



The Planning Inspectorate

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# Report to the Mayor of London

by

**Roisin Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC**

**William Fieldhouse BA (Hons) MRTPI and**

**David Smith BA (Hons) DMS MRTPI**

**Members of the Panel appointed by the Secretary of State**

**Date: 8 October 2019**

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Greater London Authority Act 1999

(as amended)

Part VIII

## **Report of the Examination in Public of the London Plan 2019**

The Examination in Public was held between 15 January 2019 and 22 May 2019

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The Examination Library contains numerous documents submitted by the Mayor and representors along with those issued by the Panel. Where necessary, reference is made in this report to relevant documents by their unique number (for example NLP/CD/1, NLP/EX/7.3, NLP/AD45, etc).

## **Abbreviations used in this report**

2004 Act	Planning and Compulsory Purchase Act 2004
2011 Act	Localism Act 2011
AMR	Annual monitoring report
ANPS	Airports National Policy Statement
Assembly	Greater London Assembly
CAZ	Central Activities Zone including Isle of Dogs (north)
EELGA	East of England Local Government Association
FALP	Further Alterations to the London Plan
GLA	Greater London Authority
GLA Act	The Greater London Authority Act 1999 (as amended)
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IIA	Integrated Impact Assessment for the draft new London Plan (November 2017) and Addendum (July 2018)
KPI	Key Performance Indicators
LDS	Local Development Scheme
Local plan	Any development plan document adopted under the 2004 Act
LPVS	London Plan Viability Study and Technical Report (December 2017) and Addendum (November 2018).
LSIS	Locally significant industrial sites
LVMF	London View Management Framework
Mayor	The Mayor of London
MDC	Mayoral Development Corporation
MHCLG	Ministry of Housing, Communities and Local Government
MTS	Mayor's Transport Strategy
MOL	Metropolitan Open Land
NPPF	National Planning Policy Framework
OAN	Objectively assessed need (for housing)
OLC	Outer London Commission
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PSED	Public Sector Equality Duty
PTAL	Public transport access level (0-6, a higher number indicating better access to the public transport network)
Regulations	The Town and Country Planning (London Spatial Development Strategy) Regulations 2000
RFRA	Regional Flood Risk Appraisal
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEEC	South East England Councils
SHLAA	Strategic housing land availability assessment
SHMA	Strategic housing market assessment
SIL	Strategic industrial locations
SINC	Sites of Importance for Nature Conservation
VBC	Vacant Building Credit
WHS	World Heritage Site
WMS	Written Ministerial Statement

## **Non-Technical Summary**

This report concludes that the draft new London Plan published for public consultation in December 2017 provides an appropriate basis for the strategic planning of Greater London provided that it is amended to reflect the Mayor's minor suggested changes (August 2018), the Mayor's further suggested changes (July 2019), and our recommendations set out in this report.

Our recommendations, which are set out in full throughout the report and listed in the attached Appendix, can be summarised as follows:

- Include all minor and further suggested changes unless otherwise recommended in this report.
- Reduce the ten year small site housing targets for boroughs to give a total of 119,250 dwellings (rather than 245,730) and as a consequence reduce the overall housing targets for boroughs to give a total of 522,850 dwellings (rather than 649,350).
- Delete the Mayor's further suggested change policy H2A small housing developments.
- Add to reasoned justification to policy H2 to clarify that borough small site targets can be taken to amount to a reliable source of windfall sites.
- Delete policy H9, in relation to the disapplication of the vacant building credit.
- Delete part C of policy H12 in relation to boroughs setting prescriptive area wide dwelling size mix requirements for market and intermediate housing.
- Delete part B of policy H16 relating to boroughs undertaking gypsy and traveller accommodation needs assessments and add reasoned justification setting out a commitment for the Mayor to lead a London-wide assessment as part of the next review of the London Plan.
- Add reasoned justification to policy G2 to refer to the Mayor leading a strategic and comprehensive review of the Green Belt in London as part of the next review of the Plan.
- Modify policies G2 and G3 relating to Green Belt and Metropolitan Open Land so that they are consistent with national policy.
- Before finalising the Plan, the Mayor should give further consideration to the categorisations of boroughs in Table 6.2 (management of industrial floorspace) to provide a more positive strategic framework for the provision of industrial capacity.
- Add reasoned justification to policy E4 to refer to boroughs considering whether the Green Belt in their area needs to be reviewed to provide additional industrial capacity, and also to refer to consideration being given to identifying locations for industrial development as part of a future London-wide Green Belt review.
- Delete policy SI11 hydraulic fracturing (fracking).
- Delete policy T8 airports, and add northwest runway at Heathrow Airport to Table 10.1 (indicative list of transport schemes).
- Reduce the cycle parking requirements for specialist older persons accommodation and purpose built student accommodation.
- Modify policy DF1 to make it clear that the requirements relating to site specific viability assessments only apply where relevant policies in local plans are up to date.
- Modify various other parts of the Plan to ensure that it is effective, justified and consistent with national policy.

## Introduction

1. This is our report following the examination in public (“examination”) of the London Plan held in accordance with the terms of the *Greater London Authority Act 1999* (as amended) (“GLA Act”) and the *Town and Country Planning (London Spatial Development Strategy) Regulations 2000* (“the Regulations”).

### **The draft new London Plan and the Mayor’s Minor and Further Suggested Changes**

2. The London Plan is the statutory spatial development strategy for Greater London prepared by the Mayor of London (“the Mayor”) in accordance with the GLA Act and Regulations. The Mayor published a draft new London Plan, which looks ahead to 2041, for public consultation in December 2017. The consultation period ended on Friday 2 March 2018 by which date over 20,000 representations had been received from around 7,400 individuals and organisations.
3. In response to those representations, and to improve clarity and update matters of fact, the Mayor published “minor suggested changes” to the draft London Plan on 13 August 2018<sup>1</sup>. A consolidated version of the Plan, incorporating all of those minor suggested changes was published in August 2018<sup>2</sup>. This was the version of the Plan that we based our matters upon and was discussed at the hearing sessions.
4. Further changes to the Plan were suggested by the Mayor during and following the examination hearing sessions in accordance with procedures that we set out in one of our Panel Notes<sup>3</sup>. A comprehensive schedule of all of the Mayor’s further suggested changes, along with a further consolidated version of the Plan incorporating all of the minor and further suggested changes, were published in July 2019<sup>4</sup>. Other than where we indicate to the contrary elsewhere in this report, we consider that all of the Mayor’s minor and further suggested changes help to ensure that the Plan is sound or appropriately address issues raised in representations. We therefore recommend that all of the Mayor’s minor and further suggested changes be incorporated when the Plan is finalised for publication under section 337 of the GLA Act unless we explicitly state otherwise in another recommendation [**PR1**].

### **The Examination in Public and our Recommendations**

5. We received copies of all representations made about the draft new London Plan in accordance with section 335 of the GLA Act, along with summaries prepared by the Greater London Authority (“GLA”), on 16 July 2018. We had regard to these before consulting the Mayor and publishing our draft lists of participants and matters to be considered at the examination on 12 September 2018<sup>5</sup>. We then considered the comments received about those

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<sup>1</sup> NLP/CD/09.

<sup>2</sup> NLP/CD/08.

<sup>3</sup> NLP/EX/18.

<sup>4</sup> NLP/CD/013.

<sup>5</sup> NLP/EX04a-04d.

draft lists before publishing our finalised lists of matters and participants on 13 November 2018<sup>6</sup>.

6. The examination hearing sessions were held between 15 January and 22 May 2019. At those sessions, we considered each of our matters having regard to all of the written evidence before us and the oral contributions made by the participants that we had invited.
7. This report sets out our assessment of each of our matters, and includes a number of recommendations. Our recommendations relate to the content of the consolidated version of the Plan incorporating all of the Mayor's minor suggested changes published in August 2018 referred to in paragraph 3 above but where necessary refer to the further changes published in July 2019 in accordance with paragraph 4. All of our recommendations are identified in bold in the report [**PR1**, **PR2**, **PR3**, etc], and are listed in an Appendix.
8. If the Mayor wishes to publish the London Plan without accepting any of our recommendations, he is required to send a statement of his reasons to the Secretary of State before so doing<sup>7</sup>. The Secretary of State has powers to direct that modifications are made to the Plan to remove any inconsistency with national policy or any detriment to an area outside London<sup>8</sup>.

### **National Planning Policy**

9. The London Plan is required to have regard to the need to be consistent with national policy<sup>9</sup>. Whilst a revised version of the *National Planning Policy Framework* ("NPPF") was published in July 2018, and updated in February 2019, the transitional arrangements<sup>10</sup> mean that we have examined the Plan having regard to the policies in the 2012 version of the NPPF, along with other relevant national policy. Similarly, the previous versions of the *Planning Practice Guidance* ("PPG") apply for the purposes of this examination under the transitional arrangement. All references in this report are therefore to the 2012 version of the NPPF and to the versions of the PPG which were extant prior to the publication of the 2018 NPPF, unless otherwise stated. Nevertheless, we are mindful that future local plan preparation by boroughs will be done in the context of the 2019 NPPF and associated PPG.
10. The legal duty relating to soundness set out in section 20(5)(b) of the *Planning and Compulsory Purchase Act 2004* ("2004 Act") does not apply to spatial development strategies such as the London Plan, and the section on plan-making in the 2012 NPPF refers to local plans rather than spatial development strategies. However, in light of the need to ensure consistency with national policy we have applied the soundness tests set out in the NPPF, namely that the Plan should be positively prepared, justified, effective, and consistent with national policy.

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<sup>6</sup> NLP/EX/08a-08c.

<sup>7</sup> Regulation 9(2).

<sup>8</sup> GLA Act section 337.

<sup>9</sup> GLA Act section 41.

<sup>10</sup> NPPF (2019) paragraph 214 and footnote 69.

11. In addition to the NPPF and PPG, we also refer where relevant to other aspects of national policy, including Written Ministerial Statements and National Policy Statements.



## Legal, Procedural and General Matters

12. This section sets out our assessment of a number of legal, procedural and general matters, all of which were discussed at examination hearings.

### **Did the Mayor comply with all relevant legal and national policy requirements relating to co-operation and public participation?**

#### *Duty to Cooperate*

13. Section 110 of the *Localism Act 2011* ("2011 Act") introduced section 33A to the 2004 Act, which imposes a duty on local planning authorities and prescribed bodies to co-operate in a range of planning activities. The Mayor is a prescribed person for the purposes of that duty<sup>11</sup>.
14. However, the London Plan is a spatial development strategy and although it forms part of the development plan for Greater London, it is not a development plan document<sup>12</sup>. The preparation of a spatial development strategy is not included in the list of activities to which that duty applies<sup>13</sup>. Furthermore, sections 20(5) and (7) of the 2004 Act, which set out the requirements of an independent examination in relation to the duty to co-operate, refer to a local planning authority and a development plan document only. Application of the duty to co-operate in respect of the Mayor and the preparation of a spatial development strategy is not referred to in the 2004 Act.
15. Some suggest that the preparation of a spatial development strategy is an activity that can reasonably be considered to prepare the way for or support the preparation of development plan documents and on this basis is included in those activities to which the duty applies<sup>14</sup>. However, the preparation of the London Plan, London's spatial development strategy, is an activity in its own right. It informs and sits alongside rather than supports development plan documents. Similarly, evidence base documents, such as the Strategic Housing Land Availability Assessment (SHLAA) and Strategic Housing Market Assessment (SHMA), are London wide documents with a primary purpose to support the London Plan itself, rather than individual borough's development plan documents. Although development plan documents must be in general conformity with the London Plan<sup>15</sup>, they can still come forward in its absence.
16. It is also relevant to note that the purpose of the London Plan is in effect that of a regional strategy. The 2011 Act saw the removal of the regional tier of Government across England, except in London, where regional governance and the spatial development strategy remained in place. Exclusion of reference to the Mayor and the spatial development strategy in the sections of the 2004 Act referred to in paragraph 13 would not be out of step with that approach.

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<sup>11</sup> Regulation 4 of the Town & Country Planning (Local Planning) (England) Regulations 2012.

<sup>12</sup> Section 38(2) of the 2004 Act.

<sup>13</sup> Section 33A(3) of the 2004 Act.

<sup>14</sup> Sections 33A(3)(d) and (e) of the 2004 Act.

<sup>15</sup> Section 24(1)(b) of the Act 2004.

17. Our conclusion, that the duty to cooperate does not apply to the preparation of the London Plan, does not conflict with the PPG that was extant at the time that the Plan was prepared. We acknowledge that the NPPF 2019 indicates that the duty applies to a spatial development strategy<sup>16</sup>. In addition, the current PPG sets out explicitly that strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans<sup>17</sup>. However the PPG is guidance; it does not change the legal duty and we have assessed this Plan in relation to the NPPF and PPG as set out in paragraph 9 of this report.
18. In coming to the above conclusions, we have considered the findings of the Inspector who examined the *Further Alterations to the London Plan* ("FALP") in 2014. However, on the basis of the evidence before us and for the reasons explained, we have come to a different conclusion on this matter.

#### *Public consultation and participation*

19. Under the terms of the GLA Act and Regulations<sup>18</sup> the Mayor has a duty to inform and consult with a number of bodies, including London boroughs and neighbouring authorities. The Mayor provides convincing evidence of extensive consultation with all necessary bodies. This meets the statutory requirements set out above. Furthermore, generally consultation has been active, ongoing and constructive and meets the expectations imposed by paragraph 178 of the NPPF, which sets out a requirement for public bodies to co-operate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities.
20. The Mayor's duties in relation to public participation in the preparation of the London Plan are mainly set out in the GLA Act and Regulations<sup>19</sup>. Extensive evidence is before us to demonstrate the discharge of the statutory duties above, including consultation with the bodies set out in S32(3) of the GLA Act, particularly through the *City for All Londoners* consultation in 2016<sup>20</sup>, which included focus groups based on certain demographic characteristics, including bodies representing the interests of different racial, ethnic, national or religious groups. A wide range of groups were consulted on an ongoing process during the preparation of the Plan using different types of communication, from face to face meetings to online discussions and written materials available in different formats and languages. All in all, we are satisfied that due regard was had to the principle that there should be equality of opportunity for all people to engage in accordance with statutory requirements<sup>21</sup>. Furthermore, generally the consultation process accords with paragraph 155 of the NPPF, which sets out the requirement for early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses.

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<sup>16</sup> NPPF 2019 para 2 footnote 2 and para 17b

<sup>17</sup> PPG ID:61-009-20190315

<sup>18</sup> Sections 335, 339, 348 of the GLA Act and section 7 of the Regulations.

<sup>19</sup> Sections 32, 33 and 335 of the GLA Act.

<sup>20</sup> NLP/CD/010.

<sup>21</sup> Section 33 of the GLA Act

21. However, concern was expressed that the information regarding consultation, particularly with groups with protected characteristics<sup>22</sup>, was not clearly set out. The *London Planning Statement Supplementary Planning Guidance* provides a commitment to consultation in the exercise of the Mayor's planning functions, including the preparation of the London Plan. To demonstrate compliance with those high level principles and any other legal requirements, we recommend that the Mayor publishes a statement setting out how consultation requirements will be met when next altering or replacing the Plan along with evidence clearly demonstrating how consultation was actually carried out [PR2]. Whilst we are satisfied with the consultation undertaken this would provide greater certainty to all concerned about what the future expectations are.

### *Conclusion*

22. We are satisfied that the London Plan meets the statutory and other requirements with regard to co-operation and public participation.

### **Has the London Plan been subject to adequate sustainability appraisal and strategic environmental assessment in accordance with relevant legal and national policy requirements?**

23. There is a legal requirement for the Plan to be accompanied by an appraisal of how it contributes towards the achievement of sustainable development<sup>23</sup>. As part of this an environmental assessment is required to identify, describe and evaluate the likely significant effects on the environment of implementing the Plan and also of reasonable alternatives taking into account its objectives and geographical scope<sup>24</sup>. These were addressed as part of the *Integrated Impact Assessment* (November 2017) and Addendum (July 2018) ("IIA")<sup>25</sup>. In addition, the IIA incorporates an equality impact assessment, community safety impact assessment and a health impact assessment in order that potential effects are considered holistically.
24. The IIA was published at the same time as the draft Plan in December 2017. This accords with the prescribed procedures for an environmental report<sup>26</sup> which do not require a further, intermediate consultation. Moreover, additional spatial options were included and assessed following the earlier Scoping Report<sup>27</sup>. Five of these were tested including the preferred sustainable intensification option. Given that alternatives should be sufficiently distinct to highlight the different sustainability implications between them this was a reasonable approach. We return to the spatial options later in this report as part of our assessment of the overall strategic approach to accommodating development proposed in the Plan.
25. Criticism is made of whether the analysis undertaken was fit for purpose in terms of internal consistency, the rigour of the analysis undertaken and whether it was evidentially based. However, the IIA was undertaken in

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<sup>22</sup> Protected characteristics are defined in the *Equality Act 2010* as age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

<sup>23</sup> Regulation 7(2).

<sup>24</sup> Regulation 12(2) of the *Environmental Assessment of Plans and Programmes Regulations 2004*.

<sup>25</sup> NLP/CD/04 & 05

<sup>26</sup> Regulation 13 of the *Environmental Assessment of Plans and Programmes Regulations 2004*.

<sup>27</sup> NLP/CD/02

support of a high level plan as a guide to policy-making and is not an end in itself. It is also to be expected that there will be differences in planning judgement or opinion. All options and policies were assessed against the same 24 objectives on a like-for-like basis to provide a guide to the Mayor about the strategy to pursue and is suitably comprehensive.

26. Nevertheless, there are anomalies in the analysis of the effect of the option involving Green Belt release and the sustainable intensification option gives little weight to the potential disbenefits that could arise. Consideration of the city region option is inevitably hampered by the extent of the Mayor's jurisdiction. However, these misgivings do not mean that the process was unsatisfactory but rather it limits the weight to be given to the IIA as evidence in support of the preferred strategy.
27. By integrating the various assessments to reduce repetition and by aggregating the findings the precise implications for equalities and health are difficult to discern. However, that does not mean that they were not present as indicated by the extensive number of guide questions that cover these areas and by the matrices that directly considered the effect on protected groups. A weakness of the IIA is that ways of monitoring likely significant effects were not obviously considered when the alternatives were being developed, refined and assessed. But that does not invalidate the IIA as a whole and following its completion numerous policies and supporting text have been adjusted to take account of its findings as minor suggested changes.

#### *Conclusion*

28. Overall we therefore conclude that the IIA meets legal and national policy requirements relating to sustainability appraisal and strategic environmental assessment.

#### **Has the London Plan been subject to a Habitat Regulations Assessment that meets the requirements of the *Conservation of Habitats and Species Regulations 2017* and relevant national policy and guidance?**

29. The Plan was subject to a Habitat Regulations Assessment during its preparation<sup>28</sup>, and this was updated to respond to comments made by Natural England and to consider the minor suggested changes<sup>29</sup>. Having undertaken appropriate assessments of the 7 European sites within London as well as those beyond it, the Assessment concludes that there would be no adverse effect on the integrity of them, either alone or in combination with other plans or projects. Natural England is satisfied with its findings and recommended mitigation measures have been included in the Plan. It is not expected that the mitigation strategy for Epping Forest which is being prepared will impede delivery in London but further text is suggested to cover that eventuality.

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<sup>28</sup> NLP/CD/06

<sup>29</sup> NLP/CD/07

Conclusion

30. Subject to our recommendations, we are satisfied that the Plan meets the requirements of the *Conservation of Habitats and Species Regulations 2017* and relevant national policy and guidance.

**Will the Plan help to advance equality of opportunity in accordance with relevant legislation and national policy?**

31. The IIA incorporates an equalities impact assessment, and throughout the examination we have had due regard to the equality impacts of the Plan in accordance with the Public Sector Equality Duty ("PSED") contained in section 149 of the *Equality Act 2010*. Our detailed findings are set out in subsequent sections of this report as part of our assessment of the tests of soundness. We make recommendations where necessary to ensure that the Plan helps to advance equality of opportunity between people who share a protected characteristic as defined in the legislation and those that do not share it as well as eliminating discrimination and fostering good relations.
32. In this regard we have been informed by the detailed matrices produced as part of the IIA and which were published during the examination<sup>30</sup>. There is criticism about the methodology undertaken but the baseline evidence was drawn from a wide range of sources including input following consultation. Furthermore, judgements about the likely consequences of individual policies will not necessarily be accepted by all and neither is it possible to always be emphatic about the outcome. However, our requirement to have "due regard" does not solely relate to considering the adequacy of the IIA undertaken.
33. The Mayor gives examples of 23 policies that will advance equality of opportunity for those with protected characteristics including those relating to spatial development, design, transport, social infrastructure, housing and green infrastructure and the economy. Some are directly related to particular groups such as gypsies and travellers and specialist older persons housing whilst others seek to achieve a more accessible environment for those who might not otherwise be able to travel or find it easy to access buildings and spaces. These will be of direct benefit to those with protected characteristics.
34. However, we heard much evidence about the consequences of the Plan for those with protected characteristics including the elderly, the disabled, single women (especially those with children), black and minority ethnic groups, LGBTQ+ groups and faith groups who will be affected by more general policies. This is particularly because those with protected characteristics are represented in greater numbers amongst those with limited incomes, those in social rented accommodation and those with health issues. In reaching our recommendations about all the policies we have borne in mind the likely effects, both positive and negative.
35. Whilst the PSED applies to us in exercising a public function it is done in the context of recommendations about a spatial development strategy covering a city expected to grow to 10.8 million people by 2041. Therefore, inevitably, such considerations are broad in nature as the Plan, whilst far reaching, is

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<sup>30</sup> NLP/EX/17

multi-faceted and sets a framework for decision-making rather than, in many cases, dictating or determining a particular outcome. Nevertheless, as is evident from Panel Notes 7, 7.2 and 7.3<sup>31</sup> requiring responses from the Mayor and allowing for further comments, we have sought to be properly informed throughout the examination. This is in order that we are as clear as possible about the likely equality implications for the 9 different protected characteristics. Our assessment of this matter has not been done as a rear-guard action but rather on a continuous basis and we have taken account of all the material before us in preparing this report and formulating our recommendations.

36. The relevant provisions of the GLA Act and the Regulations place no requirement on us to determine whether the Mayor has complied with the PSED. This is not our task and each public authority is expected to adhere to the duty, including the Mayor. That said, whether the Plan is justified includes, amongst other things, the implications for different groups in society including those with protected characteristics. In this way, such considerations are embedded within our overall assessment set out throughout this report.

### *Conclusion*

37. For the reasons set out above and in subsequent sections of this report, when considered as a whole the Plan ensures that the disadvantages encountered by those with a relevant protected characteristic would be minimised as far as possible and their needs met in so far as they are different to those without one. Furthermore, subject to our recommendations, we are satisfied that the Plan will help to advance equality of opportunity in accordance with relevant legislation and national policy.

### **Does the Plan contain justified and effective policies relating to climate change that are consistent with national policy?**

38. The Plan includes policies designed to contribute towards the mitigation of, or adaptation to, climate change in the United Kingdom as required by section 41(7)(c) of the GLA Act. These include policies that collectively set the overall spatial development framework that should minimise the need to travel; transport policies that should increase the proportion of trips by sustainable transport; policies relating to green infrastructure, urban greening, trees, and food growing; and policies relating to sustainable infrastructure including minimising greenhouse gas emissions, energy infrastructure, managing heat risk, water infrastructure, reducing waste and supporting the circular economy, flood risk management, and sustainable drainage.
39. Subject to our recommendations where relevant, such policies are consistent with the NPPF and will help London to adapt to climate change and move towards becoming a zero carbon city.

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<sup>31</sup> NLP/EX/15a, 27 and 34a

*Conclusion*

40. We therefore conclude that, subject to our recommendations set out throughout this report, the Plan contains justified and effective policies relating to climate change in accordance with the legislation.

**Does the Plan represent a spatial development strategy in accordance with relevant legislation and national policy?**

*The form and general nature of the Plan*

41. The Plan comprises around 500 pages and contains over 110 policies, some of which are more than two pages in length. It is clear from many of the representations made about the Plan, and the discussions that took place throughout the examination, that its length and complexity raise a number of significant issues about the fundamental role and purpose of a spatial development strategy in a three tiered plan-led system<sup>32</sup>. These include the ability of a wide range of people and organisations to engage effectively in its preparation; the nature and length of the consultation and examination processes; its ability to clearly set out a long term strategy for the amount, type and broad locations of development and infrastructure needed across London; its role in relation to local plans, neighbourhood plans and development management; its usefulness for those involved in bringing forward development projects; and the ability to effectively monitor whether its strategic objectives are being achieved.
42. That said, there is nothing in the relevant legislation or NPPF and associated guidance that rule out a spatial development strategy taking the form of this Plan. Furthermore, previous versions of the London Plan prepared by the Mayor's predecessors, whilst not quite as long or detailed in some respects, were themselves substantial, complex documents. The Mayor is clear that the scope, format and content of the Plan were all carefully considered and determined in order to effectively deliver his vision and objectives. We consider now whether that view is justified in the context of the relevant legislation and four tests of soundness.

*Matters of strategic importance to Greater London*

43. The Plan is required to deal only with matters which are of strategic importance to Greater London<sup>33</sup>. These are not defined in the legislation, and it is likely that they will change significantly over time. The Mayor, as the elected body with lead responsibility for the Plan, has discretion in defining what he considers to be the relevant strategic matters for the particular plan period. However, this needs to be based on evidence, take account of views expressed by others during the preparation of the Plan, and have regard to relevant national policy and guidance.
44. The 2012 NPPF does not define matters of strategic importance, nor does it refer to spatial development strategies. However, the list of strategic priorities

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<sup>32</sup> The Spatial Development Strategy (London Plan), local plans and neighbourhood plans.

<sup>33</sup> GLA Act section 334(5).

that local plans are expected to address<sup>34</sup> is of some relevance, as is national guidance on local plan policies, strategic matters and how a strategic policy should be determined<sup>35</sup>. Furthermore, whilst not directly applicable to the preparation of a spatial development strategy, section 33A(4) of the 2004 Act defines a strategic matter as sustainable development or use of land, particularly in connection with infrastructure, that has or would have a significant impact on at least two planning areas<sup>36</sup>. The various categories of planning application that are deemed to be of potential strategic importance to London as defined in the *Town and Country Planning (Mayor of London) Order 2008* are also relevant to consider.

45. In that context, we broadly accept the Mayor's three main reasons for considering matters to be of strategic importance to Greater London. The first is to deal with development or infrastructure whose scale, nature or location means that it would be of significance to at least two local planning authority areas. The second, which reflects a legal requirement, is to deal with the general spatial development aspects of the Mayor's other strategies, policies or proposals<sup>37</sup>. The third is to provide leadership, ensure consistency of approach and facilitate effective partnership working that the Mayor considers necessary to deliver the Plan's objectives.
46. We are, therefore, generally satisfied that the matters that the Plan deals with are of strategic importance to Greater London. However, it is the application of the third of the Mayor's reasons that we think needs greatest scrutiny in terms of the resultant level of detail and prescription set out in many of the policies in the Plan. We will, therefore, consider carefully those policies, including whether the detailed standards or other requirements are essential to achieve the Mayor's vision and objectives<sup>38</sup>, or whether there are other effective means of so doing that could be legitimately determined by individual local planning authorities.

#### *Relationship with local plans<sup>39</sup> and neighbourhood plans*

47. The statutory development plan for any particular part of London comprises the London Plan and any adopted local plans and made neighbourhood plans that relate to that geographical area.
48. Local plans in London are required to be in general conformity with the London Plan<sup>40</sup>. Neighbourhood plans are required to be in general conformity with strategic policies contained in the development plan for the area; this includes strategic policies in the London Plan (as well as any strategic policies in local plans). The Mayor's representatives confirmed during the examination that they consider all policies in the London Plan to be strategic, and as the Plan is

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<sup>34</sup> NPPF paragraph 156.

<sup>35</sup> PPG ID-9-013-2014, ID-12-010-2014, and ID-41-076-2014.

<sup>36</sup> Section 33A(4) relates to the duty to cooperate which, for the reasons set out earlier, we do not consider applies to the preparation of the London Plan.

<sup>37</sup> GLA Act section 334(4).

<sup>38</sup> PPG ID-41-076-2014.

<sup>39</sup> "Local plan" is used throughout this report to refer to any development plan document adopted under the 2004 Act and also plans prepared by the Lee Valley Regional Park Authority under the Lee Valley Regional Park Act 1966 (as amended).

<sup>40</sup> Section 24(b) of the 2004 Act.



required to deal only with matters of strategic importance to London this is a reasonable interpretation.

49. The Plan therefore needs to be clear about what it expects local plans and neighbourhood plans to contain, both in terms of general coverage and content but also specific policies and proposals, so that the bodies preparing those plans are clear about how to achieve general conformity. Furthermore, the relative roles of the Plan, local plans and neighbourhood plans need to be clear to avoid unnecessary duplication of, or contradiction between, policies in different parts of the development plan. The three-tier system needs to be kept as simple as possible to avoid creating unnecessary burdens for those preparing development proposals and to ensure expedient, consistent decision making.
50. Paragraphs 0.0.21 to 0.0.23 in the introduction to the Plan aim to provide clarity in those respects. The text was subject to significant redrafting through the Mayor's suggested changes published in August 2018, and he suggested further changes during the examination. Key points are:
  - There is no need for local or neighbourhood plans to repeat London Plan policies where they provide sufficient and appropriate detail such that they can be effectively implemented at the local or neighbourhood level.
  - Some London Plan policies specifically require local or neighbourhood plans to provide further detail or geographic specificity, for example through setting out detailed policy requirements relevant to the local area, allocating specific sites or setting boundaries.
  - Local plans and neighbourhood plans may include policies that vary from the detail of the policies in London Plan where locally-specific circumstances and evidence suggests this would better achieve "Good Growth" objectives (which we consider below) and where such an approach can be considered to be in general conformity.
51. This fundamental approach has the benefit of allowing boroughs and neighbourhood forums to focus their resources on local priorities, without having to repeat work that has been done to inform the London Plan. As well as using resources efficiently, this provides clarity to those preparing development proposals through a broadly consistent approach across London. It also allows the Plan's policies to be applied immediately, without having to wait for them to be taken forward through local or neighbourhood plans.
52. On the other hand, there is the danger that the approach taken removes the discretion for boroughs and neighbourhood forums to develop policies to suit their own preferences and local circumstances. The *London Planning Statement Supplementary Planning Guidance* indicates that the content of the London Plan should not include details more appropriate for local or neighbourhood plans. There is clearly a balance to be struck between allowing for autonomy whilst at the same time setting a strategic direction. The Plan's policy requirements should therefore be restricted to those that are essential to achieving the Mayor's strategic vision and objectives.

*Development management*

53. London boroughs are responsible for determining most planning applications, but must refer to the Mayor those that are of potential strategic importance to Greater London<sup>41</sup>. As part of the statutory development plan, the Plan must be taken into account in the determination of planning applications in London. Whilst national policy indicates that local plan policies should provide a clear indication of how a decision maker should react to a development proposal<sup>42</sup>, this particular requirement does not strictly apply to spatial development strategies. That said, to be effective, the Plan's policies must be clear about how, if at all, they are intended to be applied in the development management process.

*Consistency with national policy and guidance*

54. The relevant legal requirement is to "have regard to" the need to ensure consistency with national policy<sup>43</sup>, and that objective is one of the four tests of soundness. Thus, whilst there is no absolute requirement for all parts of the Plan to be entirely consistent with national policy, there needs to be clear, evidence-based justification for any divergence. Furthermore, we consider that the strength of the justification should be proportionate to the degree of divergence and the significance of the policy in question.

*Structure, nature and content of the Plan's policies*

55. In light of what we say above, it is important that each policy is clear about how, if at all, it is intended to be taken into account in the preparation of local plans and neighbourhood plans and in the development management process, including by the Mayor, local planning authorities, neighbourhood forums and those involved in preparing planning applications.
56. The Plan is required to set out the Mayor's policies relating to the development and use of land<sup>44</sup>, but it is not limited to that. As the Plan must deal with the general spatial development aspects of his other strategies, policies and proposals, it may also be appropriate for it to set out what the Mayor will do outside the statutory planning system. There may also be policies that relate to spatial development that require implementation by bodies other than the Mayor and local planning authorities.
57. The structure, nature and content of the policies varies somewhat through the Plan. To a large extent this reflects the particular type of development dealt with and the proposed implementation mechanisms. Provided that each policy is clear about what it is intending to achieve and how it will be effectively implemented, then there is no need to attempt to impose a greater degree of consistency in terms of their structure.
58. Through representations and at hearing sessions many participants have suggested ways in which policies could be improved or strengthened often by

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<sup>41</sup> Town and Country Planning (Mayor of London) Order 2008.

<sup>42</sup> NPPF paragraph 154.

<sup>43</sup> GLA Act section 41.

<sup>44</sup> Section 334(3) of the GLA Act.

putting forward specific wording. These will all have been considered by the Mayor and changes to the Plan suggested to take account of them where he deemed necessary<sup>45</sup>. In applying the tests of soundness we have taken the original Plan including the minor suggested changes as the starting point. Other than endorsing the Mayor's further suggested changes, we have only recommended modifications where they are required to meet the soundness tests rather than simply because a policy could be improved or where a particular form of words would be preferable.

59. The individual policies do not include extensive cross-referencing to other relevant provisions. That is because the Plan should be read as a whole. Indeed, to include cross-referencing as a principle of policy formulation would make it cumbersome and even more lengthy as well as running the risk that some links were omitted. Therefore we support the approach taken in this respect.

### *Conclusion*

60. Our findings set out above about matters of strategic importance; the relationship with local plans, neighbourhood plans and development management; consistency with national policy; and the structure, nature and content of policies will inform our consideration of other matters as relevant throughout the remainder of this report. Given the discretion that the legislation and guidance give to the Mayor, our recommendations do not attempt to fundamentally change the form, scope and nature of the Plan. However, for the reasons set out above, we would encourage the Mayor to consider setting out a more concise spatial development strategy, focussed on strategic outcomes rather than detailed means of implementation, when the Plan is next replaced.
61. Subject to our recommendations, we are satisfied that the Plan represents a spatial development strategy that accords with relevant legislation and national policy.

## **Assessment of Soundness**

### **Background**

62. The following sections of the report set out our assessment of the Plan against the tests of soundness and, where necessary, how it could be changed to ensure that these are met. It is structured using headings that are based on the matters that we considered at the examination, although we have made certain changes to those in the interests of brevity and clarity. Under these headings our report deals with the tests of soundness, rather than responding to individual representations.

### **Does the Plan set out a clear vision and objectives that are consistent with national policy and/or justified and which help to provide an effective strategic framework to achieve sustainable development?**

63. In October 2016, the Mayor published *A City for All Londoners* which set the context for all of his strategies, including the new London Plan. The Mayor's

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<sup>45</sup> Pursuant to powers in section 337(2) of the GLA Act.

foreword to the Plan makes it clear that it aims to set out a new and ambitious approach to deal with high levels of population growth, and unprecedented challenges in terms of pressure on land, housing, infrastructure and the environment, over the next 20 years or so.

