

CITY PLAN 2019 - 2040

Statement of Common Ground between City of Westminster and London Borough of Brent

April 2024

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1 Introduction

1.1 Executive Summary

- 1.1.1 This Statement of Common Ground has been prepared to demonstrate that Westminster’s Partial City Plan Review is ‘based on effective joint working on crossboundary strategic matters’, in accordance with the requirements of Paragraph 35 of the National Planning Policy Framework (NPPF). It focusses on areas of agreement, disagreement and ongoing discussions between the Westminster City Council and the London Borough of Brent on strategic cross-boundary matters covered in the Partial City Plan Review.
- 1.1.2 Furthermore, it is worth noting that in a London context, collaboration on many strategic issues that go beyond borough boundaries (e.g., distribution of housing targets, identification of major areas of growth etc) are largely addressed through the London Plan (2021).
- 1.1.3 In the spirit of collaboration, the document has been prepared as a live document, that can be updated as matters progress and agreement is reached on outstanding issues. It therefore includes details on mechanisms for monitoring, reviewing and updating.

2 Overview

2.1 Cross Boundary Strategic Matters

- 2.1.1 The current City Plan was adopted in April 2021 however there has since been a change in political administration (local elections 2022). The council now have new priorities for the local plan in regard to affordable housing and retrofitting. Westminster is therefore undertaking a partial review of its adopted City Plan. This will also involve a small number of site allocations (SA) to be integrated into the plan.
- 2.1.2 Westminster City Council (the Council) engages on a regular basis with the London Borough of Brent and its other neighbouring boroughs to discuss strategic and cross-boundary issues.
- 2.1.3 This statement sets out how the Council (WCC) has cooperated with the London Borough of Brent to address strategic cross-boundary matters relevant to the policies and proposals within Westminster's Partial City Plan Review.
- 2.1.4 There are shared borders for Westminster and the London Borough of Brent, and the two authorities continue to work in partnership to ensure a co-ordinated approach on all cross-boundary related strategic matters. Similarly, where infrastructure is provided over cross-boundary areas of the two local administrative areas, or where there are shared border or joint policy implications, the Councils will consult formally, liaise and work actively towards a joint sustainable outcome. This cooperation between the two local administrative areas continues on an ongoing basis.
- 2.1.5 Local authority boundaries often have little relevance or impact on the way people live their lives, and their patterns of movement for work, leisure purposes or even daily waste disposal. Cross-boundary interaction strengthens the need for ongoing dialogue and understanding of key planning issues across the two local authorities, this is critical to delivering local services, shared visions, objectives and outcomes for their individual local areas. Notwithstanding the limited nature of the Partial City Plan Review, the strategic matters outlined above highlight some of the drivers behind the 'Duty to Cooperate' and continued collaboration for the Westminster and Brent councils.

3 Legislation and Policy Background

3.1 Legislation and Policy Background

3.1.1 Section 110 of the Localism Act 2011 inserted Section 33A, entitled “Duty to Cooperate in relation to planning of sustainable development”, into the Planning & Compulsory Purchase Act 2004. This defines cooperation on ‘strategic matters’ to be:

- sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas;” and
- sustainable development or use of land in a two-tier area if the development or use—is a county matter or has or would have a significant impact on a county matter”.

3.1.2 Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 identifies the following prescribed bodies with whom all planning authorities should co-operate:

- The Environment Agency
- Historic England
- Natural England
- The Mayor of London
- The Civil Aviation Authority
- The Homes and Communities Agency
- Each established Primary Care Trust
- The office of Rail Regulation
- Transport for London
- Each integrated transport authority (Transport for London)
- Each highway authority
- The Marine Management Organisation
- Each local enterprise partnership

3.1.3 The National Planning Policy Framework (NPPF) (Paras 178-181) sets out the requirements and guidance that the Local Plan will be tested against. This includes cooperation on ‘strategic priorities’, in delivering:

- Homes and jobs needed in the area;
- Retail, leisure and other commercial development;
- Infrastructure for transport, telecommunications, waste management, water supply, wastewater, and flood risk;
- minerals and energy (including heat);
- health, security, community and cultural infrastructure and other local facilities;

