



Kimberley West
City and Planning Policy Team
Leader
Westminster City Council

Our Ref:

PINS/X5990/429/9

Date:

29 October 2020

Dear Ms West,

Examination of the Westminster City Plan 2019-2040

1. Further to our letter of 16 October 2020 and following the completion of the priority action points arising from the hearing sessions, we are now able to identify the main modifications which we consider are necessary to make the submitted City Plan sound. An outline of these main modifications is set out in the attached document. As you will see, most of these are taken from the schedule of suggested main modifications put forward by the Council during the course of the examination (the most up to date version being CORE 025 V4). The attached document also provides some guidance on the nature and format of the main modifications.
2. Our conclusions on the issues and the reasons for main modifications will be set out fully in our report and we will take account of consultation responses, updated sustainability appraisal and other relevant information before reaching our final conclusions. We must also stress that we are not inviting or expecting comments on the document we have produced. There will be a full consultation exercise on the actual schedule of main modifications in due course.
3. Earlier in the examination, the Council accepted that the housing requirement/target should be amended to be consistent with the emerging London Plan and clarified that the key development sites were not intended to be regarded as site allocations. You will note that the modifications address these points. Subject to these and other modifications addressing specific issues, we consider that the overall approach to the scale and distribution of development, including in respect of the spatial development priorities, is sound.
4. We are satisfied that the City Plan will provide for an adequate supply of housing over the plan period and that there will be a five-year supply of deliverable sites from the likely point of adoption.
5. Subject to modifications dealing with specific issues, we find the approach to affordable housing set out in Policy 9 to be sound. Policy 10 of the submitted City Plan seeks the provision of, or contributions towards, affordable housing from office and hotel development in the Central Activities Zone. We do not consider that this policy is

justified, effective or consistent with national policy. The Council acknowledged concerns in relation to submitted Policy 10 and following the recent changes to the Use Classes Order accepted that it could not be put into practice effectively. The Council's suggested modifications included a completely re-written version of Policy 10. Whilst we appreciate the Council's efforts to deal with these recent changes to the Use Classes Order we do not consider that in principle a policy seeking financial contributions to affordable housing provision from commercial development is justified, effective or consistent with national policy. We are also concerned that the proposed approach would not meet the tests of planning obligations. You will note therefore that the modifications include the deletion of Policy 10.

6. We are grateful to the Council for the prompt and constructive response to the changes to the Use Classes Order in relation to a number of policies and consider the Council's suggested modifications in this respect to be broadly acceptable. However, we do not consider that it would be justified to include references in policies/supporting text to the use of conditions to in effect restrict specific uses which are now all within Class E. The clear intention behind these recent changes to the Use Classes Order is to allow flexibility for businesses to adapt and diversify to meet changing demands.
7. The collaborative work between the Council and Historic England is also noted. However, the suggested modifications to Policy 42 which seek to introduce a test of demonstrating exceptional public benefits are not justified or necessary when read against all the criteria of Policy 42 and other policies of the plan.
8. Modifications are also needed to Policy 41 to make it effective. However, those suggested by the Council do not fully achieve this. Therefore, alternative wording which seeks to clearly explain the Council's positive approach to roof extensions and how the policy is applied is suggested. The Council is open to propose its own alternative wording to make Policy 41 effective.
9. There are a number of other modifications required to ensure that the City Plan is positively prepared, justified, effective and consistent with national policy and that it is consistent with the London Plan. The vast majority of these have been put forward by the Council.
10. In order to progress, we would be grateful if you could prepare a schedule of proposed main modifications, along the lines set out in the attached document for our consideration. In doing so, the Council should also consider whether there are any consequential changes to the Submission Policies Map.
11. Once we have agreed the detailed schedule of main modifications, it will need to be published for full consultation for at least six weeks. Sustainability appraisal of the main modifications will be needed and a report on this should be published alongside the main modifications schedule. We are happy to discuss the detailed mechanisms and timescales for progressing the main modifications process via the Programme Officer.

Yours sincerely

Kevin Ward and Luke Fleming

INSPECTORS