will need to consider what action could be taken to overcome them” (Paragraph: 021 Reference ID: 3-021-20190722). There is no such assessment to accompany the overall consideration that any sites are developable.
- 9.2 Specifically in respect of the Hyde Park Barracks Key Development Site, the Housing Supply Topic Paper simply refers to ‘nearby heritage assets includ(ing) the registered Hyde Park’. No reference is made to heritage constraints, either on site or on nearby heritage assets which may undergo setting change. For the draft Plan to be effective, it should make clear that there is a need for a detailed assessment of heritage significance, impact on MOL and other constraints prior to the inclusion of the site in the Site Allocations DPD or formulation of any design proposals. The requirement for an Act of Parliament to release the site for development is also a significant consideration, in that without this the site cannot be considered to be ‘developable’.
- 9.2 In addition, there is no recognition in the Housing Supply Topic Paper that large scale housing development on the Hyde Park Barracks site is likely to be harmful to the Metropolitan Open Land (MOL). It simply states that, ‘Although it is designated as Metropolitan Open Land it is a brownfield site.’ It fails to acknowledge that the MOL designation means a developer would need to demonstrate ‘very special circumstances’ for development which harms it.
- 9.3 Issues such heritage and impact on the MOL have not been established yet could result in the site not being capable of being developed or only being capable of supporting a lower number of dwellings without conflicting with other requirements of the City Plan. As set out in our statement in respect of Matter 3 (Question 16), it is considered that there are a number of subjects that need to be considered in the Site Allocations DPD to inform any proposals at the site.

6) What is the intended relationship with Supplementary Planning Documents (SPDs) and what role will these play in implementation?***7) Is the distinction between matters to be dealt with by the City Plan and SPDs appropriate?***

- 9.4 A large number of matters have been left to be addressed through Supplementary Planning Documents. Many of these issues relate to the critical policy requirement for the City Plan to meaningfully contribute towards the requirement to be net zero carbon by 2050 (in the case of the legal target set by the UK Government) or 2040 (in the case of the Westminster City Council commitment for Westminster borough).

- 9.5 NPPG states that, “Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan” (Paragraph: 008 Reference ID: 61-008-20190315). Given the metaphorical new territory that local plans must establish in order to contribute towards a legally binding target of the UK Government, it is clear that these matters should be presented clearly in policy. As little as possible should be left to SPDs, not least because these will take time to prepare and the matter at hand requires a strategy that must be put into place as soon as possible.