- climate change mitigation and adaptation; and
 - conservation and enhancement of the natural and historic environment
- 3.1.4 Paragraphs 24 to 27 of the NPPF (2023) state that local planning authorities and other bodies should work jointly where the development requirements of one authority cannot wholly be met within that authority's area, and that different geographic areas should be taken into account, such as travel to work areas. Working collaboratively with County Councils, Local Enterprise Partnerships and Local Nature Partnerships is specifically mentioned, as is working with private sector bodies, utility and infrastructure providers. Cooperation should be demonstrated on Submission of the Local Plan via, inter alia, a Memorandum of Understanding or jointly prepared strategy presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation.
- 3.1.5 Planning Inspectors are required to test legal compliance with the Duty to Cooperate legislation and all other legal requirements alongside the wider tests of the Plan's 'soundness'.
- 3.1.6 The Council considers it important to demonstrate:
- all relevant measures have been undertaken to cooperate with neighbouring authorities, other authorities and 'prescribed bodies' on an on-going basis; and
 - results and outcomes of this cooperation where relevant to the policies being reviewed have influenced the partial review of the City Plan, and maximised the effectiveness, in line with the NPPF.

4 Legal Duty to Cooperate

4.1 Legal Duty to Cooperate

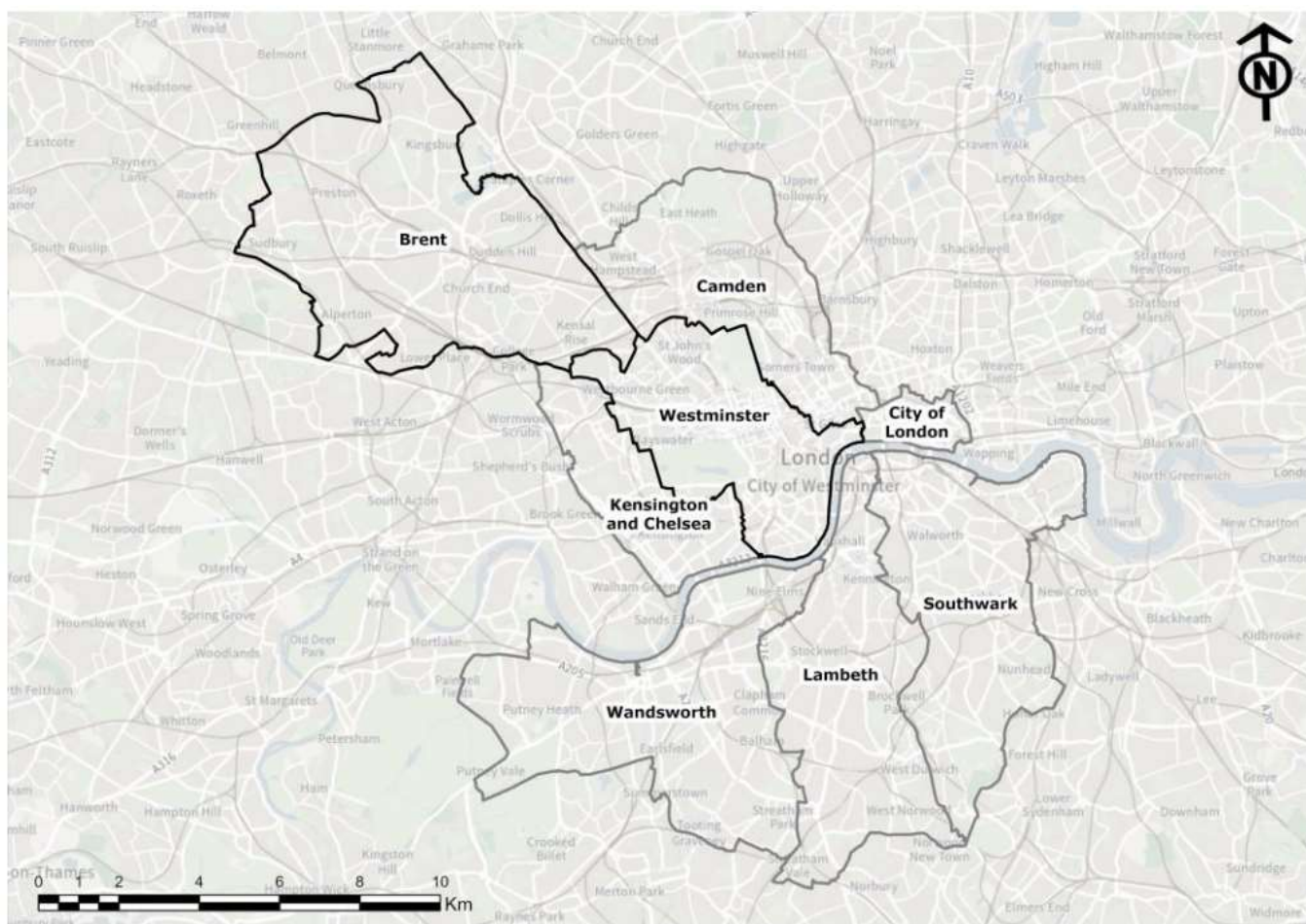
4.1.1 The current London Plan encourages inter-borough working. For example, through sub regional partnerships and in assessing individual housing needs. However, Westminster City Council, and its neighbours have cooperated and liaised on cross-boundary and strategic matters over many years.

