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Dear Sir / Madam,

### **Westminster City Council – Validation Checklist – Response to Consultation on Main Modifications**

I am writing in response to the consultation on Westminster City Council's Validation Checklist. We welcome the opportunity to review the draft Guidance and share comments on behalf of WPA members - the leading owners, investors and advisors of real estate in Westminster who contribute over £2.5 billion in economic output per year and support over 20,000 jobs in the borough.

It is important that the proposed Validation Checklist is brought closer in line with the spirit and objectives of the Government's intended changes to the National Planning Policy Framework (NPPF), published in December 2025. These reforms set out a clear direction of travel; simplifying the planning system and reducing the volume of information required to support applications to unlock the delivery of vital new homes and workspace. Proposed policy DM2 is explicit that requirements must be proportionate to the scale of development and should not impose excessive or disproportionate burdens on minor or medium scale development. They should also avoid being so burdensome it holds back the delivery of major development and investment in the borough.

This is essential; in Westminster, the volume of major applications for commercial development fell by 75% between 2013 and 2023, whilst the level of requirements has grown exponentially during this time, with our members citing that planning applications can now extend to hundreds of pages. This volume of documentation is consistently raised as a significant area of concern amongst our members, who report that extensive validation requirements add time, cost and complexity to an already lengthy process. This comes as our latest market analysis with Knight Frank, [Space for Change: Office market dynamics in central London](#), reveals that Westminster has lost over 7 million sq ft of office space in just five years and urgently needs new best-in-class workplaces to accommodate knowledge sector workers and drive economic and social prosperity.

Despite this, aspects of the proposed changes in the draft Validation Checklist will *actually* increase, rather than reduce and streamline, the burden on applicants. Our specific concerns are set out in detail in our response at Appendix A and in summary these are:

- **CIL Statement:** The introduction of a CIL Statement, which asks applicants to provide evidence of any claimed lawful land uses such as copies of leases for all major developments. Matters such as leases can often be commercially sensitive information and are typically not placed on the public planning record, nor are they required for the determination of planning applications. Where officers consider additional information to be required in connection with the calculation of CIL, they are already able to request it, separately from the determination of an application.

- **Sustainability documentation:** There is considerable duplication and overlap in the deliverables required to support applications relating to sustainability, energy and environmental design, particularly in reference to the Retrofit First Policy (Policy 43), including:
  - The submission of a sustainability / retrofit requirements checklist which does not provide any new information on the development and is an unnecessary additional deliverable;
  - The Retrofit Plan has increased in scope from a summary of how the impacts of extension have been mitigated – intended to unlock the wider retention and retrofit of a building (in response to Part H of Policy 43) – to a quasi-Schedule of Works for buildings which are not statutorily listed; and
  - The continued requirement for a Sustainable Design Statement, alongside other sustainability-related submission requirements.

In our previous discussions with elected members and officers we have shared a collective desire to reduce unnecessary administrative burdens on the planning system. Each additional layer of bureaucracy adds greater workloads on already stretched council planning teams, while adding further costs, complexity and risk for applicants – slowing down the process even further.

We would welcome the opportunity to explore this issue further.

Yours faithfully,



**Charles Begley**

Chief Executive, WPA

## Appendix A – Detailed Comments

Deliverable	Comment
CIL Supporting Information and CIL Statement	<p>WPA notes the requirement to submit the following information for all major developments:</p> <ol style="list-style-type: none"> <li>1. Set of existing floor plans (not elevations or sections) with measured areas in GIA and colour coded by existing lawful planning uses;</li> <li>2. A CIL Statement which can be included in Planning Statement;</li> <li>3. An explanation of the rationale behind the allocation of common parts to particular uses on the plans referred to above especially where those common parts are used by one or more of the uses in the key;</li> <li>4. A floor-by-floor GIA schedule (ideally in Excel spreadsheet format) for each existing and proposed building with usage split;</li> <li>5. Confirmation that the GIA is measured as per the latest RICS Code of Measurement Practice; and</li> <li>6. A description of and evidence of any claimed lawful use of the building in the last three years e.g. copy of lease/tenancy, statutory declaration etc.</li> </ol> <p>This information is required in connection with the calculation of CIL liability, rather than the determination of the planning application on its merits. As such, it does not consider it appropriate to impose a prescriptive and detailed requirement on all applications for “major” development.</p> <p>Where there are areas of disagreement relating to the calculation of CIL, it is open to the Charging Authority to request additional information. It is disproportionate, and goes well beyond policy in the existing and emerging NPPF, to require all this information in all cases as part of a planning application.</p> <p>The scope of information this would require would introduce a highly complex additional validation requirement above and beyond the completion of the Community Infrastructure Levy Form 1 which is already a statutory requirement. This is not consistent with emerging national validation list, and the Government’s desire to simplify rather than add further complexity to the submission of planning applications.</p> <p>The need to provide lease information should not be applicable in all circumstances. In most cases there will be no debate as to the occupancy of the building. If the City Council has concerns, on a case-by-case basis, it can request and should be provided sufficient information on this at this time of calculating CIL.</p> <p>The requirement to submit evidence of any claimed lawful land uses including copies of leases etc. for all major developments is not appropriate. This will often be commercially sensitive information and is typically not expected to be placed on the public planning record. Other records may also be quite sufficient to demonstrate occupancy / part occupancy.</p>