64. There are many ways in which a strategic plan could be presented, including in terms of how it describes what it is aiming to achieve and how that is intended to be realised. National policy and guidance are of some relevance, but there is no prescribed format or single approach. Whilst previous versions of the London Plan may have included a succinct vision and associated objectives, the new Plan, deliberately<sup>46</sup> adopts a different approach.
65. That new approach is encapsulated in the phrase "Good Growth" which is intended to be a concept that underpins the whole Plan. During the examination, the Mayor suggested the addition of a paragraph at the start of chapter 1 which states that Good Growth is growth that is "socially and economically inclusive and environmentally sustainable". We consider that to be a helpful clarification and succinct summary of the concept. The Mayor's vision is elaborated on in subsequent paragraphs 1.0.1 to 1.0.10 as well as in the Plan's foreword and introduction. Those parts of the Plan are well written and together clearly set out the key challenges relating to the development and use of land in London as well as how they should be tackled to achieve the Mayor's vision. It is not necessary to modify those parts of the Plan beyond the changes suggested by the Mayor in order to make it effective.
66. Chapter 1 of the Plan goes on to set out six Good Growth "policies", that cover the key themes in the Mayor's vision: building strong and inclusive communities; making the best use of land; creating a healthy city; delivering the homes Londoners need; growing a good economy; and increasing efficiency and resilience. These are intended to inform the policies that are then set out in subsequent chapters of the Plan. Those themes are justified as they clearly relate back to the Mayor's vision, are based on evidence, and are relevant to the purposes of a spatial development strategy. Furthermore, they have a good deal of support amongst the many people and organisations who made representations about the Plan, albeit some suggest changes to the detailed wording. The Mayor has suggested a number of further changes to GG1 to GG6 to take account of representations, including to set out the importance of encouraging early and inclusive engagements with local communities and other stakeholders in the formulation of development proposals, policies and area based strategies. We agree that subject to the Mayor's suggested changes, GG1 to GG6 cover an appropriate range of social, economic and environmental matters in a way that is consistent with national policy and justified.
67. However, presenting GG1 to GG6 as "policies" introduces additional complexity in terms of how the Plan as a whole is intended to inform decisions about the content of development plan documents, neighbourhood plans, and individual development proposals. Presenting GG1 to GG6 as "objectives" rather than "policies" would better reflect their nature and content, and remove any ambiguities, repetition or potential inconsistencies that could arise from having to apply both GG policies and subsequent topic based policies to decision

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<sup>46</sup> GLA oral evidence on 16 January 2019.

making. This would ensure that the Plan is effective, and we recommend accordingly [**PR3**].

68. We deal with whether policies in subsequent chapters of the Plan are consistent with GG1 to GG6 throughout the rest of this report and it is not necessary to repeat our findings here. It is relevant to note, however, that we do not consider it necessary for the subsequent chapters of the Plan, or individual policies within them, to explicitly refer back to GG1 to GG6. To do so would add to the complexity and length of the document, and such cross referencing would never be comprehensive. Paragraphs 1.0.9 and 1.0.10 clearly explain the relationship between GG1 to GG6 and subsequent policies, so other than to reflect our recommendation above about expressing them as objectives, no further changes are needed to the Plan in that regard.
69. The Plan is required by legislation and national policy<sup>47</sup> to contribute to the achievement of sustainable development. It is clear from numerous references in the Plan that it aims to do that, including through the underpinning concept of Good Growth which the Mayor's suggested change to paragraph 1.0.1A makes clear is the way in which sustainable development is to be achieved in London. The Plan's glossary includes a definition of sustainable development which is intended to capture the essence of the concept as defined in the NPPF. However, such a summary has the potential of being interpreted differently to the NPPF, and is unnecessary in the context of chapter 1 of the Plan. We therefore recommend that the definition of sustainable development be deleted from the glossary [**PR55**].

### *Conclusion*

70. We therefore conclude that, subject to our recommendations, the Plan sets out a clear vision and objectives that are consistent with national policy and justified. Furthermore, the vision and objectives will help to provide an effective strategic framework and achieve sustainable development.

### **Is the Plan aspirational but realistic, having regard to the resources that are available for implementation and the cumulative cost of policy requirements?<sup>48</sup>**

71. We have already described how the Plan aims to set out a new and ambitious approach, and concluded that its Good Growth objectives are justified. We turn now to consider whether that new approach is likely to be realised.
72. The Plan is supported by substantial evidence about the wide range of infrastructure needed to support development and growth over the coming decades, including the *London Infrastructure Plan 2050* and *Update Report*<sup>49</sup>. Whilst inevitably estimates over the long term can only be indicative, this suggests infrastructure investment may need to be in the range of £1 trillion to £1.7 trillion between 2016 and 2050. Under a "business as usual" scenario there would be a funding gap of around £3.1 billion per year.

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<sup>47</sup> GLA Act section 41(7)(b) and NPPF paragraph 6.

<sup>48</sup> NPPF paragraphs 154, 173 and 174, and GLA Act section 41(5)(c).

<sup>49</sup> NLP/EC/020 (July 2014) and NLP/EC/020a (March 2015).

73. The Plan assumes, therefore, that significant investment will be required by the public and private sectors. It was confirmed at the hearing sessions that, compared to the past, greater contributions from both are expected in order to deliver infrastructure but also to ensure that the design and quality of development will achieve Good Growth.

*Funding infrastructure*

74. Whilst the identified funding gap is substantial, it is equivalent to 0.9% of London's Gross Value Added ("GVA") which is in line with the Government's fiscal remit for National Infrastructure Commission recommendations. In that context, whilst securing the necessary funding may at this stage be an aspiration, it need not be considered unrealistic.
75. Paragraphs 11.1.14 to 11.1.57 in the Plan summarise how key types of infrastructure are expected to be funded and delivered, and a further suggested change ensures that flood risk management infrastructure is covered. This is based on evidence and liaison with key stakeholders, and we are not aware of any significant outstanding concerns amongst those responsible for delivery of the infrastructure.
76. Paragraphs 11.1.58 to 11.1.65 set out potential new ways of raising additional funding including fiscal devolution and sharing in land value uplift. Whilst there is no certainty that these will materialise, they provide an appropriate part of the reasoned justification as they describe potential means of securing additional funding for infrastructure which are supported by the Mayor.

*Economic viability of development*

77. The Plan is supported by a viability assessment carried out during its preparation and supplemented by further work undertaken in response to issues raised during public consultation ("LPVS")<sup>50</sup>. The methodology is broadly consistent with relevant national guidance extant at the time<sup>51</sup>. Over 40 different development typologies were assessed using evidence-based estimates of development costs and values, and taking account of relevant policy requirements and different residential and commercial value areas. Residual land values for the different typologies were compared with high, medium and low benchmark land values, which were based on over 60 relevant case studies. Sensitivity tests were applied to the development typologies shown to be least viable.
78. The LPVS indicates that most development is likely to be viable whilst meeting all of the Plan's policy requirements. The main exceptions were certain forms of development in lower value parts of London, including higher density residential, many small sites and most mixed use typologies, and specialist housing for the elderly. However, the fact that some forms of development may not be viable in some areas does not in itself mean that implementation of the Plan would be at serious risk. Furthermore, within the broadly defined lower value areas identified in the LPVS there are pockets of higher value where viability will be stronger; these are likely to include the most accessible

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<sup>50</sup> *London Plan Viability Study and Technical Report*, December 2017 [NLP/VI/01 and NLP/VI/02] and *Addendum*, November 2018 [NLP/VI/004].

<sup>51</sup> PPG ID-10 March 2014.

locations, such as in and around town centres, where the Plan aims to focus development.

79. Varying the assumptions used in the LPVS would of course lead to different results. Some sensitivity tests carried out by the Mayor show viability improvements. On the other hand, alternative assumptions put forward by representors about affordable housing values, finance costs, residential values, build costs, developer profits and benchmark land values indicate that less than a quarter of the residential scenarios tested would be viable with 50% affordable housing provision<sup>52</sup>.
80. We have considered carefully the LPVS, including the evidence behind its assumptions and the criticisms of it, and alternative suggestions put forward by many representors. We are satisfied that, in most respects, the LPVS represents proportionate evidence such that it provides a broad understanding of viability at a strategic level<sup>53</sup>. The main shortcomings relate to the limited typologies for certain uses, including specialist housing for the elderly and purpose built student accommodation, and the assumptions about the redevelopment of sites with currently operating supermarkets.
81. Those shortcomings mean that we are not persuaded that the LPVS demonstrates that those forms of development would be viable if they are required to meet all of the policy requirements in the Plan. Whilst mixed use redevelopment of some commercial sites would make efficient use of land and deliver additional homes, it is not of strategic importance or critical to meeting identified housing or other development needs. However, the provision of specialist housing for the elderly and purpose built student accommodation are both important to meeting identified needs. We deal with the implications of that in later sections of this report.
82. The LPVS development typologies for office, commercial and mixed use developments may not be fully representative of schemes in the Central Activities Zone ("CAZ"). However, the cost of the Plan's policy requirements is likely to represent a small proportion of the total value of such schemes and we are not persuaded that they are likely to have a significant impact on viability in the CAZ or other town centres.
83. We take account of the findings of the LPVS, and other evidence, about the viability of small site development in the lowest value areas, particularly parts of outer London, in our assessment of the Plan's housing targets set out later in the report.

*Policy DF1: Delivery of the plan and planning obligations*

84. Whilst the LPVS is proportionate evidence for the Plan, local plans in London will also be subject to viability testing. Furthermore, both local plans and development proposals will be prepared in the context of current national policy and guidance about viability<sup>54</sup>. Proportionate viability assessments at local plan level will almost certainly need to go into considerably more detail than the LPVS, including where necessary about key sites, taking account of

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<sup>52</sup> Appendix 1 - London First – Response to the Viability Study Technical Report, March 2018.

<sup>53</sup> PPG ID-10-005-20140306.

<sup>54</sup> NPPF 2019 and PPG ID-10 May 2019

locally specific evidence. The Plan needs to reflect this fact, and the inevitable limitations of a strategic-level viability assessment.

85. In many respects, policy DF1 is consistent with the 2014 guidance which advises that decision-taking on individual applications does not normally require consideration of viability<sup>55</sup>. This principle is developed further in current guidance<sup>56</sup>, which places greater emphasis on testing viability at the plan-making stage. Specifically, it advises that where up to date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable and that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. If that is the case, any viability assessment accompanying a planning application should refer back to the assessment that informed the plan with evidence of what has changed since then<sup>57</sup>.
86. To be effective in London, the approach to viability at the planning application stage set out in current national policy and guidance will require consideration of the viability evidence supporting both the London Plan but also the relevant local plan. In other words, it is only where there is an up to date local plan in place supported by appropriate viability evidence, that we would expect full weight to be given to the assumption that planning applications that fully comply with all relevant development plan policies are viable.
87. Policy DF1, and the reasoned justification, need to be modified to properly reflect this and ensure that it is consistent with national policy and effective. Specifically, the requirements relating to site-specific viability assessments in parts A and B should be modified to make it clear that they only apply if relevant policies in the local plan are up to date. The reasoned justification needs to be modified to make it clear that the Plan has been subject to a viability assessment that is proportionate to a spatial development strategy; to clarify that more detailed assessments will need to be undertaken to inform local plans; and to explain that the requirements in policy DF1 relating to site specific assessments apply where relevant policies in local development plan documents are up to date [**PR54**]. Part C does not need to be modified as it is appropriate for boroughs to determine the weight to be given to site-specific viability assessments in all circumstances.
88. Subject to the above modifications, and others set out elsewhere in this report, we are satisfied that the cumulative cost of the policy requirements set out in the Plan, along with other national and local requirements, would not threaten the economic viability of development and put implementation of the Plan at serious risk.
89. Part A of policy DF1 requires development proposals to provide the infrastructure and meet other relevant policy requirements necessary to ensure that they are sustainable. For the purposes of both local plan preparation and development proposals that cannot viably meet all requirements, part D prioritises affordable housing and public transport improvements, then health and education provision, affordable workspace,

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<sup>55</sup> PPG ID-10-016-20140306.

<sup>56</sup> PPG ID-10 May 2019.

<sup>57</sup> PPG ID-10-007 and 008-20190509.



and culture and leisure facilities. This provides an appropriate strategic framework that is consistent with the Plan's overall aims within the context of a plan-led system that also involves weighing up all material considerations when determining planning applications.

*Consequences if resources are not available and policy requirements are not met*

90. We have already concluded that the Plan is based on aspirational but realistic assumptions about funding. Subject to our recommendations, we therefore expect the policies in the Plan to be effective meaning that they should deliver their intended outcomes and positive progress should be made towards Good Growth objectives. However, if resources are not made available to close the funding gap, it is likely that development needs will not be met, at least not in ways that achieve Good Growth. That would have negative implications for all those living and working in London, but particularly so for those with lower incomes or with protected characteristics.
91. We endorse elsewhere in this report the Mayor's suggested changes to the monitoring framework. Those that relate to Good Growth objectives and outcomes in specific locations including Opportunity Areas and Strategic Regeneration Areas are particularly important in the context of the need for significant contributions from both the private and public sectors if the policies are to be successful.

*Conclusion*

92. Subject to our recommendations, we therefore conclude that the Plan is aspirational but realistic, having regard to the resources that are available for implementation and the cumulative cost of policy requirements.

**Is the overall strategic approach to accommodating development in London justified and would it be effective in helping to achieve sustainable development?**

*Should the vast majority of London's development needs be met within London?*

93. The Inspector's report into the FALP published in November 2014 identified significant and potentially serious implications for delivery and for existing communities of a strategy based on seeking to meet needs wholly within London. As a result, the report recommended that the then Mayor explore alternative options to inform an immediate review of the FALP in 2015, including growth in the wider South East<sup>58</sup> through engagement with local planning authorities outside London.
94. Preparatory work for a new London Plan started in 2015 including through three workstreams undertaken by the Outer London Commission (OLC) relating to potential spatial options for accommodating demographic and economic growth; barriers to housing delivery; and collaboration with the wider South East. The OLC reports relating to those workstreams were published in March 2016<sup>59</sup>. In developing a new London Plan, the OLC

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<sup>58</sup> "Wider South East" is defined in the Plan as the East of England, South East of England and London taken together, and we use the term accordingly throughout this report.

<sup>59</sup> NLP/PP/01; NLP/HOU/05; and NLP/PP/02.

suggested that the Mayor adopt a threefold approach to accommodate growth through greater efficiencies in using existing capacity; sustainable intensification of selected parts of the city; and partnership working to realise the potential of the wider metropolitan region.

95. Following his election in May 2016, the current Mayor decided to review all of the existing strategies and, as noted above, published and consulted upon his overall vision in *A City for All Londoners* later that year. Subsequent to that, the IIA scoping report to inform the new London Plan was published in February 2017<sup>60</sup>. This set out three high level strategic options to deliver the Mayor's vision based on the FALP examination and OLC recommendations.
96. The draft new Plan was prepared in 2017 informed by extensive evidence and analysis, as documented in the examination library, and the ongoing IIA process which led to the refinement of the three spatial options identified earlier into five: existing London Plan; existing Plan with selective Green Belt review; existing Plan and city region approach; polycentric approach; and sustainable intensification.
97. Towards the end of 2017, the Mayor's evidence about the need for housing, economic and other forms of development, and the potential physical capacity of different parts of London, indicated to him that the vast majority, if not all, of those needs could be accommodated within London through the sustainable intensification option. We consider whether the evidence about need and capacity (including the assumptions about the provision of new homes on small sites in existing residential areas) along with the numerous policies intended to achieve sustainable intensification through Good Growth, justifies that approach in later sections of this report.
98. However, based on the Mayor's assessment it is understandable, and consistent with national policy, that his draft Plan published in December 2017 took forward that preferred approach rather than seek to reach agreement with partners in the wider South East for a strategy that assumed that some of London's development needs could be met in the surrounding area. That said, we consider later in this report whether the housing, industrial and other development needs can be met within London in the manner proposed in the Plan, including without encroaching into the Green Belt.

*Is the broad spatial distribution of housing and employment development proposed in the Plan, including between inner and outer London, justified?*

99. The Plan focuses development on the Central Activities Zone ("CAZ"), town centres across London, approximately 50 Opportunity Areas, and the intensification of existing built up areas in inner and outer London<sup>61</sup>. The broad spatial pattern of development that the strategy proposes can be illustrated in a number of ways including<sup>62</sup>:
  - 29,000 new homes and 19,000 new jobs per year in inner London.
  - 36,000 new homes and 6,000 new jobs per year in outer London.

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<sup>60</sup> NLP/CD/02.

<sup>61</sup> Annex 2 in the Plan includes a map and a table defining which boroughs make up inner and outer London and which contain part of the CAZ.

<sup>62</sup> Rounded figures based on Table 6.1 in the Plan and the Mayor's response to supplementary question 19 [NLP/EX/13].

- Increase of 20% to the existing housing stock in inner London by 2029.
- Increase of 18% to the existing housing stock in outer London by 2029.

100. This strategic focus and broad spatial distribution are driven by a number of factors notably population and economic growth pressures, market demand, public transport accessibility, the availability of brownfield land, regeneration needs, and national planning policy<sup>63</sup>. The Mayor's transport modelling indicates that the strategy could lead to an increase of 70% in the number of jobs accessible within 45 minutes by public transport. Furthermore, as discussed later in this report, the Plan is expected to help increase the proportion of trips in London being made by foot, cycle or public transport from 63% in 2015 to 80% by 2041. In terms of transport and travel, therefore, the spatial strategy is broadly consistent with national policy which seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

101. However, there are, of course, potentially harmful impacts of accommodating the amount of development and associated activity within the existing urban fabric of a large city if it is not carefully planned and managed. Continued high levels of growth in the CAZ and some town centres could lead to increased congestion, worsening air quality, and displacement of lower income households and lower value businesses and services due to continuing high rises in property prices and rents. The scale and nature of change in some opportunity and regeneration areas could similarly lead to the displacement of existing communities and businesses and new developments that fail to successfully integrate into their surroundings or create a new positive sense of place. Whilst the Plan describes the proposed increase in new homes in suburban and other residential areas in many outer boroughs as incremental, there is a risk that it could significantly harm the character of parts of those places and result in an increase in the amount of commuting by car.

102. It is clear that these risks are recognised by the Mayor, and that is the reason why the Plan aims to set out a "new and ambitious" approach compared to previous strategies. We consider whether the numerous policies in the Plan are justified and would be effective in mitigating the potential harmful effects of the scale of development proposed and delivering Good Growth as envisaged by the Mayor.

### *Conclusion*

103. For the reasons set out above, we understand the Mayor's rationale for seeking to accommodate all of London's development needs within London, and agree that the broad spatial distribution of development proposed in the Plan is justified. However, we return later in this report to matters concerned with whether the scale of housing and industrial development required could actually be accommodated in the manner proposed.

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<sup>63</sup> GLA oral evidence relating to matter 12 on 22 January 2019.

**Is the approach to planning development and infrastructure in the wider South East and beyond set out in policies SD2 and SD3 consistent with national policy, and would it be effective in helping to achieve sustainable development?**

104. The statutory role of the Plan is to set out the Mayor's strategy for spatial development and general policies in respect of the development and use of land in Greater London<sup>64</sup>. Thus whilst the Plan should have regard to the wider geographical context, its role in referring to development and use of land outside London should necessarily be limited.
105. As already discussed, the Plan is based on the premise that the vast majority of London's development needs can be met in the city. However, the inextricable functional relationships with the wider South East (including in terms of migration, commuting, shopping and leisure trips, transport infrastructure, supply chains, freight and logistics, waste management, climate change, and green infrastructure) are recognised. Because of these cross boundary strategic matters, and also because the Plan does include some policies that have implications for development and infrastructure beyond the boundaries of London, the Plan contains two policies relating to the wider South East.

*Policy SD2: Collaboration in the Wider South East*

106. Policy SD2 essentially sets out the Mayor's general commitments, intentions and principles for working with partners across the wider South East. It includes reference to "recently-developed strategic coordination arrangements", although it does not specify what these are. Supporting evidence from the Mayor and others provides information about an annual summit and numerous meetings and working groups involving both elected politicians and officers from local authorities and representatives from other bodies. The reasoned justification advises that the arrangements are facilitated by the Mayor, London Councils, South East England Councils and the East of England Local Government Association. Furthermore, it clarifies that the arrangements are non-statutory and intended to complement the Mayor's duties under the GLA Act to inform and consult with county and district authorities adjoining and in the vicinity of London<sup>65</sup>. Reference is also made to the Mayor's role as a duty to cooperate body in relation to local plans prepared by authorities outside London on relevant matters of strategic importance.
107. The intention is that the policy will inform the way in which the Mayor will implement certain policies in the Plan that could have implications for areas outside London (which we consider later in this report); guide his input to local plans for areas outside London; gather, analyse and share evidence about demographic, economic, environmental and transport issues facing the wider South East; and "find solutions to shared strategic concerns" that achieve "mutual benefits".
108. It was clarified by representatives of the Mayor during the examination that policy SD2 is intended to set out a long term non-statutory collaborative way

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<sup>64</sup> GLA Act sections 334(2) and (3).

<sup>65</sup> GLA Act sections 335, 339 and 348.

of working that would also be used to inform future reviews of the Plan and the Mayor's input to reviews of plans outside London. It was also stated that the approach would be likely to evolve over time and could, for example, involve the pooling of resources for shared research and the use of new tools such as statements of common ground<sup>66</sup>.

109. We have already concluded that the preparation of the London Plan by the Mayor is not subject to the duty to cooperate under section 33A of the 2004 Act. However, national policy and guidance is clear that effective cooperation between the Mayor, boroughs and local planning authorities bordering London will be vital to ensure that important strategic issues are planned effectively<sup>67</sup>. In the absence of any clear legal framework or nationally prescribed formal mechanisms, the approach set out in policy SD2 is a reasonable and justified response to that policy expectation and the recognition by the Mayor and partners in the wider South East of the need to work together.
110. That said, establishing and starting to implement the new informal structures has taken a number of years, and as representatives of the Mayor advised more than once during the examination establishing good working relationships takes time. Whilst many meetings have been held, there have been limited tangible outputs for example in terms of identifying and agreeing "mutual benefits" or "willing partners". Only recently has agreement been reached in principle to share resources for evidence gathering and analysis, and there is no commitment to establish a technical secretariat as called for by the Assembly and others.
111. If London cannot accommodate all of its development needs, the most significant strategic issue facing the wider South East for the coming decades will be how and where to accommodate that growth outside London in a way that will contribute towards achieving sustainable development. Many representors, with a wide variety of interests, have argued that this could and should be achieved. However, it is clear from past experience and evidence about increasing development pressures that areas in the wider South East outside London already face, that there are no easy solutions or clearly identified potential growth locations. Furthermore, it is apparent from the representatives from the South East England Councils, East of England Local Government Association and individual local authorities outside London that there is limited appetite to consider the possibility of accommodating significant amounts of additional development associated with the growth of London.

*Policy SD3: Growth Locations in the Wider South East*

112. Policy SD3 states that the Mayor will work with authorities, Government and other interested parties to realise the growth potential of the wider South East and beyond through investment in strategic infrastructure to support housing and business development in particular growth locations to meet need and secure mutual benefits for London and relevant partners. In essence therefore, like policy SD2, it sets out a commitment, purpose and statement of intent that will inform the way in which the Mayor intends to work with

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<sup>66</sup> GLA oral evidence at the matter 16 hearing session on 25 January 2019.

<sup>67</sup> NPPF paragraphs 178-181 and PPG ID-9-007-2014.

partners in the wider South East. Its intention, quite rightly, is not to identify growth locations outside London.

113. However, the inclusion of Figure 2.15 in this section of the Plan has the potential to cause some confusion in this regard. Whilst entitled “Wider South East – 13 Initial Strategic Infrastructure Priorities”, paragraph 2.3.8A refers to eight of these being radial priorities that connect to growth corridors in London. The Mayor has suggested the last sentence of that paragraph, which referred to some of the orbital routes having more capacity to accommodate additional growth than the radial ones, be deleted. This would be an improvement, but we remain concerned that as policy SD3 clearly links growth to strategic infrastructure, the inclusion of Figure 2.15 in this part of the Plan is likely to lead some to (wrongly) interpret it as identifying potential locations in the wider South East for accommodating development needs associated with London.

114. We therefore recommend that Figure 2.15 and associated text be moved to the transport chapter with further clarification about their status and purpose, including how they relate to the transport schemes listed in Table 10.1 [PR4].

#### *Conclusion on development in the wider South East and beyond*

115. The arrangements set out in policy SD2 and SD3, provided that they continue to evolve, may well be effective in tackling the relatively modest challenges of helping to implement certain policies in the Plan, discharging the Mayor’s duties to inform and consult, responding to duty to cooperate requests from local authorities outside London, and coordinating and sharing evidence and monitoring. However, we are not convinced that they represent a political and administrative structure that would be capable of resolving more fundamental and challenging issues about how high levels of growth and development could be planned and accommodated in a coordinated way across London and the rest of the wider South East.

116. That said, it is beyond our remit to make recommendations about whether or how a more effective system of strategic planning for the wider South East should be introduced.

117. Overall, we conclude that, subject to our recommendations, the approach to development in the wider South East and beyond is justified and consistent with national policy, and that it should be effective in helping to implement the Plan and to inform future reviews.

#### **Would policies SD1 and SD10 be effective in helping to deliver development and regeneration in Opportunity Areas and Regeneration Areas in ways that are consistent with national policy and the Plan’s Good Growth objectives?**

##### *Opportunity Areas*

118. The Plan identifies a total of 47 Opportunity Areas within central London and six growth corridors: Crossrail (Elizabeth Line); Crossrail 2; London Trams; Bakerloo Line extension; Thameslink/HS2; and Thames Gateway. Each Opportunity Area is expected to have capacity for at least 5,000 net additional

jobs and at least 2,500 net additional homes linked to recent or potential improvements in public transport connectivity and capacity. In some, infrastructure is already operational or under construction and development well underway, whilst at the other end of the spectrum are some that are not expected to reach maturity for at least 10 to 15 years. Clearly the provision of transport, social, green and other infrastructure will be critical to ensure that Good Growth is achieved in Opportunity Areas. For the reasons set out earlier in this report, we are satisfied that the Plan makes justified assumptions about the availability of resources, and contains effective policies to coordinate the provision of infrastructure and development.

119. Development in Opportunity Areas is expected to make a significant contribution in terms of accommodating new jobs and meeting the ten year housing targets with over 275,000 net additional homes being provided within them collectively between 2019 and 2029. However, to ensure that targets for jobs and homes in some Opportunity Areas, particularly those that are “nascent” or “ready to grow”, are not unrealistically high and thereby lead to unsustainable forms of development, the Mayor has suggested changes to policy SD1 parts B(4) and B(6) and reasoned justification. These make it clear that boroughs should establish the capacity for growth in each Opportunity Area, and that the figures in Table 10.1 are purely indicative rather than minimum targets. Other policies in the Plan set out the assessment process to deliver good design and optimise density; the effective application of those policies will clearly be important in Opportunity Areas.
120. The Mayor has also suggested changes to policy SD1 part B(9) to strengthen the requirement for public and stakeholder engagement and collaboration in the preparation of Opportunity Area Planning Frameworks. This should help to ensure that the views of existing residents and businesses are properly taken into account and ultimately improve the quality of schemes in terms of meeting local needs. This is particularly important, as not all planning frameworks will be progressed through local plans but rather some through less formal means including the Mayor’s supplementary planning guidance (“SPG”) and boroughs’ supplementary planning documents (“SPD”).
121. Opportunity Areas are likely to contain significant amounts of contaminated land, often straddling borough boundaries. We were referred to examples, including the Olympic Legacy and Old Oak/Park Royal Opportunity Areas, where a strategic approach to dealing with contamination has been successfully taken. It can be helpful if plans consider a strategic, phased approach to dealing with potential contamination if this is an issue over a wide area<sup>68</sup> and therefore we agree with the Mayor’s suggested changes to policy SD1 and reasoned justification that encourage a strategic approach to the remediation of contaminated land.

#### *Strategic and Local Regeneration Areas*

122. Figure 2.19 in the Plan indicates the broad location of the parts of London that are amongst the most deprived 20% in England based on the Index of Multiple Deprivation (IMD). Many of these overlap with Opportunity Areas. The IMD uses a wide range of standard data relating to income; employment;

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<sup>68</sup> PPG-ID-33-04-2014.

education, skills and training; health and disability; crime; barriers to housing; and the living environment. It therefore provides a justified and consistent framework for identifying Strategic Areas for Regeneration across London, the detailed boundaries of which can be defined in local plans.

123. However, it will be important that boroughs take account of other local evidence, and effectively engage and collaborate with local communities, in devising plans, strategies and initiatives for these Strategic Regeneration Areas, as well as for other local areas needing regeneration. Furthermore, to provide an effective strategic framework, the Plan needs to set out high level objectives for regeneration initiatives to ensure that they contribute to Good Growth. These include tackling poverty, disadvantage, inequality and the causes of deprivation; addressing social, economic and environmental barriers; and, importantly, benefiting existing residents and businesses in an area.
124. The Mayor has suggested a number of changes to policy SD10 and the reasoned justification that we agree are necessary to make the Plan effective in these respects. We also agree that policy SD10 should set out the Mayor's strategic role in providing leadership and support for regeneration, including through his other strategies and programmes.

*Monitoring outcomes in Opportunity and Regeneration Areas*

125. Many of the Opportunity and Strategic Regeneration Areas include relatively high concentrations of residents and businesses from black and minority ethnic backgrounds and contain many people with other protected characteristics. Significant change in these areas, including the provision of new homes, job opportunities, infrastructure and improved public realm, should be beneficial to all existing residents and businesses. That said, there is clearly the danger that the more vulnerable and those with lower incomes, lose what they currently value in an area or are forced to move away due to higher rents and prices, as has occurred in the past in parts of London. We are satisfied that the Plan, modified as suggested by the Mayor and recommended by us, provides an effective strategic framework to help to deliver Good Growth in the Opportunity Areas and areas in need of regeneration. Furthermore, modifications to chapter 12 should ensure that the Plan provides an appropriate context for monitoring outcomes in those areas so that corrective action can be taken if necessary.

*Conclusion on Opportunity and Regeneration Areas*

126. Subject to our recommendations, we are satisfied that policies SD1 and SD10 provide an effective framework to help deliver development and regeneration in Opportunity Areas and Regeneration Areas in ways that are consistent with national policy and the Plan's Good Growth objectives.



**Is the need for 66,000 additional homes per year identified by the Strategic Housing Market Assessment (SHMA) justified and has it been properly calculated for market and affordable housing having regard to national policy and guidance?**

127. The SHMA<sup>69</sup> identifies a need for 66,000 additional homes per year 2016 and 2041 and closely follows the methodology of the 2013 version which was endorsed by the FALP Inspector<sup>70</sup>. The need identified then was for 49,000 homes a year. The latest SHMA does not follow the guidance in the PPG on *Housing and economic needs assessments* on objectively assessed need. Instead it uses the GLA's population projections with a 10 years period to assess migration (the central variant). This is translated into household growth including the number and size of households expected in 2041 as well as the size and tenure of homes. The net stock approach then compares the number of future homes required with current provision. Finally, backlog housing need is added to incorporate, for example, concealed households.
128. Establishing future need for housing is not an exact science and the PPG acknowledges that no single approach will provide a definitive answer. There are therefore a number of ways that this could be tackled and it seems reasonable to draw upon the data available to the Mayor and to build on previous iterations. There is no evidence that any particular factor has been omitted. The SHMA methodology would not be consistent with other planning authorities in the wider south east. However, the PPG does not expect this but rather refers to local changes and the approach taken is transparent in accordance with paragraph 005. That said, the SHMA has explained how out migration into that area has been considered to provide a basis for future planning in the region and the GLA has provided populations and household projections for local authorities outside London<sup>71</sup>.
129. The methodology of the SHMA has not been extensively questioned. Nevertheless, we are satisfied that the apparent internal inconsistency in the data between population projections, total household projections and household type projections has been accounted for and that need has not been exaggerated as a result<sup>72</sup>. Recent 2017-based trend projection results indicate that household formation over 25 years is slowing compared to the previous year from an annualised growth of 48,000 to 46,000 for the central projection<sup>73</sup>. However, it would not be prudent to base an overall assessment of need on a short-term fluctuation.
130. The identified backlog of 209,000 households in need of additional homes would be met over 25 years. Clearly any individual should not be expected to wait that long for their needs to be met. Those in this category are especially those in need of social rented accommodation who may have protected characteristics. But that is not what is meant because the net stock model relates to the overall flow of households in and out of housing need over time and the total backlog will be cleared when need is reduced to zero.

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<sup>69</sup> NLP/HOU/001.

<sup>70</sup> Paragraph 30 of NLP/GD/06.

<sup>71</sup> NLP/DEM/002.

<sup>72</sup> NLP/EX/23.

<sup>73</sup> NLP/DEM/005.

Nevertheless previous Plans have sought to address this more quickly. However, dealing with it by 2041 would be at a rate of 8/9,000 homes per year which would be in excess of the figure of 5,000 homes identified in the 2013 SHMA. In the Mayor's view this is realistic. Furthermore, it is consistent with paragraph 159 of the NPPF which refers to meeting need over the plan period and so there is no justification for increasing the assessed need to take further account of this matter.

131. Owing to the transitional arrangements for spatial development strategies the local housing need assessment referred to in the 2019 NPPF is not directly relevant to the current calculation of need in London. Furthermore, whilst the 2016 household projections post-date the SHMA, the PPG provides that a change in the housing situation does not automatically mean that assessments are rendered out-of-date. There are too many uncertainties surrounding the implications of Brexit for it to be factored in.
132. The Mayor's argument is that increasing the total housing figures to assist in delivering more affordable homes would be unhelpful given the capacity-based approach to the setting of housing targets. We accept this. So whilst this option has been considered in accordance with the PPG<sup>74</sup> it would be unlikely to be effective.

### *Conclusion*

133. The SHMA dates back to November 2017 but given that there has to be a single starting point its findings are the best and most reliable ones for plan making in the London Plan to be based on. Therefore the need for 66,000 additional homes per year identified by the SHMA is justified and has been properly calculated for market and affordable housing having regard to national policy and guidance.

### **Will the housing policies achieve the Good Growth objectives in policies GG1, GG2, GG3 and GG4 relating to building strong and healthy communities, making the best use of land, creating a healthy city and delivering the homes Londoners need?**

134. In general terms the housing policies seek to implement the Good Growth objectives and are reflective of them. Nevertheless, a number of general themes emerged throughout the examination along the lines that the Mayor should do more to ensure that the homes Londoners need are delivered; additional monitoring is required especially data on overcrowding; there is an over-emphasis on housing numbers which will not provide the right sort of homes for people in neighbourhood communities; there is a need for more affordable housing and provision of social rented housing in particular and insufficient attention is given to health impacts.
135. The above concerns will largely be addressed under the relevant policy headings. However, at this stage it should be recorded that many of the actions required to provide suitable housing for the growing population are outside the scope of a spatial development strategy and that the planning

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<sup>74</sup> PPG ID-2a-029-20140306.

system is only one part of the equation. Nevertheless, the Mayor has other policies and programmes designed to support housing delivery, many of which are contained within the *Housing Strategy*<sup>75</sup>. Details of interventions in the land market; infrastructure; the home building industry; affordable housing; construction skills; precision-manufactured housing and skills and capacity in local government were provided<sup>76</sup>. The extent of these initiatives is impressive and we formed the view that the Mayor is doing his utmost, given the limitations on his powers and resources, to stimulate the construction of suitable housing. This range of measures will go towards ensuring that the “ambitious” build-out rates mentioned in GG4E are achieved.

