

CITY PLAN 2019 - 2040

Statement of Common Ground between City of Westminster and

Royal Borough of Kensington and Chelsea

September 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 Royal Borough of Kensington and Chelsea 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 RBKC 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 Royal Borough of Kensington and Chelsea 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 Royal Borough of Kensington & Chelsea, and the two authorities continue to work in partnership (with neighbouring and other local authorities in the region) 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 RBKC 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'.

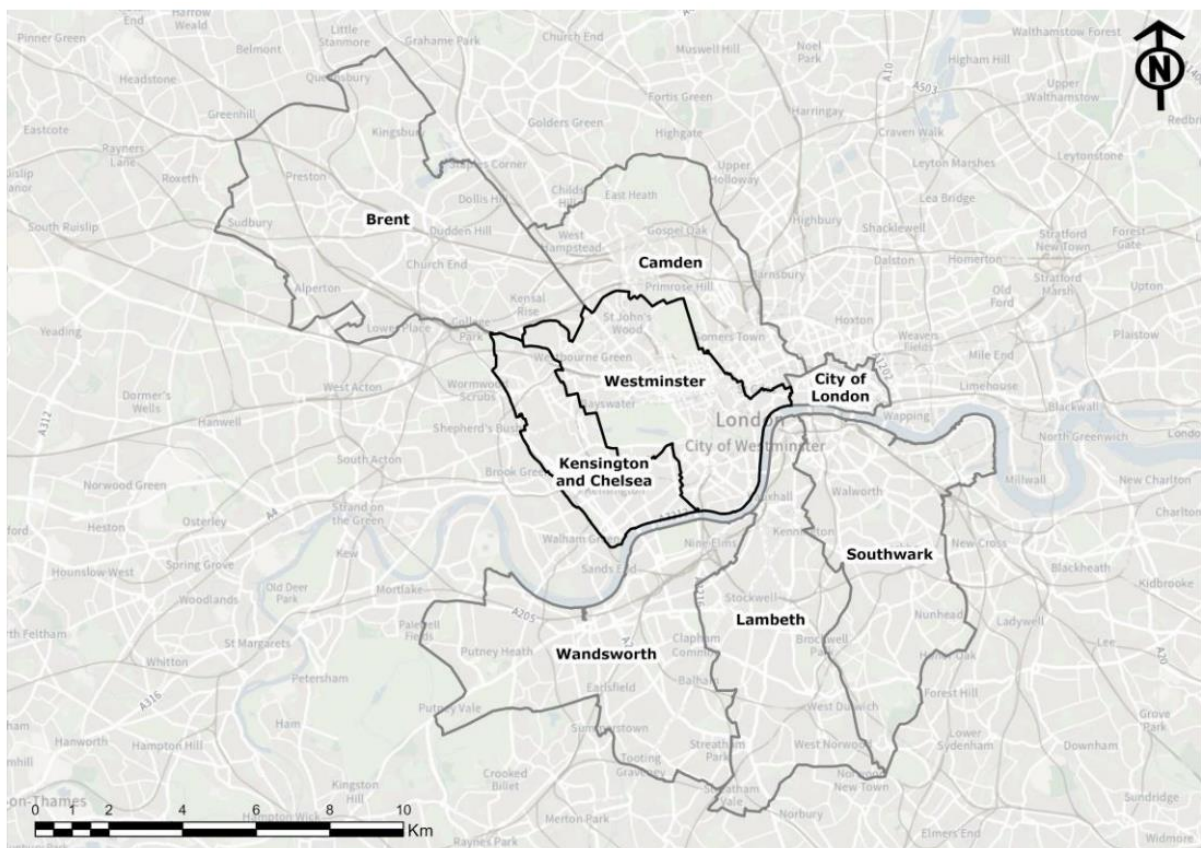
3.1.6 The Council considers it important to demonstrate:

- 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 RBKC 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 Royal Borough of Kensington & Chelsea;
 - 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 cooperate.

