

## **Westminster City Plan 2019-2040 Examination Matters, Issues and Questions identified by the Inspectors**

### **Matter 1 – Procedural/legal requirements**

#### **Issue**

Whether the Council has complied with relevant procedural and legal requirements.

#### **Questions**

##### *Plan preparation*

- 1) Has the preparation of the City Plan been in accordance with the Local Development Scheme in terms of its form, scope and timing?
- 2) Have requirements been met in terms of the preparation of the City Plan, notification, consultation and publication and submission of documents?
- 3) Has the preparation of the City Plan complied with the Statement of Community Involvement?

##### *Integrated Impact Assessment*

- 4) How has the Integrated Impact Assessment (IIA) been reported? Which specific documents collectively comprise the Council's IIA (those prepared at each stage) to meet the requirements of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)?
- 5) How has the IIA informed the preparation of the City Plan at each stage?
- 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?
- 8) How have issues of equality been assessed and addressed in the City Plan?

##### *Habitats Regulations Assessment*

- 9) How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate, including the approach to screening out of policies?
- 10) What are the relevant designated sites considered?
- 11) What potential impacts of the City Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the City Plan?
- 12) Have any concerns been raised regarding the HRA and if so, what is the Council's response to these? How has Natural England been involved?

##### *General conformity with the London Plan*

N.B. In dealing with this issue, the advanced stage of the new London Plan will be taken into account

- 13) Is the submitted City Plan in general conformity with the London Plan?
- 14) Which modifications have been proposed to address any issues of general conformity?
- 15) What is the current position of the Mayor of London in light of these suggested modifications and any further discussions that have taken place?

*Other matters*

- 16) Has the Council had regard to the other relevant matters set out in S19 of the 2004 Act (as amended) and Regulation 10?
- 17) Does the City Plan include policies in relation to the mitigation of and adaptation to climate change? Which?

**Matter 2 – The duty to co-operate****Issue**

Whether the Council has complied with the duty to co-operate in the preparation of the City Plan.

**Questions**

- 1) What are the strategic matters relevant to the preparation of the City Plan (as defined by S33A(4) of the Planning and Compulsory Purchase Act 2004)?
- 2) For each of these, who has the Council co-operated with during the preparation of the City Plan and what form has this taken?
- 3) What has been the outcome of this co-operation?
- 4) Have any substantial concerns been raised in terms of compliance with the duty to co-operate?
- 5) In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the City Plan?

**Matter 3 – The Spatial Strategy and Spatial Development Priorities****Issue**

Whether the Spatial Strategy and policies for the Spatial Development Priorities are justified, effective, consistent with national policy and in general conformity with the London Plan.

**Relevant Policies – 1-7****Questions***Policy 1*

**N.B. Issues relating specifically to the housing target and delivery, affordable housing and the overall scale of jobs growth are dealt with in Matters 4 and 5**

- 1) What is the basis for the principles set out in Part A of Policy 1 and are they justified?
- 2) How do they reflect the vision and objectives of the City Plan?
- 3) How do they align with the London Plan?
- 4) How are they consistent with national policy?
- 5) Do they cover all necessary issues?
- 6) What is the background to and justification for the area based approach to growth set out in Part B of Policy 1?
- 7) How does this align with the London Plan?
- 8) Were there reasonable alternatives to this approach? If so, what options were considered and why were alternatives discounted?
- 9) Is the boundary of the Central Activities Zone appropriate and justified?
- 10) Is the policy sufficiently clear in terms of the scale and nature of development across the different areas?
- 11) What is the approach to other areas not identified and is this clear?
- 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?
- 14) What would be the implications of the proposed modifications for the City Plan as a whole?
- 15) Are the proposed modifications necessary for soundness?
- 16) What role will the Site Allocations DPD have in relation to these sites?
- 17) Are the other proposed modifications to Policy 1, the reasoned justification and the Key Diagram necessary for soundness? Are any other modifications necessary?

*Policy 2*

- 18) What is the background and justification for the priorities set out in Policy 2? Are they consistent with national policy?
- 19) Does Policy 2 adequately and effectively deal with the full range of relevant issues?
- 20) How will these priorities be delivered?
- 21) What is the basis for the designation and boundaries of the West End Retail and Leisure Special Policy Area, the West End International Centre and the

Tottenham Court Road Opportunity Area? Are the areas covered appropriate and justified?