### *Conclusion*

136. In general terms the housing policies reflect the Good Growth objectives of the Plan but these are considered in more detail in the following sections.

### **Are the overall 10 year housing target for London and the targets for the individual boroughs and corporations set out in Policy H1 A and in Table 4.1 justified and deliverable?**

*Does Policy H1 set an effective strategic context for the preparation of local plans and neighbourhood plans?*

137. Policy H1 sets the 10 year housing targets which boroughs should plan for. Otherwise it contains a series of practical steps for the boroughs to take and properly sets the scene for increasing housing supply. In particular it refers to a number of sources of capacity where the potential for housing delivery should be optimised.

138. One of these applies to sites within Public transport access level (“PTAL”) 3-6 or within 800m of a station or town centre boundary. It seems sensible to focus development on accessible hubs even if that would not inevitably lead to lesser car use or ownership. But at least it would give an opportunity to reduce the number of car-borne journeys. Moreover, it is reasonable and justified to spread that net fairly widely rather than omit areas with lower PTALs that are nonetheless close to stations or town centres or to use a central point for outward measurement rather than the outer boundary.

139. According to the *Strategic Housing Land Availability Assessment (SHLAA)*<sup>77</sup> existing industrial sites account for over 161,000 homes on both designated (31,600) and non-designated sites (129,500) and about 40% of the total large site capacity. They are therefore expected to make a significant contribution to housing supply. Nevertheless, such land is also important for the economy and for those that work there. However, the SHLAA has taken account of the findings of the *London Industrial Land Demand Study*<sup>78</sup> to ensure that the approach to both land uses is compatible. There is therefore no reason to exclude such opportunities from Policy H1. We deal with the implications for industrial land supply later in this report.

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<sup>75</sup> NLP/HOU/017.

<sup>76</sup> NLP/EX/20.

<sup>77</sup> NLP/HOU/002.

<sup>78</sup> NLP/EC/003.

140. There is also reference to the redevelopment of low-density retail parks which might have implications for bulky goods operators. However, the identification of sites in this way does not mean that such uses will inevitably be lost as their future retention can be considered as part of individual proposals.
141. Overall the types of site set out in Policy H1B(2) provide a reasonable and justifiable framework for the preparation of borough plans by drawing attention to the most likely places to increase housing supply whilst allowing for local discretion.
142. Policy H1D refers to the publication of housing trajectories by the boroughs. The targets are set by the Mayor and he is best placed to provide an overview of completions made and identified capacity across London. Because of this and as part of the plan, monitor and manage approach we consider that the Mayor should take a greater role in this respect than is indicated in the Plan. This would be especially useful if shortfalls should occur. No changes to the text of the policies is required but the Mayor should make a commitment in the supporting text to Policy H1. Therefore as **PR6** we recommend that the Mayor has a greater involvement in compiling London-wide trajectories and subsequent monitoring.

### *Conclusion*

143. Leaving aside the question of the targets themselves, the provisions of Policy H1 generally provide an effective strategic context for the preparation of local plans and neighbourhood plans.

*Are the assumptions and analysis regarding site suitability, availability and achievability and development capacity for large sites in the Strategic Housing and Employment Land Availability Assessment reasonable and realistic?*

144. The SHLAA was devised in conjunction with the boroughs using a similar method to the 2013 version. It considered 11,600 large sites and identifies capacity for some 400,000 dwellings from that source between 2019 and 2029. These findings feed into the 10 year housing targets for net housing completions for the individual boroughs in Table 4.1.
145. This is a comprehensive study that has been informed by experience of previous exercises. We therefore broadly accept its conclusions about the extent of deliverable large site capacity. Individual boroughs will make actual site allocations but it is the only evidence to inform the target and the relative apportionment between different parts of London.
146. Density assumptions are based on the matrix in the current London Plan as a default but upward adjustments have been made to reflect trends in Opportunity Areas. Checking by the boroughs has reduced the original assumptions at over a third of the included sites which helps give them robustness. Furthermore, such densities are not necessarily incompatible with the delivery of family housing. Compared to past trends the allowance made for estate regeneration is very low so that this source is not overly relied on. This is reasonable.

147. A very small proportion of sites (1%) are referred to as 'low probability'. These are included as in the past some sites have come forward which were not otherwise accounted for. However, it is not entirely clear how this number of sites have been derived and whether sufficient account has been taken of sites that were expected to be developed but have not. In addition, the methodology uses a probability model which applies constraints to sites and so reduces the expected capacity by a given percentage. This gives an overall aggregate whilst recognising that some of those sites will yield completions but others will not. Such an approach should not be followed when making specific site allocations but is reasonable here given the strategic nature of the exercise undertaken. The 'discounts' applied are based on observation of past trends but the rationale for them is not clear and neither is it apparent that this approach has been vindicated by events. Nevertheless the outcomes following previous SHLAAs may not be known for some time.
148. For the Mayor it was said that consideration was being given to developing a 'rolling' SHLAA rather than undertaking a single exercise. We support that but also consider that further consideration should be given to refining the methodology and that the results following previous SHLAAs should be provided. Nevertheless, almost 75% of the large sites within the 10 year capacity are either permitted or existing site allocations. This gives a considerable degree of confidence about the deliverability. Indeed, overall we are satisfied that the assumptions and analysis regarding site suitability, availability, achievability and development capacity for large sites is reasonable. Therefore the figure of 400,000 housing units and the distribution between the boroughs can be relied upon as a target for future planning.
149. Table 4.1 does not set specific targets for different types of housing for individual boroughs. This is a justified approach as these are contained within other policies in the Plan concerned with affordable housing. Furthermore, it allows boroughs the opportunity to set their own targets based on their assessment of local need.
150. The assessment of housing need is over the entire plan period but the housing targets themselves are for 10 years until 2029. This covers the time when local planning authorities are expected to identify a supply of deliverable and developable sites in line with NPPF paragraph 47. Furthermore, London is a dynamic land market and most new development will be on re-cycled land. Given that they are derived from an assessment of capacity, setting realistic targets over a longer time span would be problematic given that circumstances might change unexpectedly. It cannot be assumed that the current apportionment will remain after 2029 especially in relation to sources in Opportunity Areas and on industrial land.
151. Therefore simply 'rolling forward' the existing targets beyond 2029 would not be effective. Paragraph 4.1.8D gives guidance to the Boroughs about how to calculate targets after that date. Whilst this does not provide absolute certainty it nonetheless provides a framework for future plan-making at borough level although it should be adjusted to refer to evidence of any identified local housing capacity [PR7]. Simply applying the local needs housing assessment after that date through this Plan would not properly reflect the capacity issues in London.

152. Once the London Plan is published its targets will take precedence over those in existing borough plans even if these have been recently adopted<sup>79</sup>. There is concern that this is likely to create difficulties in terms of immediately meeting the requirement for a five year supply of deliverable housing sites. However, national policy does not make any allowance for a transitional period where a spatial development strategy sets an apportioned housing target. Paragraph 4.1.8B also refers to a gradual increase and encourages Boroughs to set out a realistic stepped delivery target over ten years where this is necessary.

### *Conclusion*

153. The general approach to devising the housing targets and the contribution that large sites would make is therefore justified. However, an important component of the total figures is the contribution expected from small sites and this is dealt with next.

*Are the approach to small sites, the presumption in favour of small housing developments of between 1 and 25 homes and the targets in Table 4.2 justified and deliverable and will the policy be effective?*

154. The Mayor's further suggested changes divide policy H2 into two parts in order to distinguish between the general approach to small sites (now H2) and the presumption in favour of small housing developments (now H2A). The report will refer to them as such. In addition, the provisions relating to the monitoring of housing targets have been incorporated into the supporting text. We support this since these give direction as to how monitoring is to be undertaken rather than setting a policy relating to the development and use of land. Moreover, policy H2 clarifies that small sites are to be treated as a component part of the overall housing target and confirms that the proportion of housing from large and small sites may fluctuate over the plan period.

155. The SHLAA assessed the capacity for small sites. By applying certain parameters in addition to existing trend-based windfalls it is estimated that there is capacity for some 24,500 units per year over 10 years from sites of less than 0.25 hectares. This approach is policy-led rather than being based on any case studies or pilots. The outcome has nonetheless been translated into specific targets for the individual Boroughs as well as informing the policy criteria. This includes the presumption in favour of small housing developments of between 1 and 25 homes in certain circumstances.

156. The modelling and the policies herald a new approach to both increasing and diversifying possible sources of housing in the light of the growing need. The Mayor's contention is that a different and more positive mindset is required to move away from some of the more restrictive policies that are in place in borough plans. Moreover, in order to realise the untapped potential especially in outer London, it is not enough to simply rely on past trends. Rather a bolder and transformational approach is required.

157. Paragraph 48 of the NPPF establishes that compelling evidence is required in order to allow for windfall sites in the five-year supply. However, creating a new policy direction will not be possible if it is simply based on what has

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<sup>79</sup> Section 38(5) of the 2004 Act.

happened in the past. Furthermore, the SHLAA is not an exact assessment of supply but rather one of theoretical capacity and so paragraph 48 does not directly apply. Similarly, for this purpose, there is no reason why residential gardens should not be included.

158. However, the methodology adopted applies a growth assumption purely on the basis of a reasonable estimate. This is the number of occasions that intensification is expected to occur within the existing stock each year. Whilst 1% outside conservation areas is a modest figure on the face of it (equivalent to 1 case for every 100 existing houses) there is no empirical basis for its use and it appears to have been adopted randomly. Indeed, the findings of the West London SHLAA<sup>80</sup> indicates that activity as a proportion of existing dwelling stock is markedly below 1%. For net completions for all schemes between 1 and 25 units within 800m of town centres or stations between 2008 and 2015 these range from 0.21% to 0.36% for the individual Boroughs.
159. The SHLAA excludes properties that are already converted to flats on the basis that bringing these forward is more complicated. However, the evidence from west London is that around 37% of recorded conversion schemes involve flatted property. In this way the SHLAA under-estimates one potential source of supply. On the other hand, all heritage assets, including conservation areas, are excluded from the presumption although this only accounts for about 3% of expected modelled capacity. But broadly these considerations can be taken to even themselves out.
160. After the growth assumption the SHLAA then uses a net growth factor to calculate the yield from each source in order to calculate the number of homes likely to come forward. Values of 2.23 are adopted for detached and semi-detached areas and 1.34 for terraced areas based on a large London-wide sample. This gives robustness to the figures and they correlate well with the west London average of 2.37. There is concern that net losses have not been accounted for. Residential garden land was not included per se but given that this is an estimate of capacity there is no reason to exclude it definitively from the assessment. Overall this aspect of the modelling is appropriate.
161. Nevertheless, in addition to the arbitrary growth assumption our second major misgiving about the approach to small sites and small housing development relates to the large scale of change envisaged. The consequence of this is to question whether the targets are realistically achievable. The short answer is that they would not be and hence they are not justified. To put this in context the targets in Table 4.2 amount to an increase in small site delivery of over 250% in outer London boroughs. At its most extreme the target for Bexley is almost 700% higher. Furthermore in Sutton, for example, 79% of the overall target is attributed to small sites. Across London as a whole, historic completions from this source between 2003 and 2017 have averaged 15,300 per annum compared to the new target of 24,500. The targets therefore require a massive 'uplift' in delivery especially in outer London which is highly unlikely to occur based on the available evidence.
162. For the Mayor it is said that the new policy is intended to re-shape attitudes and that by always looking backwards nothing would change. There is some

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<sup>80</sup> NLP/AD/18 Part B Report para 7.71.

force in this and the market and other required ingredients may respond positively to a shift in policy. But there is little first-hand evidence of an appetite to implement these changes and so such a view appears to be hopeful rather than in any way likely.

163. Indeed, there are a range of factors that may inhibit delivery. These include whether sites are available to come forward; the unsuitability of some areas for intensification given the variety of housing typologies across London; whether owner occupiers would wish to release land; the impediments to assembling and bringing sites forward quickly; the lack of development finance; the insufficiency of small and medium sized builders, labour and building materials and the impact on borough resources in identifying and considering the number of sites required.
164. Some question the viability of such forms of development. The LPVS tested 8 small sites case studies. The majority were not viable in value band E and neither were 2 typologies within value band D. These value bands predominate in the outer boroughs where such development is likely to be concentrated. Whilst some parts of outer London may have higher values, including areas in and around town centres, there is no evidence to indicate how exactly this might affect viability. Development values in outer London may also be rising but the PPG<sup>81</sup> indicates that policies should not be based on an expectation of future rises in land values for at least the first 5 years of the Plan. The main finding of the LPVS is therefore that not many small sites in outer London are viable and it is unreasonable to assume that this will change in the short term. These considerations also indicate that small developments are unlikely to materialise to the extent anticipated.
165. Indeed, all of the above factors will dampen the Mayor's intentions. The difficulty is that whilst the policy approach is aspirational its delivery is not realistic. In some cases the imposition of such large increases in this element of the target is heavy-handed and not helped by the lack of detailed engagement with the boroughs in deciding the small site capacity methodology. As some suggested a more nuanced approach might have borne fruit.
166. If left in their current form, policies H2, H2A and Table 4.2 would not positively contribute to the Good Growth objectives that underlie the Plan. For some boroughs, especially those in outer London, the small sites element means that the overall housing target would simply be unobtainable over 10 years. This would have implications for achieving a 5 year supply and could lead to unplanned development. There is also a legitimate concern that this eventuality would lead to an over attention on the number of units to be delivered rather than achieving the right sort of development in the right place. We understand that the policy is intended to be a clear signal that previous approaches need to change and that boroughs need to be pro-active in maximising the contribution that small sites can make. However, the policy approach goes too far too soon.
167. There are various cumulative impacts that need to be considered in relation to small sites. These include the consequences for the special character of an

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<sup>81</sup> PPG ID 10-008-20140306.



area including green cover and tree canopies, for health and social infrastructure and for transport. However, by identifying the quantum of development and by focussing it on accessible areas there is no reason why infrastructure cannot be planned for. Small sites may not produce many affordable housing units but given that housing numbers generally will increase and the other mechanisms available this is not a reason to not support them. There is insufficient evidence to indicate that the policy would impact excessively on those living in rented accommodation. The policy may nonetheless lead to a reduction in family housing due to conversions and the delivery of small units that may not respond to the required mix of sizes.

168. The presumption in favour of small housing development in policy H2A is intended to give the policy some potency. However, as a device it is cumbersome and requires qualification in part C of policy H2A as well as exceptions in parts D and E such that its impact is diluted and the task for the decision-maker overly complicated. Furthermore, there is insufficient evidence to treat all forms of residential development across all of London within PTALs 3-6 or within 800m of a station or town centre boundary as acceptable in principle. In particular, whilst paragraph 53 of the NPPF does not preclude development on residential gardens there is no evidence that a blanket presumption in favour of infill development within the curtilage of a house is justified even if limited in area.
169. Part F of policy H2A refers to boroughs using a tariff approach to affordable housing requirements for schemes of nine homes or fewer. Whilst an approach that departs from the Written Ministerial Statement of 2014 and the PPG has been accepted in some boroughs there is no evidence that small sites are a major source of supply in all of them. It may well be that on-site provision in such circumstances is not feasible but there is no justification for imposing a policy provision to that end. As such, this is not justified. Although individual boroughs are not precluded from bringing forward their own policies in this respect if this is warranted and having regard to paragraph 63 of the 2019 NPPF.

*Conclusions on overall 10 year housing target for London and the targets for the individual boroughs and corporations*

170. So where does this leave things? Briefly the modelling of small sites is insufficiently accurate to give a true picture of the likely available capacity. As such, it does not provide a reliable input to the overall targets. In turn, the specific presumption in favour in policy H2A cannot be supported and this policy should be deleted. This is recommended by **PR11**. There nevertheless needs to be a revised small site component of the overall target and also a policy to underline the important contribution that small sites can make.
171. The latter would be achieved by policy H2 following the further suggested changes. It puts an emphasis on small sites and provides an indication to the boroughs of the factors to consider in devising their own policies in this respect. The policy also allows boroughs to decide whether they wish to use design codes given the resource implications involved.

172. Various options have been put forward as alternative figures for Table 4.2<sup>82</sup>. Simply relying on past trends would not capture the potential from this source or set a challenge to develop new ways of bringing forward sites of this kind. Applying a percentage uplift to the more reliable 12 year trend would reflect history but may not reflect where future capacity is likely to exist and could produce different spatial outcomes. The Mayor has also produced alternative models using growth assumptions of 0.8%, 0.5% and 0.3%. Whilst there are misgivings about the methodology this would take better account of where the potential for small site development is most likely to exist.
173. In setting a revised target we consider that an annual growth rate of 0.3% is most likely to reflect the realistic output from small sites. This is because it relates closely to the evidence about the existing position that we heard from the boroughs and also because of the identified impediments to delivery. This is perhaps a cautious line to take but there would be nothing to prevent boroughs from adopting their own positive policies about small sites or higher targets and if we have under-estimated the potential then such developments could come forward anyway. Recommendations **PR8** and **PR10** and Appendices A and B are made accordingly in order to adjust the small sites target from 245,730 to 119,250 over ten years in Table 4.2 and the overall housing target in Table 4.1 as a consequence.
174. The upshot is that the overall target is just under 523,000 homes across the 10 year period or just over 52,000 homes each year compared to 649,300 or 65,000 homes per annum in the Plan. The contribution of small sites amounts to about 12,000 per annum. This includes both modelled sites with an annual growth rate of 0.3% and other windfall sites and, in future, can be taken to be a reliable source of supply for the purposes of paragraph 70 of the 2019 NPPF as an expected future trend. This should be confirmed in the supporting text as recommended by [**PR9**].
175. Given the failure to meet, by some margin, the identified annual need for housing of 66,000 units we did consider during the examination in public whether this Plan should be paused for further work to be done. Alternatively, we considered whether we should determine that it does not meet the tests of soundness and so should be withdrawn. The Regulations make no provision for either eventuality but rather assume that recommendations will be contained in this report. In any event, it is evident that either course of action would lead to a considerable delay creating uncertainty and thwarting the publication of other strategic policies. There would also be a “knock-on” effect for new borough plans.
176. Furthermore, the question of supply is based on capacity and given that this would be maximised as far as realistically possible it is difficult to see how the number of deliverable housing units could be increased without consideration being given to a review of the Green Belt or further exploration of potential with local authorities within the wider South East. This would all take time and in our view it is better to proceed on the basis of an adopted plan rather than one that is in limbo.

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<sup>82</sup> NLP/EX/26.

177. Of course, it is a major concern that the targets are so far below the assessed need. However, the evidence simply does not justify the reliance placed by the Mayor on small sites to fill the gap between the two and we are sceptical about the delivery from this source. This Plan does not provide the key to unlocking any potential. To accept the targets attributed to many of the boroughs would be setting up the Plan to fail. It is likely that some of them would be unable to demonstrate a 5 year supply of housing sites as the Housing Delivery Test would apply to individual boroughs and so result in adverse impacts. The Plan would also impose undesirable consequences on Londoners as plan-making at local level would struggle to achieve unrealistic expectations.

### *Conclusion*

178. In summary, the presumption in favour of small housing developments of between 1 and 25 homes and the targets in Table 4.2 are neither justified nor deliverable. However, these deficiencies would be rectified by our recommendations so that the approach to small sites would be effective. Overall the recommended 10 year housing target of 52,285 per annum would be higher than the existing London Plan and above the 45,505 units completed in 2016/2017<sup>83</sup>. It is therefore right to say that boroughs should use all the tools at their disposal to ensure homes are actually built. But we consider that as recommended, and with the support of the Mayor, it should be deliverable and that both the overall target and those for the individual boroughs and corporations are justified.

### **Does Policy H16 make adequate provision for meeting the need for gypsy and traveller accommodation including pitch provision?**

179. National policy for traveller sites is contained in the *Planning Policy for Traveller Sites* (PPTS). A review by the *Equalities and Human Rights Commission* has previously highlighted some of the inequalities experienced by gypsies and travellers which are underpinned by a lack of suitable secure accommodation. This also gives rise to a number of negative impacts for this ethnic group who have protected characteristics<sup>84</sup>.

180. A needs assessment for London was undertaken in 2007 (Fordham study). Taking the midpoint figure for each borough (excluding Bexley) the total need for pitches between 2007 and 2017 was just under 500. Since 2008 10 public pitches in total have been delivered across 3 boroughs. This excludes private sites and 10 permanent pitches have been added in Bromley, for example, over that period. There is also some dispute over the methodology of the Fordham study. But even allowing for those factors the delivery of sites in relation to need has been very slow. As a consequence, whatever the exact figures, there is clearly a significant immediate need for further provision across London.

181. The undertaking of individual need assessments by boroughs has been patchy with about a third not having done so over the last 10 years. The policy requires that boroughs with post-2008 needs assessments should update these as part of their plan-making. Those without an assessment since 2008

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<sup>83</sup> NLP/MO/001.

<sup>84</sup> Referred to in the *Gypsy and Traveller Accommodation Topic Paper* (NLP/TP/02).

should undertake one and in the interim rely on the midpoint figures from Fordham. This survey is now very dated and it is a major failing that in many boroughs this has not been updated, notwithstanding the PPTS and duties under PSED. But in the absence of anything else it will have to serve as a proxy. The policy therefore contains a pragmatic approach to the assessment of short-term need. However, there should be a specific requirement for boroughs to include targets in their development plan documents based on identified needs and this is addressed by the Mayor's further suggested changes.

182. Furthermore, the poor record of provision indicates that the Mayor should act more decisively in setting out a strategic framework for the boroughs. This starts with a comprehensive assessment of need for pitches. The Panel report of March 2011<sup>85</sup> concluded that a solution relying on boroughs individually is unlikely to meet the demonstrable need for an increased number of pitches. Events on the ground indicate that the position has not markedly changed since then. Clearly boroughs would need to be involved in a London-wide study given their local knowledge and the likelihood that in many cases needs should be met locally. However, a London-wide approach would reflect the fact that London is a single housing market as well as ensuring a consistent methodology and including those on the move. The lifestyles of gypsies and travellers does not necessarily relate to borough boundaries.
183. Therefore we recommend that the Mayor should commit to instigating and leading a London-wide accommodation assessment for gypsies and travellers **[PR16]**. This should be done as soon as possible as a priority in order to inform an updated London Plan. Furthermore, the Mayor should continue to take a lead in seeking to devise ways of making provision for this group so that the next version of the Plan includes policies to help ensure that sufficient land is provided to meet needs. Such intentions can be expressed in the supporting text and we do not wish to prescribe the precise wording. Nevertheless a clear undertaking should be given and pursued prior to the review of the Plan.
184. Policy H16B gives a much wider definition of "gypsies and travellers" compared to that in Annex 1 of the PPTS. The rationale for this is that the national definition excludes many of those who have ceased travelling but who identify with the cultural traditions of this group. As a consequence there are effects for under-counting and equality. The Plan therefore indicates that in assessing need those living in caravans, those with a cultural preference to not live in bricks and mortar accommodation and those that have ceased to travel for reasons of health, education or old age should be included. This clause has considerable support from the gypsy and traveller community.
185. However, the definition does not just add to the national definition but would be entirely different. Past approaches to London under previous legislative regimes have no real bearing now. The proportion of gypsies and travellers living in permanent accommodation rather than caravans may be higher than elsewhere. High land values also make provision difficult. That consideration nevertheless obtains in other large cities. In any event, section 124 of the *Housing and Planning Act 2016* requires local housing authorities to consider

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<sup>85</sup> NLP/AD/04.

the need of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed. Consequently, those outside the PPTS definition should not “fall through the net”.

186. We appreciate that there is some dissatisfaction with the PPTS definition in that it divides an ethnic group into two. But there is insufficient evidence to demonstrate that it should not equally be applied in London as it is elsewhere in the country. Or put another way there is nothing so distinctly different about London to warrant a departure from national policy. On a practical level the wording of the London Plan definition is broader than just covering those who might identify as gypsies and travellers. Furthermore, it would lead to anomalies around the periphery of London in that individuals would be defined differently for planning purposes depending on whether they are assessed by a district outside the capital or one of the boroughs.
187. The overriding conclusion on this point is that the definition of gypsies and travellers should be consistent with national policy. To that end **PR17** recommends the deletion of policy H16B and consequential changes should be made elsewhere throughout the Plan.
188. The under-provision of pitches across London has an adverse impact on the cultural identity, health and well-being of travellers as a group with protected characteristics. Our recommendations should not result in the accommodation needs of anyone from within that ethnic group being excluded. Furthermore, the recommendation for a Mayor-led pan-London assessment of need should provide greater clarity and so advance opportunities for further site provision. The other elements of policy H16 should directly address the needs of this protected group.
189. As far as travelling showpeople are concerned, reliance is largely placed on national policy and existing sites are to be protected. The Plan does not acknowledge the need for temporary stopping places but this is addressed by a further suggested change to the supporting text which refers to research regarding the negotiated stopping approach. Attention is also drawn to the duty to consider the needs of those with a need for caravans or places on inland waterways where houseboats can be moored.

### *Conclusion*

190. Subject to our recommendations and the Mayor’s further suggested changes, Policy H16 will make adequate provision for meeting the need for gypsy and traveller accommodation and also considers the needs of travelling showpeople and boat dwellers in sufficient detail.

### **Would the approach to affordable housing in the Plan (policies H5-H8) effectively assist in delivering the quantum and type of affordable housing needed?**

191. The identified need for affordable housing in London is acute, being some 65% of overall housing need<sup>86</sup>. Recent delivery to date has fallen significantly short

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<sup>86</sup> NLP/HOU/001.

of meeting identified need. Between 2014/15 and 2016/17 affordable housing output averaged 21% of total provision<sup>87</sup>. In light of this, the Plan's approach to affordable housing aims to bring about a step change in delivery. The approach set out in the Plan was first introduced in August 2017, through the *Mayor's Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance*. It has shown promising results in raising the overall delivery above 21% since then<sup>88</sup>. Policies H5 to H8 set out a strategic target, and an approach aimed to deliver it, balancing quantum and tenure to meet identified need.

192. The 50% strategic target falls significantly short of the 65% need identified in the SHMA. However, any target needs to be deliverable and realistic. The target proposed strikes a balance between the requirement to meet the full objectively assessed need for both market and affordable housing<sup>89</sup>, and the requirement to not impose cumulative burdens that could put delivery of the Plan at serious risk<sup>90</sup>, having regard to public subsidy available to fund affordable housing.

193. To meet the strategic target, the Plan includes provisions to deliver a combination of affordable housing planning contributions delivered without grant, and additional affordable housing partially funded through affordable housing grants or in-kind contributions, such as discounted public land. Specific requirements are set out to maximise affordable housing from industrial land, public land, affordable housing providers and strategic partners. Achieving minimum tenure mixes to meet identified need and ensure genuine affordability are a vital part of the overall strategy. The strategic target is ambitious and greater than the target in the current Plan. However, taking all these considerations into account, and with a logical policy framework to its achievement, it is considered realistic and deliverable.

194. Policy H5 requires major development to provide affordable housing in accordance with the threshold approach, which is considered in the next section. Provisions relating to registered affordable housing providers receiving grant and the Mayor's strategic partners<sup>91</sup> reflect contractual conditions of funding under the Mayor's affordable homes programme. Given their potential contribution to meeting the affordable housing target and the contractual obligations highlighted, the requirement for higher affordable housing provision in their cases is justified.

195. The approach to public land reflects Government's attitude to the role of public land in assisting delivery of affordable housing<sup>92</sup>, the opportunity to capitalise on the generally lower existing use values, and that public land should be used to deliver the public benefits that are most needed and secured in perpetuity. There were calls for the affordable housing requirement to be lower, to assist public sector operators, including the NHS, to meet their core business

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<sup>87</sup> NLP/MO/001.

<sup>88</sup> Oral evidence of Mayor's team morning hearing session 26 February 2019.

<sup>89</sup> NPPF paragraph 47.

<sup>90</sup> NPPF paragraph 174.

<sup>91</sup> Affordable housing providers who commit to deliver ambitious development programmes through a flexible partnership with the Mayor. Each partnership involves at least 1,000 new housing starts, with at least 60% of them genuinely affordable.

<sup>92</sup> 'PM: The government will directly build affordable homes, January 2016' 8 DCLG, Public Land for Housing programme 2015-20 Annual Report, February 2017.

requirements and to address concerns that the higher thresholds set will act as a disincentive to residential development. However, with the focus on initiating a step change in affordable housing delivery, and the availability of a route to assess viability if required, the approach is justified.

196. The approach to industrial land aims to ensure industrial floorspace is reprovided, in accordance with policies E4-E7, whilst safeguarding against overpayment for sites suitable for residential development. Further suggested changes clarify that the approach applies to sites no longer required for utilities infrastructure and a transport function and take appropriate account of the cost of remediation. As the costs can be significant, this is necessary. These requirements were tested through the LPVS and found to be viable in most parts of London. Whilst intensification options would be more challenging to deliver in some parts of London, the threshold approach would provide a route to address genuine barriers to delivery. Overall, it is a reasonable and justified approach.
197. The requirement for affordable housing provision on site is rightfully set out, providing an off-site or cash in lieu alternative in exceptional circumstances only. This is necessary to ensure mixed and balanced communities and to provide greater certainty on speed of delivery.

*The threshold approach*

198. One of the main planks of the Plan's approach to achieving the strategic target is the application of the threshold approach to viability testing set out in policy H6. This sets quantum and minimum tenure mix threshold requirements, which if met, remove the need for viability testing as part of the planning application process. It therefore provides a "fast track route" to planning permission and a "viability tested route" for developments unable to meet the threshold requirements set. Development proposals following the latter route need to provide viability evidence and are subject to stringent viability reviews to ensure the maximum amount of affordable housing is delivered and to incentivise timely delivery. The quantum threshold of 35% has been tested through the LPVS and with the flexibility specified by the tenure mix requirements found to be viable in most cases. There are specific requirements for public sector land and specific industrial sites. They reflect the strategic approach to affordable housing set out in policy H5. Specific requirements are set for specialist types of housing, which are assessed later.
199. Both routes to permission include an early stage review, which will help to incentivise build out. The "viability tested route" includes a late stage review, which will give decision makers confidence that affordable housing provision has been optimised. This approach accords with national guidance<sup>93</sup>. In achieving the policy aims the requirements are necessary and justified.
200. The threshold approach addresses concerns regarding the operation of viability testing which causes significant delay and uncertainty in the development process. It provides greater certainty, clarity, transparency and consistency in

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<sup>93</sup>PPG ID-10-009-20180724.

the development process by embedding housing requirements in land values. It has the potential to increase quantum and speed of delivery.

201. The threshold requirements set are aimed to incentivise developers to meet the requirements without grant, thus overall exceeding them with grant. For each category of development, the threshold requirements were challenged. However, they have been tested through the LPVS and found to be generally viable. The “viability tested route” provides a pathway to achieve planning permission for schemes that cannot meet the relevant threshold requirements for genuine viability reasons. Further suggested changes commit the Mayor to reviewing the thresholds in 2021 through a focussed review of the Plan or supplementary planning guidance. Taking all these considerations into the balance, the thresholds set in these policies represent a reasonable and justified approach.

#### *Tenure mix requirements*

202. The affordable housing tenure mix requirements, set out in policy H7, include London Affordable Rent and Social Rent homes. The tenures sought would meet the needs of households identified in the SHMA as in need of low-cost rent homes. The preferred tenures of London Living Rent and London Shared Ownership would meet the needs of those identified in the SHMA as in need of intermediate homes. Whilst some challenged these definitions, they accord with national policy<sup>94</sup>. They are a fundamental part of the strategy and a justified response to the Government affordable housing regime.

203. In terms of tenure mix, to access the “fast track route”, the threshold approach requires 30% low cost rent, 30% intermediate products, with the remaining 40% to be decided by boroughs. The presumption is that the remaining 40% will be focussed on low cost rent, given the identified need in the SHMA. Given the potential for developments with up to 70% low cost rent to be delivered through the “fast track route”, the policy would have the potential to contribute to meeting the significant identified need for low cost rent homes identified in the SHMA, which is some 47% of affordable need. Enabling developments that provide 75% or more affordable homes to access the “fast track route” would further assist in meeting identified needs.

204. Overall, the minimum tenure mix requirements attempt to strike a balance between ensuring London’s overall strategic housing needs are met, including affordable need, and providing boroughs with adequate flexibility to address local variations in viability. In doing so, it is a justified approach. The Mayor has also committed to reviewing the tenure mix requirements in 2021, when the new Government funding round will be in place. This will give adequate time to review the efficacy of the approach to tenure, by which time it will have been operating for some four years.

#### *Monitoring*

205. Given the strategic need for affordable housing and the Plan’s novel approach to addressing it, a specific policy to ensure adequate monitoring at borough level is necessary and is provided by policy H8. The policy sets a broad

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<sup>94</sup> NPPF Annex 2.



framework for monitoring with an appropriate level of prescription, leaving it to the boroughs to devise the detailed workings in conjunction with the Mayor. If the approach to affordable housing taken proves to be less promising than recent evidence suggests, it would have a disproportionate effect on people with low incomes and on groups with protected characteristics. However, all public authorities are required to adhere to the PSED and therefore additional provisions in this regard are not required.

### *Conclusion*

206. The significant need for affordable housing is not in dispute, along with the fact that delivery has been significantly lower than identified need since at least 2013/14. The approach set out in policies H5 to H8 aims to provide a step change in delivery to address this. It is a new approach. Having operated since late 2017, it is appearing to bear fruit. Monitoring mechanisms are in place to assess its future efficacy and a review of thresholds and tenure mix if necessary set for 2021. Taking all these considerations into account, it is worth giving it more time to deliver.

207. All in all, we consider that the approach to affordable housing set out in policies H5-H8 would effectively assist in delivering the quantum and type of affordable housing needed. This would assist in providing equality of opportunity to those with protected characteristics who are disproportionately represented amongst those with lower incomes. It is justified.

### **Would policies H13 to H18 effectively assist in the delivery of different types of homes to meet the diverse needs of London's communities, including affordable housing?**

#### *Build to Rent*

208. Build to rent is an emerging housing model that has made a significant contribution to housing supply in recent years, comprising some 25% of starts over the last year<sup>95</sup>.

209. Policy H13 sets out criteria to define build to rent, which if met provide access to specific affordable housing requirements for this type of housing. The criteria have been worked up in close collaboration with the industry and are generally supported by it. They are necessary to assist policy implementation. Requirements for development to be held under a covenant for 15 years are necessary to ensure that policy provisions apply to genuinely build to rent development only. Similarly, a claw back mechanism, in the event that the covenant is broken, is necessary to recoup affordable housing contributions lost.