	<p>This complex additional requirement – which does not relate directly to the determination of planning applications – should be removed.</p>
<b>Sustainability</b>	
BREEAM	<p>Footnote 14 is not clear on the scope of applications required to provide a BREEAM Assessment. We suggest this is amended to be clear this relates <b>only</b> to “alterations / refurbishments requiring planning permission.”</p> <p>BREEAM Assessments should not be required where no physical work requiring planning permission is proposed.</p>
Circular Economy Statement	<p>As discussed, and set out within the supporting information to the Retrofit First Policy (Policy 43), the definition of deep retrofit was between 10% and up to and including 50% demolition. We request this is updated in the Validation Checklist for consistency.</p> <p>We suggest slightly rewording the three bullets in the second column, to be clear that this could be required for development in <b>any one</b> of the three categories:</p> <p><b>“Required for all development:</b></p> <ul style="list-style-type: none"> <li>• <b>Referable to the Mayor of London; or</b></li> <li>• <b>Involving demolition or substantial demolition of a building; or</b></li> <li>• <b>Proposing deep retrofit.”</b></li> </ul> <p>This is unlikely to be applicable to removal / variation of condition applications, except where those applications relate to conditions concerned with circular economy matters. The final column should be amended.</p>
Pre-Redevelopment Audit	<p>In addition to the Pre Redevelopment Audit, marked-up floor plans showing the extent of demolition proposed would be required. Currently, this would only be required for the demolition of any part of a listed building in line with established heritage legislation.</p> <p>As set out in our response to the Retrofit First Guidance consultation document, WPA agrees that some controls over the extent of demolition and circular economy outcomes are required. These should, however, be based upon achieving the required targets or levels, <b>not</b> conditioning achieving specific figures set in the application. WPA and WCC have agreed to further discuss appropriate condition wording in due course.</p> <p>As such, WPA considers that the requirement to submit marked-up floor plans should only be triggered where schemes sit on the threshold of substantial demolition and may therefore trigger the Sequential Test set out in Policy 43. Indicative plans should be accepted, recognising that there are likely to be changes to demolition and structural proposals as design progresses post planning.</p>

	<p>However, WPA considers that the demolition plans should only be secured as approved plans for development affecting listed buildings.</p>
Sustainability / Retrofit Requirements Checklist	<p>WPA notes that a Sustainability / Retrofit Requirements Checklist is required for all development that creates new floorspace.</p> <p>WPA considers that this additional burden would place an <u>unnecessary burden</u> on Applicants and <b>does not</b> support its submission for all development that creates new floorspace.</p> <p>WPA considers the checklist to be helpful, as an appendix or aide memoire to the Validation Checklist, to enable Applicants to confirm which deliverables are triggered by their schemes. As it does not provide any new information on the development itself to support determination, it does not seem necessary to submit the document itself, which is little more than a report on the documentation submitted.</p>
Sustainable Design Statement	<p>WPA queries the requirement for a Sustainable Design Statement on the basis of the numerous sustainability related deliverables now required to be submitted. The requirement could be amended such that it is only required where other sustainability information is <b>not</b> being required. For example, using Appendix 1 as guidance, the Sustainable Design Statement would be required in those circumstances where other, more detailed, sustainability reports are not required.</p>
Retrofit Plan	<p>WPA notes that a Retrofit Plan is included in the supporting text to the Retrofit First Policy as follows: <i>“When considering the <b>townscape, heritage or design impacts of alterations or extensions which can be demonstrated as necessary to viably achieve the wider responsible retrofit of a building</b>, significant weight will be given to the desirability of securing the retention of the building, with adaptations to address climate change. Applicants should demonstrate in a Sustainable Design Statement or Retrofit Plan how <b>technical risks have been addressed and how harm to heritage assets has been avoided or minimized.</b>” [our emphasis]</i></p> <p>The required content of the Retrofit Plan goes some way beyond this, stating that documents should <b>“demonstrate a responsible, coordinated ‘whole building’ approach to planning and delivering retrofitting projects and set out how any technical risks have been addressed including information on : –constraints, risks, and opportunities; – Main works proposed along with related strategies and details; – The sequence of work; and – A plan for monitoring and reporting energy consumption.”</b> WPA considers that the scope of the Retrofit Plan has shifted from a justification of retrofit impacts on design and townscape, as intended. The requirements of the document should be revised to align with the explanatory text to Policy 43 rather than setting additional requirements on matters such as the timing and sequence of works and energy reporting. The topics listed may be better located in guidance rather than validation requirements.</p>