- 22) How does the designation of these areas and the policy approach align with the London Plan?
- 23) Is the policy sufficiently clear in terms of the scale and nature of development envisaged?
- 24) What progress has been made towards the growth targets for the Tottenham Court Road Opportunity Area and how will future growth be delivered?
- 25) Are any modifications necessary for soundness?

#### *Policy 3*

- 26) What is the background and justification for the priorities set out in Policy 3? Are they consistent with national policy?
- 27) Does Policy 3 adequately and effectively deal with the full range of relevant issues?
- 28) How will these priorities be delivered?
- 29) Is the boundary of the Paddington Opportunity Area justified? Are main modifications necessary to make it sound?
- 30) Should Policy 3 specify the amount of housing and employment expected in the Paddington Opportunity Area over the plan period?
- 31) Is Policy 3 consistent with other policies in the City Plan, particularly Policy 42?
- 32) What progress has been made towards the growth targets for the Paddington Opportunity Area and how will future growth be delivered?
- 33) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

#### *Policy 4*

- 34) What is the background and justification for the priorities set out in Policy 4? Are they consistent with national policy?
- 35) Does Policy 4 adequately and effectively deal with the full range of relevant issues?
- 36) How will these priorities be delivered?
- 37) Is the boundary of the Victoria Opportunity Area justified? Are main modifications necessary to make it sound?
- 38) Should Policy 4 specify the amount of housing and employment expected in the Paddington Opportunity Area over the plan period?
- 39) Is Policy 4 consistent with other policies in the City Plan, particularly Policy 42?
- 40) What progress has been made towards the growth targets for the Victoria Opportunity Area and how will future growth be delivered?
- 41) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

#### *Policy 5*

- 42) What is the background and justification for the priorities set out in Policy 5? Are they consistent with national policy?
- 43) Does Policy 5 adequately and effectively deal with the full range of relevant issues?
- 44) How will these priorities be delivered?
- 45) What is the basis for the designation and boundary of the North West Economic Development Area and is it appropriately defined and justified?
- 46) Is the policy sufficiently clear in terms of the scale and nature of development envisaged?
- 47) What progress has been made and how will future growth be delivered?

- 48) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 6*

*Church Street/Edgware Road*

- 49) What is the basis for the boundary of the Housing Renewal Area and is it appropriately defined?
- 50) What is the basis for the priorities set out in the policy and are they justified?
- 51) Do they cover all necessary issues?
- 52) How will these priorities be delivered?
- 53) In particular, how and where will the number of new homes and jobs envisaged be delivered?
- 54) How will the proposals affect the local community and the existing housing stock?
- 55) Are any modifications necessary for soundness?

*Ebury Bridge Estate*

- 56) What is the basis for the boundary of the Housing Renewal Area and is it appropriately defined?
- 57) What is the basis for the priorities set out in the policy and are they justified?
- 58) Do they cover all necessary issues?
- 59) How will these priorities be delivered?
- 60) In particular, how and where will the number of new homes envisaged be delivered?
- 61) How will the proposals affect the local community and the existing housing stock?
- 62) Are any modifications necessary for soundness?

*Policy 7*

- 63) Are the criteria in Policy 7 sufficiently clear and effective?
- 64) Are they justified?
- 65) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

<b>Matter 4 – Housing</b>
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**Issue**

Whether the City Plan has been positively prepared and whether it is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to housing.