210. A bespoke affordable housing requirement is proposed. This is justified, given the differences between build to rent and build for sale development models. Indeed the LPVS indicates that build to rent can be slightly less viable than for sale. Most case studies tested demonstrated that 35% affordable housing with the prescribed tenures can be delivered viably, except where values are

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<sup>95</sup> Oral evidence of Mayor's team at hearing session afternoon of 12 March 2019.

at their lowest. The “viability tested route” would be available to assess those cases.

211. As discount market rent is set as the default, it will assist on-site provision, which provides the potential for integration with the main development benefitting from the same services and management.
212. As discount market rent is an intermediate product, it is not appropriate to seek social rent levels. However, this is an emerging product and its potential to deliver homes is still unknown. To address the eventuality that it becomes a more dominant tenure, and given the identified affordable housing need, boroughs may establish local affordable housing requirements for low cost rent where this is justified. These requirements, along with the application of the Plan’s other requirements, including design and space standards, have been informed by the LPVS. Overall, the requirements strike an appropriate balance between incentivising delivery of affordable housing, ensuring that potential further affordable contributions are not forgone, whilst assisting delivery of this product.

*Supported and specialised housing*

213. Policy H14 provides boroughs with policy direction to identify which groups may require supported or specialised accommodation and provides support for its delivery, retention and refurbishment.
214. A list of groups who may require such accommodation is provided. It is not an exhaustive list and is rightly limited to those whose housing requirements are likely to take a different form to mainstream housing. This includes some groups with protected characteristics, and in this regard it would represent a direct benefit to those groups.
215. There were calls for it to more comprehensively address the needs of those with protected characteristics. However, that is not the purpose of this policy. The needs of those with protected characteristics, whose housing requirements would be met by mainstream housing, are addressed in the other housing policies in the Plan. Those policies support accessible homes in locations close to facilities and services in town centres.
216. The policy relies on boroughs to deliver its requirements through development plans and development management. The requirement for boroughs to locally assess needs, where necessary, is essential. This is set out in the supporting text. To ensure effectiveness, we recommend that this requirement is included within the policy [**PR14**].

*Specialist older persons housing*

217. The provisions of policy H15 require boroughs to work with providers to identify sites suitable for specialist older person housing, (sheltered and extra care accommodation) having regard to benchmark numbers. The role for non-specialist housing suitable for elderly people is dealt with by other policies in the Plan and this is appropriately explained in the supporting text.

218. The benchmark numbers in Table 4.4 will assist boroughs and providers in addressing local need. This approach was established in the current Plan. Given the scale of identified need, and to give boroughs a clear steer on delivery expectations, the approach is justified.
219. The figures set out are not maxima and do not provide a tenure breakdown. This recognises the need for flexibility for providers and boroughs to respond to local demand, accounting for the rapidly changing range of products on the market and the variation in delivery models. The absence of a tenure mix is therefore a justified approach.
220. The policy requires specialist older person housing to deliver other Plan requirements, including accessible housing, inclusive design and affordable housing. This is necessary to assist in providing older Londoners, who wish to access specialist older persons housing, with an equivalent level of choice in accessible and affordable housing to that available to others. This would assist advancing equality of opportunity for those with protected characteristics.
221. The policy requirements for affordable housing accord with the Plan's general approach. However, they provide greater flexibility on tenure split, which should be locally justified and set out in development plans. As this would assist in meeting more readily the London wide identified need, this is a justified approach<sup>96</sup>. Some challenged the appropriateness of on-site provision, but convincing evidence of the barriers to this were not presented, and there was evidence that some developers are already providing it<sup>97</sup>. The requirement for on-site provision is necessary to assist in delivering mixed and balanced communities.
222. The threshold requirements for affordable housing have been challenged, on the basis of the higher build costs compared with mainstream housing. This is reflected in the findings of the LPVS, which indicates that viability for sheltered and extra care housing is more difficult in lower value areas. Further the case studies tested for this type of housing in the LPVS do not reflect industry practice. For these reasons, we are not convinced that viability would not hamper delivery. However, in light of the significant need for affordable homes and given that the "viability tested route" is available to assess the impact of viability on affordable housing requirements, it is worth waiting to assess the impact of this new policy approach. However, close monitoring should take place to ensure that the impacts are properly assessed and fed into any review.
223. Given that lack of clarity on the definitions and use class categories applied to specialist older persons housing has been identified as a barrier to delivery<sup>98</sup>, this policy attempts to address this point. It sets out criteria, informed by the Care Quality Commission's guidance on regulated activities for providers of sheltered housing, extra care housing and residential nursing care accommodation<sup>99</sup>. Its purpose is to establish what falls within the remit of care home accommodation, to which the policy would not apply, and that which falls within the remit of specialist older persons housing (sheltered

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<sup>96</sup> NLP/HOU/023.

<sup>97</sup> Mayor's team oral evidence at hearing session on the afternoon of 27 February 2019.

<sup>98</sup> NLP/TP/01.

<sup>99</sup> Care Quality Commission Housing with Care October 2015.

housing and extra care accommodation) to which the policy would apply. This approach accords with current national guidance, which advises that the level of care is a legitimate consideration when local authorities are defining the use class of specialist older persons housing<sup>100</sup>. However, the policy needs to clarify that its provisions also apply to specialist older persons housing not providing an element of care. Modification is necessary to provide clarity on this point [**PR15**].

*Purpose built student accommodation*

224. Policy H17 requires boroughs to ensure that local and strategic needs for purpose built student accommodation are addressed, ensuring mixed and inclusive neighbourhoods.
225. Given the acute identified need for affordable housing the policy rightly applies the Plan's affordable housing policies to student accommodation. This accords with national policy<sup>101</sup> and guidance<sup>102</sup> and given the identified need<sup>103</sup> we have no doubt that it is necessary to ensure that the lack of affordable student accommodation does not act as a barrier to higher education study in London. The threshold required for affordable housing is challenged on the basis of viability, the results of the LPVS and the limited selection of models tested in it. There is some force in the concern that this will hamper delivery. However, recent evidence suggests that in some boroughs the delivery of purpose built student accommodation has outstripped mainstream housing<sup>104</sup>. In addition, it was confirmed that some purpose built student accommodation is coming forward with a greater level of affordable housing than required by the policy<sup>105</sup>. Development that is genuinely challenged by viability considerations can be assessed through the viability tested route and given the acute shortage of affordable student accommodation and the review mechanisms in place for the thresholds for the "fast track" affordable housing route, this is a justified approach.
226. The approach to affordable housing was developed in close collaboration with the Mayor's Academic Forum. The definition of affordable purpose built student accommodation is based on the proportion of the maximum student maintenance loan considered reasonable for a student to spend on accommodation costs. Using the student maintenance loan as a basis is logical as it is the student income that the Government considers necessary to cover living costs<sup>106</sup>. Whilst other measures may be valid, this yardstick would provide consistency across London and is a sensible way to address the needs of different types of students.
227. Nomination agreements are intended as a mechanism to help demonstrate that the development is in a suitable location, and fits a design specification to meet the need for purpose built student accommodation. However, even

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<sup>100</sup> PPG ID-63-014-20190626.

<sup>101</sup> NLP/GD/03 NPPF paragraph 159.

<sup>102</sup> PP ID-2a-021-20160401.

<sup>103</sup> NLP/HOU/019c.

<sup>104</sup> HBF statement in respect of matter 32.

<sup>105</sup> Mayor of London, Planning report GLA/4230a/LB01.

<sup>106</sup> NLP/HOU/019c.

though circumstances in which this requirement could be legitimately circumvented are set out, there are concerns that it would frustrate delivery.

228. Such agreements are essentially commercial contracts. They can involve lengthy and complex negotiations and some higher education providers may not wish to enter into them and this could negatively impact delivery. It is too stringent a requirement therefore. In any event ensuring the accommodation is secured for students along with other criteria in the policy would assist in defining local need. For all these reasons, we consider that additional flexibility should be introduced to encourage nomination agreements rather than require them [PR18]. Encouraging nomination agreements would still assist in delivering all other requirements of the policy, including adequate functioning living space and layout.

229. Whilst the national space or accessibility standards do not relate to this type of accommodation, other Plan policies require inclusive and high quality design and would assist in ensuring the needs of students with disabilities are accommodated. This would assist in ensuring equality of opportunity for those with disabilities.

*Large scale purpose built shared living*

230. This is a new type of development which may provide a housing option for single person households unrestricted to certain groups or occupations. Policy H18 aims to respond to this emerging housing type and demand and to manage it to provide good quality accommodation. The Mayor has worked closely with the industry and the criteria used to define it, although detailed, are generally supported. They are necessary given that this form of housing has no formal planning definition. They reflect the need for a management regime to deliver communal services and facilities and to provide minimum tenancy lengths to ensure they are differentiated from a hostel type setting.

231. As this is not self-contained accommodation, it is not subject to the Plan's space and design standards. However, the design and size of both communal and private spaces will help determine its quality. Given that this is a new concept, the Mayor's commitment to produce space standards if deemed necessary is appropriate and justified.

232. This type of accommodation is required to contribute to affordable housing, by way of a cash in lieu payment. As large scale purpose built shared living accommodation does not meet minimum space standards and is not self-contained, it would not be suitable for most households in need of genuinely affordable homes, including families. A cash in lieu alternative to on site affordable housing provision is therefore justified.

233. There was concern from the industry regarding an in perpetuity payment. Whilst the principle is similar to a discount market rent arrangement, we accept that the requirement for a payment is not. It may therefore deter investment and delivery. On balance however, as there are two options for payment of the contribution to be defined and justified at local level, appropriate flexibility is provided.

234. As this is an emerging typology, the policy requires all schemes to go through the “viability tested route”, which will ensure that affordable housing provision is maximised. Schemes that meet the affordable housing requirements are not subject to a late stage review, which would incentivise achievement of the minimum requirements.

*Conclusion*

235. Subject to our recommendations, Policies H13-H18 would effectively assist in the delivery of different types of homes to meet the diverse needs of London’s communities. In setting out bespoke approaches to affordable housing, they are justified. In addition, the provisions set out are necessary, effective, justified and consistent with national policy.

**Is policy H9 consistent with national policy? Is it justified and would it be effective in helping to deliver the homes needed?**

236. Policy H9, in encouraging boroughs to disregard the Vacant Building Credit<sup>107</sup> (“VBC”) except in limited circumstances, would be contrary to national policy. The justification for the approach taken is the significant housing need, including affordable housing need and past rates of delivery without VBC, indicating that brownfield land would come forward for development in the absence of this incentive. Whilst the need for affordable housing is acute and the potential impact of the VBC significant, these circumstances are likely to apply to most large urban areas. Further, we find that there is insufficient evidence of the impact of disapplication of the VBC across London as a whole to justify a departure from national policy. If boroughs wish to disapply the VBC, they can do that based on local evidence, which some boroughs already have. For all these reasons, the policy should be deleted [PR12].

*Conclusion*

237. Policy H9 is inconsistent with national policy. There is insufficient justification to support it. Therefore it should be deleted.

**Are policies H4 and H11 necessary and would they effectively assist in boosting the delivery of homes to meet identified need?**

*Meanwhile use as housing*

238. Policy H4 encourages the temporary use of land and property awaiting longer term development for housing. This could include the erection of precision manufactured homes, which are homes mainly constructed off site, which can be rapidly erected on site. Policy H4, along with other policies in the Plan<sup>108</sup>, would support the aims of Good Growth in making the best use of land and delivering the homes needed, especially as homes could be constructed quickly. The quality of housing could be controlled through other policies in

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<sup>107</sup> Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, it offers a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

<sup>108</sup> Policies SD7; HC5; HC6; D7.

the Plan, particularly policies D4 and D5, and monitoring would ensure that the provision of temporary homes would be considered in assessing overall housing supply. Exemplars of this type of development were presented to the examination, which gives assurance of the quality that can be achieved and their potential contribution to the local environment<sup>109</sup>.

239. Concerns were expressed that the policy does not go far enough, in setting out enabling provisions to support these uses. However, this is a new approach and generally it strikes the right balance between incentivising development and supporting temporary uses. It provides the necessary flexibility for boroughs to identify and support these uses, taking account of local circumstances.

#### *Best use of stock*

240. Policy H11 seeks to ensure that new homes meet identified need. It addresses under occupation, homes left empty including buy to leave and short stay holiday rentals, all of which could compromise the ability of this Plan to meet identified housing need. Measures to address this are therefore necessary and on the basis of identified need they are justified.

241. Properties left vacant are a small proportion of overall supply, but vacancies can compromise the supply of homes for people to live in and erode community cohesion. Therefore, support from the Mayor, using his powers in tackling this issue, is a justified and legitimate approach. The short term letting of homes is a recent phenomenon and requiring boroughs to take account of the impact on housing stock when considering applications for short term letting will help address its negative impacts. The Mayor has committed to supporting boroughs in these matters, which again will assist in meeting identified housing needs.

242. Policy H11 part D sets out the need to take account of identified housing need in the consideration of houses in multiple occupation, and in light of this, their protection where they are of a reasonable standard. Given the contribution that houses in multiple occupation make to meeting identified strategic housing need, this is a justified approach.

#### *Conclusion*

243. Having identified and addressed matters that may frustrate meeting the strategic housing need and ways in which delivery of homes can be speeded up, the policies are justified. Policies H4 and H11 would effectively assist in boosting delivery of homes to meet identified need.

#### **Would policy H10 effectively protect London's existing housing stock, including as part of estate regeneration?**

244. Further suggested changes amend policy H10's title to "loss of existing housing and estate redevelopment", which is necessary to clarify the policy intent. The policy does not deal with the details of estate regeneration. This will generally occur as part of a wider process and as some elements fall

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<sup>109</sup> Development of a temporary mixed-use development at Ladywell, Lewisham.

beyond the remit of this Plan, and detailed advice on such matters is embodied in the Mayor's *Good Practice Guide to Estate Regeneration*, the policy focus is justified.

245. The policy seeks to protect existing housing, including hostels, staff accommodation and shared and supported accommodation that meet an identified need. Given the scale of identified housing need including affordable housing<sup>110</sup>, this is a justified approach. Ensuring that other types of housing are protected, where they meet an identified need, will ensure adequate flexibility to reflect local circumstances.
246. Policy parts H10 parts AB, B and BA introduce a number of further suggested changes, which, together protect existing affordable housing where it involves demolition, including where this relates to demolition as part of an estate redevelopment programme. These firstly, at H10AB, set out a new provision which clarifies that other options should be considered prior to redevelopment. This is necessary to ensure that any redevelopment accords with the Mayor's *Good Practice Guide*. This advises on appropriate approaches, including the consideration of repair, refurbishment and infill development and the need for community involvement. Supporting text sets out these key provisions and provides the necessary explanation for this approach.
247. Further suggested changes also introduce, as part of the policy, that social rent housing, where facilitating a right of return, should be replaced by social rent. Where it is not facilitating a right of return, it may be replaced by social rent or London Affordable Rent. This would strike an appropriate balance between providing protection for existing tenants and allowing some local flexibility in terms of rent levels to assist in enabling local viability. This accords with the Mayor's *Housing Strategy* which commits to ensure that affordable homes demolished as part of estate regeneration schemes are replaced on a like for like basis<sup>111</sup>.
248. The policy would ensure that replacement affordable housing is integrated into development, which would assist in delivering mixed and balanced communities. All development proposals which include the demolition and replacement of affordable housing are required to follow the "viability tested route". This approach, aimed to maximise the delivery of affordable housing, is justified given the acute identified need.
249. Assessing affordable housing on the basis of floorspace would provide a robust approach to assist an overall uplift in provision. Other measures, such as numbers of units or number of habitable rooms, could result in a net loss of overall provision. Requiring replacement on a like for like basis may not enable local decision makers to meet identified need in terms of unit mix, number of bedrooms and bed spaces. Using housing floorspace as a measure provides flexibility to meet identified need, within the context of current space standards, including the need for larger units. It would provide the necessary flexibility to deliver a greater number of units on a similar footprint or address matters such as overcrowding without compromising on meeting affordable housing need.

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<sup>110</sup> NLP/HOU/001.

<sup>111</sup> NLP/HOU/017.



250. As some groups with protected characteristics, are disproportionately represented amongst those seeking affordable housing, the policy would represent a direct benefit to those groups, particularly in enabling the provision of larger units.

*Conclusion*

251. We conclude that policy H10 would be effective in protecting London's affordable housing stock when redevelopment takes place and delivering the homes that Londoners need.

**Would the Plan's approach to determining size mix of homes assist in meeting identified need?**

252. Policy H12 seeks to ensure that the size mix of new homes meets identified need, setting out criteria to determine site specific size mix, the requirement for boroughs to provide guidance on size mix of low cost rent but restricting the use of area wide size mix requirements for other tenures.

253. H12 part A sets out criteria that boroughs, decision makers and applicants should apply in determining the housing size mix of development. Further suggested changes clarify that this should be based on robust local evidence where available. Where this is not available, it should be based on the range of housing need and demand set out in the 2017 SHMA, including consideration of all size mix scenarios within it. This provides necessary clarity in a situation where local evidence may not accord with that in the SHMA. Considering all scenarios in the SHMA will assist in tailoring London-wide evidence to best fit local circumstances and meet local identified need. This is particularly pertinent, given that size mix requirements in the SHMA vary considerably based on assumptions made about future under occupation in the homeowner, private rent and low cost rent sectors. Indeed the third scenario in the SHMA, which assumes under occupation in the homeowner, private rent and low cost rent sectors continue at current rates, indicates that family sized homes are a much larger proportion of total need in the market sector than the low cost rent sector<sup>112</sup>, making up some 62%.

254. Some criteria support smaller dwellings. However, alongside all other criteria, which require a range of unit types, tenures and price points, it is a justified framework to help deliver a site specific housing size mix.

255. There were calls for pan London targets for size mix across all tenures, in particular to ensure that larger dwellings are delivered. However, that approach would fail to reflect the variations in size mix requirements across London. It would fail to accord with national policy, which requires local planning authorities to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand<sup>113</sup>.

256. Policy H12 part C precludes boroughs from setting prescriptive area wide dwelling size mix requirements for market and intermediate housing. This

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<sup>112</sup> NLP/HOU/001.

<sup>113</sup> NPPF paragraph 50.

approach is based on the premise that area wide size mix requirements are unable to respond to the nuances of market demand and may slow down delivery and hamper viability. There was conflicting evidence as to whether they have been adhered to and effective in the past.

257. However, restricting boroughs in this way could undermine their ability to respond to local need, in particular, the provision of larger dwellings suitable for families, given that higher rates of return may influence developers to concentrate on smaller dwellings. Site allocations could deviate from any area wide size mix requirements where justified through the application of policy H12 part A criteria and the design led approach. Further, any area wide requirements would have to be based on robust evidence and subject to examination.

258. For these reasons, the requirement of H12 part C seems to be particularly onerous. Enabling boroughs to set local area wide size mix targets for market and intermediate housing, where locally justified, would be a legitimate approach and could assist in enabling local need to be met. Therefore, H12 part C should be deleted [**PR13**].

259. Policy H12 part D sets out requirements for boroughs to set guidance on the dwelling size mix of low cost rent homes. This will assist in enabling the acute sub regional and local need to be met. As boroughs are housing authorities, they are best placed to ensure delivery of low cost rent homes that meet the needs of those who occupy them, including priority households on the register.

### *Conclusion*

260. Subject to our recommendations above, the Plan's approach to determining size mix of homes in policy H12 would assist in delivering the homes to meet identified need.

### **Would policies D4 and D5 assist in the delivery of high quality homes that meet the needs of all?**

#### *Housing quality and standards*

261. Meeting the housing needs in this Plan will require some high density development. Ensuring homes are of good quality and fit for purpose is a strategically important issue. Policies D4 and D5 work together to ensure that the significant increase in housing needed will not compromise the quality of homes across tenures and that they will meet the needs of all, including the elderly and those with disabilities. Given the increased focus on small sites, and the support for higher densities in appropriate locations in both outer and inner London, consistency in the application of the standards across London is justified.

262. There is concern that the approach taken in policy D4 is overly detailed and prescriptive for this Plan. However, given the proposed level of housing to be delivered in this Plan, setting out minimum standards and key qualitative aspects to be addressed in housing design is a justified approach. It strikes the right balance between prescription and providing an effective and consistent approach across London. The Mayor has committed to production of

guidance on the implementation of policy D4 for all housing tenures. The standards and qualitative matters addressed in this policy are anticipated to be a starting point, with a more fine-grained approach to different housing tenures set out in the supplementary planning guidance. This will ensure that the policy deals with high level design matters only at a strategic level and is an appropriate and logical way forward.

263. Some policy provisions are included within the current Plan or the *Housing Supplementary Planning Guidance*. The private internal space and accessibility standards are a continuation of current Plan policy and generally align with the Nationally Described Space Standard<sup>114</sup>. They were subject to the rigours of a previous examination<sup>115</sup> and the evidence base was found to be proportionate and robust. They have proved to be effective in ensuring quality and sustainability of new housing. No change in circumstances is suggested to indicate that they are no longer justified and no evidence that it would not be viable to meet them is before us<sup>116</sup>.
264. The required ceiling heights deviates from the Nationally Described Space Standard. Given the unique heat island effect of London, the distinct density and flatted nature of most of its residential development, this is justified in ensuring adequate quality, especially in terms of light, ventilation and sense of space. As its requirements do not apply to all the internal area of a dwelling, it would be unlikely to apply to non-habitable rooms, such as bathrooms. This is justified.
265. The level of precision in terminology, particularly the term “high quality design” as expressed in D4 part B was questioned. However, the policy adequately defines what high quality design is.
266. Policy D4 part GA9 sets out minimum standards for private outdoor space. As it enables boroughs to apply any higher local standards, and they are set as minimums, it would account for a situation where larger gardens are appropriate to preserve local character.
267. Policy D4 part E seeks to discourage single aspect dwellings, unless the application of the design led approach indicates that this is the most appropriate design solution. This would apply to those typologies where single aspect may be the most efficient and effective layout. Given that single aspect dwellings are more difficult to ventilate naturally and are more likely to overheat, the approach is justified<sup>117</sup>. Modification of the supporting text is required to enable appropriate local decision making [**PR20**].
268. Policy D4 part F addresses the requirement for sufficient daylight and sunlight to new and surrounding housing. Further suggested changes confirm that detailed guidance on the application of the British Research Establishment guidance on daylight and sunlight will be forthcoming in the Mayor’s guidance referenced in the policy. This addition will assist in ensuring adequate levels of sunlight and daylight in homes.

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<sup>114</sup> *Technical housing standards-nationally described standard* (DCLG March 2015).

<sup>115</sup> NLP/MS/02.

<sup>116</sup> NLP/VI/001.

<sup>117</sup> NLP/HOU/010.

269. There were many suggestions for matters to be addressed in Table 3.2, which sets out the qualitative design aspects to be addressed in housing developments. Further suggested changes include the requirement for communal outdoor spaces to be surveilled, which is necessary to ensure that they are safe areas, particularly for children. There are no other matters that are essential for soundness especially as many accord with matters addressed in the current Plan or supplementary planning guidance<sup>118</sup>. The list in the table covers the broad range of key matters to be addressed in the design process, including layout, orientation, outside space, usability and ongoing maintenance and it is justified.

#### *Accessible housing*

270. Policy D5 sets out London wide requirements for accessible or adaptable new homes through the application of the optional Building Regulations. The need is justified and evidence shows that viability would not be affected.<sup>119</sup> The policy helpfully clarifies the type of development to which this policy would apply. In short, it would relate to all dwellings created via works to which Part M Volume 1 of the Building Regulations applies.

271. The policy encourages the use of conditions to secure its provisions, as necessary. Policy D3 confirms that inclusive design needs to permeate the design process. In that context, the inclusion of model conditions, which clearly indicate the number of dwellings per size typology, is a helpful and practical addition.

272. The policy will help to minimise disadvantage experienced by many disabled and older people, which would assist in meeting the specific needs of those groups who share a protected characteristic. In ensuring the provision of high quality housing the imperative of increasing well-being and health of Londoners is assisted.

#### *Conclusion*

273. Subject to our recommendations, policies D4 and D5 would effectively assist in the delivery of high quality homes that meet the needs of all Londoners.

### **Would the design led approach promoted in the Plan be effective in assisting the delivery of high quality places and optimising the capacity of sites, in accordance with the principles of Good Growth?**

#### *Design led approach*

274. Further suggested changes have amalgamated policies D1, D2 and D6. Four policies now replace the previous three policies.

275. This suite of policies provides a sequence of considerations to assist in the delivery of well-designed development, at an appropriate density, that responds to local character, form and infrastructure capacity. They are aimed to put design at the core of plan making and decision taking. In short, they require boroughs to determine a local plan's spatial strategy to meet its

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<sup>118</sup> London Housing Design Guide Interim Edition 2010.

<sup>119</sup> NLP/VI/001 and Mayor's statement.

growth requirements based on a thorough understanding of the character of the plan area. Identified infrastructure deficiencies should be addressed and optimised site capacities established for all site allocations and other development proposals, through the exploration of design options.

276. Requiring boroughs' plans to determine the capacity of allocated sites would provide an opportunity for community involvement. It would also provide more certainty to developers by providing clear parameters for future schemes. Ensuring a Plan's overall spatial strategy and individual site capacities are based on adequate supporting infrastructure will assist in the delivery of sustainable development. It would also assist in the identification of locations that may be suitable for tall buildings through the Plan making process.
277. Concern was expressed that the requirement for an area assessment would be a lengthy process, thereby unreasonably delaying local plan production and development management decisions. However, requiring boroughs to address these issues at the start of the plan making process will mean that at the development management stage there will be a solid evidence base in place on which to make decisions. This in turn should assist in quality and speed of decision-making. As over half of boroughs have already produced a characterisation study for their areas, we are not convinced that these requirements would impede the delivery of development
278. The use of characterisation studies to inform borough's policy formulation, however, is more limited. The Plan's approach would require greater use of that valuable information source to inform policy. It is appreciated that this would require the allocation of resources within boroughs. Coverage of this type of borough level study to date indicates that many boroughs have made resources available. However, in recognition of this widespread concern and to assist in effectiveness, the Mayor has put in place support and funding to assist boroughs.
279. Although the policies are long, complex, detailed and repetitious in places, as a suite they are navigable and thorough. The further suggested changes clearly demonstrate the link between the production of plan area assessments and their use in policy formulation, which provides welcome clarity.
280. One of the main features of this suite of policies is that in seeking to optimise capacity it dispenses with the "Density Matrix", used to guide site density. That was first devised in the late 1990s and has been included, in different guises, in previous Plans since 2004. This is a source of regret to many and there is particular concern that its loss will lead to less certainty as well as over-bidding for land. However, it would fundamentally conflict with the design led approach now advocated, which bases density on local context, infrastructure capacity and connectivity. This approach sees density as an output and not as an input that should determine the form and type of new development. Dispensing with the "Density Matrix" is therefore logical and justified as part of the overall design led approach.
281. Further factors support dispensing with the "Density Matrix". The evidence is that about half of developments permitted since 2004 have been outside the matrix ranges, thereby casting doubt over its effectiveness. First hand

evidence was also given that it has little bearing on the price paid for sites. Indeed, market forces and national policy constraints across London have had a greater effect on land supply. Enforcing a strict upper limit on density runs the risk of stymying otherwise acceptable development which would run contrary to the strategy of Good Growth. This supports the approach adopted, which would set density on the basis of local context.

282. Policies that enshrine the design-led approach set out a strategic direction although much of the burden for implementation will fall on the individual boroughs. Nevertheless, they provide a legitimate and justified approach with the potential to provide greater certainty. We deal with the details of individual policies, as necessary, below.

#### *Character and capacity for growth*

283. Policy D1 part A sets a requirement for boroughs to undertake area assessments to define the characteristics, qualities and value of different places within the plan area. D1 part A includes a list of considerations on which such studies should be based. This includes demographic make-up and socio-economic data, which ensures that studies go beyond the physical environment considerations. Further suggested changes include views and landmarks, which given their role in defining the character of an area is justified. Overall, the matters set out are a justified set of urban design considerations.

284. D1 part B requires boroughs to prepare local plans to meet their growth requirements, including their overall housing targets, using the plan area assessments to identify suitable locations for growth and its potential scale, whether limited, moderate or extensive. This should take account of existing and planned infrastructure capacity with a requirement to plan to address deficiencies. It also requires, the consideration of design options for strategic sites to set development parameters, which will determine the capacity of allocated sites. These considerations are necessary to ensure that the ambitious growth agenda in this Plan is realised.

#### *Infrastructure requirements*

285. Subsequent policies relate to the site-specific context. Policy D1A seeks to ensure that density of development proposals respond to future infrastructure capacity and that it should be proportionate to a site's accessibility and connectivity. Policy D1A part D introduces further suggested changes that set out explicitly that infrastructure capacity ultimately will limit the scale of development where it cannot be enhanced to mitigate the impact of development. This will ensure that the density of a development cannot exceed a sustainable level, even if it is acceptable in design terms. It will also help to ensure that development accords with Good Growth.

#### *Optimising site capacity*

286. Policy D1B seeks to optimise site capacity through following the design led approach in development proposals including site allocations. It sets out the design outcomes that well-designed places should seek to deliver. The list of outcomes cover the key urban design considerations under headings of form

and layout, experience and quality and character. Further suggested changes include the need to take account of circular economy principles which is a key theme in the Plan. Optimising site capacity does not mean maximising capacity, and this is made clear in the supporting text as is the fact that some uses inevitably require lower densities. Rather, optimising in this context means ensuring that the development takes the most appropriate form for the site and that it is consistent with relevant planning objectives and policies. This clarification, provided through further suggested changes, is necessary to ensure that the policy is readily understood and effective.

287. The detailed expectations for measurements of density to be provided have no place in the policy and further suggested changes rightly remove these from policy to the supporting text. Further suggested changes also delete the requirement to submit a management plan for residential development above certain thresholds, which is necessary as the requirements are unduly onerous given that costed plans are unlikely to be known up front. Indeed, the research project on which this provision is founded acknowledged the difficulty of writing policies in this respect and advised that it should be done in supplementary planning guidance. However, the policy should not prescribe that applications that unjustifiably fail to optimise capacity should be refused as that can be assessed on an individual basis. As such, this should be deleted [**PR19**].

#### *Delivering good design*

288. Policy D2 focusses on the process of ensuring that good design is delivered and retained. In setting out clear expectations of the design and application process, including its scrutiny through design review, it provides clarity to both developer and boroughs. The policy considerations are integral to achieving and maintaining good design and have a legitimate place in this Plan. Given the variation in borough design review practices at present, this policy, based on good practice principles<sup>120</sup>, will help develop consistency and achieve policy aims. Whilst it is prescriptive it provides adequate flexibility for local definition.

289. Measures for retaining design quality through to completion are set out in policy D2 part E. As these in the main relate to good practice principles, they are justified as a measure to ensure design quality. Reference to securing the ongoing involvement of the original design team to monitor the design quality, would be a legitimate way to assist in the delivery of design quality, being established practice for some boroughs. The detailed wording of D2 part F4 and the supporting text would allow local flexibility. However, the use of an architect retention clause would be overly onerous and this should be deleted from the supporting text [**PR21**].

#### *Conclusion*

290. Subject to the recommendations set out above, the design led approach promoted in the Plan, through policies D1, D1A, D1B and D2 provides a framework that would enable the most appropriate form of development, that responds to the site's context and capacity for growth, existing and future supporting infrastructure capacity. It would be effective in assisting the

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<sup>120</sup> Design Council, Commission for Architectural and Built Environment, landscape Institute, Royal Town Planning Institute and Royal Institute of British Architects.

delivery of high quality places and optimising the capacity of sites, in accordance with the principles of Good Growth.

**Would policy D3 effectively assist the delivery of high-quality design that meets the needs of all?**

291. Building on the design led approach, policy D3 seeks to embed an inclusive design approach into borough's plan making and development proposals. An inclusive environment is one that can be accessed and used by everyone, recognising and accommodating differences in the way people use the built environment<sup>121</sup>. The focus of the policy accords with national guidance<sup>122</sup>, in seeking to break down unnecessary physical barriers and exclusions caused by poor design of buildings and spaces. It would support the achievement of other objectives of the Plan, such as high quality design, social cohesion, crime prevention and security measures, to name a few.
292. The policy addresses, through further suggested changes, the requirement for the built environment to facilitate social interaction and inclusion, which would assist in building strong and inclusive communities. Through the same mechanism, it recognises that many factors that influence potential barriers can be mitigated by ensuring the involvement of target groups and local communities in policy formulation and planning decisions that affect them. This is necessary and accords with national guidance<sup>123</sup>.
293. Policy D3 part A through to D3 part A3 ensure that the approach is embedded in designing development proposals, promoting the highest standards of accessible and inclusive design in high quality, people focussed spaces designed for social interaction and inclusion. This provides appropriate flexibility to take account of changing accessibility standards and for local decision making. Assistance from the Mayor for boroughs and other agencies in implementing the approach is confirmed by the provision of support and guidance where necessary. This would ensure that boroughs have the skills and resources in place to ensure effectiveness.
294. Policy D3 part B seeks an inclusive design statement, as part of design and access statements, proportionate to the type and scale of development proposed. The supporting text clarifies what should be addressed, including setting out the potential impacts of the development proposal on people and communities who share a protected characteristic. By ensuring that equality issues are at the core of the design process, the policy would have especially positive impacts for older people and those with mobility difficulties.

*Conclusion*

295. Overall, policy D3 would be effective in assisting the delivery of high-quality design that meets the needs of all Londoners.

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<sup>121</sup> PPG ID-26-012-20140306.

<sup>122</sup> PPG ID-26-012-20140306.

<sup>123</sup> PPG ID-26-012-20140306.



**Would the Plan's policies effectively assist in delivering high quality public spaces that meet the needs of all?**

296. The public realm covers a significant part of London and is at the core of planning for a healthy, inclusive and prosperous city. The Mayor is responsible for the management and maintenance of much of the public realm through Transport for London and its management is an important part of the *Mayor's Transport Strategy*<sup>124</sup>. This is essential to encouraging cycling and walking, improving people's health and reducing vehicle traffic in support of Good Growth. In addition, the provision of new public realm is anticipated to be delivered to a large extent through large scale private development. For all these reasons, whether due to Mayoral responsibilities, or as a result of new development, a consistent approach to altered or new public realm is essential in this Plan. In addition, addressing these issues would accord with national policy<sup>125</sup>.
297. Policy D7 sets out a framework of urban design principles for development affecting the public realm. It is long and complex, including some fifteen clauses. Whilst it could be shorter, with a punchier style, this does not go to the heart of soundness. Further suggested changes introduce a clause, D7 part AA, to encourage opportunities to create new public realm where appropriate. This is justified given the growth agenda in this Plan and the role of new development for its delivery.
298. D7 part A through to D7 part M set out detailed urban design principles, which provide coverage of the main considerations that will deliver high quality public realm, along with the issues that will help to deliver the Mayor's other strategies and meet his other responsibilities. They include appropriate flexibility for local policy making based on local context. Although detailed, they generally focus on matters that require a strategic approach. For example a strategic approach to the provision of water fountains, as set out in policy D7 part M is necessary to deliver the imperatives of the circular economy and meet the Plan's waste objectives. A strategic approach to street clutter and street furniture, as set out in D7 part IA, is justified given the Mayor has a strategic role in the management of London's public realm and has responsibility to ensure that street furniture and other items do not intrude on public spaces or impede access to and use of the public realm.
299. Provisions also promote the consideration of the maintenance and management of the public realm at design stage, which will help to ensure lifelong considerations are embedded in the design process. Together, they will assist in the provision of public realm that is well designed, safe, inclusive and accessible, amongst other urban design good practice principles. Further suggested changes seek to ensure that light pollution is considered at the design stage of public realm. Given the potential intrusive effect of light pollution, its inclusion is justified. Other further suggested changes include wider microclimate considerations in D7 part I and the incorporation of street trees in D7 part H, which are justified given their role in enabling high quality public realm design.

