



Historic England

Examination of the Westminster City Plan 2019-2040

Matter 1 – Procedural and Legal Requirements

Matter 2- Duty to Co-operate

Historic England, Hearing Statement

25/06/2020

Historic England is the principal Government adviser on the historic environment, advising it on planning and listed building consent applications, appeals and other matters generally affecting the historic environment. Historic England is consulted on Local Development Plans under the provisions of the duty to co-operate and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice.

The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations on the Publication Draft Local Plan are made in the context of the requirements of the National Planning Policy Framework ("the Framework") in relation to the historic environment as a component of sustainable development.

Historic England Hearing Statement

Introduction

- 1.1 This statement addresses the Inspector's questions with regards Matter 1, procedural and legal requirements, and Matter 2 the Duty to Co-operate.
- 1.2 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan.

Inspector's Questions Matter 1

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

General conformity with the London Plan

13) Is the submitted City Plan in general conformity with the London Plan?

- 2.1 The draft plan does not conform to the draft new London Plan, or to the adopted London Plan (LP) in terms of how heritage is treated. Specifically the plan does not align with draft new LP policies GG2; D1; D3; D6; and HC1¹; and adopted London Plan policies 7.4; 7.8; and 7.9². Please see our Regulation 19 response and Hearing Statements for Matters 3, 7, 8, and 9 for specific detail.

Inspector's Questions Matter 2

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

The Duty to Cooperate

4) Have any substantial concerns been raised in terms of compliance with the duty to co-operate?

- 2.1 The Council has engaged with Historic England throughout the process and we have been able to agree a Statement of Common Ground (SoCG). As part of the SoCG the Council stated that would to publish a topic paper. The topic paper which was produced (Housing Supply Topic Paper Addendum) adds no additional information to that initially provided. Nor does the topic

¹ Intend to publish version https://www.london.gov.uk/sites/default/files/intend_to_publish_-_clean.pdf

² Consolidated adopted London Plan 2011

https://www.london.gov.uk/sites/default/files/the_london_plan_2016_jan_2017_fix.pdf

paper set out a methodology or the assessment for each site that the Council says it undertook (see SoCG 4.2 and 4.3). This information has not been produced and so we find ourselves in an unhelpful position as we have not been given the opportunity to change our view. The non-production of this evidence is not a failure to comply with DtC in our view, but there is an outstanding DtC issue which mean we have not been able to move forward.

2.2 The outcome of this is that we are still waiting to see the evidence to substantiate the plan. The intention was to be able to address this before submission and one cannot be satisfied that the issues surround site allocations and the area based approach to development have been dealt with.

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?

2.3 There has been on-going engagement with the Council which has resulted in the resolution of several issues. However the Council has refused to share the assessments they confirm have been carried out, this has prevented our engagement being as constructive as it could be. This has limited the effectiveness of the plan's preparation.

Conclusion

3.1 The plan does not conform to the London Plan. Nor does it conform with NPPF paragraphs 8; 11 part b); 16 parts a) and b); 20; 31; 185 in terms of the Councils view that it is not the role of the local plan to assess the suitability of sites and site capacity in heritage terms (as set out in the SoCG).

3.2 There has been on-going, active engagement throughout the plan preparation process. This was largely constructive. However the main point of disagreement has not been resolved and continued dialogue on this point stalled prior to submission of the plan for Examination.