**N.B. The examination will consider the submitted City Plan’s housing requirement/target of 22,222 new homes for the plan period and the commitment to step up delivery to 1,495 new homes each year for the first 10 years (Policies 1 and 8). However, the Council’s updated position is that the housing requirement/target should be as set out in the new London Plan (intend to publish version) i.e. 985 new homes per year and 20,685 for the plan period. The issue will be considered in this context and this updated position will be discussed. The Council’s updated position is set out in the following additional documents produced for the examination and these should be taken into account in preparing written statements for the hearing sessions.**

**-WCC Letter 006 – March 2020**

**-EV H 013 – Housing Supply Topic Paper Addendum – March 2020**

**-EV H 014 – Draft 5yr Housing Land Supply Statement – March 2020**

**Relevant Policies – 8-13****Questions***Housing requirement/target*

- 1) Is the housing requirement/target of 22,222 new homes over the plan period and the commitment to step up delivery to 1,495 new homes each year in the first 10 years justified and in general conformity with the London Plan? What is the specific basis for the figure of 1,495 and is this an appropriate methodology for calculating a housing requirement/target?
- 2) Would this be realistically achievable? What evidence is there to demonstrate this?
- 3) Distinguishing between a housing requirement/target and the ambition for higher potential supply and delivery of housing, would it be more appropriate to remove the reference to a step up in delivery from the policy?
- 4) Would it be more appropriate for the City Plan to simply reflect the housing target set out in the new London Plan (intend to publish version) of 985 new homes per year?
- 5) Would the proposed modifications relating to this issue achieve this and are they necessary for soundness? Are any other modifications necessary?
- 6) Should the City Plan set out a housing requirement for designated neighbourhood areas (Para 65 of the NPPF)?

*Housing supply and delivery*

- 7) What is the estimated total supply of new housing in the plan period 2019-2040?
- 8) What is the estimated supply from each source for the plan period? What is the evidence to support this and are the estimates justified?
- 9) What is the requirement for the first five years and what buffer should be applied?
- 10) What is the estimated total supply of specific deliverable sites for this period?
- 11) What is the estimated supply from each source for this?
- 12) What is the evidence to support this and are the estimates justified?

- 13) What is the estimated total supply of developable sites for years 6-10 and 11-15?
- 14) What is the estimated supply from each source for this (including windfalls)?
- 15) What is the evidence to support this and are the estimates justified?
- 16) Overall, would at least 10% of the housing requirement/target be met on sites no larger than one hectare?
- 17) How would the housing trajectory need to be modified to reflect this updated information? What other modifications would be necessary?

*Other aspects of Policy 8*

- 18) What is the evidence base for the limit of 200sqm Gross Internal Area for new homes (Part B) and is the approach justified?
- 19) What is the evidence base for the approach on existing housing (Part C) and is the approach justified?
- 20) What is the evidence base for the approach to short term sleeping accommodation (Part D) and is the approach justified? How will this be implemented and how does the approach relate to situations where planning permission is not required? Is the approach to purpose-built student accommodation justified?
- 21) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Affordable Housing*

*Policy 9*

- 22) What is the evidence of the need for affordable housing in terms of numbers and tenure?
- 23) What is the basis for the target of 35% and the approach to site size thresholds?
- 24) Is the reference to 1,000sqm appropriate and consistent with national policy?
- 25) How has viability been taken into account in formulating the policy and how would the viability of schemes be taken into account?
- 26) Is the policy justified in terms of the approach to on site and off-site provision and payments in lieu? Is there sufficient flexibility? Is there sufficient clarity as to how the policy will be implemented in practice, particularly in terms of the calculation of payments in lieu?
- 27) What is the basis for the approach to tenure split and the type and size of affordable housing sought?
- 28) In overall terms is the policy in general conformity with the London Plan? How would the London Plan and City Plan interrelate on this issue in terms of dealing with specific proposals?
- 29) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 10*

- 30) What is the basis for seeking affordable housing contributions from office and hotel developments in principle? Is the approach justified, consistent with national policy and in general conformity with the London Plan?
- 31) How would the policy affect commercial growth?
- 32) What is the basis for the percentage contributions and floorspace thresholds?
- 33) How has viability been taken into account in formulating the policy and is the evidence on viability sufficiently comprehensive and robust?
- 34) How would the viability of particular schemes be taken into account?