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<sup>124</sup> NLP/TR/001.

<sup>125</sup> NPPF paragraphs 57 and 58.

*Conclusion*

300. When read alongside the other design policies that will ensure locally distinctive and inclusive design, the policy D7 would effectively assist in delivering high quality public spaces that meet the needs of all Londoners.

**Would the Plan's policies effectively assist in delivering tall building development in the right place at the right height so as to positively contribute to London's rich character?**

301. Whilst high density does not necessarily imply high rise, tall buildings can contribute to facilitating regeneration opportunities, creating new homes and economic growth. They have a legitimate place making role in a capital city in the right place and at the right height. However, recent tall building development and the sheer numbers in the pipeline in London are at the root of considerable concern to some<sup>126 127</sup>.

302. Through the design led approach, set out in policies D1 to D2, boroughs are required to use plan area assessments to identify areas of growth, including areas with potential for tall building development. Policy D8, further develops that policy framework requiring boroughs to identify locations for tall buildings and maximum building heights within local plans, taking account of the visual and cumulative impacts of tall building development and engaging with neighbouring boroughs that may be affected. Given their potential impact, a plan led approach to tall building development is legitimate. It accords with national policy<sup>128</sup> and advice on tall building development<sup>129</sup> and provides opportunities for community engagement. A policy of constraint, which seeks identification of areas sensitive to tall building development, would be at odds with the design led approach promoted and would not provide the necessary strategic direction promoted by that suite of policies.

303. Policy D8 requires boroughs to provide a local definition of what constitutes a tall building. Given the diverse character of areas across London, both within and between boroughs, this is a legitimate approach. It would ensure that development responds appropriately to local context and takes account of boroughs with lower level development and/or significant constraints on tall building development. If a London wide definition were to be used, if too high it would run the risk of allowing harmful development, if too low it would run the risk of delaying or preventing acceptable development. The proposed approach would be in accordance with national advice<sup>130</sup> providing a finer grained approach to assist in ensuring tall building development is focussed where it would contribute positively to the character of London. Until boroughs have a local definition in place, the policy provides a London wide one. The use of the threshold height for referral of planning applications is readily understood, logical and justified. This would ensure that the application of the policy is effective immediately. Indeed, the overall approach

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<sup>126</sup> NLP/AD/45.

<sup>127</sup> NLP/AD/103.

<sup>128</sup> NPPF paragraphs 17 and 154.

<sup>129</sup> NLP/AD/110.

<sup>130</sup> NLP/AD/110.

would engender more certainty in the development process, rather than land price speculation and uncertainty.

304. The previous iteration of the Plan included, within policy, an indication of locations which may have potential for tall buildings, i.e. in the CAZ, opportunity areas, areas of intensification or town centres that have good access to public transport<sup>131</sup>. A similar strategic steer in this Plan was called for. However, the Plan's approach, would provide a more locally defined, strategic and comprehensive policy framework. Nevertheless, it is likely that the proposed approach would focus tall building development in locations that have opportunity for significant change, which are likely to coincide with those areas indicated in previous iterations of the Plan. In any event the Mayor will still have a strategic role in assessing referable applications, which will capture all tall buildings above the height threshold<sup>132</sup> and assist in providing consistency of approach across London.
305. By requiring the identification of locations with potential for tall building development in development plans, many of the impacts will have been addressed at plan making stage, which, rather than delay acceptable development would be likely to speed up its delivery and provide more for developers. The Mayor has committed to providing a strategic overview of tall building locations across London, using 3D virtual reality modelling to aid the production of the evidence base and public engagement, funding and resources to assist boroughs in implementing this policy. This will assist boroughs in ensuring that the necessary advice and expertise are in place.
306. Policy D8 also includes evaluation criteria, which can be used immediately by boroughs to assess tall building proposals and refine their strategic approach. They provide an extensive list relating to visual, functional, environmental and cumulative impacts. These consider different parts of a tall building in slightly different ways, which will focus evaluation equally on the varying potential impacts, rather than just skyline. They are not exhaustive and other impacts may need to be considered. Whilst many replicate considerations already in national advice<sup>133</sup>, the list is long, and the matters prescriptive and sometimes complex, we consider that together, the criteria comprise a London expression of national advice. They cover the relevant urban design considerations and all have a legitimate place in this Plan. Performance thresholds for relevant criteria are more appropriate in supplementary planning guidance and boroughs could develop these if locally necessary and justified, in any event. Overall, the criteria are justified and provide the necessary level of flexibility for borough adaptation to fit local circumstances.
307. This policy forms part of a novel and ambitious approach, and given the potential impacts of tall building development and for local variation in policy application, mechanisms to monitor this policy are essential. We are satisfied that they are.

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<sup>131</sup> Policy 7.7 The London Plan 2016.

<sup>132</sup> 25 metres in height in the Thames Policy Area and 30 metres in height elsewhere.

<sup>133</sup> NLP/AD/110.

*Conclusion*

308. The Plan's policies would effectively assist in delivering tall building development in the right place at the right height, so as to positively contribute to London's rich character.

**Would policy D9 be effective in assisting the control of the negative effects of large scale basement development? Is it necessary, and would its provisions be effective?**

309. Large scale basement development below existing buildings has increased over recent years and the location of such development is widespread across London<sup>134</sup>. In addition, there are potential cumulative impacts of such development, including land and structural stability, localised flooding and drainage, noise and vibration and disturbance to residents. These cumulative impacts could cross borough boundaries and could negatively affect the London Underground network, managed by the Mayor, through cumulative acoustic and structural impacts. For all these reasons, basement development under existing buildings is a strategic matter of London wide importance, rightly addressed in this Plan.

310. Policy D9 requires boroughs to establish policies to address the negative impacts of large scale basement development. Large scale basements are defined within the supporting text along with the issues that should be considered when drawing up policies in plans. Further suggested changes clarify the need for policies where this is identified as an issue locally. This provides an appropriate level of flexibility to reflect local circumstances.

311. However, modification is required to ensure that policies are developed through development plans [**PR22**]. Subject to our recommendation, policy D9 would be effective in assisting to address the negative effects of large scale basement development. It would be necessary and its provisions effective.

**Would policies D10 and D11 effectively assist in promoting safe, secure and resilient environments and help ensure the highest standards of fire safety in new development?**

*Safety, security and resilience to emergency*

312. The safety of residents and those working in and visiting London are critical considerations when planning for new development. Planning strategically for safety, security and resilience to emergency is essential, given the cumulative impact on the all parts of the capital.

313. Policy D10 seeks to ensure that boroughs work collaboratively with critical agencies including with the Metropolitan Police, Design Out Crime officers and planning teams, to identify community safety needs, policies and sites to support provision of necessary infrastructure and reduce the fear of crime. This would accord with national policy<sup>135</sup>. The range of threats addressed are a broad reflection of those that would affect the built environment and as it is not an exhaustive list, it is reasonable and justified. In addition, it seeks to

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<sup>134</sup> Oral evidence of Mayor's team morning hearing session 6 March 2019.

<sup>135</sup> Paragraph 58 and 69 NPPF 2012 and PPG ID: 26-010-20140306.

ensure that new development maximises building resilience to emergency, and minimises potential physical risks, such as fire and flooding, by giving these matters consideration at the start of the design process. This is necessary to ensure that development is inclusive and aesthetically integrated into the wider area. Further suggested changes ensure that extreme weather events are considered, which given the recent trend in climate events and their potential impact, is justified.

314. However, D10 part A, lacks clarity. Modification is required to ensure that the policy expresses exactly what boroughs should do, through development plans, in terms of policy and any allocations for necessary infrastructure [PR23].

#### *Fire safety*

315. Policy D11 seeks to promote consistency in the application of the highest standards of fire safety in new development, setting out the need for fire and safety considerations to be considered together, on an equal footing. This is necessary to ensure that the requirements of fire safety and crime prevention do not conflict. With this helpful clarification, policies D10 and D11 would work together to promote safe and secure new development across London that represents Good Growth and meets the aims of both policies.

316. The matter of fire safety compliance is covered by Part B of the Building Regulations. However, policy D11 requires that matters of fire safety are considered at initial planning stage to embed fire safety concerns within the planning and design process. It will avoid them being considered in isolation after development parameters are set. Such an approach accords with the findings of the Hackitt Review<sup>136</sup>. In addition, it provides the necessary flexibility to align with the direction of travel of Government's response<sup>137</sup>, in particular its intention to introduce specific "gateway" points that reflect every part of a building's life, including planning, design, completion and occupation as part of a new improved regulatory framework.

317. D11 part A sets out development criteria which can be immediately applied at a local level. Focussing on aspects of development that need to be considered at planning stage, such as site access, layout and impact on fire appliance arrangements and evacuation, along with measures to reduce fire spread, is justified. In requiring the highest standards of fire safety, it provides adequate flexibility to reflect any change in standards.

318. Policy D11 part B, requires major development to be supported by an independent fire strategy, produced by a third party suitably qualified assessor. This will ensure that a fire and evacuation strategy is in place, which considers matters relevant to major development, such as the layout and use of buildings and the number, location and design of vertical cores. This will enable the planning system to protect and maintain areas to be used for fire safety purposes and aligns with the findings of the Hackitt Review and the Government's response.

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<sup>136</sup>MHCLG Building a Safer Future: An Independent Review of Building Regulations and Fire Safety Final Report May 2018.

<sup>137</sup> MHCLG Building a Safer Future: An Implementation Plan December 2018.

## Conclusion

319. Subject to our recommendations, policies D10 and D11 would effectively assist in promoting safe, secure and resilient environments and help ensure the highest standards of fire safety in new development.

### **Would the Plan's policies, dealing with the agent of change and noise, strike the right balance between supporting new development, protecting existing uses and delivering Good Growth?**

#### *Agent of change*

320. The agent of change principle places the responsibility for mitigating impacts from existing noise or other nuisance generating activities or uses on the proposed new noise-sensitive development. Meeting London's development needs and making the most efficient use of land to meet the growth anticipated within this Plan will require development to be located next to existing uses, and indeed some policies explicitly require this (policies H1 and E7 encourage housing on industrial sites). Further, policy D12 expresses the planning implications of the *London Environment Strategy*, which recognises that meeting London's development needs requires a strategic approach to the management of noise and other nuisances<sup>138</sup>. These considerations justify the Plan's approach, which would also accord with national policy<sup>139</sup>.

321. Policy D12 part A, however, explains what the agent of change principle is, as a standalone statement of fact, rather than a policy. For this reason, it should be combined with D12 part B, which clearly sets out what boroughs are expected to do to implement this principle [**PR24**].

322. Policy D12 parts D and E set out the implications of the agent of change principle for existing and proposed development. They clarify that the policy includes noise and other noise generating uses, which accords with national policy and is justified given identified development needs<sup>140</sup>. Policy D12 part EA sets out ways in which noise and other potential nuisances should be managed. In referring to other potential nuisances, it would accord with national policy and given the earlier considerations is justified<sup>141</sup>. Policy D12 part F, in setting out that development proposals should be refused, does not provide adequately for local decision making. Modification is therefore required [**PR25**].

#### *Noise*

323. In setting out specific approaches to the design of new development, policy D13 part A would enable a consistent approach. It is a logical list of considerations to address noise matters and deliver good design. In this

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<sup>138</sup> NLP/SI/025.

<sup>139</sup> Paragraph 123 NPPF and paragraph 182 NPPF 2019.

<sup>140</sup> Paragraph 123 NPPF and paragraph 182 NPPF 2019.

<sup>141</sup> Paragraph 123 NPPF and paragraph 182 NPPF 2019.

respect, the approaches would accord with national policy and guidance and are logical and justified<sup>142</sup>.

324. Policy D13 part B requires boroughs to identify and nominate new quiet areas and protect existing ones. As London's population grows and the urban environment becomes denser, the retention of quiet areas throughout the City will become increasingly important to ensure quality of life. The general concept would accord with national policy<sup>143</sup>, refers to the relevant guidance<sup>144</sup> and ensures that such designations and policy imperatives are based on local context.

325. Further suggested changes will ensure consideration of existing noise sensitivity to minimise potential conflicts including with noise sensitive wildlife, parks and green spaces and traffic noise and pollution. Whilst the policy as a whole could be more proactive, in identifying areas of noise pollution and addressing its impacts for example, this does not go to the heart of soundness and would not preclude boroughs from taking a more proactive approach if locally justified.

### *Conclusion*

326. Subject to our recommendations, policies D12 and D13, dealing with the agent of change and noise, strike the right balance between supporting new development, protecting existing uses and delivering Good Growth.

**Would the heritage and culture policies in the Plan assist in preserving and enhancing London's historic environment, its cultural facilities and creative industries and, in this regard, would they provide an effective strategic context for the preparation of local plans and neighbourhood plans? Are the policies and their detailed criteria justified and necessary and would they provide an effective basis for development management?**

### *Heritage conservation and growth*

327. Policy HC1 builds on the design-led approach promoted in policies D1 to D2, to ensure that the significance of heritage assets informs change. In requiring boroughs to develop a clear understanding of the historic environment, it will assist in heritage value informing the preparation of development plans and strategies. In setting out the nature of evidence that boroughs should develop and a range of potential sources, it provides a clear link to policy formulation, with the overall aim to embed the role of heritage in place making and regenerative change. That includes a recognition of the economic benefits of the approach promoted, in accordance with national policy<sup>145</sup>. Further suggested changes will ensure that all stakeholders, including local communities, are an integral part of this process.

328. The policy appropriately addresses the need to identify and value heritage assets and sets out a common approach to avoid harm, in the first instance, in

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<sup>142</sup> NPPF paragraph 123.

<sup>143</sup> NPPF paragraph 123.

<sup>144</sup> DEFRA's Noise Action Plan for Agglomerations 2014.

<sup>145</sup> NPPF paragraph 131.

accordance with national policy<sup>146</sup>. Together with the glossary definitions of heritage assets and historic environment, it provides an effective framework for development management, within which the heritage balances for designated and non-designated heritage assets set out in national policy can be undertaken<sup>147</sup>. Its approach to archaeology, accords with national policy<sup>148</sup>, along with its approach to heritage assets at risk from neglect, decay or other threats<sup>149</sup>.

329. The policy considers those aspects of the environment resulting from the interaction between people and places through time and all surviving physical remains of past human activity. This would include considerations of the impact of past human cultural activity from all sections of London's diverse community.

#### *World Heritage Sites ("WHS")*

330. Policy HC2 actively responds to the findings of the *International Council on Monuments and Sites/International Centre for the Study of the Preservation and Restoration of Cultural Property Mission Report*<sup>150</sup>, which concluded that the current Plan had not been totally effective in preventing negative impacts on the outstanding universal value of London's WHS, particularly in relation to the Palace of Westminster. London has four WHS<sup>151</sup>, which are not only a key feature of London's identity as a major city, but amongst the most important cultural heritage sites in the world. For these reasons, a bespoke policy in this Plan is justified.

331. Supported by the Mayor's supplementary planning guidance<sup>152</sup>, this policy requires those boroughs with WHS and their neighbours, through their development plans and development management, to conserve, promote, actively protect and interpret the outstanding universal value of WHS. Endorsing these internationally significant heritage sites, along with United Nations Educational, Scientific and Cultural Organisation ("UNESCO") endorsed methodologies to protect outstanding universal values, will assist boroughs in formulating effective development plan policies and development management practices and would accord with national policy<sup>153</sup>.

332. The supporting text includes a commitment to include advice on the relationship between setting and buffer zones in supplementary planning guidance. As setting is a wider definition than buffer zone and not all WHS in London include buffer zones, this approach is proportionate and justified. It is not necessary to refer to potential WHS in this policy. If sites are inscribed<sup>154</sup> in the future, the policy will come into effect. The role of the London View

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<sup>146</sup> NPPF paragraph 126.

<sup>147</sup> NPPF paragraphs 132-135.

<sup>148</sup> NPPF paragraph 139.

<sup>149</sup> NPPF paragraph 130.

<sup>150</sup> NLP/HC/021.

<sup>151</sup> Maritime Greenwich, Royal Botanic Gardens Kew, Palace of Westminster and Westminster Abbey, including St Margaret's Church and the Tower of London.

<sup>152</sup> NLP/HC/023.

<sup>153</sup> NPPF paragraphs 132 and 138.

<sup>154</sup> Added to the World Heritage List by the World Heritage Committee.



Management Framework ("LVMF") in the protection of outstanding universal values is considered below.

*Strategic and local views and LVMF*

333. Policies HC3 and HC4 set out well established policies in previous iterations of the Plan, which seek to protect and enhance the composition and character of London's strategic and local views and their landmark elements, through the application of the LVMF. This identifies 27 strategic views with 61 assessment points. Evidence suggests that the LVMF has generally been effective in managing London's protected views<sup>155</sup>. Convincing evidence for the identification of additional views was not presented.
334. Whilst the geographic extent of local views is limited, they are often to strategically important landmarks, cross borough boundaries and cumulatively they make a significant contribution to the appreciation of London's character. Therefore, local views can be a strategic matter, and are rightfully considered in policy HC3. Further suggested changes clarify that local views should be managed using the principles set out in the LVMF. This will ensure consistency of approach, which will be particularly effective when cross borough view management is required, correctly leaving the weight to be attached to the matter to the local decision maker.
335. Supporting opportunities to reinstate Landmark Viewing Corridors arising as a result of redevelopment is an important part of the Mayor's approach to protecting heritage set out in policy HC4. Such an approach is consistent with national policy<sup>156</sup>, which seeks new development that makes a positive contribution to local character and distinctiveness. Further, it would help to enhance or better reveal the significance of heritage assets<sup>157</sup>.
336. As policies HC3 and HC4 promote the identification of views through development plans, this would provide the opportunity for engagement with local communities. Technical matters relating to the management of views, including on the production of verified views would be addressed in supplementary planning guidance. Such an approach accords with national policy<sup>158</sup>, which sets out that supplementary planning documents should be used where they can help applicants make successful applications. This is an appropriate vehicle for dealing with detailed technical matters and would be a reasonable and proportionate approach. There is no convincing evidence of the requirement for further designated views.

*Culture and creative industries*

337. Policy HC5 sets a framework, for specific support for culture and creative industries through development plan policy and planning decisions. It encourages a local understanding of the existing cultural offer and evaluation of needs to inform development plan policy. This is an important aspect of the policy's approach and would help to ensure that the needs of all groups in the

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<sup>155</sup> NLP/HC/014a; NLP/HC/014b.

<sup>156</sup> NPPF paragraphs 126, 131 and 137.

<sup>157</sup> Historic England, The Setting of Heritage Assets, Historic England Good Practice Advice in Planning Note 3 (second Edition) December 2017.

<sup>158</sup> NPPF paragraph 153.

community were addressed. Such an approach provides the flexibility for boroughs to compile a locally appropriate evidence base, in accordance with national policy<sup>159</sup>. For these reasons, the requirement for a local understanding of the existing cultural offer and the development of policies to protect it where justified should be included within policy as it is currently deficient in this respect [**PR34**].

338. As policies should be developed through the development plan process, an opportunity for public engagement would be provided. In encouraging boroughs to define their cultural offer locally, a Plan definition of culture is not required. A non-exhaustive list of London's rich cultural offer is included in the supporting text, making a clear link with cultural tourism and its social role. Together with other policies in the Plan, it would provide support and protection for food industries and a framework for local decision making for a major entertainment venue, as part of London's cultural offer. Specific mention of these cultural offers are not therefore required in policy.

#### *Night time economy*

339. Policy HC6 builds on the *Culture for all Londoners* and *A Vision for London as a 24 hour City*. Those promote a 24 hour economy, seek to protect London's cultural assets and maintain London's unique offer. Policy HC6 promotes the growth and diversification of the night time economy, in particular strategic areas identified through the Plan's town centre network, supporting an integrated approach to its management, to address any adverse impacts. Together with other policies in the Plan, it would be effective in that aim and through the application of policy D3, would enable inclusive environments<sup>160</sup>.

340. Further suggested changes will help address the adverse environmental impacts of the night time economy in line with the precautionary approach set out in national policy<sup>161</sup>.

#### *Public houses*

341. Policy HC7 provides protection for public houses which have heritage, economic, social or cultural value for local communities and support for new proposals. Public houses contribute to London's rich built, social and cultural heritage. They fall within the definition of main town centre uses contributing to a centre's vitality and viability<sup>162</sup> and generated in the region of 46,000 jobs in 2016<sup>163</sup>. They support a wide range of cultures and provide a particular focus for some groups that represent London's diversity such as the LGBTQ+ community<sup>164</sup>. There is convincing evidence of the significant loss of public houses across London in recent years<sup>165</sup> with a consequent impact on their heritage, social, economic and cultural role. Further, the Mayor's *Culture for all Londoners*, identifies public houses as cultural facilities and provides strong support for a pro-culture Plan<sup>166</sup>. For all these reasons, and to ensure a

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<sup>159</sup> NPPF paragraphs 7, 21 and 23.

<sup>160</sup> Policies D12 Agent of Change; D13 Noise; T4 Transport; SD6 Town Centres and high streets.

<sup>161</sup> paragraph 170 NPPF 2019.

<sup>162</sup> NPPF Annex 2.

<sup>163</sup> NLP/HC/004.

<sup>164</sup> Just Space oral evidence afternoon hearing session 8 March 2019.

<sup>165</sup> NLP/HC/004.

<sup>166</sup> NLP/HC/020a.

consistent approach with the Mayor's other strategies, a bespoke policy providing some protection for public houses is justified. This is the case even though public houses are not a focus for all sections of the community, and recognising that they revolve around alcohol, are not a focus for some groups.

342. The policy requires the loss of public houses, protected by the policy, to be supported by robust marketing evidence. This would ensure that there is no realistic prospect of the building being used as a public house in the foreseeable future and would protect against the redevelopment of associated accommodation, facilities and development within its curtilage. The policy sets out criteria against which boroughs can assess whether a public house should receive protection or not. Those criteria are not exhaustive and recognise the role played in catering for one or more specific group, which would include the LGBTQ+ community.
343. The policy as a whole, appropriately reflects the dual pressures of closure and threat of redevelopment to public houses. Further suggested changes clearly set out the role for development plans and development management, ensure that the relocation or replacement of a public house is considered only where the loss of an existing public house is considered acceptable, and require measures to ensure the future viability of a public house as part of any redevelopment of associated accommodation, facilities or development within the curtilage of a public house. In this respect, the policy would be effective.
344. Convincing evidence was presented to indicate that LGBTQ+ community venues are disproportionately affected by closures. Protection for public houses would therefore represent a benefit to that group with protected characteristics.

### *Conclusion*

345. The heritage and culture policies in the Plan would assist in preserving and enhancing London's historic environment, its cultural facilities and creative industries and, in this regard, provide an effective strategic context for the preparation of local plans and neighbourhood plans. The policies and their detailed criteria are justified, necessary and consistent with national policy. They would provide an effective basis for development management.

**Would policies S1 to S7 assist in protecting London's social infrastructure and support its enhancement to meet the needs of London's diverse communities? Would they provide an effective strategic context for the preparation of local plans and neighbourhood plans? Are the policies and their detailed criteria necessary, justified and consistent with national policy and would they provide an effective basis for development management?**

346. These policies, together, seek to ensure social infrastructure needs of existing and future communities are met. This is necessary to ensure that the supporting infrastructure is adequate for the planned increase in population, recognising the role that it plays in helping to support health and wellbeing.

*Developing London's social infrastructure*

347. Policy S1 is an overarching policy that enables boroughs to protect existing social infrastructure and support its delivery to meet the diverse needs of their existing and future populations. In doing so it supports a development plan approach and sets an overarching strategic steer for all types of social infrastructure, whilst subsequent policies set the requirements of specific types.
348. The Plan's approach is that developing social infrastructure, should be based on an understanding of what exists at present, future needs and the unique characteristics of boroughs' communities and should include cross boundary and community collaboration. It provides support for high quality, inclusive and accessible social infrastructure, that addresses local or strategic needs and sets out specific circumstances in which the loss of social infrastructure would be supported. In requiring cross borough collaboration it adequately addresses strategic and local needs.
349. The glossary provides a non-exhaustive list of those facilities that fall within the definition of social infrastructure. The term, social infrastructure is used within the policy in a way that broadly accords with that definition, and the policy focuses on the services and facilities that underpin it. Further suggested changes acknowledge the range of service providers, the informal networks and community support that make up the informal social infrastructure and clarify the role of this policy in enabling facilities and services to support it. As other policies in the Plan support Good Growth, which is sustainable development that will nurture the development of informal social infrastructure, the focus of the policy is justified.
350. As a development plan approach is supported, the opportunity for community engagement in the production of both evidence base documents and policy development would be assured and further suggested changes clarify this point. The policy encourages the co-location of facilities and includes enough flexibility for appropriate local interpretation and to accommodate those users, such as faith groups, for whom co-location would not always be an option. Further suggested changes reflect the need for appropriate local decision making and clarify, in the supporting text, what would demonstrate realistic proposals for re-provision, in the context of any loss. This is necessary to ensure that the policy is effective.
351. Boroughs are required to plan for their social infrastructure needs through development plans, infrastructure delivery plans and community infrastructure levy schedules. This is necessary bearing in mind the heavy reliance on new development to meet these needs. Supplementary planning guidance will provide more detail in this regard, including guidance on identifying funding and delivery. The mechanism to ensure that the capacity of infrastructure generally, which would include social infrastructure, meets the needs of planned growth is set out in Policy D1A, parts B and C. These, together, require boroughs to ensure sufficient infrastructure exists at the appropriate time. When read as a whole, the Plan would provide a justified strategic approach to the delivery of social infrastructure to meet the needs of its growth agenda.

*Health and social care facilities*

352. Policy S2 generally accords with the approach to planning for social infrastructure set out in policy S1. In addition, it sets out a requirement for boroughs to understand the impact and implications of health service transformation plans and new models of care and to plan for them accordingly. As some changes are likely to have significant land use implications, this is necessary.
353. As boroughs and health service providers, including the National Health Service, are subject to the PSED, there is no need to set out those requirements in this policy. As health inequalities are linked to disadvantage and discrimination and disproportionately affect poorer communities, and those with protected characteristics, requiring a needs assessment to inform development plan policy would provide an understanding of diverse community needs. It therefore would be likely to have positive benefits for those with protected characteristics.
354. The focus of this policy is on the integrated service delivery of health and social care facilities and services. The role of preventative health measures, relevant to a development plan, is acknowledged by further suggested changes, which outline the role of other policies in the Plan, which specifically address this. The Plan addresses the wider determinants of health through delivering good quality places and homes; access to employment, education, social infrastructure generally, green spaces and waterways, a healthier food environment and promotes sustainable modes of transport and improving air quality. The policy generally provides an appropriate level of flexibility for local implementation including policy S2 part A5, which requires identification of opportunities to make better use of existing and planned infrastructure.

*Education and childcare facilities*

355. Policy S3 generally accords with the approach to planning for social infrastructure through the development plan approach as set out in policy S1. In addition, this policy sets out criteria for assessing development proposals for education and childcare facilities. Further suggested changes ensure that needs assessments include an audit of existing facilities and that development plans identify future provision of all school places, including special educational needs and disability places. These changes are required to ensure that the policy is clear and effective.
356. We have been provided with recent examples of boroughs allowing the use of Metropolitan Open Land ("MOL") for educational facilities based on a sequential approach to site selection and detailed development criteria. However, the exclusion of this approach within the policy does not make it unsound. Its absence would not preclude boroughs from taking such an approach, where locally justified. Boroughs would still be able to balance educational needs against other material considerations. Whilst the Plan promotes a greater reliance on smaller sites, this would not necessarily prejudice delivery of education facilities, and the role for funding it through new development in the usual way through CIL and planning obligations, where appropriate.

357. Basic development requirements are included that generally express other policies in the Plan, including policy S1 and the Good Growth policies. Some are detailed in their requirements, but they provide a framework to enable a consistent approach across London, meeting the Plan's overarching approach to social infrastructure. They provide an appropriate strategic steer whilst enabling flexibility for local decision makers. Further suggested changes include an appropriate approach to ensure no net loss of education or childcare facilities, where it is demonstrated that there is no ongoing or future need and ensure consistency with national policy in relation to playing fields<sup>167</sup>.

*Play and informal recreation*

358. Policy S4 enables boroughs to consider how the role and design of the built environment can create opportunities for children and young people to access play and recreation space. It requires them to plan positively for childrens' and young persons' play, and informal recreation provision and opportunities based on a needs assessment, which includes an audit of existing provision and involves consultation with the target population. It also includes a requirement to produce a strategy for play and informal recreation to address identified needs, supported by development plan policy.

359. This policy deals with a strategic matter of London wide importance and will help to ensure that play provision is addressed, particularly in areas of significant growth. The approach taken is justified given the growth agenda proposed in the Plan, which includes an expected increase in the number of children between 6-8 of around 370,000 (2016-2041)<sup>168</sup>, recent trends in childhood inactivity<sup>169</sup> and obesity rates within London's child population which, are significantly higher than those of England as a whole<sup>170</sup>.

360. The provision of formal play opportunities is just one mechanism to address identified needs. Play opportunities can be realised through street design and layout, and measures such as separating links between spaces for play and informal recreation and busy roads and traffic. To enable neighbourhoods to become more child friendly, the requirement for a strategy on play and informal recreation is justified and would help to address identified deficiencies and future needs. The policy includes a suitable level of flexibility as to how play provision is assessed and met at a local level through further suggested changes.

361. The policy sets out criteria against which development proposals that are likely to be used by children and young people should be assessed. This includes the requirement to increase opportunities for play and informal recreation, enable children and young people to be more independently mobile and ensure no net loss, unless it is demonstrated that there is no ongoing or future demand. These are reasonable and justified, in as much as they would help deliver more child friendly neighbourhoods to meet policy aims.

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<sup>167</sup> NPPF paragraph 74.

<sup>168</sup> NLP/DEM/001.

<sup>169</sup> NLP/CD/02.

<sup>170</sup> NLP/CD/02.

362. For residential development it sets out criteria to help deliver safe and stimulating play provision, including a standard requirement per child. This standard has its origins in previous Plans, having been developed initially by Fields in Trust for outdoor play space. It was reassessed in 2012 and is based on robust evidence and extensive consultation. The standard is widely understood, has been applied for some time based on the Mayor's population yield calculator and it has generally delivered to date within Greater London<sup>171</sup>. Although local implementation has varied, the supporting text to the policy outlines that supplementary planning guidance will provide more detail on this benchmark and other implementation issues. This will include additional testing of the child yield calculator. If a review is necessary, supplementary planning guidance is the appropriate vehicle to deal with this level of detail.
363. For all these reasons and taking account of the growth agenda in the Plan, this benchmark standard is reasonable and is justified as a minimum requirement. It would provide a consistent approach across London and enable some flexibility, if locally justified. Further suggested changes would ensure that good quality accessible play provision for all ages is provided, is overlooked and unsegregated by tenure. The application of these criteria would exclude locations where provision would not be suitable and therefore specific exclusions are not required.

*Sports and recreation facilities*

364. Policy S5 requires boroughs to ensure a sufficient supply of good quality sports and recreation facilities, through both development plans and development management. It covers all facilities from local through to elite sports facilities, responding to convincing evidence that sports and recreation provision in the capital is not meeting demand<sup>172</sup>. It requires that policy is informed by needs assessments, carried out on a local and sub regional basis. Further suggested changes clarify that those assessments should be based on an audit of existing provision. These requirements are necessary to ensure that a borough's approach is based on a proportionate evidence base and that they have regard to open space provision assessments, which will ensure consistency with national policy and are justified<sup>173</sup>.
365. Through development plans, the policy requires boroughs to secure sites for a range of sports and recreation facilities. Further suggested changes trigger this requirement when justified by a needs assessment. It requires boroughs to maintain, promote and enhance networks for walking, cycling and other activities to extend the catchment areas of existing and proposed facilities. By protecting existing facilities, including playing fields, increasing and enhancing provision in accessible locations, maximising the multiple use of facilities and encouraging co-location through boroughs' development management functions, this policy will help to ensure the best use of existing and proposed facilities. Further suggested changes will ensure that any loss of facilities is based on a local and cross borough assessment.

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<sup>171</sup> Mayor's oral evidence afternoon hearing session 5 May 2019.

<sup>172</sup> NLP/SO/001; NLP/SO/002; NLP/SO/003.

<sup>173</sup> NPPF paragraph 73.

366. To ensure that an appropriate balance is struck between the protection of green open spaces and provision of sports facilities, and consistency with national policy<sup>174</sup>, further suggested changes are necessary. Whilst no mention of elite sports facilities is included in the policy, its contribution to London's sports and recreation facilities is set out in the supporting text. Any proposals for these facilities would fall for consideration against the provisions of this policy.

#### *Public toilets*

367. Policy S6 sets out a strategic framework for boroughs to require the provision and future management of free publicly accessible toilets, as part of large scale development open to the public and as part of large areas of public realm. In so doing it aims to provide a more consistent distribution of publicly accessible toilets suitable for a range of users, including people with disabilities, families with young children and people of all gender identities, in places where people will spend long periods of time. It will ensure consistency of approach and facilitate effective partnership working that the Mayor considers necessary to deliver Good Growth. On this basis, we accept that this is a matter of strategic importance to Greater London and appropriate for inclusion in the Plan.

368. In implementing this policy, each borough, is required to adhere to the PSED. The policy would help those for whom their ability to travel around London and take an active part in public life is limited by access to suitable toilets. It will therefore help to eliminate discrimination, for different groups in society, including those with protected characteristics.

369. Enabling boroughs some flexibility to define when this policy bites, would strike the right balance between prescription and enabling appropriate implementation. Setting prescriptive thresholds for types of toilets would include an inappropriate level of detail and would be unnecessary given the relevant British Standard, which prescribes the number of toilets in particular locations. Notwithstanding this, further suggested changes to the supporting text require consideration of capacity to avoid queuing, particularly where female gender specific toilets are provided. Specifying 24 hour access from the public realm and access during opening hours elsewhere, seems a reasonable approach to ensure the policy is meeting its aim.

370. The community toilet scheme would be unlikely to provide for the range and accessibility of facilities to meet the policy aims. However, encouraging its use in smaller developments will complement the requirements of policy S6. Further suggested changes will ensure clarity in the provisions for changing places toilets.