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 sites 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 RBKC confirmed that they have taken a different approach to securing affordable housing from smaller schemes creating new residential floorspace of 650sqm or more, in Local Plan review. Hearings on this were undertaken in the Summer and the Inspector's report was received on 5 July 2024. The Inspector has found the RBKC new Local Plan to be 'sound' subject to Main Modifications. On 24 July 2024 the Council adopted its New Local Plan Review document. The threshold for securing affordable housing remains unchanged.
- 5.2.5 RBKC 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.
- 5.2.6 RBKC and Westminster have agreed to continue to share information relating to the development of affordable housing policies in their respective plans.

5.3 Retrofit first

- 5.3.1 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).
- 5.3.2 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.
- 5.3.3 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.
- 5.3.4 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.
- 5.3.5 RBKC 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 Royal Borough of Kensington and Chelsea supports the policy in principle and do not consider it to have any negative impacts on RBKC.

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 would benefit from some extra policy support in the form of core development principles to help shape and unlock their development in a manner that supports good growth. 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, Westbourne Park Bus Garage and Grosvenor Sidings are of particular interest for RBKC given their proximity and, for St. Mary's Hospital due to the catchment area of the hospital that the current hospital serves i.e. it will serve both RBKC and Westminster residents (and beyond).
- 5.4.3 Westminster confirmed that the aim for the hospital site is to consolidate a new modernised hospital building near the canal basin and to redevelop/ repurpose surplus stock for other forms of development. Westminster is working with the NHS to understand what is required to meet hospital needs. It was agreed that Paddington is an area where tall buildings already exist.
- 5.4.4 The Westbourne Park Bus Garage site accommodates a bus garage for TFL with the Westway in the middle of the site and canal to the north. Westminster confirmed that the aim of the site will be to consolidate bus garage operations south of the Westway and to provide a new residential-led scheme to the north of the site. Westminster will work and negotiate with landowners to activate the canal north of the site and link this with nearby Meanwhile Gardens in RBKC. It was agreed that the potential impact of development on local views in RBKC is an important crossboundary issue. Whilst this will be fully assessed at planning application stage (when the full details of a scheme and their impacts are better understood), some analysis of views from RBKC has been included within the Heritage Impact Assessment that accompanies the site allocations.
- 5.4.5 The potential impacts of development on Meanwhile Gardens (owned by RBKC) – for instance through increased use of such space by occupiers of any new development at Westbourne Park Bus Garage, is another identified cross-boundary issue. However, again these impacts can be best assessed at planning application stage, when full details are known. Westminster City Council will therefore, consult with RBKC as a statutory consultee when such proposals come forward to inform any potential mitigation measures.
- 5.4.6 Grosvenor Sidings site allocation is located in the south of the city and borders RBKC to the east. The site is currently underutilised as a sidings/depot for trains on the Gatwick/Brighton mainline from Victoria Station. The allocation proposes a residential-led development with some scope for commercial on this site to match the surrounding context. It was agreed that impacts on RBKC should be limited but there is potential to have impacts on views from Royal Hospital in RBKC, albeit these may be screened by existing buildings from the west of the railway. Similar to Westbourne Park Bus Garage, it was agreed that Westminster City Council examine the potential

impact on local views in RBKC of development at this site, which has been incorporated into Westminster's Heritage Impact Assessment.

- 5.4.7 Westminster City Council and RBKC agree that the site allocations in the Partial City Plan Review will have no direct implications on views, heritage, and landscape.

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 RBKC council abreast of changes in policies and thus keeping the Statement of Common Ground under review. As the council's progress relevant policies, they agree to share studies and draft policies and continue ongoing discussions.
- 6.1.2 RBKC 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 and show how Westminster City Council have 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

The Royal Borough of Kensington & Chelsea agree to the matters referred to in this statement:

Signed by: J.C.Wade

Position: Head of Spatial Planning

Date: 12th September 2024

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

A handwritten signature in black ink, appearing to read 'D Jackson', with a long horizontal flourish extending to the right.

Signed by:

Name: Debbie Jackson

Position: Executive Director of Regeneration, Economy & Planning

Date: 19th September 2024

Planning Policy Team

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September 2024