4.1.2 The Duty is seen by Westminster and Brent Council as vital to ensuring evidence gathering, and policy and plan preparation are properly joined up.

4.1.3 This statement sets out the issues on which WCC continues to collaborate:

- To work with the London Borough of Brent;
- To determine and review what this work should involve, and
- To determine and review outcomes from ongoing work.

4.1.4 The statement also sets out how cooperative working continues to influence, inform and update the Partial City Plan Review. The two Councils discuss the effects of proposed development in adjoining areas (on an ongoing basis) as well as the effect on the other adjoining authorities. In some cases, the outcome of this cooperation has been reflected in amendments to the City Plan wording. In other cases, the outcome might be that emails, letters and representations are sent between the two Councils simply on agreement that an issue is monitored through ongoing liaison and periodic meetings between council officers, from the two councils.



4.1.5 Sitting at the heart of central London, the City of Westminster is bordered by the London Boroughs of Camden, Brent, Lambeth and Wandsworth, the City of London, and the Royal Borough of Kensington and Chelsea. The London Borough of Southwark is also in close proximity to Westminster's south-eastern border at the River Thames. Taken together, the area shown in the map above has therefore been identified as the strategic planning area for the purposes of this Statement of Common Ground. These boroughs represent key Duty to Co-operate partners, and contain areas most likely to be directly affected by the policies in Westminster's Partial City Plan Review. While the role of Westminster as a centre of culture, commerce and governance clearly has a far wider reach than the geography set out above, this relationship is addressed through broader collaboration on the London Plan.

5 Policies in the Partial Review

5.1 Introduction

- 5.1.1 This Statement of Common Ground relates to Westminster’s Partial City Plan Review and covers shared matters and areas that are of cross-boundary significance. It summarises the policies subject to the review and ongoing discussions relating to the cross-boundary planning policy implications related to them.
- 5.1.2 The council’s Duty to Co-operate Statement also provides further details of how the Partial City Plan Review has been informed by ongoing engagement with other key partners, including those that are not party to this duty to co-operate.

5.2 Affordable housing

- 5.2.1 Westminster is undertaking a Partial City Plan Review and a strengthened affordable housing policy forms a core strand of the review. The revision to the affordable housing policy will
- change the tenure split- prioritising social housing over intermediate housing,
 - incorporate new requirement for affordable housing contributions (in the form of a payment in lieu) from small-scale residential development (defined as those that deliver fewer than 10 homes).
- 5.2.2 Westminster's decision is based on the need for more genuinely affordable housing to contribute to meeting need and support growth. Our exploration of a small-scale residential development policy has found that a number of other councils in London have been successful at adopting similar policies.
- 5.2.3 Westminster have commissioned a Strategic Housing Market Assessment (SHMA) and a viability assessment as part of the evidence for this emerging policy, as well as undertaking a sustainability appraisal on the draft policies.
- 5.2.4 Brent has confirmed that they have no specific comment or view on the introduction of a small-scale residential development policy, and that Westminster's proposal to review their existing tenure split is supported and in line with the London Plan.
- 5.2.5 Brent has an adopted policy with a similar approach to requiring contributions on small sites which seeks contributions for 5-9 units and identifies two pricing zones in the borough: £100,000 per dwelling in the south of the borough and £50,000 per dwelling in the rest of the borough. They have taken the view that there is overwhelming evidence for affordable housing contributions from small-scale residential development.
- 5.2.6 Brent and Westminster have agreed to continue to share information relating to the development of affordable housing policies in their respective plans.
- 5.2.7 Westminster City Council and the London Borough of Brent agree that the affordable housing policies within the Partial City Plan complement affordable housing policies within the Brent local plan.