#### *Burial space*

371. Policy S7 sets a framework to ensure provision is made for the different burial needs and requirements of London's communities, based on a proportionate evidence base. It sets out protection for existing burial space, support for new and specifies that loss of existing should only occur where it can be

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<sup>174</sup> NPPF paragraph 73.



demonstrated that there is no ongoing or future demand. These provisions are to be realised through local policy making and development management. Further suggested changes ensure that a needs assessment is based on an audit of existing provision and opportunities for the reuse of burial space.

372. To tackle burial space shortages and address the requirements of those for whom burial is the only option, the Plan encourages cross borough collaborative working. This recognises that meeting the needs of residents in one borough may require burial provision in another. Through further suggested changes, it ensures that such an approach informs boroughs' assessment of cemetery demand. In setting out these requirements, the policy addresses the compelling evidence that shortage of burial space is reaching a critical stage in Greater London<sup>175</sup>. It supports the provision of burial space near residents as a rule, to reduce costs and the need to travel, which would further the aims of Good Growth. Further suggested changes support environmentally friendly burial practices.

### *Conclusion*

373. The social infrastructure policies in the Plan are necessary, justified, effective and consistent with national policy. They would be effective in protecting London's social infrastructure and support its enhancement to meet the needs of London's diverse communities. They would provide an effective strategic context for the preparation of local plans and neighbourhood plans. Further, their detailed criteria are necessary, justified and consistent with national policy. They would provide an effective basis for development management.

### **Would policies SD4 and SD5 be effective in ensuring an appropriate mix of housing, offices, retail, leisure and other development in and around the Central Activities Zone including the Isle of Dogs (north)?**

374. The broad location of the CAZ is shown on the Key Diagram and Figure 2.16 in the Plan. It covers the City of London and parts of nine boroughs, as well as the geographically separate northern part of the Isle of Dogs, including Canary Wharf. The CAZ is internationally renowned for its culture, night-time economy, tourism, shopping and heritage, and accommodates around 30% of London's jobs, the seat of national Government, and more than 230,000 residents. The broad extent of the CAZ, and policies relating to it, build on well-established approaches in previous versions of the Plan.

375. Policy SD4 sets out strategic objectives for the CAZ and requires local plans to set out "locally sensitive" policies to achieve them as well as defining detailed policies. Further suggested changes ensure that the objectives strike an appropriate balance between strategic functions and locally orientated uses including residential and retail, as well as encouraging the adaptation and diversification of the international shopping and leisure destinations of the West End.

376. Policy SD4M requires sufficient capacity for industry and logistics to be identified and protected within and close to the CAZ to support the needs of businesses and activities within these areas. Whilst there is clearly pressure

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<sup>175</sup> *An Audit of London Burial Provision-A report for the Greater London Authority by Julie Rugg and Nicholas Preece, Cemetery Research Group University of York 2011.*

on such uses from higher value developments, this is an important objective to ensure the needs of the CAZ can be met as locally as possible. It sets out a clear objective in this regard, and the application of policy E4 should help to ensure that it can be achieved.

377. Policy SD5 sets out a prescriptive approach aimed at ensuring that new residential and mixed use development does not compromise the strategic functions of the CAZ. This approach includes affording “greater weight” to office uses and other strategic functions than to residential uses, other than in a number of specified locations. These specified locations comprise two Opportunity Areas, and wholly residential streets or predominantly residential neighbourhoods. A further suggested change makes it clear that these areas should be identified in local plans. This will provide clarity and ensure that the areas are justified, whilst allowing boroughs flexibility in terms of the choice of areas and how they identify them. Such flexibility is important, given the varied nature of how existing residential uses are distributed in the CAZ, including mixed use areas in Camden.
378. Policy SD5B states that residential development is not appropriate in parts of the City of London and Isle of Dogs to be defined in local plans. This is justified, given their international importance as office locations. However, the policy needs to be modified to provide flexibility in how the relevant areas are “identified” in local plans as there may be effective ways of doing this that do not entail defining “detailed boundaries” [**PR5**].
379. Around 3.5 million square metres of additional office floorspace is expected to be needed in the CAZ in the period to 2041. However, it is clear that in recent years, existing office floorspace is under significant pressure from higher value residential uses. There have been significant numbers of conversions to residential, and vacancy rates are now very low. Given this, and the internationally and nationally important role that offices in the CAZ play, the coordinated approach to the introduction of Article 4 Directions to remove office to residential permitted development rights set out in policy SD5F is justified in the interests of the economic wellbeing not only of the area but also of London and the UK.
380. Whilst policy SD5 focusses more on office uses than other strategic functions, policy SD4N allows for local plans to define CAZ retail and other specialist clusters and Special Policy Areas including those indicated on Figure 2.16 and listed in paragraph 2.4.13. Boroughs can, therefore, develop locally specific policies for such uses, and ensure that they are protected and accommodated as appropriate.
381. Overall, the approach to local plans and development management in policies SD4 and SD5 (subject to the further suggested changes) strikes an appropriate balance between accommodating development to meet the needs of the internationally and nationally significant strategic functions and protecting the interests of residents and locally-orientated uses. It is consistent with the Plan’s assumptions about how housing needs are to be met, and should ensure that the CAZ continues to play a highly significant economic role.

*Conclusion*

382. Subject to our recommendations, policies SD4 and SD5 would be effective in ensuring an appropriate mix of housing, offices, retail, leisure and other development in and around the CAZ.

**Is the town centre network defined in the Plan, and are policies SD6, SD7, SD8, SD9, E1, E9 and E10, justified and consistent with national policy? Would they provide an effective strategic framework for accommodating office, retail, leisure, visitor accommodation and other main town centre uses in appropriate locations?**

383. Population and economic growth is expected to lead to a need for additional floorspace for many main town centre uses<sup>176</sup> including shops, offices and hotels. Demand is likely to be particularly strong in certain locations, with retailing continuing to be increasingly focussed in larger town centres, some of which may see significant growth, and around 60% of additional office space expected to be required in the CAZ. Whilst overall vacancy rates in town centres are at a healthy level, a significant proportion of centres are expected to have surplus comparison goods retail space over the plan period. In this context, the Plan sets out a strategic approach aimed at managing changes to the network of town centres across London and ensuring that all main town centre use development is accommodated in appropriate locations consistent with national policy.

*Town centre network*

384. The Plan identifies a comprehensive network of well over 200 town centres<sup>177</sup>. This includes two international (West End and Knightsbridge) and 14 metropolitan centres, along with around 30 major centres which typically have catchments extending beyond a single borough. The remainder are district centres and CAZ retail clusters. This builds on similar approaches in previous versions of the Plan, updated to take account of recent town centre health checks and consistent quantitative indicators. Whilst policy SD8 only allows future changes to international, metropolitan and major centres through a future review of the Plan, local plans can reclassify lower order centres. This provides a clear and justified strategic approach, whilst allowing boroughs appropriate flexibility to develop policies for the centres that are of essentially local significance.

385. Future potential changes to the higher order centres (to be considered in a future review of the Plan) are identified, including Shepherds Bush and Stratford becoming international centres and Brent Cross, Lewisham, Wembley and Woolwich becoming metropolitan centres. This takes account of committed developments and a range of indicators, and provides appropriate strategic direction to boroughs, infrastructure providers and potential investors so that they can plan the future development of those higher order centres accordingly.

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<sup>176</sup> NPPF Annex 2 Glossary.

<sup>177</sup> Table A1.1 in Annex 1 and Figure 2.17.

386. The Plan also categorises the residential and commercial growth potential of each centre, as well as those that have a night time economy role of international/national, regional/sub-regional, or more than local significance. These classifications are based on consistent data and analysis meaning that they provide a justified strategic framework for boroughs to use at the local level. As relevant policies, including SD7, SD8 and HC6, require boroughs to have regard to the classifications (rather than rigidly comply with them), they are not unduly prescriptive. Rather, they allow boroughs to formulate policies to address the strategic role of the centre in a way that is justified by local evidence.

*Policies SD6 and SD7*

387. Policy SD6 sets out a number of ways in which the vitality and viability of town centres can be promoted and enhanced which provides an effective strategic framework consistent with national policy.

388. Policy SD7 sets out various policy requirements to be taken forward through local plans and/or development management, and a number of further changes were suggested by the Mayor following the hearing session aimed at ensuring consistency with national policy. Whilst some of the detailed wording differs from that in the NPPF, we are satisfied that this has been achieved.

389. Policy SD7A deals with development management and requires sequential tests and impact assessments in line with NPPF paragraphs 24-27. SD7AB provides a strategic framework for the allocation of sites for main town centre uses in local plans in line with NPPF paragraph 23 within the spatial context set by the town centre network and commercial growth classifications set out in Annex 1.

390. Policies SD7A(4) and E9BA(8) encourage the comprehensive redevelopment of edge and out of centre retail and leisure uses for a diverse mix of uses to realise their potential to provide housing and encourage sustainable transport. A further suggested change requires that net increases in retail or leisure floorspace in such redevelopment must be justified by a sequential test and impact assessment. This should provide adequate flexibility for retail and leisure uses and incentivise redevelopment which would make efficient use of land and help meet housing needs in line with policy H1. Whilst the policies could lead to the loss of sites suitable for certain types of retailing that depend on low density built form and plentiful customer parking, national policy does not suggest special provision should be made for such uses. Given the clear need to make more efficient use of land in London, and the potential for retailing to adapt and change to policy requirements and shopping habits, the approach set out in the Plan is justified.

391. High streets, including some that would not fall within the NPPF definition of a town centre, are one of London's most characteristic features and they play an important local economic and social role meaning that, collectively, they are of strategic importance. Policy SD7B(1A) states that boroughs should consider protecting and enhancing out of centre high streets in local plans subject to local evidence. This provides a justified approach that is consistent with

national policy, whilst allowing boroughs discretion as to how they achieve the policy aim.

392. The CAZ contains several retail clusters, which vary considerably in scale and character. As these are subject to policies SD4 and SD5, which set out a justified approach that differs somewhat from SD6 and SD7, it is justified for the Plan to make clear that those latter two policies do not apply in the CAZ.
393. Policies SD7C(4) requires development proposals to provide a range of commercial unit sizes, and a further suggested change to policy E9<sup>178</sup> requires local plans to secure an appropriate mix of shops and other commercial units of different sizes and, where justified by evidence of local need, policies to secure “affordable” commercial and shop units. “Affordable” is defined as rents maintained below the market rate for that space; this is clarified by a further suggested change to the Plan’s Glossary. We consider the issue of affordable workspace more generally later in this report, and conclude that it is sound. Subject to the further suggested changes, policies SD7C(4) and E9 should be effective in ensuring the provision of an appropriate mix of units to support the vitality and viability of town centres, having regard to evidence about high and rising retail rents in parts of London and the need for a wide range of shops and services to meet the different needs of diverse communities.
394. Policy E9BA(7) and paragraph 6.9.4 set out a positive strategic framework for London’s markets in their full variety, and acknowledge their valuable economic, social and cultural roles. Given the importance of markets, and the length, complexity and detail of other parts of the Plan, the short policy and single paragraph could be seen as disproportionately brief. However, it is consistent with national policy, and provides a succinct and clear approach that perhaps could have been mirrored elsewhere in the Plan.

#### *Visitor accommodation*

395. Policy E10 sets out a strategic approach to the provision of various types of accommodation and other infrastructure to meet the needs of the large and growing number of tourist, business and other visitors in different parts of London including the CAZ in the context of policies SD4 and SD5. A number of further suggested changes are required for consistency with the town centre first approach in policy SD7 and making best use of housing stock in policy H11, including through ensuring that short term lettings do not compromise housing provision.
396. The provisions of policy E10G are necessary to ensure that those visiting London, in particular, elderly and disabled visitors, have sufficient choice of accessible accommodation<sup>179</sup>. A strategic approach is necessary to ensure consistency across London. The policy provides two options by which the development industry can fulfil policy requirements, enabling a response based on the size, type and characteristics of accommodation proposed. Further suggested changes clarify the implications of the application of the

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<sup>178</sup> Deletion of part E of policy E9 and insertion of new part B(3) along with modifications to paragraph 6.9.9.

<sup>179</sup> NLP/EC/012.

British Standards quoted, which is necessary for clarity and to ensure effectiveness.

### *Offices*

397. Significant growth in office-based economic activity is expected, with between 4.7 million and 6.1 million square metres of additional office space likely to be needed over the Plan period. This range is based on employment forecasts of relevant sectors and justified density assumptions, and has been calibrated against past trends. The figures for the CAZ, other parts of inner, and outer London are described in the Plan as broad monitoring benchmarks, and are broadly consistent with the indicative, capacity-based job growth figures for Opportunity Areas set out in Table 2.1. Policy E1 sets out strategic spatial guidance for where this additional floorspace should be provided in the CAZ and elsewhere having regard to the town centre network and growth classifications set out in Annex 1.

398. In 2018, 1.9 million square metres of office space had prior approval for conversion to residential uses. Over 50% of office space converted to residential uses in London had previously been occupied by businesses, including many micro, small and medium sized enterprises. Given the overall need for additional office floorspace, whilst there are surpluses in some areas including parts of inner London outside the CAZ, there is a need to protect existing viable stock as well as to provide new offices. We have already concluded that the coordinated approach to the removal of office to permitted development rights in the CAZ as proposed in policy SD5F is justified. For the same reasons, policy E1F is justified in encouraging the introduction of Article 4 Directions in other nationally-significant office locations and geographically defined parts of other existing and viable strategic and local office clusters.

399. A further suggested change clarifies that policy E1 supports the redevelopment, intensification and change of use of surplus office space to housing and other uses (part I), subject to there having been consideration of options to provide lower cost and affordable workspace in accordance with policies E2 and E3 or the re-use of surplus large spaces to smaller units (parts G and H). This should ensure that the demand for various different types of office space can be met, but also that non-viable and surplus space is put to good use including to help meet housing needs.

### *Hot food takeaways*

400. Policy E9C requires boroughs to carefully manage over-concentrations of A5 hot food takeaway uses in town centres and other areas, and also prohibits development that includes such uses within 400 metres walking distance of all primary and secondary schools. This would have the effect of ruling out A5 developments in over half of London and over 90% of inner London, including in most town centres and CAZ retail clusters.

401. The context for this is that there are over 7,000 existing hot food takeaways in London, and many boroughs have high densities of such uses compared to other parts of England. London has the highest level of obesity in children at primary school leaving age in England, and it is increasing.

402. Food high in fat, sugar and salt is available from many non-A5 uses, including bakeries, butchers, convenience stores and restaurants. Some A5 uses offer healthy food options, but most offer only a limited range. Many school children, particularly secondary pupils, call into takeaways and other shops at lunch times and on their way home.
403. The causes of obesity and poor health are multi-faceted and complex, meaning that establishing a clear causal link to one particular factor is difficult if not impossible. However, national guidance is clear that planning policies can limit the proliferation of certain use classes in certain areas, and that regard should be had to locations where children and young people congregate including schools<sup>180</sup>. There is clear evidence about relatively poor health amongst young people in London and high numbers of hot food takeaways. Thus, despite the difficulty there is in demonstrating a direct link between the proximity of A5 uses to schools and the consumption of unhealthy food, national guidance and common sense would suggest that, in principle, the approach set out in the Plan is justified.
404. There are many initiatives in London seeking to improve health and reduce health inequalities, and it is one of the greatest challenges facing the population. There is clear support for policies E9C and E9D amongst a wide range of health professionals and other stakeholders who see it as one means amongst many that should be taken to effectively address that challenge.
405. Many boroughs already have policies in existing local plans that seek to control the proliferation of hot food takeaways in one way or another. There is limited evidence before us about the effectiveness of such local policies, and in some boroughs with such policies levels of obesity have increased. However, the consistent, comprehensive and unambiguous approach proposed in the Plan is more likely to be effective, when applied in conjunction with other initiatives, in helping to tackle obesity and poor health across London.
406. Policy E9D states that any A5 developments that are permitted should be subject to planning conditions requiring compliance with the "Healthier Catering Commitment". This is a voluntary scheme in London that food businesses can sign up to, although currently it is only available to those of a certain size. As the standard is non statutory and is set outside the planning system a requirement for all A5 developments to comply with it is not reasonable. We therefore recommend that policy E9D should be amended to refer to local planning authorities considering whether the imposition of such a condition in any particular case would meet the tests set out in NPPF paragraph 206 [**PR33**]. This would give London-wide recognition to the emerging initiative, whilst ensuring that planning conditions are only used by boroughs when justified having regard to the current status of the scheme and its relevance to the development proposed.
407. By preventing the establishment of hot food takeaways in many parts of London, the policy could have an impact on business start-ups. However, many small businesses are established in existing premises and there are likely to be many opportunities amongst the 7,000 or so existing hot food takeaways to allow an adequate turnover as some operators close and new

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<sup>180</sup> PPG ID-53-006-20170728.

ones start up. We do not, therefore, consider that the policy is likely to have any significant anti-competitive impacts. To the extent that it does, this would be outweighed by the social and economic benefits that would arise from the contribution the policy would make to improving health and wellbeing, particularly in deprived areas.

408. Levels of obesity and poor health amongst school children are particularly high in the more deprived parts of London, where there are relatively high numbers of people with low incomes and in some groups with protected characteristics. On the other hand, many hot food takeaways are operated by people from black and minority ethnic background. The policy is, therefore, likely to have disproportionate impacts on those parts of London's population. For the reasons set out above, the positive impacts would outweigh the negative, and this would particularly be the case for people in deprived areas and from groups with protected characteristics.
409. A number of other potential unintended consequences of the policy have been suggested by representors. However, the first part of the policy should be effective in preventing the over concentration of A5 uses in areas that are further than 400 metre from schools. Enforcement powers are available if needed to address the unauthorised use of non A5 premises for that purpose.
410. Overall, therefore, we are satisfied that policy E9C is sound, as is E9D subject to our recommendation.

### *Conclusion*

411. We therefore conclude that, subject to our recommendations, the town centre network defined in the Plan and policies SD6, SD7, SD8, SD9, E1, E9 and E10 are justified and consistent with national policy, and would provide an effective strategic framework for accommodating office, retail, leisure, visitor accommodation and other main town centre uses in appropriate locations.

### **Are policies E4 to E7 and T7 justified and consistent with national policy, and would they provide an effective strategic framework for accommodating all types of industrial and related activities and the sustainable movement of freight?**

412. A significant amount of industrial and related land in London has been redeveloped for other uses since the beginning of this century. There now remains around 7,000 hectares which are concentrated in central London and four other broad property market areas along main transport routes and river valleys (Thames Gateway, Lee Valley, Park Royal/Heathrow and Wandle Valley). This land is in a wide range of industrial, storage, distribution and other uses that are increasingly essential to the functioning of London's economy and meeting the needs of its growing population. However, pressure continues for redevelopment of some industrial sites to higher value uses including residential.
413. Of the existing 7,000 hectares of industrial land, around 50% is designated as strategic industrial locations ("SIL", which is identified in Table 6.3 and on Figure 6.2); 14% as locally significant industrial sites ("LSIS"); and 36% is non-designated.



*Need for industrial land*

414. The Mayor's evidence<sup>181</sup> indicates that there will be a modest reduction in the amount of land needed for manufacturing over the plan period (-166 hectares), although there are indications that in recent years there has been a slight increase in demand. Storage and distribution uses are expected to require more land amounting to between 280 and 400 hectares depending on the assumptions made about plot ratios, a matter that we consider below. However, there have been significant changes in storage and distribution operations in recent years, including related to online shopping, and these trends are expected to continue. This, and significant population growth, could mean that more land, or sites in new locations, will be needed for B8 uses than is assumed in the Plan. Overall, the amount of land in other industrial and related uses is not expected to change significantly.
415. The Plan assumes an average plot ratio of 65% building footprint to 35% outside space based on analysis of a wide range of industrial sites<sup>182</sup>. However, there is a significant amount of evidence from boroughs and industrial site developers and occupiers of much lower plot ratios in some areas and for some uses, including storage and distribution. Whilst this does not mean that the average of 65% could not be achieved in the future, it does suggest that it may be challenging in some locations and for some types of development.
416. The Plan acknowledges that, of the existing 7,000 hectares, 185 hectares had planning permission in 2015 for non-industrial development, and a further 653 hectares had been identified by boroughs as having potential for redevelopment. Whilst some of these 838 hectares could ultimately be retained for industrial uses there is no certainty that this will transpire. The 2017 SHLAA indicates that the amount of designated and non-designated industrial land that had approval, was allocated, or had been identified as having potential for other uses had increased to 944 hectares<sup>183</sup>. This suggests that more industrial land may actually be lost than assumed in the Plan based on the earlier industrial land studies.
417. The amount of vacant industrial land and premises in most boroughs is below 5%, which is a reasonable threshold to assume in an efficiently operating market. Some boroughs in east London have significantly higher vacancy rates, which if brought down to 5% would reduce the need for additional land by around 330 hectares. However, even if all of this vacant land were to be taken up, which is by no means certain as the reasons for it being unused are not clear, it would only go some way to replacing that which seems likely to be lost elsewhere.
418. All of the above indicates that there is likely to be a need, in quantitative terms, for more industrial land to meet future demand over the plan period to 2041 than assumed in the Plan. Whilst we cannot precisely quantify the requirement, it could be many hundreds of hectares based on the 2017 SHLAA and the uncertainties associated with the vacant industrial land in east

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<sup>181</sup> *Industrial Land Demand Study 2017* [EC/003] and *Industrial Land Supply Study 2016* [EC/006].

<sup>182</sup> *London Employment Sites Database 2017* [EC/002a] section 3.3 and *Analysis of Plot Ratios in Industrial Development in London 2011-2018* [EC/032].

<sup>183</sup> SHLAA 2017 tables 5.22 and 5.23 [HOU/002].

London. Alternatively, the industrial land that does remain would have to be used much more intensively. However, even if that were so, whilst the existing industrial sites may be distributed across property markets and in locations that are generally suitable for the types of industrial use that are expected, there will almost certainly be a need to meet new locational and site specific requirements of some businesses including in and around the CAZ and other accessible locations.

*Industrial land supply*

419. The overall approach set out in the Plan is for the wide range of industrial development needs to be met on existing sites, including through the protection and more intensive use of SIL and LSIS; by reducing the amount of vacant land in the Thames Gateway; and by identifying six boroughs to provide additional capacity.
420. The Plan, rather than expressing policies in terms of hectares of land, does so by referring to floorspace and yardspace. Whilst this is a new approach in London, it is an integral part of the way in which policies E4 to E7 are intended to operate to achieve no net loss of capacity within SIL and LSIS across London in overall terms. The Mayor's further suggested changes go some way to simplifying policies E4 to E7 which are collectively long and rather complex. In the context of the nature and role of the Plan as described earlier in this report, we are satisfied that the structure of policies E4 to E7 is acceptable.
421. However, in light of what we have concluded above about the need for industrial development over the Plan period, we consider that the approach to meeting those needs set out in E4 to E7 is aspirational but may not be realistic. This is for a number of reasons relating to the practicalities and viability of significant intensification of SIL and LSIS, the continuing pressure to redevelop non-designated sites for other uses, and the likely need for new sites in certain locations, including in and around the CAZ.
422. That said, much of the need is long term, and there are obviously significant uncertainties associated with predicting economic activity and associated land needs into the distant future. Achieving Good Growth will take considerable effort and changes in behaviour from all those involved in development. There is merit, therefore, in taking forward the overall approach set out in policies E4 to E7, subject to the following modifications which are required to ensure that the Plan is positively prepared in respect of meeting industrial development needs in the short to medium term.
423. Policy E4A should be strengthened to make it clear that a sufficient supply of industrial land and premises should be provided as well as maintained [**PR28**]. Furthermore, in finalising the Plan, further consideration should be given to the management of industrial floorspace capacity categorisations in Table 6.2 in order to provide a more positive strategic framework for the provision of industrial capacity [**PR29**]. We are unable to provide greater specificity about which particular boroughs' categorisations may need to be changed, due to the relationship with the SHLAA and housing targets and because of the apparent lack of non-Green Belt options for significant new locations for industrial development.

424. Moreover, the reasoned justification (paragraph 6.4.6) should be amended to refer to boroughs considering whether the Green Belt needs to be reviewed through their local plan process in order to provide additional capacity and/or new locations in the context of policy G2 [**PR30**]. This would ensure that the Plan is effective in allowing boroughs to identify a sufficient supply of land in different parts of London to meet current and future demands for industrial uses as required by policy E4.
425. We conclude elsewhere that the Plan be modified to include reference to a future strategic, London-wide Green Belt review. This should ensure that medium to longer term industrial needs can be met in sustainable locations if monitoring of this Plan indicates that policies E4 to E7 are not likely to be effective in achieving that aim. In order to provide clarity, the reasoned justification to policy E4 should be modified accordingly [**PR31**].
426. Policy E7D needs to be strengthened further to help protect non-designated industrial sites which currently make up over a third of all industrial land [**PR32**]. Whilst this is unlikely to be effective in preventing the redevelopment of most of the 900 hectares or so of land identified in the SHLAA, it is necessary to ensure the Plan is effective in protecting all viable industrial sites, including those occupied by small businesses, in the future.
427. Policy E7B refers to the possibility of the co-location of residential and social infrastructure alongside industrial uses on LSIS. Whilst this could make efficient use of land, it may be difficult to satisfactorily achieve in many areas and viability is likely to be an issue. However, the policy is not prescriptive, and such development is not expected to make a significant contribution towards meeting the Plan's housing targets. No further modifications are therefore required.

*Freight, deliveries and servicing*

428. The efficient movement of freight, and a shift to more sustainable modes, has economic, social and environmental benefits. The distance travelled by road freight in London has increased by around 40% in the last 25 years or so, and this trend is expected to continue. Policy T7 sets out a number of measures to reduce the need for, and impact of, freight trips and to coordinate the provision of infrastructure and facilities to manage freight in a sustainable way at a strategic level. The policy is expressed in terms of implementation through development plans and determining planning applications and deals appropriately with the spatial development aspects of the Mayor's *Transport Strategy* and *Freight and Servicing Action Plan 2019*<sup>184</sup>. Policy T7 as a whole is consistent with and complements policies E4, SD1 and SD4M which aim to ensure a sufficient supply of land and premises to meet current and future demands for storage and distribution uses throughout London including in Opportunity Areas and the CAZ.
429. Policy T7C requires development plans to safeguard railheads unless it can be demonstrated that they are no longer viable or capable of being made viable for rail-based freight-handling, and sets out a number of factors to consider in assessing viability. This provides a consistent approach towards strategic

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<sup>184</sup> TR/001 and TR/018.

infrastructure that will be critical if the trend towards increased road freight is to be successfully addressed. Whilst other topics are dealt with in greater detail in other parts of the Plan, this does not mean that the approach to rail freight is not sound.

430. The Mayor has suggested a number of further changes to policy T7 and reasoned justification. Subject to these, part E provides a positive approach to the development of consolidation and distribution facilities, which are expected to be needed, subject to a limited number of justified caveats. The addition of “where possible” to part E(5) rightfully acknowledges that some such facilities may be required even if they do not deliver mode shift from road to water or rail.
431. Part F has been amended to make it clear that the provision of on-street loading bays can be appropriate in certain circumstances if necessary off-street facilities for servicing, storage and deliveries cannot be incorporated into a development.
432. Further suggested changes to paragraph 10.7.6A make it clear that a variety of schemes can be used to help reduce road danger associated with construction works and to enable the use of safer vehicles. Subject to these changes, the policy is not unduly prescriptive as it allows for alternatives to the specific schemes referred to.
433. Finally, a further change suggested to paragraph 10.7.1 makes it clear that the policy seeks to facilitate sustainable freight movement by rail, river and road including through modal shift. For the reasons set out above, we are satisfied that the various parts of the policy should help to achieve this. However, so that the overall purpose of the policy is clear such that it will be effective, part A should set out that overall objective. Furthermore, to ensure consistency with policy SI15 and that the potential for canals to be used for moving freight is realised, “rivers” should be replaced with “waterways”. We recommend accordingly [**PR52**].

### *Conclusion*

434. Subject to our recommendations, policies E4 to E7 and T7 are justified and consistent with national policy, and they would provide an effective strategic framework for accommodating all types of industrial and related activities and the sustainable movement of freight.

### **Are policies E2 and E3 relating to low cost and affordable business space justified and would they be effective in helping to support sustainable economic growth?**

435. The continued success of London’s diverse economy is dependent upon a wide range of types of accommodation in appropriate locations to meet the varied requirements of micro, small, medium and large businesses, social enterprises and other employers. As well as meeting the physical accommodation needs of occupants, the provision of units of different size, type and quality should also ensure that the market offers a range of rents that most viable businesses can afford. This is particularly important due to the high cost of workspace in London relative to other parts of the country, and the vital

contribution that smaller and less profitable businesses make to the social and economic well-being of the city.

436. Policies E2 and E3 are intended to help ensure that accommodation is available to meet the different needs of all types of businesses. However, as originally drafted the policies are not sound in a number of respects. The Mayor has suggested further changes which largely rectify the deficiencies which we consider below.

437. Provided that both policies are effective, they are likely to particularly benefit lower income businesses and sectors that have social value which in turn should be beneficial to a number of groups with protected characteristics.

*Policy E2: Low cost business space*

438. Policy E2 needs to be modified to clarify that it is intended to ensure the provision and, where appropriate, protection of a range of business space in terms of type, use and size. Furthermore, it should apply to the full range of B use classes, rather than being restricted to B1. Part A needs to be clarified to make it clear that it is to be taken forward in local plans, and part B that its application in the determination of planning applications will only be in areas identified in local plans. The reasoned justification needs to better explain the purpose and rationale for the policy, including that it will help to ensure that workspace is available at an appropriate range of rents. However, the title should refer to "providing suitable business space" rather than "low cost" business space to accurately reflect its purpose.

439. All of those modifications are adequately dealt with by the further suggested changes. However, the reference to "an appropriate range of rents" in part A should be deleted from the policy because, whilst that may be a beneficial consequence, attempting to control the rental levels of market properties is not justified or consistent with national policy [PR26]. The reference in part B to "shortage of lower-cost space" (which is clearly defined in paragraph 6.2.2 as secondary and tertiary space available at open market rents) is, however, justified. This is because that would be a relevant factor to take into account by boroughs when considering whether to identify areas in their local plan.

440. The additional text in paragraph 6.2.1A relating to basic fit out helps to explain the policy, rather than setting out an unduly prescriptive policy requirement. Part C, relating to the provision of flexible workspace or smaller units as part of larger B class developments, is justified as it is not unduly prescriptive and would not, for example, prejudice a development intended for a single occupant.

*Policy E3: Affordable workspace*

441. Affordable workspace is workspace that is provided at rents maintained below the market rate for that space for a specific social, cultural, or economic purpose. Whilst not an approach that is specifically referred to in national policy, it has been proposed in previous versions of the Plan and carried forward by boroughs in a number of adopted local plans. In principle, it is justified by the particular affordability problems in parts of London and the viability evidence supporting the Plan. Furthermore, it represents a proactive

and positive approach in line with the NPPF by supporting business start-ups and specific sectors that have social value, all of which are critical to achieving sustainable economic growth across London.

442. The Mayor's suggested changes to policy E3 and paragraphs 6.3.1 to 6.3.3 are necessary to ensure that it is effective and justified. These make it clear that the policy will only apply to areas and locations identified in local plans, or where there is currently affordable workspace on site or has been since the Plan was published except where that was provided on a temporary basis pending redevelopment of the site.
443. Part F requires the affordable workspace elements of all mixed-use schemes to be operational or have agreed finalised terms prior to any residential elements being occupied. Whilst it is essential to ensure that the workspace is provided, the specified approach is not justified as it could compromise the viability of some schemes, particularly larger ones that may be developed in phases. As part A makes it clear that the provision of affordable workspace will be secured by planning obligations, ensuring timely delivery of the workspace can be adequately controlled by that legal mechanism in a manner to be determined by the local planning authority. Therefore, part F should be deleted, and appropriate text added to the reasoned justification [**PR27**].

#### *Conclusion*

444. Subject to our recommendations, policies E2 and E3 are justified and would be effective in supporting sustainable economic growth.

**Would the policies for green infrastructure assist in creating a healthy city and will they provide an effective strategic context for the preparation of local plans and neighbourhood plans? Are they and their detailed criteria justified and necessary and would they provide an effective basis for development management?**

#### *Green infrastructure, open space and urban greening*

445. The Plan recognises the multiple benefits of green infrastructure for residents and visitors and the city in general. It is important that there are high quality, accessible, natural spaces close to where people live and work. Various aspects relating to achieving this and other Good Growth objectives are covered in policies G1 to G9 so that national policy expectations for the natural environment would be met and exceeded. They will also contribute to the Mayor's commitment to make more than half of London green by 2050.
446. Policy G1 sets the overarching approach incorporating both protection and enhancement and including the need for boroughs to prepare green infrastructure strategies. There are definitions of open space, green space, green infrastructure and green cover. These clearly overlap but we are satisfied that they are properly aligned with one another and are sufficiently clear. Water spaces are included within the definition of green infrastructure. In this way the Plan adequately reflects the qualitative differences and value of different types of green infrastructure, including open and green space and the role of blue space.

447. Private gardens make up about 24% of London's land area but only about 60% of this is green due to the introduction of paving and decking. Nevertheless, these areas make an important contribution to green infrastructure as well as providing a safe and secure area for residents. The Mayor's *Environment Strategy* contains details of how their environmental performance might be improved. The NPPF indicates that local planning authorities should consider policies to resist the inappropriate development of residential gardens. However, there is no justification for including a London-wide protection for all domestic gardens within this strategic development strategy.
448. The focus of policy G4 is on assessing the need for open space, protecting it as necessary and creating new space - particularly in areas of deficiency. It requires development plans to undertake a needs assessment taking account of all types of open space including that which is not publicly accessible. Areas of deficiency should be identified by means of this process. Regard should also be had to the public open space categorisation in Table 8.1. This is not a definitive list as it provides examples of typologies so that others can be included to reflect local circumstances and it is therefore justified. Overall the policy provides a comprehensive framework to ensure sufficient protection for all open space in terms of both amount and quality.
449. The concept of the application of an Urban Greening Factor is based on the use of similar devices in other cities around the globe and is supported by the evidence.<sup>185</sup> This is enshrined in policy G5 with target scores set by the Mayor pending the introduction of locally-derived ones by the boroughs. Whilst none of the measures listed in Table 8.2 as contributing to urban greening are new, the policy "raises the bar" and provides a clear framework for major developments in addition to other expectations for open space. There is no clear rationale for extending the policy to all development at present.
450. The scoring system provides a firm basis for assessment and is a justifiable and innovative starting point for policy making in this area. Whilst experiences vary and the testing undertaken has not been extensive, there is no strong evidence that for residential and office development the interim targets are unachievable. Some argue that they should be higher than 0.4 and 0.3 respectively but they appear to strike the right balance at the moment. Potential costs have been factored in and the policy will bring about benefits to the value of developments by focussing attention on greening and ensuring that it is considered from the outset.
451. However, the scope to undertake most of the Urban Greening Factors for industrial and warehouse development is limited and would therefore be difficult to achieve. A green roof is the most likely option with additional construction costs, loading and maintenance issues. The evidence on viability is not convincing. The Mayor seeks to address this by means of a further suggested change to the reasoned justification which recognises the challenges and indicates that this can be considered on a case by case basis with further guidance to be developed. However, the policy would take effect once the Plan is published and would be liable to inhibit development within use classes B2 and B8. Until further evidence has been produced about the

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<sup>185</sup> NLP/GI/001.

practical implications for development of this kind it should be excluded from the policy and this is recommended as [**PR39** and **PR40**].