- 35) Is the policy justified in terms of the approach to on site and off-site provision and payments in lieu? Is there sufficient flexibility? Is there sufficient clarity as to how the policy will be implemented in practice?
- 36) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 11*

- 37) What is the basis for the approach towards family sized homes and is this justified?
- 38) Is the figure of 25% intended to be a strategic target and if so, how will it be achieved in practice?
- 39) Is the approach towards specialist housing justified?
- 40) Is the approach towards purpose-built student accommodation justified?
- 41) What is the relationship with the London Plan in terms of identifying accommodation needs for Gypsies and Travellers and setting out a policy approach?
- 42) Does Part J of the policy provide a sufficiently clear and effective approach towards Gypsy and Traveller sites in terms of the criteria?
- 43) Is it justified and consistent with national policy?
- 44) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 12*

- 45) Is the policy justified?
- 46) How would it be implemented in practice?
- 47) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 13*

- 48) What is the basis for each of the specific standards referred to in the policy?
- 49) How has the impact on viability been taken into account?
- 50) How would the policy relate to policies in the London Plan?
- 51) In overall terms, is the policy justified and consistent with national policy? Is it in general conformity with the London Plan?
- 52) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

**Matter 5 – Economy and employment****Issue**

Whether the City Plan has been positively prepared and whether it is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to economy and employment.

**Relevant Policies – 14-24****Questions***Policy 14*

- 1) What is the evidence in relation to future jobs growth and the need for employment floorspace and does the policy reflect this?
- 2) How will additional floorspace be delivered and what role will the City Plan and the Site Allocations DPD play?
- 3) Does the policy set out a justified and effective approach to economic growth which is in general conformity with the London Plan?
- 4) Is the approach to the loss of floorspace set out in Parts D and E of the policy justified and effective?
- 5) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 15*

- 6) What is the evidence in relation to the need for additional retail floorspace?
- 7) How will additional floorspace be delivered and what role will the City Plan and the Site Allocations DPD play?
- 8) What is the basis of the Town Centre hierarchy and are the boundaries of the areas appropriate and justified?
- 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?

*Policy 16*

- 13) Is the approach to the provision of new arts and cultural uses and the protection of existing uses justified? Is it sufficiently flexible?
- 14) Is the approach to the provision of new hotels and conference facilities and the protection of existing hotels justified? Is it sufficiently flexible?
- 15) Is it justified to require hotel extensions to be linked to upgrades?
- 16) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*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?
- 18) Is the approach to the protection of public houses justified and sufficiently flexible?

- 19) What is the basis for the approach towards hot food takeaways and deliveries and is it justified? Specifically, what is the basis for the restriction on hot food takeaways within 200m walking distance of schools?
- 20) Is the approach to the use of premises and outdoor areas for shisha smoking justified?
- 21) Are any modifications necessary for soundness?

*Policy 18*

- 22) Is the approach to the protection of existing community infrastructure and facilities justified?
- 23) Is there an adequate evidence base in relation to sport and leisure facilities, playing pitches and fields and what is the current situation on this issue?
- 24) Is the approach to the protection of such facilities consistent with national policy?
- 25) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 19*

- 26) Does the policy set out a justified and effective approach, which is consistent with national policy?
- 27) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 20*

- 28) Does the policy set out a justified and effective approach, which is consistent with national policy?
- 29) Are any modifications necessary for soundness?

*Policy 21*

- 30) Is it sufficiently clear how the policy will be implemented in practice? In particular how will judgements be made in relation to the effect of development on the scale and grain of the built environment, the character of the area and the mix of uses?
- 31) In overall terms does the policy set out a justified and effective approach, which is consistent with national policy?
- 32) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 22*

- 33) Is it sufficiently clear how the policy will be implemented in practice? In particular how will judgements be made in relation to the effect of development on the character and status of the areas?
- 34) Is the approach to the loss of gallery floorspace justified and is the policy sufficiently flexible?
- 35) In overall terms does the policy set out a justified and effective approach, which is consistent with national policy?
- 36) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

*Policy 23*

- 37) Is it sufficiently clear how the policy will be implemented in practice? In particular how will judgements be made in relation to the effect of development on the character and function of the area?

- 38) What is the basis for the approach to the loss of existing medical and complementary facilities and is this justified?
- 39) Are any modifications necessary for soundness?

*Policy 24*

- 40) Is it sufficiently clear how the policy will be implemented in practice? In particular how will judgements be made in relation to the effect of development on the role, character and function of the area?
- 41) Is the approach to the loss of dedicated tailoring floorspace justified and is the policy sufficiently flexible, including in relation to the size of new retail uses?
- 42) Are any modifications necessary for soundness?