5.3 Retrofit first

- 5.3.1 The City of Westminster and London Borough of Brent have declared a Climate Emergency and are working proactively at finding new ways to reduce carbon emissions in the city and surrounding areas.
- 5.3.2 Westminster City Council is implementing a retrofit first policy, which will tackle embodied carbon and other unregulated carbon issues by requiring developers to demonstrate that they have prioritised retrofit over demolition (where viable and feasible). The policy will aim to encourage developers to consider retrofitting before demolition and redevelopment. The policy will aim to use the reduction of embodied carbon as a benchmark, similar to London Plan Guidance on whole life carbon (WLC).
- 5.3.3 Through the introduction of a new retrofit first policy Westminster will outline how all development is to manage embodied carbon related to redevelopment and demolition, with some development exceptions only where public benefits outweigh harm. Additionally, Westminster's policy will be looking at additional measures to further unlock and facilitate retrofitting and to encourage sustainably constructed extensions to some existing buildings.
- 5.3.4 Westminster is aware of the need to continue to deliver floorspace growth and housing whilst seeking to retrofit as much of the city's existing building stock as possible. Westminster has therefore produced an evidence base to model whether the impact on affordable housing delivery and look at potential impact against carbon emissions and whether this will increase costs for developers, which is supplemented by a viability assessment.
- 5.3.5 This evidence base ensures that the new retrofit policy is in conformity with the spatial strategy in the adopted City Plan – in particular that the plan remains pro-growth.
- 5.3.6 Brent has confirmed that they have no specific comment or view and that Westminster's proposal to include a retrofit first policy in Westminster's City Plan. The London Borough of Brent supports the policy in principle and do not consider it to have any negative impacts on Brent.

5.4 Site allocations

- 5.4.1 Westminster have focussed on prioritising four key sites for allocation. These are sites that, for the most part, do not need substantial demolition and which are in need of extra policy support to bring them forward. The site allocations are as follows:
- St Mary's Hospital
 - Land adjacent to Royal Oak Station
 - Westbourne Park Bus Garage
 - Grosvenor Sidings
- 5.4.2 It was confirmed that St Mary's Hospital could be of particular interest due to Brent being a part of the catchment area that the current hospital serves i.e. it will serve both Brent and Westminster residents (and beyond). The agreed approach is to consolidate a new modernised hospital building near the canal basin and to develop the rest of the site for mixed use purposes.
- 5.4.3 Westminster City Council and the London Borough of Brent agree that the St Mary's Hospital site allocation will not have direct implications on views, heritage, and landscape in Brent.

6 Conclusion

6.1 Conclusion

- 6.1.1 Both councils agreed that there are no significant issues or areas of disagreement, and engagement as a result of on-going duty to cooperate meetings, as the policies have been developed, has been positive. Westminster has committed to keeping Brent council abreast of changes in policies and thus keeping the Statement of Common Ground under review. As the councils progress relevant policies, they agree to share studies and draft policies and continue ongoing discussions.
- 6.1.2 Brent and Westminster agree to continue collaborative dialogue as policies on all strategic matters in the partial City Plan review develop.
- 6.1.3 The adopted plan is the culmination of a number of processes, activities and levels of engagement and as well as co-operation between the two councils. The Partial City Plan Review is a further response to the views expressed and comments made during the Regulation 18 consultation and ongoing monitoring and work with all the relevant prescribed bodies.
- 6.1.4 Where prescribed bodies have raised no issues with the contents of the partial plan review, it should be noted that they will be invited to comment further on the contents of the partial review at each stage of public consultation.
- 6.1.5 This report, the Authority Monitoring Reports, the Consultation Statements and the Statements of Common Ground supporting the plan show how Westminster City Council has complied with the duty-to-cooperate. It will be updated and used during the Examination in Public to show that the Partial City Plan Review continues to be based on effective, ongoing consultation and joint working across the two local authority administrative areas.

6.2 Signatories

London Borough of Brent agree to the matters referred to in this statement:



Signed by:

Name: Paul Lewin

Position: Spatial and Transportation Planning Manager

Date: 12th April 2024

City of Westminster agree to the matters referred to in this statement:



Signed by:

Name: Debbie Jackson

Position: Executive Director of Regeneration, Economy & Planning

Date: 23rd April 2024

Planning Policy Team

Westminster City Council
64 Victoria Street
London, SW1E 6QP

020 7641 6000

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