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FOR LONDON

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Your ref:

11th March 2009

Dear Madam

**PLANNING AND COMPULSORY PURCHASE ACT 2004 - TOWN AND COUNTRY
PLANNING (LOCAL DEVELOPMENT) (ENGLAND) REGULATIONS 2004
CITY OF WESTMINSTER CORE PLANNING STRATEGY – PREFERRED
OPTIONS STAGE**

Thank you for sharing this internal draft with us. We understand that, subject to your lead Member's approval, the intention is to publish it for consultation later this month. As you are aware, Local Planning Authorities are expected to publish (Regulation 27) what they consider to be a sound DPD for later submission. From an admittedly fairly quick look at the draft we are concerned that in our view the document does not appear to fully address all of the matters raised by the PINS Inspector, Laura Graham, who visited and provided advice to your Council recently.

Whilst we would not wish you to unduly delay publication of your consultation draft, to reduce the risk of the document being found unsound we would strongly advise that further consideration is given to the matters that the PINS Inspector raised. In particular our concerns relate to the lack of a clearly articulated spatial strategy, the absence of a policy on preferred locations for new offices location and Westminster's ability to meet housing and waste apportionment figures.

More details on these issues together with other matters raised by the Inspector are set out in the attached document. You will recognise that many of these issues are also ones that we raised in our letter of 29th September last year commenting on your preferred options draft. In helping your Council to satisfy itself on these matters, if

not already done so we would also recommend conducting a self assessment using the PAS guide and toolkit. We are of course happy to meet in order to further explain our concerns if that is thought to be helpful.

Finally, I should add that this letter should not necessarily be taken as our definitive views on the document. We wanted to get our thoughts to you relatively quickly and therefore following a more detailed read there may well be further detailed policy matters that we would wish to raise.

Yours faithfully

Andrew Melville
Head of Planning & Housing Division

Annex to GOL Letter of 11th March commenting on Westminster's draft Core Strategy

Set out under the various headings below are in *italics* those comments made by the Inspector together with underneath that our preliminary comments at this stage.

Lack of a clear spatial strategy

We note that on the Preferred Options draft that she saw the Inspector considered that the vision and objectives were expressed in very general terms. Do they answer the key questions of what, when and where, posed in the PAS Manual? In parts of the City, this may hinge upon improvements through incremental change, but is there a case to be more specific about objectives for the opportunity areas? This part of the CS is an opportunity to generate a thumbnail sketch of what the City will be like at the end of the Plan period (or beyond) and what are the key steps needed to get there.

The Inspector noted that an important element of Westminster's distinctiveness is the pattern of mixed land uses. This derives, at least in part, from a conscious decision to promote this approach to accommodating development (as opposed to separating potentially conflicting land uses, such as residential and entertainment). The document doesn't clearly articulate this as part of the spatial strategy for inclusion in the CS, although it is implied by various statements/policies. A more explicit explanation of this element of the strategy would provide greater clarity. The Inspector also questioned the extent to which the implications of the facts and figures you present are spelt out, and whether there is a clear link between description and policy development.

From our read of this draft we consider that the comments made by the Inspector repeated above remain valid. Ideally the Core Strategy should be the lead document for delivering a Council's spatial agenda, from which all other strategies flow. Our overriding concern is that the draft fails to set out a clear spatial strategic strategy for Westminster over the 15 years plus time horizon of the plan. Whilst components of a place shaping vision appear throughout the draft, in our opinion these elements need to be drawn together towards the start of the plan. The draft usefully begins with Westminster's spatial vision, the Core Strategies objectives, explaining the unique features of Westminster and including the key diagram. However, we would then have expected to see the inclusion of a policy or policies articulating the overall strategy. This would include reference to those areas of the borough where growth and change is anticipated over the lifetime of the plan. Put simply addressing the questions about *where, what, when and how* development will take place (PPS12 4.1(3)). Instead the draft begins with topic based policies which, whilst some are important and valid for inclusion within the Core Strategy, in our view presentationally they would be more appropriate for inclusion later in the plan. Components of the spatial strategy appear to be contained within a number of policies throughout the plan including the following: CS11, CS19, CS20, CS21, CS22, CS32, CS43, CS47, CS52 and Appendix 4 on partnership working.

