

WCC response to Examiner's letter of 29th April 2019

The council's response to the issues raised in the Examiner's letter of 29th April 2019 are set out below

1. Is Westminster City Council satisfied that the Plan does not breach human rights, as set out in the Human Rights Act 1998?

The council confirms that it is satisfied that the Plan does not breach human rights, as set out in the Human Rights Act 1998.

2. Does Westminster agree with the Forum that Strategic Environmental Assessment is not required for the Plan, and that there is no need for Habitats Regulations Assessment? The Forum has addressed this matter in section 3 and Appendix 1 (Screening Report December 2017) of the Basic Conditions Statement, but I have seen no comment from the City Council.

The council does not agree with the Forum that there is no need for a full Strategic Environmental Assessment of the Plan.

The Statement of Common Ground (document ED02), set out the council's view that if Park Lane policies are maintained they would require Strategic Environmental Assessment, in accordance with Historic England's advice (contained in document MNP13).

It is acknowledged that the Forum have suggested some changes to the Park Lane policies, included within document ED03 (Mayfair Neighbourhood Plan Jan 19 showing changes since Reg 16). However, it is the council's view that these changes do not go far enough to ensure a full Strategic Environmental Assessment is not required.

Despite the proposed modifications to the Plan, Policy MPL1 still seeks funding towards a project described in para 3.2.16 that could have major environmental effects that have not been fully tested. To avoid any need for full Strategic Environmental Assessment, in the council's view the Plan needs to make explicit that the described proposal represents a potential option that needs further detailed feasibility work, consultation, support from key delivery partners including TfL, and a full analysis of its environmental impacts. It should also make clear that funding such further investigative works is a priority for neighbourhood CIL, not borough-wide CIL or s106 agreements (which the Neighbourhood Plan cannot dictate the spending of). All Park Lane policies should also clarify how it will be determined if a proposal is 'within the vicinity' of Park Lane, to enable its effective implementation.

Regarding Habitats Regulation Assessment, the council is of the view that one is not required for the Plan. This is based on there being no Special Protection Areas, Special Areas of Conservation, or Ramsar sites within 10km of the Mayfair Neighbourhood Area, and no advice being received from Natural England that a Habitats Regulation Assessment is required.

3. What is the date of production of the submitted Mayfair Neighbourhood Plan? I assume that it was between November 2017 and February 2018, but cannot find reference to a specific date.

The council confirms that the Mayfair Neighbourhood Plan was submitted on 2nd February 2018.