452. The scoring values are derived from the research report and are similar to those used elsewhere. Others might ascribe different weightings to the various surface cover types but there is nothing to indicate that these are wholly unwarranted based on their potential for rainwater filtration. The policy would apply, as a matter of course, to development proposals and, subject to modification at borough level, to site allocations. Reference is made to management and on-going maintenance. The aim of policy G5 and the detailed criteria are justified.

*Green Belt and Metropolitan Open Land*

453. There have been a number of calls for a review of the Green Belt in London to be carried out. This matter needs to be considered in the light of our earlier findings that capacity within London is insufficient to meet the identified annual need for housing and the potential shortfall of industrial land in the medium to longer term. We take a review to mean examining all land within the Green Belt to ascertain whether and to what extent it meets the Green Belt purposes defined in the NPPF and also to take into account any potential to promote sustainable patterns of development in line with the 2019 NPPF. This, in turn, might identify possible locations for growth and so lead to an assessment of whether exceptional circumstances might exist to justify the release of Green Belt land.

454. Different approaches to doing a Green Belt review have been canvassed ranging from requiring boroughs to undertake them based on assessment criteria devised by the Mayor, to the Mayor undertaking that work himself and to the identification of specific growth areas or corridors. Whilst the Green Belt occupies 22% of the land area of the capital it is only some 7% of the entire Metropolitan Green Belt which stretches across the wider South East. Any exercise should consequently take account of cross-boundary issues relating to the coherence and durability of the Green Belt on the periphery of the capital as well as across London itself. Therefore, a key part of an effective review in London is likely to involve joint working and positive engagement with adjoining authorities and boroughs.

455. Conflicting evidence has been provided about the extent of urban brownfield land and brownfield or other land within the Green Belt that might be suitable for sustainable development. The Plan itself observes that some Green Belt land is derelict and unsightly and does not provide significant benefits. In any event it is implausible to insist that the Green Belt is entirely sacrosanct without having considered what it comprises and the impact that it has on wider strategic objectives. Furthermore, the NPPF does not entirely rule out changes to Green Belt boundaries although exceptional circumstances are required to justify this.

456. The Mayor argues that however it is done such a review would take some time to complete. A commitment to undertake one could nevertheless be contained within the Plan. Indeed, from our perspective it would be a logical step to do this as part of on-going future plan preparation and to assess, as an option, whether it would be reasonable to release Green Belt land in order to close the



gap between housing need and supply in London. This is especially given the difficulty of accommodating growth in the wider South East. There is also a need to consider medium to longer term industrial needs.

457. Therefore from the evidence we heard the inescapable conclusion is that if London's development needs are to be met in future then a review of the Green Belt should be undertaken to at least establish any potential for sustainable development. Therefore we recommend that this Plan include a commitment to a Green Belt review [**PR35**]. This would best be done as part of the next London Plan. Given its strategic nature and to ensure consistency the review should be led by the Mayor and should involve joint working with authorities around the administrative boundary as well as the boroughs. This would form the basis for the Mayor to consider Green Belt release as a means to deliver housing and industrial development that cannot be accommodated in the existing built up area or in adjoining areas.
458. Policy G2 is not consistent with national policy. In particular, it states that development proposals that would cause harm to the Green Belt should be refused and makes no reference to very special circumstances. Similarly, the extension of the Green Belt should only be undertaken in exceptional circumstances as set out at paragraph 83 of the NPPF. Finally, the blanket provision that de-designation will not be supported also ignores the NPPF reference to altering boundaries in exceptional circumstances through the preparation or review of local plans.
459. The Mayor maintains that the policy would not preclude limited Green Belt release in exceptional circumstances but that is not what the policy says. Moreover, any borough proposing this would be likely to encounter general conformity issues. The wholesale opposition to the loss of Green Belt land is advocated on the basis that it should be unnecessary as development needs can be met on brownfield land without recourse to the Green Belt. But that is not the case and national policy is not couched in this way. London's Green Belt is not obviously different to that encircling other major cities. Any borough proposing Green Belt release would have to justify this at examination taking account of the provisions of paragraph 137 of the 2019 NPPF. This expects all other reasonable options to have been examined including discussions with neighbouring authorities.
460. Furthermore, given our conclusions about the ability to deliver housing and industrial development within London it would be wrong to unilaterally rule out changes to the Green Belt. That is not to say that they should be supported as a matter of course because the national policy provisions outlined above should apply. As well as the five purposes in national policy there are also other beneficial functions that Green Belt land serves as highlighted in paragraph 8.2.1. But it should be left as an option to provide boroughs some flexibility in deciding how best to meet their development needs, including those specifically identified in the Plan.
461. The policy also fails to clarify that support for multi-functional uses does not override the presumption against inappropriate development and this should be remedied. We therefore recommend that policy G2 be adjusted so that it is consistent with national policy [**PR36**].

462. Metropolitan Open Land ("MOL") has long been recognised as having equivalent status to Green Belt although it has separate criteria for designation. This is maintained and recognised in the Plan by policy G3 which affords the same level of protection to MOL as to Green Belt in accordance with national planning policy tests. The NPPF allows for the existence of very special circumstances and so specifying that proposals causing harm to MOL should be refused is inconsistent with it and should be removed [**PR37**].
463. Boundary alterations should be undertaken through the local plan process. However, there is no justification for requiring that the quantum of MOL is not reduced as a result and the overall value of the land improved. Given that exceptional circumstances are required to change the boundaries in any event and that the policy seeks to enhance the quality and range of uses these provisions are overly onerous and so should be omitted [**PR38**]. The policy does not encourage land swaps per se although this is mentioned in the supporting text but any such arrangements would be considered against the relevant policy tests. Subject to the recommended changes, the detailed criteria provide sufficient clarity about inappropriate development and how any boundary alterations should proceed.

*Biodiversity, trees and food growing*

464. National policy in the NPPF seeks to provide net gains in biodiversity where possible. There is therefore no case for insisting that this is mandatory within the London Plan. The general tenor of policy G6D is therefore justified. Otherwise the policy provides protection to *Sites of Importance for Nature Conservation* ("SINC") as well as areas outside of them and ecological networks or corridors. The policy contains a mitigation hierarchy in the event that harm to a SINC is unavoidable and where the benefits of the development outweigh biodiversity impacts. The final option is compensation off-site and whilst a last resort, this type of mitigation is not discounted by national policy and its inclusion here is justified. However, this provision should reflect NPPF paragraph 109 in achieving equivalent or better biodiversity value where possible rather than being based on the principle of net gain [**PR41**].
465. The Mayor is seeking to increase tree canopy cover in London by 10% by 2050. This is a challenging but realistic target which policy G7, together with other green infrastructure policies, will assist in achieving. In particular, it underlines that borough development plans should identify strategic locations for planting to maximise potential benefits as well as protecting and maintaining existing trees and woodlands.
466. Food growing is recognised as having a number of benefits as set out in paragraph 8.8.1. Policy G8 links to the Mayor's *Food Strategy*<sup>186</sup> and encourages food growing including provision of space for urban agriculture whilst protecting existing allotments. The approach to best and most versatile agricultural land is covered in national policy and does not need to be incorporated. Overall the London Plan sets a suitable framework for this type of use which can be taken forward at a local level.

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<sup>186</sup> NLP/GI/006.

*Conclusion*

467. Subject to our recommendations the policies for green infrastructure would assist in creating a healthy city and would provide an effective strategic context for the preparation of local plans and neighbourhood plans. The detailed criteria are justified and necessary and would also provide an effective basis for development management.

**Would the policies relating to a zero-carbon city, air quality and water infrastructure assist in creating a healthy city and provide an effective strategic context for the preparation of local plans and neighbourhood plans? Are these policies and their detailed criteria justified and necessary and would they provide an effective basis for development management?**

*Minimising greenhouse gas emissions, energy infrastructure and managing heat risk*

468. The Mayor's aspiration in the *Environment Strategy*<sup>187</sup> is for London to become a zero-carbon city by 2050 and this is reflected in the Good Growth objectives. The sustainable infrastructure policies are geared towards achieving that end which is a justifiable approach. They would also contribute positively towards the objective of creating a healthy city as part of the Mayor's general duty to have regard to climate change and its consequences<sup>188</sup>. As further suggested changes the Mayor has clarified that zero-carbon refers to net zero-carbon in all cases as defined in the Glossary.

469. This is an area where technology is evolving and so flexibility is required especially as changes to the Building Regulations are expected. When these are introduced this might, in turn, trigger the need for a partial review. In the meantime the policies build on existing established approaches in London. Whilst some argue that they do not go far enough we consider that they are ambitious and progressive and pursue carbon reductions as far as can be expected given the Mayor's limited powers in this area and his resources. They also adequately emphasise the importance of the use of renewables.

470. The requirement to achieve a 35% reduction in emissions beyond the Building Regulations in policy SI2 is realistic but will become more challenging to meet through typical gas-based technologies as other energy sources become cleaner meaning that other ways are required to achieve it. The expectation that development will achieve a proportion of this through energy efficiency measures is based on firm evidence<sup>189</sup> and is therefore justified. Where on-site measures to reduce carbon emissions have been fully explored but cannot be achieved, contributions to achieve net zero-carbon should be made to a carbon off-set fund. For example, this could provide valuable sums to improve the carbon performance of the existing stock. This is not the default position and the Mayor will continue to monitor its effectiveness as well as updating the existing guidance as necessary including the price for off-set carbon.

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<sup>187</sup> NLP/SI/025.

<sup>188</sup> S41 (4) of GLA Act 1999.

<sup>189</sup> NLP/SI/009 & 011.

471. The NPPF refers to actively supporting energy efficiency improvements to existing buildings. The above measures would assist in this but retro-fitting may not require planning permission in many cases. There is nevertheless reference to major refurbishment in paragraph 9.2.1.
472. Policy SI2 includes criteria relating to unregulated emissions from plant and equipment outside the Building Regulations and the calculation of whole life cycle carbon emissions over the lifetime of a development including demolition. It is evident that in future these broader methods of measuring carbon impact will become increasingly important and there are existing tools to assess them. The provisions are intended as a starting point so that data and good practice is captured and understood as a pre-cursor to future policy development. As such, they do not introduce additional technical standards and their intent and application is justified. It also makes sense at this juncture to keep these parts of the policy separate from the well understood provisions relating to regulated emissions. Guidance is to be produced by the Mayor about such assessment including how information should be reported to enable verification and monitoring.
473. Policy SI3 contains provisions relating to energy masterplans for large scale development locations and given their scale this approach is justified and the list of matters to be covered is comprehensive. It also sets out a heating hierarchy for major development proposals within Heat Network Priority Areas. Based on the latest evidence it is reasonable to order the different types of communal low-temperature heating systems in this way rather than presenting them as a "menu" to select from. Equally it is wise not to expressly rule out options such as combined heat and power under certain circumstances given that technology may change over the period of the Plan. Therefore the sequence and content of the heating hierarchy is justified. The policy also sets a framework for boroughs to identify opportunities for expanding or establishing new networks.
474. As further suggested changes, the policy and supporting text would be strengthened to refer to good practice design and specification standards for new and existing networks. The Plan also makes specific reference to decarbonisation plans for existing networks and to ensure a reliable cost-competitive service for customers.
475. The importance of managing heat risk through design is emphasised by policy SI4. This is warranted due to rising temperatures and the urban heat island effect. Major developments should seek to follow the cooling hierarchy as demonstrated through their energy strategies and these principles can also be applied to minor development.
476. Overall these policies concerned with greenhouse gas emissions, energy and infrastructure and managing heat risk would contribute effectively to achieving a healthy city as well as wider legal duties in respect of climate change.

#### *Air quality*

477. Improving air quality is a very important part of the objective of creating a healthy city as air pollution has significant impacts on health, quality of life and life expectancy especially for those who are most vulnerable. The Mayor

is committed to making air quality in London the best of any major city and achieving compliance with legal limits for nitrogen dioxide as soon as possible.

478. Policy SI1 links with other policies including those relating to transport and energy infrastructure and encourages a design-led approach to the issue in common with that of the design policies. It is broadly consistent with paragraph 124 of the NPPF which indicates that planning policies should sustain compliance with, and contribute towards, international values or national objectives for pollutants.
479. Following the Mayor's further suggested changes the policy makes a clear differentiation between the expectations for development plans and individual proposals and clarifies the terminology. It also gives greater emphasis to the importance of design measures for developments within Air Quality Focus Areas likely to be used by large numbers, especially the young and the elderly. However, it is overly prescriptive to insist that applications in such areas and affecting these groups be refused. Therefore revised wording is recommended so that this part of the policy is justified [**PR42**]. Subject to this change it would provide an effective strategic context for the preparation of local plans and neighbourhood plans and an effective basis for development management.
480. Development proposals are expected to be air quality neutral by reducing emissions on site. Where this cannot be accomplished then off-site measures should be undertaken near to the development itself. Within large scale development proposals there may be scope to improve air quality. However, the reference to an Air Quality Positive approach is not sound as this term was not defined. As a result it is not possible to make this a specific policy requirement although the principles of maximising benefits and reducing pollution exposure can be incorporated through the preparation of a statement. The Mayor has done this through a further suggested change which promotes good practice whilst avoiding unduly onerous stipulations.
481. Some argue that policy SI1 should be stronger but the detailed criteria are justified and, in combination with other strategies, should contribute towards achieving a critical aspect of Good Growth.

#### *Water infrastructure*

482. Given that London is a seriously water stressed area and as there has been a water consumption target in place since 2006, it is justifiable to expect development proposals to use the optional requirement in the Building Regulations of a total of 110 litres per day. Otherwise policy SI5 sets a suitable framework for encouraging a sustainable use of resources and ensuring adequate provision for water infrastructure.

#### *Conclusion*

483. Subject to our recommendations the policies relating to a zero-carbon city, air quality and water infrastructure would assist in creating a healthy city and provide an effective strategic context for the preparation of local plans and neighbourhood plans. The policies and their detailed criteria are justified and necessary and would provide an effective basis for development management.

**Would Policy SI6 help to ensure London’s global competitiveness now and in the future?**

484. Enabling quick and easy access to the world and affordable wired and wireless connectivity are prerequisites to maintaining London’s social wellbeing, competitiveness and attractiveness as a global city. A policy to support the provision of digital connectivity infrastructure is justified on this basis and its inclusion would accord with national policy<sup>190</sup>. SI6A sets out requirements for new development, whilst SI6B ensures that development plans support digital infrastructure, with a particular focus on areas with gaps in connectivity and barriers to digital access. These, together, will assist in ensuring digital connectivity for end users and the mitigation of any detrimental impacts to mobile connectivity as a result of development. It will help to ensure that these matters are considered as part of the development plan and development design process. Whilst SI6 sets higher standards than the Building Regulations, this is to ensure that London keeps pace with changing technology and global trends in digital connectivity and capability. This is consistent with national policy and the Government’s existing and emerging approach to planning for digital infrastructure<sup>191</sup>.

*Conclusion*

485. Policy SI6 is justified and effective. It is necessary and is consistent with national policy. It will assist in ensuring London’s global competitiveness now and in the future.

**Would the London Plan’s waste policies assist in effectively managing London’s waste, in accordance with the principles of the circular economy<sup>192</sup>? Would they be effective in helping reduce waste and promoting net self-sufficiency?**

486. The Mayor is not a waste planning authority. He therefore has limited influence over how and where waste is managed, which is the responsibility of boroughs. However, he sets out a strategic approach to managing London’s waste in the *London Environment Strategy*, which includes measures that go beyond the planning system. This suite of policies complements those measures.

487. Policy SI7 sets out proposals, including targets, for reducing waste and supporting the circular economy. The overall approach accords with national policy and the waste hierarchy<sup>193</sup>, with a focus on preventing waste in the first instance, improved reuse and recycling, design principles that support efficient use of materials and development that enables recycling at source. Overall, it would assist in ensuring that new developments utilise existing buildings and materials, are designed for deconstruction and reuse and reduce

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<sup>190</sup> Paragraph 42-44 NPPF 2012 and paragraph 112 NPPF 2019.

<sup>191</sup> DCMS Future telecoms Infrastructure review, 23 July 2018 and DCMS UK Digital Strategy 2017 1 March 2017

<sup>192</sup> An economic model in which resources are kept in use at the highest level possible for as long as possible to maximise value and reduce waste, moving away from the traditional linear economic model of ‘make, use, dispose’.

<sup>193</sup> DEFRA, Waste Management Plan for England, December 2013 4 European Union, Directive 2008/98/EC of the European Parliament; HM Government, Our waste, our resources: A strategy for England, December 2018; DCLG, National Planning Policy for Waste, October 2014, Pg. 4.

environmental impact of London's built environment. This policy, along with SI8 and SI9, appropriately address the role for landfill and energy from waste, in the current London context, in accordance with the principles of the circular economy.

488. In setting out the overall approach, Policy SI7, includes targets for different waste streams. The target for zero biodegradable or recyclable waste to landfill has been brought forward from the current Plan. It was tested at examination and found sound and we have no reason to take a different view, particularly as landfill sites in the wider South East are expected to reach capacity by 2026. With a focus on reuse and recycling at source, the reduction in reliance on landfill is a fundamental strand of the overall strategy.
489. The target for municipal waste recycling, has its origins in the London Environment Strategy. It accords with current definitions of municipal waste adopted by Department of Environment, Food & Rural Affairs, which align with European Union definitions<sup>194</sup>. It is ambitious. However, the Mayor sets out a pathway for its achievement, drawing on action from Government within the *London Environment Strategy*. With the measures set out and changes called for from Government, some of which have been responded to<sup>195</sup>, both targets are achievable and realistic. Some authorities are already achieving 50% recycling rates, which adds weight to this conclusion<sup>196</sup>. Further suggested changes will ensure that design of new development will be effective in supporting recycling.
490. Targets are included for construction, demolition and excavation waste, which together are a significant source of London's waste. These targets again have their origins in the current Plan. Given the intended implementation timescale of 2020 in the current Plan, which would be very challenging to monitor and assess, and the widely recognised difficulties in monitoring this waste stream, the absence of a timescale in this Plan is realistic and justified. The approach to excavation waste accords with the Environment Agency definition of "beneficial use", which is defined in the glossary. As many projects are already meeting these targets, and their achievement is likely to be boosted by the requirements of the circular economy statements, the approach is realistic and justified.
491. The policy sets out a model for boroughs to introduce circular economy principles in development management through circular economy statements for referable applications. This will assist in meeting the targets for construction, demolition and excavation waste. Further suggested changes enable boroughs to set local thresholds for the application of circular economy statements, which will assist in embedding efficient resource use in the development process. This is an essential part of the overall approach to supporting London's transition to a circular economy.
492. Policy SI8 sets out measures to deal with London's waste sustainably, promoting net self-sufficiency and ensuring adequate capacity, applying the principles of the circular economy. The drive to net self-sufficiency is brought

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<sup>194</sup> Department of Environment, Food & Rural Affairs, Guidance: Local authority collected waste – definition of terms, 23 September 2011.

<sup>195</sup> HM Government, Our waste, our resources: A strategy for England, December 2018.

<sup>196</sup> DEFRA, ENV18 - Local authority collected waste: annual results tables, Last updated December 2018.

forward from the current Plan, was examined at that time and considered sound. The *London Environment Strategy* sets out an approach to assist in its delivery. It is a realistic and justified strategy. The suite of measures, which along with net self-sufficiency include safeguarding waste management sites, optimising capacity at existing, provision of new, where required, and creating benefits from waste, are a sound and realistic package, applying the Mayor's powers in meeting the policy aim.

493. Policy SI8B sets out matters that should be addressed in development plans, which accord with the higher level principles of the policy suite. Further suggested changes clarify that boroughs should plan for identified waste needs, which provides necessary clarification.
494. The waste apportionments indicate how much household and commercial and industrial waste each borough should plan for. Those apportionments include hazardous waste that originates within those waste streams. However, they do not include construction, demolition or excavation waste. Given the uncertainties of data for this waste flow, the Plan's support for dealing with it at source and that it usually does not require permanent infrastructure, this is a reasonable and justified approach to assessing capacity needs. In addition, large development projects result in significant differences in material flows over time, over which boroughs have limited control, which adds weight to this conclusion.
495. There was concern regarding the methodology used to assess the borough apportionments. The methodology underpinning this has its origins in previous Plans, is tried and tested and has been updated and retested in this Plan. Waste arisings and projections are calculated by a logical methodology, using appropriate information sources. The application of a 5% reduction in household waste by 2031 due to the application of the circular economy principles is evidence based and justified. Measuring waste per capita as opposed to per household reasonably takes account of the trend to reduced household size. The methodology and assumptions used were independently tested and found to be reasonable<sup>197</sup>. We have no reason to disagree.
496. The methodology used to apportion those waste needs to boroughs has been refined in this Plan, the main effect of which is to reduce the number of criteria used and omit any weighting. This is to reduce the importance attached to historic patterns of waste movements and capacity<sup>198</sup>, which is a logical and realistic approach. Further, there is concern regarding the choice of criteria and their weighting. However, it is not obvious that other criteria should be used or that the weight applied is significantly skewed. Overall the methodology is logical, thorough, is consistently applied across boroughs and well understood. As a mechanism to assess capacity, it is justified.
497. Mayoral Development Corporations ("MDC") are not assigned a waste apportionment. This is problematic for boroughs that include an MDC. This is mainly because MDCs generally include large areas of unconstrained land suitable to deal with waste capacity, which has the effect of increasing a borough's theoretical waste capacity through the application of the

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<sup>197</sup> NLP/SI/003 and NLP/SI/004.

<sup>198</sup> NLP/SI/006,6a; 6b.



methodology. However, boroughs have no planning functions in MDCs to provide waste capacity.

498. As a matter of principle it cannot be right that the responsibility for meeting a MDC's waste needs fall solely on the borough. This matter was highlighted in the FALP examination report<sup>199</sup>. Oral evidence suggests that the measures introduced at that time to ensure that MDCs co-operate with boroughs to meet borough apportionment requirements have not been successful<sup>200</sup>. Further suggested changes elevate these requirements to policy to address this legitimate concern. That should provide some comfort for boroughs and is a pragmatic approach for this Plan. However, we recommend that in future iterations of the Plan full consideration is given to apportioning waste needs to MDCs [**PR43**].
499. Matters to be encouraged in development proposals for materials and waste management sites accord with the principles of the circular economy, and the Plan's overall approach. Further suggested changes ensure low emission combined heat and power provisions accord with policy SI3.
500. The carbon intensity floor is a standard for the greenhouse gas performance of technologies which generate electricity from non-recyclable waste, developed to help decarbonise London's energy supply. Its application here will encourage the highest standard of recycling and reduce residual waste going to energy generation. This will accord with the principles of the circular economy and in this context is justified.
501. SI9 deals with safeguarding waste sites, which is an essential element of the overall waste approach. Further suggested changes assist boroughs in negotiating the relocation of waste sites across borough boundaries, where strategic waste management aims are met.
502. Monitoring of all targets within these policies is fundamental to their effectiveness. It is an essential element of the *London Environment Strategy* and the production of the annual monitoring report on London's waste performance and movements. Construction, demolition and excavation waste will be monitored through the circular economy statements. Further suggested changes to the supporting text clarify this.

### *Conclusion*

503. Subject to the recommendation above, we find the Plan's waste policies, SI7-SI9 would assist in effectively managing London's waste, in accordance with the principles of the circular economy. They would be effective in helping reduce waste and promoting net self-sufficiency.

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<sup>199</sup> Further Alterations to the London Plan, Inspector's Report November 2014.

<sup>200</sup> Oral evidence on 30 April 2019 of boroughs of Brent and Ealing.

**Would policy SI10 effectively assist in planning for future demand and supply of aggregates to support construction in London and contribute to the national resource?**

504. SI10A sets out how an adequate supply of aggregates to support construction in London will be achieved. Most aggregates used in London come from outside, including marine dredged sand and gravel and land-won aggregates, principally crushed rock from other regions. There are however, small resources of workable land-won sand and gravel in London. The Plan's approach to aggregates firstly encourages reuse and recycling of construction, demolition and excavation waste, then extraction of the land-won resources to meet the London and national need and importing aggregate, using sustainable transport modes. This is a realistic and logical strategy, based on London's current reliance on imports, its limited potential for land-won resources and the imperative of the circular economy principles. It would accord with national policy<sup>201</sup>.
505. The Plan does not include a target for the reuse and recycling of construction, demolition and excavation waste. This is because meeting a target may discourage aggregate material being kept at its highest and best use for as long as possible, which would conflict with the principles of the circular economy. This, coupled with the unreliability of data surrounding this aggregate source, justifies the absence of a target. However, a further suggested change encourages reuse and recycling on site, which is necessary to reduce travel and accord with the principles of the circular economy.
506. SI10B and C set clear guidance for mineral planning authorities and development plans to help deliver the overall strategy. Measures include making provision for a seven-year land bank of land-won aggregates, ensuring capacity of aggregates wharves and rail depots and supporting production of recycled/ secondary aggregate. In setting out steps to enable the Plan's overall approach, provisions to ensure its implementation at local level are justified and necessary. They provide adequate protection for wharves and rail depots, putting them on an equal footing in this policy.
507. The approach to land-won aggregates has been rolled forward from the current Plan. In short, it establishes a London wide land-won aggregates requirement for the Plan period, translates that into a seven-year land bank over the same period and then apportions it to the four boroughs with resources. In addition, other boroughs with potential supply are encouraged to bring it forward. In this respect, the Mayor has produced a *Local Aggregate Assessment for London June 2018*. To avoid boroughs without resources duplicating information regarding recycling, reuse and imports, this is a reasonable and proportionate approach.
508. The apportionment approach is a justified method for this Plan. It provides a guide to boroughs with resources as to how much should be planned for through their Local Aggregate Assessments. Given that the Mayor is not a mineral planning authority and this Plan is a strategic development strategy, the approach would accord with national policy<sup>202</sup>. Taking account of other

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<sup>201</sup> Paragraphs 145-146 NPPF.

<sup>202</sup> Paragraph 145 NPPF.

supply options set out in S10A, it would provide a strategic framework for boroughs to assist them in ensuring a steady and adequate supply of aggregates. It justifiably concentrates on identified resources only.

509. The London requirement is based on the national picture<sup>203</sup>, reduced to take account of London specific circumstances. It sets a requirement for 0.7 million tonnes per annum, which is translated into the requirement for a 5 million tonne seven-year land bank. Those figures come from the current Plan. They were subject to examination at that time. They have been retested through this Plan and have been found to be challenging but achievable<sup>204</sup>. Even though London's overall ten-year average sales and land bank are below the requirement set<sup>205</sup>, local plan allocations and policy commitments demonstrate significant potential for augmenting supply and meeting the land bank requirement. Given the need for London to have a local supply, the current and forecast demand for aggregate and current capacity, the level of construction activity and the number of large construction projects in the pipeline, it is a justified approach. At the end of the day any uplift in supply will depend on the aggregate industry having confidence to invest. The adopted approach would provide adequate flexibility to assist in this and encourage sites to come forward.
510. There was concern that given ten-year average sales, some boroughs, including Hillingdon, may not be able to demonstrate the necessary land bank apportionment. However, Local Aggregates Assessments, including data on demand, are just one part of the picture, in planning for future demand and supply of aggregates. Mineral planning authorities are required to take account of the national picture to also ensure that London contributes to the national Managed Aggregates Supply System<sup>206</sup>.
511. S10C in requiring mineral planning authorities to identify minerals safeguarding areas, to safeguard wharves, rail heads and certain aggregate processing facilities, would accord with national policy<sup>207</sup>. SI10D sets out how development plans should assist in reducing the environmental impacts of aggregates facilities and protect safeguarded sites from sterilisation by inappropriate adjacent uses. Further suggested changes ensure that SI10E addresses potential conflicts of development proposals with sites safeguarded for the transportation, distribution, processing and/or production of aggregates, in line with the agent of change principle. This is necessary given London's dependence on aggregate imports.

### *Conclusion*

512. Policy SI10 would effectively assist in planning for future demand and supply of aggregates to support construction in London and contribute to the national resource.

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<sup>203</sup> National and Sub National Guidelines for Aggregates Provision in England 2005-2020.

<sup>204</sup> NLP/SI/042 London Aggregates Working Party AMR 2017 December 2018.

<sup>205</sup> NLP/SI/041 Table 6, 7 and 8 Local Aggregate Assessment for London June 2018.

<sup>206</sup> Paragraph 145-146 NPPF.

<sup>207</sup> Paragraph 143 NPPF.

**Is policy SI11, in relation to hydraulic fracturing (fracking), consistent with national policy and is it justified?**

513. The Plan sets out a blanket restriction on the exploration, appraisal or production of shale gas via hydraulic fracturing within London. In this respect, the approach would be fundamentally inconsistent with the direction of national policy, which sets out the need to explore and develop shale gas and oil resources in a safe, sustainable and timely way. It states that plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification<sup>208</sup>.

514. It is highly unlikely that there is any suitable geology in London for fracking and so the policy is unnecessary. In addition, the Mayor's concern is the potential impact on climate change, air quality, water resources and impacts on the Green Belt and MOL along with the conflict that would result with other land uses and inconsistency with other Mayoral strategies. However, those concerns relate to most large urban areas and given the clear support in national policy, they provide inadequate justification for the approach taken. It would restrict the assessment of development proposals on a case by case basis, including consideration of national policy and the concerns expressed by the Mayor. Further, whether national policy, in this regard, is directly applicable to the Mayor and this Plan or not, policy SI11 would have the effect of severely limiting those bodies and plans to which that national policy would apply.

*Conclusion*

515. Policy SI11, in relation to hydraulic fracturing, is unnecessary. Given national policy and the limitation it places on local decision making that would be a consequence, there is insufficient justification for it. The policy and the reasoned justification should be deleted in its entirety [PR44].

**Would policies SI12 and SI13 be effective in managing London's flood risk including surface water management?**

*Flood risk management*

516. Policy SI12, seeks to ensure that current and expected flood risk from all sources across London is managed in a sustainable and cost-effective way, including strategic collaboration from all responsible bodies. Further suggested changes ensure that this refers to all sources of flooding, which are expanded on in the supporting text.

517. SI12B requires development plans to utilise key evidence to identify where flooding might exist and formulate policies to respond to it, including the use of the Regional Flood Risk Appraisal ("RFRA"), which provides a strategic analysis of the risk from all sources of flooding that could affect London. This will ensure that the RFRA will influence a Borough's Strategic Flood Risk Assessment and encourage the consideration of flood risk early in the preparation of development plans. Given that flood risk is a major issue for

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<sup>208</sup> Paragraph 147 NPPF; Planning for Onshore Oil and Gas: Written Statement HCWS20; Energy Policy: Written Statement- HCWS690.

London, managing it plays a crucial part in London's resilience to the impact of climate change and sustainably accommodating London's growth. This is a justified approach to reducing flood risk, allowing resilience to be built efficiently in development design and making the best use of development sites. Further it would meet the aims of national policy in this regard<sup>209</sup>.

518. SI12C provides an effective approach to addressing flood risk as apart of assessing development proposals, by minimising and mitigating risk and addressing any residual risk and encouraging flood risk to be integral to the development process. This will ensure that resilience is built effectively into development design.
519. SI12D and SI12F, together clarify that development plans and proposals should seek to protect the integrity of flood defences, which will assist in the delivery of the strategic aim of the policy. SI12E will assist in mitigating the impacts of climate change by ensuring increased flood resistance and resilience in development for utility services.
520. To mitigate the impacts of climate change SI12FA requires the consideration of natural flood risk management measures as part of development proposals. Such measures are likely to take the form of small-scale interventions in upper river catchments and would be effective in reducing the need for costly large scale engineering solutions that can have negative effects on the environment.

#### *Sustainable drainage*

521. Given current climate change predictions and related increases in the intensity of storms and rainfall, the likelihood and consequences of surface water flooding will increase<sup>210</sup>. A consistent approach to London's resilience to surface water flooding is essential therefore. Policy SI13 sets out an effective approach to surface water management, requiring Lead Local Flood Authorities to identify and address surface water management issues through their Local Flood Risk Management Strategies and Surface Water Management Plans. Those documents can then be used as evidence base in the preparation of development plans.
522. SI13B sets out a comprehensive drainage hierarchy intended to reduce surface water runoff in new development. Replicated from previous iterations of the Plan, it aims for green field runoff rates, which is defined in the glossary as a further suggested change, to ensure clarity and effectiveness. The hierarchy allows for a wide range of drainage solutions, prioritising green features over grey engineering drainage measures. It will assist in minimising the pathway where flooding can occur and delivering a whole range of multifunctional benefits. It is a practical and effective approach.
523. SI13C promotes permeable paving. However, in requiring that development proposals for impermeable surfacing should be refused, it would unjustifiably restrict local decision making. This should be modified to enable an appropriate planning balance to be undertaken by boroughs [**PR45**].

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<sup>209</sup> Paragraph 94 NPPF.

<sup>210</sup> NLP/SI/025.

524. SI13D ensures that the design and implementation of sustainable drainage delivers multiple benefits for the environment and Londoners, such as water quality improvements, enhanced biodiversity, urban greening and recreation. This will help to meet the Plan's strategic objective in GG2 to make the best use of land, creating a healthy city and increasing efficiency and resilience.

*Conclusion*

525. There was general support for the purpose and extent of these policies, including from the Environment Agency. We conclude that, together, policies SI12 and SI13 would be effective in assisting the management of London's flood risk, including surface water management. They are necessary, justified and consistent with national policy.

**Are policies SI14 to SI17 relating to waterways justified and consistent with national policy and they would be effective?**

526. Policies SI14 to SI17 deal with the development and use of land necessary to support the objectives of promoting and encouraging the safe use of the River Thames, in particular for the provision of passenger transport services and for the transportation of freight<sup>211</sup>, and protecting and enhancing all of London's waterways as multifunctional assets that have considerable social, economic and environmental value.

527. Whilst the number of policies about the Thames and other rivers, canals and water spaces, and some of the terminology used, is different to that in past versions of the Plan, that in itself does not raise soundness issues. We consider below whether each of the policies meets the necessary tests, and collectively whether they will achieve the above objectives.

*Policy SI14: Waterways – strategic role*

528. The Mayor's further suggested changes to policy SI14 make it clear that development plans and proposals should address the strategic importance of London's network of waterways and maximise their multifunctional social, economic and environmental benefits. They also clarify how boroughs should work collaboratively on cross boundary waterways issues including designating Thames Policy Areas and preparing area-based joint strategies for the Thames and other waterways.