Content and Locally Distinctiveness of Policies

Commenting on these matters the Inspector thought there was scope to make the Core Strategy a shorter, more focussed document and as part of this the decisions about what is appropriate for different types of DPD and SPD documents. In some cases it may be appropriate for the CS to establish a principle to act as a hook for more detailed policies in a lower level DPD.

Where you feel it necessary to retain relatively detailed policies in a DPD, they will need to be justified by local circumstances (the mixed use issue?) and add to what is already in national guidance and the London Plan.

The need to give careful consideration to whether some of the general policies add anything to the principles set out in national and regional policy guidance. All policies will need to have a locally-distinctive element.

In drafting policies the focus should be on what the distinctive features of change required in a particular location are and how the DPD in particular can help to deliver over the lifetime of the plan. There are many policies within the draft that are clearly very locally distinctive and area based. However there are others that are not and, as currently drafted, are fairly generic ones that appear to add little to what is already said in national policy and the London Plan. Examples of policies that fall into this category and where we consider that to varying degrees more might be included to help justify their inclusion within the Core Strategy are: CS4, CS5, CS6, CS16 (whilst policy protects existing hotels no reference is made to areas where new hotels might be encouraged), CS19 (scope for saying more / giving examples of what Council wish to see happen and in terms of delivery who the key players are) CS36, CS38, CS41, CS45, CS46, CS48

Conversely, in other places the Core Strategy might be in danger of adopting a too detailed, development control focused or localised place-shaping, for which other types of DPD might be more suited. Examples of these policies are CS27 to CS35.

Getting the balance of content right between the respective DPDs and other strategies should ensure that the Core Strategy focuses on the principles of development. As currently drafted, we wonder whether whilst retaining a brief reference to the issue in the Core Strategy, some of the actual policies might better be placed in your forthcoming City Management policies e.g. CS6, CS12, CS38, CS40, CS49,

Cross Boundary Issues

Noting relatively few references to cross-borough boundary issues, the Inspector asked if this becomes an issue in the examination, do you have evidence to show that these have been appropriately addressed with neighbouring authorities/GLA as appropriate?

Supporting evidence should make clear the extent of necessary cross-boundary working. The appendix included on partnership working is an important and useful part of the Core Strategy. Throughout the plan it would help to include greater appropriate referencing to the various partnerships where they are important to delivering policy objectives. (Presumably Camden should be included in the list of partners for the first two groupings given in the appendix?)

Housing Issues

The Inspector commented that the Core Strategy would benefit from a clearer explanation of how the housing target (minimum) of the London Plan will be met. What proportion is expected to be delivered by allocated sites, and if there is reliance on windfalls is this justified in PPS3 terms? So far as affordable housing is concerned, it is not yet clear what impact the Mayor's revised approach to affordable housing will have.

Although included in the supporting justification we note the policy CS7 does not actually include the current London Plan housing target number. As you may recall GOL and the GLA issued a joint statement in March 2008 on addressing PPS3 requirements for a 15 year housing supply. It advises that as an interim position boroughs should roll forward existing targets as an indicative number until a new London-wide study of land supply is completed. On affordable housing (CS10) we note that the three year target agreed with the Mayor is still to be added. We note that for all three Opportunity Areas that the Council's policy requirement for residential floorspace as part of new commercial floorspace may be applied more flexibly and the circumstances where this might apply. We also note the inclusion of policy CS54 on maintaining a supply of housing land within the Implementation section at the end of the plan.

Office Development

The 'gap' in dealing with office development, was raised by the Inspector for which she noted that work is in hand to remedy.

We note what is said on page 29 in terms of the operation of the market as the rationale for not having a policy on offices within the Core Strategy. Given the importance of offices and jobs to Westminster's economy it seems somewhat strange not to have a specific policy or policies setting out the Council's policy stance. Presumably your Council do nevertheless wish to influence the areas where any growth in office floorspace provision might or might not be concentrated? Indeed policies CS20 and CS21 for the Paddington and Victoria Opportunity Areas imply this is the case with office growth continuing to be encouraged in Paddington but perhaps less so in the Victoria area given the desire to get a more vibrant mix of uses?