**Matter 6 – Connections****Issue**

Whether the City Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to connections.

**Relevant Policies – 25-32****Questions**

- 1) Taking each individually, are Policies 25-32 justified, effective, consistent with national policy and in general conformity with the London Plan?
- 2) Do Policies 25-32 effectively deal with the full range of issues?
- 3) Does Policy 25 deal with the full range of transport infrastructure? Are the proposed modifications necessary for soundness?
- 4) Are the proposed modifications to Policy 27 necessary for soundness?
- 5) Are the parking standards set out in Policy 28 and Appendix 2 of the City Plan in general conformity with the London Plan? Are they appropriate and justified? Are the proposed modifications necessary for soundness?
- 6) Does Policy 29 provide sufficient protection to footways? Are the proposed modifications necessary for soundness?
- 7) Does Policy 31 provide sufficient detail with regard to ground water and land contamination risks?
- 8) Is Policy 32 justified and effective with regard to its approach to flood risk and biodiversity?
- 9) Are any other modifications to Policies 25-32 necessary for soundness?

<b>Matter 7 – Environment</b>
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**Issue**

Whether the City Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to the environment.

**Relevant Policies – 33-38****Questions**

- 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?
- 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?
- 4) Does Policy 34 set out clear developer expectations for investigations of and the redevelopment of land that may be contaminated? Is it clear with regard to future occupiers? Are the proposed modifications necessary for soundness?
- 5) Is Policy 35 based on an up to date assessment of the need for open space, sport and recreation facilities?
- 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?
- 8) Are the proposed modifications necessary for soundness?
- 9) Is Figure 28 accurate? Are the proposed modifications necessary for soundness?
- 10) Is Policy 36 clear with regard to the approach to sleeping accommodation below the modelled breach flood level?
- 11) Does Policy 36 provide sufficient protection for current and future flood management infrastructure?
- 12) What is the justification for the Surface Water Hotspots shown on Figure 30? Does policy 36 require a flood risk assessment for all development in Surface Water Flood Risk Hotspots as shown on Figure 30? Is this justified?
- 13) Are the developer requirements set out in Policy 36 for flood defence improvements where there are flood risk impacts clear and justified? Have the viability implications of this been taken into account?
- 14) Are the proposed modifications in respect of Policy 36 necessary for soundness?
- 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?
- 18) Is Policy 38 justified? Is it based on the most up to date evidence? Are agreements in place to ensure Westminster's waste is appropriately managed over the full plan period? Are the proposed modifications necessary for soundness?
- 19) Are any other modifications to Policies 33-38 necessary for soundness?

**Matter 8 – Design and heritage****Issue**

Whether the City Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in relation to design and heritage.

**Relevant Policies – 39-46****Questions**

- 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?
- 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?
- 5) Is Policy 41 justified and consistent with national policy, particularly with regard to storey limitations, upwards extensions and density? Is it clear when each of the criteria in Policy 41 would be applicable? Particularly, is predominantly residential area clearly defined? Are the proposed modifications necessary for soundness?
- 6) Is Policy 42 justified? Is it positively prepared? Are tall buildings and exceptionally tall buildings clearly defined? Are the proposed modifications necessary for soundness?
- 7) Is Policy 43 consistent with Policy 42?
- 8) Is the one storey limit in Policy 46 justified? Does Policy 46 take full account of flood risk?
- 9) Are any other modifications to Policies 39-46 necessary for soundness?

**Matter 9 – Infrastructure, implementation and monitoring****Issue**

Whether the City Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to infrastructure, implementation and monitoring.

**Questions**

- 1) How has the need for new or improved infrastructure been taken into account in the City Plan and as part of its preparation?
- 2) What specific elements of infrastructure will be required as a result of policies within the City Plan?
- 3) How will this infrastructure be delivered and funded and what role will the City Plan play in this?
- 4) How will the City Plan be implemented?
- 5) What will be the relationship with the Site Allocations DPD?
- 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?
- 8) Is the approach to land use swaps justified and effective?
- 9) How will the City Plan be monitored and will this be effective? What will be the approach towards a review?