529. Subject to the further suggested changes, the policy sets a positive strategic framework that allows an appropriate degree of flexibility for how it can be taken forward by boroughs. Preparing, updating and implementing joint Thames strategies may not have been a priority for some boroughs in the past, but we are not persuaded that it is necessary to set out a more prescriptive approach in the Plan or that this would be effective in securing more resources for implementation.

530. Part AA is explicit that environmental benefits should be maximised, and paragraph 9.14.2 refers to the Thames and other waterways providing a unique backdrop for heritage assets including World Heritage Sites. This helps

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<sup>211</sup> GLA Act section 41(5)(d).

to ensure that, along with other relevant policies, the Plan sets out a positive strategy for the conservation and enhancement of the historic environment.

531. Paragraph 9.14.8 advises that additional stretches of the Thames should not be protected as MOL as this may restrict the use of the river for transport infrastructure related use. We understand the intention, and indeed the calls for the Plan to go further in terms of requiring the de-designation of MOL along the Thames. However, a modification to this paragraph is required to ensure consistency with policy G3 which refers to MOL boundaries being changed in exceptional circumstances. Furthermore, we recommend that this sentence be moved to the reasoned justification for policy G3 [**PR46**].

*Policy SI15: Water transport*

532. There are various strategies and initiatives in place aimed at doubling the amount of passenger and freight transport on the Thames by 2035. Policy SI15 sets out strategic priorities for development alongside and within waterways aimed at achieving those aims, particularly in relation to passenger piers (part A), boatyards (part B) and wharves (parts D to H).
533. Wharves and related land uses are essential components of the infrastructure needed to increase the movement of freight on the Thames and other waterways. Many wharves are under pressure to be redeveloped for other uses, including mixed use residential. However, wharves are an essentially finite resource and once lost are highly unlikely to be replaced. The Plan therefore aims to provide a high level of protection in a variety of ways. In principle, this is justified, consistent with national policy, and necessary to address a matter of strategic importance and help deliver Good Growth.
534. Around 50 wharves in London that are used for cargo handling uses such as intraport or transshipment movements and freight related purposes are "safeguarded" under relevant legislation. Policy SI15D commits the Mayor to keeping the network of safeguarded wharves under regular review. We are aware of certain criticisms of the review commenced in 2018, and of analysis that indicates the capacity of safeguarded wharves may exceed demand by 30% by 2041. However, we are not persuaded that a more permissive approach towards the redevelopment of safeguarded wharves for housing and other uses is necessary at this stage. There is inevitable uncertainty associated with predicting capacity as far ahead as 2041, and any overall capacity figure has also to be treated with caution because infrastructure will be needed in suitable locations along the Thames with sufficient flexibility to allow for changing circumstances over time.
535. In this context, parts E to H provide an appropriate level of protection to safeguarded wharves. Part E allows for potential redevelopment for other uses if a safeguarded wharf is no longer viable or capable of being made viable. Paragraph 9.15.7 sets out criteria to be used in assessing viability which we accept represent a "high bar". However, the criteria are justified as they are needed to ensure that potentially viable wharves are not lost unnecessarily to higher value land uses. Part D allows for the possibility of consolidating safeguarded wharves as part of strategic land use change, particularly in Opportunity Areas.

536. Non-safeguarded wharves are not subject to the strict requirements of parts E to H meaning that there may be opportunities for redevelopment of those to other uses if they are not needed to help facilitate an increase in freight transport in accordance with policy SI15C.

*Policy SI16: Waterways – use and enjoyment*

537. Policy SI16, subject to the further suggested changes, sets out a positive approach aimed at ensuring that development plans and proposals protect and enhance infrastructure and facilities needed to allow waterways to be used and enjoyed in ways appropriate to their multiple functions. This requires a balance to be struck between encouraging development, and safeguarding the natural and historic environment and other relevant waterway interests.

538. The number of boats using London's waterways more than doubled between 2010 and 2016 and there is now a deficit of both short and long stay moorings and facilities such as power, water and waste disposal for boat operators. Policy SI16D supports the provision of new moorings and other such facilities subject to a number of criteria that are necessary to safeguard navigation interests and the character of waterways. Policy SI17C allows for developments into waterways that include permanently moored vessels provided that they are for, or to support enhancement to, water-related uses. The reasoned justification to policy H16 refers to the needs of boat dwellers having regard to the duty under section 124 of the *Housing and Planning Act 2016* to consider places on inland waterways where houseboats can be moored. Together, these policies strike an appropriate balance between meeting the increasing demand for moorings and facilities for moored boats, house boats, and continuous cruisers, and other important objectives related to the multifunctions of rivers and canals.

*Policy SI17: Protecting and enhancing London's waterways*

539. Policy SI17 seeks to ensure that development protects and enhances the environment of London's waterways in various respects including biodiversity, character and heritage. Part B requires development to support and improve the distinct open character and heritage of waterways. As such, it should not unduly restrict development, but rather ensure that its scale and design is appropriate having regard to the character and appearance of the particular section of waterway in which it is located.

540. Part C states that development into waterways should generally only be supported for water-related uses or to support enhancements of such uses. This provides sufficient flexibility to allow boroughs to determine what would represent or support a water-related use having regard to the particular circumstances of the case. The policy allows for development that would deliver significant regeneration provided that it met the criteria, including in Opportunity Areas. A more permissive approach, that would allow development within waterways that failed to meet the criteria, is not necessary to meet the Plan's objectives or to be consistent with national policy.



Conclusion

541. Subject to our recommendations, policies SI14 to SI17 are justified and consistent with national policy and will be effective in providing a strategic framework for development affecting London's waterways.

**Are policies T1 to T6.5 and T9, the transport schemes set out in Table 10.1, and the cycle and car parking standards set out in Tables 10.2 to 10.6 justified and consistent with national policy, and would they be effective in helping to ensure that the development proposed in the Plan is delivered in a way that achieves Good Growth?**

542. The Plan was prepared in parallel with the *Mayor's Transport Strategy 2018*<sup>212</sup> ("MTS") which sets out an ambitious approach aimed at reshaping transport in London over the next 25 years. The two documents are supported by extensive evidence that includes strategic modelling<sup>213</sup>. This identifies outcomes that are expected by 2041 if the Plan and MTS were to be successfully implemented and compares these with the situation in 2015 and a reference case. The latter is based on the growth proposed in the Plan but with only committed transport schemes being implemented.

543. The modelling concludes that successful implementation of the Plan and MTS would, compared with 2015 and/or the reference case, reduce car journeys<sup>214</sup> from 37% of all trips in London to 20%; reduce road traffic kilometres by 10% to 15%; reduce road congestion and rail crowding; improve bus speeds; and reduce each of the four key emissions affecting air quality and climate change (carbon dioxide CO<sub>2</sub>, nitrogen oxide NO<sub>x</sub>, and particulate matter PM<sub>2.5</sub> and PM<sub>10</sub>).

544. Figure 10.1A in the Plan illustrates that the overall modal shift to 80% of journeys being made by foot, cycle or public transport by 2041 would involve achieving mode shares of 95%, 90% and 75% in central, inner and outer London respectively. These figures compare to 90%, 80% and 60% in those parts of London in 2015. The greatest change in travel behaviour would therefore have to take place in outer London, where around a third of all trips are made<sup>215</sup>. This is challenging, and will require the successful implementation of a range of interventions including healthy streets, car parking standards, and transport schemes in outer London including bus improvements, suburban rail, strategic interchanges, the Sutton link, and a West London orbital rail service.

545. Chapter 10 of the Plan contains various transport-related policies to be implemented through development plans and development proposals that collectively, along with other relevant policies, are aimed at helping to achieve those outcomes. If achieved, there would be many benefits including: reduced congestion, delay, noise, severance and greenhouse gas emissions; improved air quality and road safety; a higher quality built environment and

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<sup>212</sup> TR/001.

<sup>213</sup> TR/002, TR/016 and TR016A.

<sup>214</sup> "Car journeys" includes motorcycle, taxi and private hire journeys.

<sup>215</sup> Around 10 million trips are made every day entirely within outer London. Across the whole of London, around 27 million trips start or end in London.

public realm; improved town centre vitality; more efficient use of land; and increased physical activity improving health and wellbeing.

546. The successful implementation of the MTS and some of the policies in the Plan, including the transport schemes set out in Table 10.1, is dependent on a significant amount of funding being secured to cover the expected average capital cost of around £3.3 billion per year. We considered earlier in this report the assumptions about public and private sector investment, and concluded that they are justified. There is no need to deal with that issue again here, other than to highlight the critical importance of securing the necessary transport investment and successful implementation of the Plan's transport policies to the achievement of Good Growth.

#### *Strategic transport schemes*

547. Table 10.1 sets out an indicative list of transport schemes grouped under "healthy streets and active travel" and "public transport", along with an indication of their cost and timescale. They are derived from a longer list of options that were considered through the process of preparing the MTS and the Plan over a period of about two years. Table 10.1 reflects the preferred scenario tested through the transport modelling, and the schemes are part of the package of interventions that are expected to deliver the beneficial outcomes described above. Some of the schemes are particularly important to supporting growth in Opportunity Areas and other locations, especially after 2029. However, as the SHLAA is based on committed transport projects, the ten year housing targets are not dependent on the Table 10.1 schemes.

548. Whilst there are many different views about which particular transport schemes are needed and should be prioritised in London, we are satisfied that those included in Table 10.1 are justified. They were selected using a rational process that involved consultation and extensive evidence and analysis, and their strong emphasis on sustainable modes of transport is consistent with national policy. The indicative list does not mean that other projects, including limited capacity improvements to the road network, cannot be brought forward if justified. Rather, the list provides clarity about strategic schemes that are expected to be needed, and will be prioritised by the Mayor, Transport for London and others, to help deliver Good Growth over the medium to long term. They can therefore be taken into account as appropriate in investment decisions by both the public and private sector, as well as by boroughs in their local plans and development management decisions.

549. We recommended earlier in this report that Figure 2.15 and associated text be moved to the transport chapter along with text to clarify the status of the initial strategic infrastructure priorities in the wider South East and how they relate to the transport schemes listed in Table 10.1.

550. We turn now to consider whether policies T1 to T6.5 and T9 are sound and therefore likely to be effective in delivering the beneficial outcomes described above and thereby contribute to Good Growth in the context of the overall spatial strategy and other policies in the Plan.

*Policies T1, T3 and T9: Strategic approach, transport capacity, connectivity and safeguarding, and funding transport infrastructure through planning.*

551. Policy T1 makes clear that development plans and proposals should support and facilitate the strategic target of 80% of trips to be made by foot, cycle or public transport and the proposed transport schemes in Table 10.1, both of which are justified for the reasons set out above. This provides a clear strategic framework, which is then followed up with more detailed requirements and guidance in subsequent policies.
552. Parts B(2) and C of policy T3 seek to ensure that development plans and proposals safeguard and protect land for transport schemes including those set out in Table 10.1. The Mayor has suggested further changes to T3B and T3C and the reasoned justification which have the effect of qualifying and clarifying the requirements. This ensures that, in most respects, they are consistent with national policy which advises that sites and routes which could be critical in developing infrastructure to widen transport choice should be protected where there is robust evidence<sup>216</sup>. However, the absolute requirement that proposals should be refused if they fail to comply with the policy is not justified as the schemes in Table 10.1 are at various stages of preparation and account would have to be taken of other policies and material considerations at the relevant time. We therefore recommend alternative wording [**PR48**].
553. Policy T9C provides strategic guidance on the use of planning obligations to help deliver new and improved transport infrastructure. This sets out some strategic priorities, which are consistent with the Table 10.1 schemes and other transport policies in the Plan, without being unduly prescriptive. The approach, including the recognition of cumulative impacts, is consistent with national policy<sup>217</sup>.

*Policy T2: Healthy streets*

554. Policy T2 is based on evidence about how the design and layout of streets can help to encourage walking, cycling and the use of public transport rather than the car, improve health, and create more pleasant environments. The requirements for development plans and proposals to demonstrate application of the healthy streets approach allows sufficient flexibility as the associated Transport for London guidance and indicators are not unduly prescriptive or onerous. The policy should help to ensure a consistent approach and raise the quality of the public realm across London over time.

*Policy T4: Assessing and mitigating transport impacts*

555. Policy T4 sets out various requirements to ensure that development proposals are based on proper assessment of their transport impacts and include appropriate mitigation measures where necessary. The focus is on sustainable modes of transport, and preventing development making roads more dangerous. Subject to the Mayor's further suggested changes, the requirements are largely consistent with national policy and make reference to relevant Transport for London guidance. However, the requirement in part B to be "in accordance with" that guidance, which is prepared outside the

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<sup>216</sup> NPPF paragraph 41.

<sup>217</sup> NPPF section 4 and paragraph 204.

statutory planning process, is not justified and we recommend accordingly [PR49].

*Policy T5 and Table 10.2: Cycling*

556. Policy T5 provides a strategic framework aimed at ensuring that development helps to remove barriers to cycling and creates a healthy environment in which people choose to cycle. This includes new and improved cycle routes and well designed and located cycle parking in accordance with the minimum standards set out in Table 10.2. The standards relate to all types of development, and include both long stay parking for residents and employees, and short stay parking for visitors and customers. Some of the standards are higher than in previous versions of the Plan reflecting both a significant increase in cycle use in recent years<sup>218</sup> and a more ambitious approach to encouraging this further. This is in line with national policy<sup>219</sup> and the Mayor's strategic objective of achieving the 80% sustainable mode share in London.

557. The standards are based on potential, rather than current or past, use of cycle storage spaces. That approach is justified because most buildings are expected to be used for many decades, and making provision in new development is much more efficient and cost effective than providing it retrospectively. Furthermore, two thirds of car trips in London are less than 5 kilometres in length, showing that there is considerable potential for many more trips to be made by cycle. That said, there has to be a reasonable prospect that the required spaces are likely to be used in the coming decades even if not in the short term. As with all other requirements, the standards were taken into account in the viability assessment of the Plan which we considered earlier in this report.

558. In most cases, based on the evidence before us, the standards are justified in the context of the above and because they take account of potential demand associated with different use classes. We comment on the standards for certain forms of development below.

*Residential cycle parking*

559. All dwellings are required to provide a least 2 spaces for residents, other than those with one bedroom (1 or 1.5 spaces per unit), along with a limited number of shared visitor spaces. Despite this being considerably more than some evidence indicates is needed<sup>220</sup>, this level of provision for general market and affordable housing is justified as many households are likely to own two or more cycles. Many existing homes do not have purpose designed cycle storage, and this will add to the quality of the overall housing stock in that respect.

*Specialist older persons accommodation cycle parking*

560. Whilst many older people may have the ability and desire to cycle, we are not convinced that there is the same potential for increased cycle ownership

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<sup>218</sup> Cycling in London has doubled since 2001.

<sup>219</sup> NPPF section 4 and *Cycling and Walking Investment Strategy 2017* (Department for Transport).

<sup>220</sup> A survey of 18 developments in inner and outer London shows that a total of 300 dwellings had been provided with 213 spaces but only 28% of those were being used (Galliard Homes written statement for matter 85).

amongst that element of the population as there is amongst younger households. As drafted, the policy would require a space for every bedroom in all forms of specialist accommodation for the elderly other than care homes falling within use class C2. There is some evidence that cycle ownership could be as low as 1 in 60 amongst elderly residents in specialist accommodation<sup>221</sup>. Whilst that level of provision could be unduly low looking to the medium to longer term, we recommend that, at least until there is further evidence to justify a higher standard in a future review of the Plan, specialist older persons accommodation be subject to a standard of 1 space per 10 bedrooms [PR50]. Based on the evidence before us, this would represent provision well above current cycle ownership levels amongst the relevant population thereby reflecting the potential for these to increase.

*Purpose built student accommodation cycle parking*

561. A survey of 10,000 bed spaces in recent purpose built student accommodation developments shows that 4,500 cycle spaces had been provided but that only 361 were in use<sup>222</sup>. This is not necessarily representative of all student developments in London, nor does it reflect the potential for many more students to own cycles in the coming decades. However, it is highly unlikely that there will be a need for one space for every student in the foreseeable future if ever. We therefore recommend that, at least until there is further evidence to justify a higher standard in a future Plan review, purpose built student accommodation be provided with 0.75 spaces per bedroom [PR50].

*Offices cycle parking*

562. The availability of adequate cycle parking facilities at places of work is a strong influence on workers choice of travel. Opportunities are extremely limited for on street parking of cycles in many office locations, particularly the CAZ. It is essential, therefore, that sufficient spaces are provided wherever possible within office developments to meet potential demand which is expected to increase significantly over the Plan period. One space per 75 square metres in areas that currently have relatively high levels of cycle commuting (Plan Figure 10.2) would equate to about one space for every 5 employees (19%)<sup>223</sup>. Whilst this would be around three times the amount that current rates of cycle commuting in those areas (6%) suggest would be needed, it is a reasonable requirement for new developments given the clear potential for increased use and the importance of not constraining opportunities. In other areas, the requirement is for half as many long stay spaces, which again is justified for the same reasons.

563. In addition to long stay spaces, office developments are required to provide a significant number of short stay spaces for visitors. This is important, because as for workers it is likely to influence travel choice. Whilst the expectation is that such spaces are provided within the development, policy T5B allows for alternative approaches in certain circumstances meaning that there is sufficient flexibility.

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<sup>221</sup> Retirement Housing Consortium written statement for matter 85.

<sup>222</sup> Unite Students written statement for matter 85.

<sup>223</sup> NLP/TR/004.

564. Whilst providing the requisite short and long stay spaces in some office developments, particularly on small sites and in tall buildings, will no doubt require innovative approaches, we are satisfied that the approach set out in the Plan is justified for the reasons that we have already set out.

*Policies T6 to T6.5 and Tables 10.2 to 10.6: Car parking*

565. Around 60% of car journeys in London end in a different borough to which they started. The availability of parking, particularly at destinations, influences decisions about whether to own and use a car. The provision of parking in development is therefore a strategic matter, and a consistent approach needs to be taken if it is to be effective. Policies T6 to T6.5 require compliance with maximum standards in Tables 10.3 to 10.6 and set out various other requirements to be taken forward in local plans and development proposals. The standards seek to restrict the provision of general parking compared to the past, and take account of the scale and type of development, car ownership levels and use, accessibility by non-car means, and the needs of disabled people. In this context, and for the specific reasons set out below, we are satisfied that there is clear and compelling evidence to justify the approach to car parking set out in the Plan<sup>224</sup>

*Residential car parking*

566. Most existing households in London have access to a car parking space, although around 45% do not own a car. Ownership has fallen in recent years and is expected to continue to do so. The improvements to public transport and to facilities and the street environment for pedestrians and cyclists proposed in the Plan are likely to encourage this trend. Even with expected growth, overall housing stock is likely to increase by under 20% over the next ten years<sup>225</sup>. Other than in the most accessible parts of inner and outer London, the proposed maximum standards are above current car ownership levels. In this context, the Plan is unlikely to lead to an overall shortage of car parking within the housing stock, but rather adjust provision at a strategic level to reflect the trend towards reduced reliance on the car in London.

567. That said, there is evidence that in certain areas, insufficient residential parking provision leads to significant problems for residents. Particular concerns are raised about the standards proposed in the parts of London with PTAL 3, 4 and 5. In the latter (which only applies to 2% of outer London), new housing is required to be car free (other than for disabled residents). In the former two areas, where access to the public transport network is not as good, the maximum standards are 0.75 and 0.5 spaces per dwelling respectively. In outer London, even now a third of households do not own a car, and this proportion is likely to increase particularly in the more accessible areas. Therefore, the gradual reduction in the proportion of the housing stock without a parking space in those areas is unlikely to lead to a significant mismatch between overall supply and demand. Whilst area based street parking controls can be controversial, they can be successful in tackling problems at a local level.

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<sup>224</sup> NPPF paragraph 39 and written ministerial statement 25 March 2015.

<sup>225</sup> Mayor's response to supplementary question 19 [NLP/EX/13].

568. Opportunity Areas will be subject to public transport improvements, and new homes will be focussed in the more accessible parts of them. The Mayor has suggested a change to make clear in paragraph 10.6.3A that the maximum standards are an average to be achieved for each Opportunity Area as a whole, with provision varying in different parts to reflect their accessibility. This provides sufficient flexibility whilst ensuring that the strategic approach is not undermined.
569. Parts G and H of policy T6.1 require all residential developments to provide parking for disabled persons, and set out mechanisms to ensure that provision at the outset is broadly in line with the current number of "blue badge" holders in London, with further additional spaces created when needs arise. This is consistent with policy D5, which requires at least 10% of new dwellings to meet building regulation M4(3), and will be effective in ensuring that the residential parking needs of disabled persons are met in a proportionate way.

*Destination car parking*

570. The Plan sets out maximum car parking standards for office, retail, hotel and leisure developments, as well as minimum requirements for disabled persons spaces for those and other commercial uses and social infrastructure. The maximum standards relate to main town centre uses, and are intended to be restrictive in order to influence people's choice of travel. That is a justified approach in principle given the direct relationship between the availability of destination parking and travel choice, and the accessibility of most town centres in London. There is no substantive evidence to indicate that any of the maximum standards would lead to highway safety problems, undermine viability, or result in developments that would be inaccessible.
571. Office developments are required to be car free in the CAZ and inner London, with different standards set for outer London and Opportunity Areas where some flexibility is provided by the Mayor's further suggested change described above. Parking at industrial developments of all types is expected to take account of the standards for offices but also the relevant employment density and trip-generating characteristics of the particular use which provides a strategic starting point without being unduly prescriptive. The first sentence of policy T6I, relating to redeveloped sites, is not intended to apply to industrial development; in order to avoid any ambiguity and therefore be effective this needs to be made explicit and we recommend accordingly [**PR51**].
572. The maximum standards for retail development do not distinguish between different types of shop, and they will clearly require a different approach to parking provision for some uses including supermarkets and out of centre retail parks. The main weekly food shop of households makes up over 50% of all transactions in some supermarkets. Evidence indicates that demand at peak times at some stores is for around one parking space per 10-20 square metres even in areas with very good public transport accessibility<sup>226</sup>. The requirement for car free retail development in the CAZ and all areas of PTAL 5-6, and a maximum of one space per 75 square metres in inner London and outer London Opportunity Areas, and one space per 50 square metres

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<sup>226</sup> Matter 84 statements from Lidl and Tesco.

elsewhere, will therefore be restrictive. However, the car parks at existing stores are no doubt one of the main reasons people choose to drive to those destinations. Policies SD7 and SD8 set out a town centre first approach, and limiting the number and impact of cars will enhance the quality of the environment and ultimately attract more people thereby supporting the vitality and viability of town centres.

573. Policy T6I seeks to reduce parking provision when sites are redeveloped to the maximum levels proposed in the Plan, rather than being re-provided at previous levels. This could affect the decision of some businesses, including supermarkets, whether to redevelop as it could potentially affect the future economic viability of the core business. The mixed use redevelopment of supermarkets and low density retail parks is encouraged by other policies in the Plan, and such schemes could make a valuable, albeit relatively modest, contribution towards meeting housing targets. The policy provides some flexibility for the redevelopment of retail sites outside town centres which are not well served by public transport, which will allow boroughs to take viability into account where necessary. There is no justification for allowing the re-provision of existing levels of parking on town centre sites as this would prevent the creation of higher quality, attractive places and is unnecessary given their accessibility by public transport.

### *Conclusion*

574. Subject to our recommendations, policies T1 to T6.5 and T9, the transport schemes set out in Table 10.1, and the cycle and car parking standards set out in Tables 10.2 to 10.6 are justified and consistent with national policy. They should, therefore, be effective in helping to ensure that the development proposed in the Plan is delivered in a way that achieves Good Growth.

### **Is policy T8 relating to aviation and development at Heathrow and other airports consistent with national policy or otherwise justified?**

575. Policy T8 deals with aviation and airports in London and the wider South East. Reference is made to Heathrow and London City Airport, and also Gatwick, Stansted, Luton and Southend, the latter four being outside the Plan area. As well as setting a strategic framework for local plans and development proposals in London, it seeks to inform and influence other processes and decisions to be made by various other parties.

576. The Mayor confirmed at the examination hearing session that the policy is intended to be consistent with, but “go beyond”, the NPPF and the *Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (June 2018)* (“ANPS”). The ANPS sets out planning policy for any airport nationally significant infrastructure project in the south east of England. In particular, the ANPS will be the primary basis for making decisions on any development consent applications for a new northwest runway at Heathrow Airport which is the Government’s preferred scheme.

577. Notwithstanding the Mayor’s further suggested changes published after the examination hearing sessions, much of policy T8 remains inconsistent with



national policy, and/or inappropriate in the context of the proper role of the Plan as a spatial development strategy that we discussed earlier in this report.

578. Parts A and B express qualified support for both the role of airports serving London and the case for additional aviation capacity in the south east of England. Whilst the statements are broadly consistent with national policy, they are essentially objectives rather than policies. A further suggested change refers to development plans and other strategies, but it is by no means clear what they are expected to do in relation to the objectives. Furthermore, the statements create uncertainty in terms of what, if any, implications they may have for development outside London including at and related to airports in the wider South East.
579. Part C states that the aviation industry should fully meet its external and environmental costs particularly in respect of noise, air quality and climate change. However, it does not specify how this objective is intended to be achieved, or what the implications are for local plans and planning decisions in London. Part C also refers to schemes being appropriately assessed, overriding public interest, and suitable alternative solutions. It is unclear whether this is intended to be a summary of the statutory environmental assessment process, or to introduce some other requirement.
580. Part D states that the Mayor will oppose the expansion of Heathrow Airport unless certain tests are met. This is fundamentally inconsistent with national policy which supports a specific expansion scheme. Furthermore, the requirement for there to be “no additional noise or air quality harm” is contrary to ANPS paragraph 2.18 which acknowledges that, whilst national targets for emissions and legal obligations on air quality will have to be met, there may be some harm. Part C goes on to require any benefits of future regulatory and technology improvement to be fairly shared with affected communities. How this is intended to be achieved is not stated, and the implications for the planning system are unclear.
581. Parts E and G deal with surface access and connectivity. In so far as they relate to Heathrow, they provide a brief summary of more detailed requirements in the ANPS. They may be relevant to other airports in London, but they do not seem to serve any specific purpose in that regard. It is not appropriate for the Plan to set out access requirements relating to airports outside London. The Plan’s strategic transport priorities, including indicative schemes, are set out elsewhere in the Plan.
582. Part F attempts to influence future decisions about air traffic movements and the use of airspace. This is outside the remit of the Plan, and appropriately dealt with by other regulatory regimes.
583. Part G advises that better use should be made of existing airport capacity. Whilst this may be a desirable objective, its spatial development implications are unclear.
584. Part I provides qualified support for development relating to general and business aviation. However, it attempts to rule out any weighing up of environmental harm with other material considerations in the context of other relevant policies, an approach which is not justified. Furthermore, the policy

also seeks to prevent “scheduled flights” being introduced at airports that do not currently offer such services. Paragraph 10.8.11 explains this in terms of significant impacts on local communities, but there is insufficient justification for such an approach.

585. Part J attempts to introduce a blanket ban on all new heliports other than for emergency services, but no substantive justification is provided. The policy also states that steps should be taken to reduce helicopters overflying London, without any indication of what the spatial development implications are or how it is intended to be implemented by boroughs or other relevant parties.

586. Due to the numerous soundness issues that are not addressed by the Mayor’s further suggested changes, we recommend that policy T8 and the reasoned justification be deleted in their entirety [**PR53**]. Consequential changes will need to be made to other parts of the Plan, including paragraph 2.1.62 regarding Opportunity Areas in the Heathrow / Elizabeth Line West growth corridor. The Mayor’s further suggested changes to paragraph 2.1.63 clarify that the indicative figures for jobs and homes in those Opportunity Areas will be reviewed in light of the airport expansion proposals which should ensure effectiveness.

587. In order that relevant local plans and development proposals support and facilitate the expansion of Heathrow Airport in accordance with national policy and policies T1 and T3, Table 10.1 should be modified to include the new northwest runway scheme. Appropriate reasoned justification should be added after paragraph 10.3.6; this should refer to the ANPS being the primary basis for making decisions on any development consent applications for that scheme [**PR47**].

588. Planning decisions relating to other development at or related to airports in London can be made in accordance with relevant statutory procedures, taking account as required of other relevant policies in the Plan and in local and neighbourhood plans as well as national policy<sup>227</sup>.

### *Conclusion*

589. Policy T8 relating to aviation and development at Heathrow and other airports is not consistent with national policy or otherwise justified. The policy and reasoned justification should be deleted in their entirety. Table 10.1 should be modified to include the new northwest runway scheme at Heathrow.

### **Does Chapter 12, including policy M1 and Table 12.1, set out an effective approach to monitoring the implementation of the Plan?**

590. The Mayor is required to monitor and collect information about the implementation of the Plan and matters relevant to its review, alteration or replacement<sup>228</sup>. Policy M1 refers to the use of Key Performance Indicators (“KPIs”) set out in Table 12.1 and the Annual Monitoring Report (“AMR”). The reasoned justification provides information about how the AMR, including the

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<sup>227</sup> ANPS and NPPF 2019.

<sup>228</sup> GLA Act sections 339 and 346.

KPIs and other information, will be used to assess and describe whether the Plan is being implemented effectively.

591. Provided that the Plan is modified as we recommend, we are satisfied that it would be aspirational but realistic. However, achieving Good Growth will be challenging, not least because the successful implementation of the Plan's policies will require significant investment by the public and private sector to achieve the necessary scale and quality of development. Failure to achieve Good Growth, particularly in areas subject to significant development and change, would have a disproportionate effect on people with low incomes and from groups with protected characteristics. It is important, therefore, that monitoring is effective in indicating progress towards the Good Growth outcomes over time and in particular places.
592. The KPIs and associated measures cover a limited number of significant social, economic and environmental outputs and outcomes that are directly related to, and influenced by, policies in the Plan. They will, therefore, provide a succinct indication of whether the Plan is being effective in achieving a number of its key objectives. However, the reasoned justification makes it clear that the AMR will also include a significant amount of additional information and analysis, and that it will be accompanied by other monitoring activity.
593. The Mayor's further suggested changes clarify that this will include other performance measures linked to Good Growth objectives; all quantitative measures included in the Plan; tailored monitoring and investigations into specific places such as Opportunity Areas and Strategic Areas of Regeneration; and a range of data relating to the wider context including related to the Mayor's other strategies. Furthermore, the text commits the Mayor to including additional measures in the AMR informed by engagement with stakeholders. This should ensure that the AMR is a document that is useful to and valued by a wide range of people and organisations, in addition to being effective in informing the Mayor's decisions about a future review of the Plan.

### *Conclusion*

594. We conclude, therefore, that Chapter 12 sets out an effective approach to monitoring the implementation of the Plan.

### **Should there be an immediate review of the London Plan?**

595. The Mayor is required to review the Plan from time to time<sup>229</sup>. However, the Secretary of State's letter to the Mayor of 27 July 2018<sup>230</sup> indicates an expectation that the Plan should be reviewed immediately once it has been published. This is in order that a revised plan has regard to new national policies in the 2019 NPPF at the earliest opportunity. As part of the examination we asked the Mayor to comment on how quickly such an exercise might be undertaken and what the implications might be<sup>231</sup>. This is bearing in mind that he anticipates that a revised London Plan would be in place by

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<sup>229</sup> GLA Act section 340.

<sup>230</sup> NLP/AD/31.

<sup>231</sup> NLP/EX/28.

2024/2025 anyway although the Mayor has undertaken to review the threshold for affordable housing and the minimum tenure mix by 2021.

596. How quickly a review might be undertaken would depend on its scope. Even if limited to housing targets there could be implications for other policies of the Plan which would need to be aligned. In any case, based on the experience of the FALP it is estimated that about 3 years would be required from start to finish. This includes the necessary preparation and evidence gathering as well as consultation and undertaking the processes prescribed in the GLA Act and the Regulations for an examination in public. These are not steps that can be short-circuited. Whilst the Mayor's view that summer of 2023 is the earliest that a revised Plan could be published is slightly pessimistic in our view, especially if work were to start straightaway, it is difficult to see how it could be done much before the end of 2022.
597. Requiring an immediate review may well deter some boroughs from updating their own local plans as they reason that it would be better to "wait and see" what the housing requirements from a revised Plan are. Furthermore, developers may also decide not to pursue sites that are consistent with the current Plan in favour of speculating that in future other opportunities will occur. There is some force in these points. We are especially conscious that the issue of resourcing for boroughs was a matter raised regularly that might also affect whether they embark on local plan production in the knowledge that some of the fundamental strategic policies are likely to change in the near future.
598. The Mayor also observes that an immediate review would divert GLA staff away from the task of seeking to implement this Plan which would be counter-productive. We have insufficient information to comment on the resourcing of the Mayor's planning functions but can see that it is likely that the focus would be on preparing the new Plan rather than on ensuring that this one delivers the Good Growth that it is promoting.
599. Furthermore, the position in London is that capacity for new housing development is finite. Indeed, the Plan relies on re-cycled land. The approach of sustainable intensification can only be taken so far without having an adverse impact on the environment, the social fabric of communities and their health and well-being. Therefore, in our view, there would be little to be gained from requiring an immediate review until such time as a full review of London's Green Belt has been undertaken as recommended to assess the potential for sustainable development there and whether and how the growth of London might be accommodated. Therefore we make no recommendation that an early or immediate review of the London Plan should be carried out.

**What should the next steps be before the Plan is published?**

600. The steps to be taken following the submission of our report to the Mayor are set out in the Regulations and we will not detail them here. Indeed, our involvement in the preparation of the London Plan ends at that point.
601. There is no provision in the GLA Act or Regulations for further public consultation before the end or after the examination, including on any modifications that we recommend. Rather, a process to finalise the Plan is set

out that involves the Mayor and the Secretary of State. Nor is there any expectation of further consultation in national policy or guidance, and the Mayor has made no public commitments to that as far as we are aware. All of the modifications to the draft Plan suggested by the Mayor and our recommendations, which are not binding on the Mayor, relate to matters raised in representations and/or that were discussed at examination hearings.

602. The Plan has been in the making for around three years and, in accordance with national policy, it is important that it is finalised as soon as possible. For all of these reasons, whilst we are aware that some may wish to have a further opportunity to comment on the Plan before it is finalised, we make no positive recommendation that further public consultation be carried out. That said, if the Mayor wishes to undertake further consultation, we are not aware of any legal impediment. Irrespective of that, the Mayor should, in our view, update the IIA as necessary in accordance with relevant legal requirements before the Plan is finalised for publication.

## **Overall Conclusion and Recommendation**

603. Throughout this report we have recommended a number of modifications that we consider need to be made to the London Plan, in addition to those suggested by the Mayor, to ensure that it meets the tests of soundness. Those recommendations are all listed in the attached Appendix.

604. We therefore conclude that the draft new London Plan published for public consultation in December 2017 provides an appropriate basis for the strategic planning of Greater London provided that it is modified to reflect the Mayor's minor suggested changes (August 2018), the Mayor's further suggested changes (July 2019) and the recommendations that we have set out in this report and listed in the Appendix.

*Roisin Barrett*

*William Fieldhouse*

*David Smith*

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This report is accompanied by an Appendix listing our Panel Recommendations.