Waste

Noting that waste policies appear to be a contentious area, the Inspector questioned whether if issues are raised regarding conformity with the London Plan, you have an adequate evidence base to support the CS.

The draft plan includes two policies on waste CS50 on Sustainable Waste Management and CS55 on securing Waste Management Sites. It is acknowledged in the text that Westminster cannot meet its London Plan apportionment figure within the Borough and that there is only one potential industrial site which will not be available until 2020. As we have discussed on previous occasions, you will require robust evidence to support your approach, which clearly does not meet London Plan requirements. Have you had discussions with the GLA about your approach and do they accept your position?

Delivery

The CS will need to contain clear information on monitoring and delivery – indicators, targets etc. This goes beyond what is currently included in the AMR. See ODPM Local Development Framework Monitoring: A Good Practice Guide.

We note the Council's position on infrastructure and that unlike most other areas, in Westminster growth does not tend to be constrained by infrastructure needs. Also that an Infrastructure Plan (to be updated annually) is being prepared which will presumably provide greater clarity on when infrastructure is likely to be delivered, how (funding – by/from whom) and whether the scale of planned development is

predicated on particular elements of infrastructure being available by a certain time. Conversely, for major infrastructure delivery which is already committed (e.g. Crossrail), are there any implications for growth if delivery were to be delayed? Can you confirm that a draft of the initial Infrastructure Plan will be available at the time you consult on the Core Strategy? We note that the Implementation section of the plan includes under the headings of monitoring delivery and achieving statutory targets policies relating to the supply of housing land and securing waste management sites. It is largely a presentational matter, in deciding whether these policies are best here or alongside other relevant housing and waste policies in the plan. If, however, they remain in this section it would be advisable to ensure clear cross referencing within the document signposting the reader to other relevant policies.

Other Matters

We are unclear why the list of proposals sites has been included as Appendix 1 to the Core Strategy. Clearly this is a crucial schedule to underpin your policies, demonstrate delivery and underpin your housing trajectory etc but only strategic sites as they are defined in PPS12 should be included within the Core Strategy itself. We would be grateful if you could clarify if the Council considers any of these sites to be strategic for the purposes of meriting inclusion within the Core Strategy itself.

Whilst appreciating that all the policies in Westminster's UDP remain extant until January 2010, by the time that your Core Strategy is adopted we will have issued the saved policies direction on behalf of the Secretary of State. Therefore, if not already done so you may wish to give some consideration as to which policies you anticipate asking the Secretary of State to save will be replaced when the Core Strategy is adopted. Regulation 13(5) requires that each DPD makes clear which existing saved policies will be replaced at adoption. (This is usually achieved by placing the information within a cross-referenced table in an appendix to the DPD).

It is not clear whether you envisage amendments to the Proposals Map being needed as result of the Core Strategy policies but we assume that this probably is the case. This is because for example PPS12 (8.1) requires that the Proposals Map should show *areas at risk from flooding*. Such areas should be based on the SFRA and make clear the level of risk that is being mapped. Also, given the detailed retail hierarchy included at appendix 2, presumably revisions to the UDP proposals map will be needed to reflect boundaries for CAZ and other centres? The publication of the Core Strategy would therefore need to be accompanied by plans showing how the Proposals Map would change at adoption.

It would be worth double checking that the draft is internally consistent in terms of what is said in different policies in the plan. Also, to help the reader we consider there to be scope for greater cross referencing the reader between policies and to the key diagram. For example the policy on retail CS13 makes no reference to International Shopping Centres or to policies CS18 Core CAZ and CS19 West End Special Retail Policy Area. Cross references might be made between policies CS14 and CS18.

In addition to the presentational comment made above in respect of the spatial strategy, for some other policies the logic of where they currently appear in the draft DPD is not entirely clear to us. For example having introduced tourism, arts and culture on page 32 the actual policy CS15 comes after CS14 on entertainment uses.