

**Westminster City Plan 2019-2040 – Examination in Public  
Response to Inspector’s Matters, Issues and Questions**

**Matter 9 – Infrastructure, Implementation and Monitoring**

**(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?**

1. As noted in its statement for Matter 4, WPA does not consider that the distinction between matters to be dealt with by the City Plan and the future Affordable Housing SPD is appropriate.
2. WPA notes, and agrees with, the Inspectors’ comments on this at INSP02 and INSP03. It considers that it is essential that the detail of the way in which the affordable housing requirement will be established, and any payments in lieu calculated, is clearly set out within the City Plan, rather than relying upon subsequent supplemental documents/guidance.
3. This is because, firstly, the detail of the way in which the policy will be applied is essential in order to understand the level of affordable housing that will actually be sought in real-life cases, especially those that involve a range of different uses and a combination of retained, rebuilt and new floorspace. It is one of WPA’s concerns that the plan, as currently drafted, does not provide this clarity and makes establishing the robustness of the viability assessment undertaken difficult. As noted within the Matter 4 statement, it is not clear from the BNP Viability Study what assumptions have been made on the amount of affordable housing that is actually required. This is because Policy 10, in isolation, does not provide sufficient detail to establish this.
4. WPA also considers that it essential that detailed aspects of the policy’s implementation, including the proposed payments in lieu, are subject to independent examination and testing.
5. As noted in Matter 4, the lack detail of how Policy 10 would be applied contributes to the unsoundness of the policy, as it creates further uncertainty as to its deliverability.
6. WPA has suggested that this concern is addressed by removing Policy 10, as drafted, from the draft Plan and undertaking to prepare an immediate, focused, plan review to then introduce a suitably detailed policy, rather than introducing a strategic policy now and relying on a subsequent SPD to provide the detail of the way in which the policy would be implemented.

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7. WPA has also noted elsewhere that land use swaps, and land use credits, should be addressed by policy within the Plan rather than relying on supplemental guidance.

**(8) – Is the approach to land use swaps justified and effective?**

8. WPA welcomes the fact that the ‘Land use swaps’ paragraph on p174 now refers to the potential use of land use swaps across the City, rather than only within the Savile Row SPA.
9. It also welcomes the introduction of reference to land use swaps within Paragraph 10.9, as proposed by M/H/12.
10. Nevertheless, WPA considers that the proposed approach set out at paragraph 10.9, and at page 174 of the City Plan, is unlikely to be fully effective. It does not provide sufficient clarity and certainty that the use of swaps will be acceptable in principle. It states that “a system of land use swaps may be appropriate in some circumstances...” (our emphasis). It does not identify what those circumstances will be or that, even in those circumstances, it will be acceptable. This is in contrast to Policy CM47.2 of the current City Plan.
11. WPA suggests that an additional policy be inserted stating that “**The use of land use swaps [and credits] will be acceptable in principle where such an approach will deliver the same, or better, land use outcomes.**”
12. The Association has noted, in its Regulation 19 response and in its Matter 4 Statement, that it is concerned at the absence of reference or provision for land use credits. This is inconsistent with the draft replacement London Plan.<sup>1</sup> This could also be addressed alongside land use swaps, as noted above. Additionally, WPA suggests that the plan continue to make provision for larger estates and landowners to meet future land use requirements, especially for affordable housing, by early delivery on an estate or portfolio basis. This has been shown to lead to the early delivery of additional housing and affordable housing and is supported by strategic policy. WPA has suggested that the limited provision for such an approach at paragraph 9.13 could be expanded, either within that section or within the implementation section as suggested above.

**(9) – How will the City Plan be monitored and will this be effective? What will be the approach towards a review?**

13. In respect of the approach to the review, WPA has proposed that the City Council remove Policy 10 from the draft Plan and seek to adopt it, along with any necessary further modifications, as soon as possible. It suggests that the City Council commits to then undertaking an immediate, focused, review of the Plan, to introduce policy relating to

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<sup>1</sup> Policy SD5(I) emphasises the need to “**consider the potential to use land use swaps, credits and off-site contributions**” in relation to commercial development within the CAZ.

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affordable housing from commercial development. This intention could be set out within the monitoring and implementation section.