

INDEPENDENT EXAMINATION OF THE SOHO NEIGHBOURHOOD PLAN

EXAMINER: Jill Kingaby BSc(Econ) MSC MRTPI

Matthew Bennett
Chair Soho Neighbourhood Forum

Marina Molla' Bolta
Westminster City Council

Examination Ref: 01/JK/SNP

14 September 2020

Dear Mr Bennett and Ms Molla' Bolta

SOHO NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Soho Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area (subject to on-going government advice) during the week commencing 21 September 2020. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process (and further respecting the current COVID-19 distancing arrangements).

3. Written Representations

At this stage I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. Nevertheless, I will reserve the option to convene a hearing should a matter or matters come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of initial questions seeking further clarification from the Neighbourhood Forum, set out in the Annex to this letter. I would be grateful if a written response could be provided by **28 September 2020**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan.

However, in view of the additional information which I have requested I must provide the opportunity for you to reply. Consequentially, the examination timetable will need to be extended. Please be assured that I will seek to mitigate any delay as far as is practicable. The IPE office team will keep you updated on the delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Neighbourhood Forum and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

Jill Kingaby

Examiner

Annex

From my initial reading of the Soho Neighbourhood Plan (SNP) and the supporting evidence, I have a number of questions for the Neighbourhood Forum. I have requested the submission of a response by **28 September 2020**.

1. Please would the Forum confirm that the SNP has been produced with consideration given to its compatibility with the Human Rights Convention. I must be satisfied that the Plan does not breach Human Rights within the meaning of the Human Rights Act 1998.
2. Figure 1 – Map of Soho Neighbourhood Area informs the reader, at an appropriate early stage, of the boundary of the Neighbourhood Area. However, it would be clearer if some main road names and/or other landmarks were shown so that the location is readily identified.
3. On Page 13, the first paragraph ends with “most economically active ward, the”. It appears that some text is missing. On Pages 17 and 18, there is repetition of the text beginning “The heritage of Soho is reflective of the waves...”. Can alternative text be put forward please?
4. Policy 2: Proposals for Tall Buildings is followed by Figure 3 which shows the protected/strategic views across Soho. The GLA requested that the source of the views be referenced more clearly. Should Figure 3 also show Golden Square, Soho Square and St Anne’s Gardens to assist readers?
5. Westminster City Council (WCC) in its letter of 10 July 2020 commented that the following policies did not satisfy the Basic Conditions for neighbourhood planning and should therefore be modified. WCC drew my attention to paragraph 16 of the NPPF, which states that plans should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. I am mindful that WCC will be determining planning applications which are submitted within Soho. Therefore, could the Forum discuss the detailed comments made by WCC with its Planning Policy staff and reach agreement as to how the points raised should be addressed. If a need for modification is agreed, revised wording of relevant policies and text should be submitted. In particular, WCC commented on:

Policy 16: Car Free Residential Developments

Policy 17: Residential Space Standards

Policy 23: Delivery Consolidation Points

Policy 29: Property Numbering and Wayfinding Signage

Policy 31: Waste and Recycling Facilities in New Developments

WCC also submitted more than 100 detailed comments on the SNP, and it would assist me if the Forum would advise as to whether they consider that any of these should trigger modifications to the Plan. Please provide full details of any modifications which are considered necessary.

6. A number of respondents to the Regulation 16 consultation exercise highlighted the tensions between supporting Soho’s economy, with its live music venues and late night economy, and resident population. Pushing music venues to the edge of Soho will not be helpful, it was argued. Management of venues and customers should be the key to protecting and growing the local economy. The text on Page 34 following Policy 13, refers to “the late-night economy” and “sometimes more based on the consumption of alcohol and illegal drugs and various forms of anti-social behaviour”. This was widely criticised as being pejorative and disparaging, and its deletion was requested. Would the Forum support modified wording, and if so, what should be said?
7. Should other modifications be made to the Plan’s policies to support commercial activity, including the night-time activity, especially post-Covid 19? As was suggested, there will be a need to

preserve jobs, get the economy going again, and get back to a new normal daily life. Shaftesbury PLC commented that the Plan was unclear as to what constituted a 'large' office floorplate and provided no evidence that such development would harm the character and heritage of the area. Can the Forum provide more information please in support of Policy 7 and respond to Shaftesbury's argument that it does not conform¹ with the draft WCC Plan and could be overly restrictive? In addition, is the reference to "single occupiers" inappropriate?

8. Shaftesbury PLC also commented on Policy 12, Policy 13, Policy 27 and Policy 31. Other respondents also made similar objections to these policies. Please would the Forum advise whether modifications should be made?

9. The Mayor of London and GLA referenced the LGBTQ+ community's importance in Soho and encouraged the SNP to promote the Mayor's LGBTQ+ Venues Charter. They also recommended that reference to Policy S6 of the Intend to Publish version of the London Plan, regarding provision of public toilets, should be made. In addition, the Glossary to the SNP should use the Mayor's definition of affordable housing. Should the Plan be modified to take account of these points?

10. Thames Water requested that Policy 31 Part C should refer to the disposal of fats, oils and greases. Should a modification be made?

11. Transport for London stated that it does not support car clubs in the CAZ and requested that the text on Page 38 should be modified to make this clear. Should this modification be made?

12. Brunel Planning on behalf of Q-Park objected to Policy 23 and noted that both the WCC's saved Unitary Development Plan Policy Trans 25 and the emerging City Plan support the redevelopment of existing car parks for a range of alternative uses. What is the Forum's view of the objection and should Policy 23 be modified?

13. Knightsbridge Neighbourhood Forum requested that the SNP should point more explicitly to the need to achieve zero air emissions from buildings. It provided details of its representations for the emerging WCC City Plan. Clean Air in London put forward amendments to the SNP's Policies 20, 21 and 22 on Air Quality and Climate Change. Does the Forum seek modifications to the SNP in the light of these representations?

14. Government changes to the Use Classes Order came into effect on 1st September 2020. It would be helpful if the Forum would advise me as to whether this should lead to any modifications to the SNP.

¹ Note: the generally conformity requirement applies only in relation to the adopted strategic development plan policies. However, see also PPG Reference ID: 41-009-20190509.