	<p>The Validation Guidance should be clear that the Retrofit Plan (either as a standalone document, or as part of the Sustainable Design Statement) is optional as a validation requirement, but may be helpful where applicants are referring to Policy 43(H). 6As drafted, the criteria for triggering its submission are not clear and seems overly onerous.</p> <p>In addition, and in line with representations on the emerging Retrofit Policy and the Retrofit Guidance SPD, WPA does not support the reference to buildings of traditional construction. Listed buildings are provided statutory protection on the basis of their special historic, architectural, archaeological or artistic significance. Whilst many designated heritage assets are of traditional construction, not all buildings of traditional construction are heritage assets, designated or undesignated. Please see our representations on the Retrofit First Policy Guidance <a href="#">here</a>.</p> <p>The requirement to submit a Retrofit Plan for all buildings constructed prior to 1919 and all buildings where extensions are proposed to unlock the wider retrofit of the building would represent the requirement to submit a quasi-Schedule of Works elevating all non-designated heritage assets to the level of protection afforded to statutorily listed buildings. As the Schedule of Works for listed buildings is already proposed to be pulled out into a standalone document, as set out below, we consider the scope of the Retrofit Plan does not align with the emerging Retrofit Policy.</p> <p>WPA also notes that a Retrofit Plan may not be required to be submitted where a Sustainable Design Statement is provided. We support this approach, avoiding potential duplication between documents.</p>
Schedule of Works	<p>WPA understands that a Schedule of Works is now required as a standalone deliverable for Listed Building Consent applications rather than being included in the Heritage Statement.</p> <p>WPA considers this unnecessary and requests that the Validation Checklist is updated to allow for the Schedule of Works to form part of a Heritage Statement or Design and Access Statement as has been the case to date. Itemising the works separately should not be required. We suggest the Heritage Statement (L23) scope could be adjusted to ensure Heritage Statements include a clear list of work to be undertaken.</p>
Urban Greening Factor Assessment	<p>WPA understands that a standalone Urban Greening Factor (UGF) Assessment is now required for all major applications including a scaled and colour-coded UGF landscape masterplan in addition to the landscape masterplan and a completed UGF table.</p> <p>Previously UGF calculations have typically been included in Design and Access Statements, or similar, and WPA requests that the Validation Checklist is updated to reflect this position, rather than requiring the UGF to be a standalone document.</p>
Whole Life Carbon Assessment	<p>WPA agrees that all major applications (except applications solely involving a change of use) would trigger a Whole Life Carbon Assessment.</p>

Other matters	
Definition – Major Development	<p>We note that Footnote 3 (Definition of Major development, page 6) includes reference to major development comprising gross floorspace of 1,000 sqm (GIA).</p> <p>Article 2 of the Development Management Procedure (England) Order 2015 states, inter alia, “the provision of a building or buildings where the <b>floor space to be created</b> by the development is 1,000 square metres or more.” (our emphasis)</p> <p>We suggest the footnote is changed accordingly.</p>
Fire Statement	WPA queries whether the thresholds for the Fire Statement should be caveated to refer to any updated future guidance.
Flood Risk Assessment	<p>We note that an explicit requirement for a Flood Risk Assessment (FRA) for basement development has been included. This is understood and supported.</p> <p>The explanation at Footnote19 of the types of development which will raise flood risk issues is also welcome.</p> <p>WPA notes and welcomes the simple FRA option for residential extensions and non-residential extensions of less than 250sqm in FRA Zones 2 and 3. We suggest the text is also amended to be clear that this option can be used for such development in Surface Water Flood Risk areas. This would align the approach with the September 2025 changes to the PPG which confirmed that sequential assessment is not required for development within Surface Water Flood Risk areas.</p>
Lighting Assessment	WPA understands that the consultation Validation Checklist clarifies a Lighting Assessment is only required for façade lighting schemes for buildings and large-scale advertisements / digital screens. This is noted and supported.
Noise Impact Assessment	WPA understands that a Noise Impact Assessment / Acoustic Report would be triggered by external plant and equipment. This is noted and supported.
Tables and Chairs Supporting Information	WPA notes that the Westminster Streets and Space Public Realm Guidance confirms that Full Planning Permission is generally not required for removable tables and chairs on the highway but that a pavement licence is required, which, where granted, provides deems planning permission.

#### Administrative errors

- Please note that the NPPF paragraph references may need to be updated following the end of the consultation and adoption of the updated NPPF (subject to timescales).
- Equally we assume that all references to WCC policies will reflect the position of the City Plan Partial Review once adopted.

- The Delivery and Servicing Plan is incorrectly referenced as Delivery and Servicing Info on the contents page.
- We note there is a placeholder for footnote 23 and understand this will be updated prior to adoption.
- No planning policy has been included in the justification for the SuDS Strategy.
- The Shisha Smoking Management Plan has been missed off the contents page.
- Please add another bullet point for the third threshold for a Fire Statement as per the adopted version.