

MINOR ALTERATIONS TO THE LONDON PLAN 2015 (MALPs) HOUSING STANDARDS & PARKING STANDARDS

MALPs compliance with statutory procedural requirements – preparation and publicity

Note to the EiP Inspector

1 Introduction

- 1.1 This note illustrates how all the statutory procedural requirements relating to the preparation and publicity of the MALPs (housing standards and parking standards) have been met.
- 1.2 It has been prepared by the Mayor of London at the request of Mr Hogger, the independent inspector for the MALPs Examination in Public to be held in October 2015.

2 The statutory requirements for preparing the MALPs

- 2.1 The main statutory requirements relating to the preparation of an alteration to the Mayor's Spatial Development Strategy (the 'SDS') also known as the London Plan are set out within sections 334 to 343 of the Greater London Authority Act 1999 (as amended) ('the Act').
- 2.2 Section 334 of the Act requires the Mayor to prepare and publish a SDS which must include his general policies in respect of the development and use of land in Greater London and must deal only with matters of strategic importance. In making that determination, it is immaterial whether or not the matter affects the whole of Greater London.

Review and alteration

- 2.3 The Mayor has a duty under Section 340 of the Act to keep the SDS under review and can prepare and publish alterations under Section 341(1)(a) of the Act at any time.
- 2.4 The current SDS was published in July 2011 and has been subsequently altered twice:
 - The Revised Early Minor Alterations to the London Plan (REMA), published/adopted on 11 October 2013. The REMA focused on updating the Plan's approach to affordable housing, but also dealt with other matters including cycle parking standards.
 - The Further Alterations to the London Plan (FALP), published/adopted on 10 March 2015. The FALP focused on key housing and employment issues emerging from an analysis of census data released since the publication of the Plan in July 2011, which indicated a substantial increase in the capital's population, and included alterations to a range of policies, especially housing.

2.5 In April 2015, the Mayor published for consultation two sets of Minor Alterations to the London Plan (MALPs):

- **Housing Standards** – minor alterations to the following London Plan policies (together with supporting paragraphs and glossary definitions) to align the Plan with the Government’s recently completed Housing Standards Review and consequential new national technical standards:
 - 3.5 Quality and design of housing developments
 - 3.8 Housing choice
 - 5.3 Sustainable design and construction
 - 5.15 Water use and supplies
 - 7.1 Lifetime neighbourhoodsAlso included, but not directly related to the Housing Standards Review, were minor alterations to Policy 5.2 Minimising carbon dioxide emissions, designed to update the Plan’s approach to zero carbon.

- **Parking Standards** – minor alterations to London Plan Policy 6.13 Parking (together with supporting paragraphs and glossary definitions) to align the Plan with the Government’s approach to residential car parking standards.

Matters to which the Mayor must have regard in agreeing to alter the London Plan

2.6 Under section 41 of the Act, the Mayor must have regard to the need to ensure that the London Plan is consistent with national policies and other statutory strategies; that there are resources available for implementation; that the Plan promotes and encourages the safe use of the River Thames for passenger transport and freight; that it contributes towards the achievement of sustainable development in the UK; and that it contributes towards the mitigation of or adaptation to climate change, and the consequences of climate change, in the UK.

2.7 Over and above the duties listed above, the Mayor has a legal duty under the Act and a range of other legislation to consider the following:

- Economic development and wealth creation (the Act);
- Social development (the Act);
- Protection and improvement of the environment (European Directive 201/42/EC on Strategic Environmental Assessment, The Environmental Assessment of Plans and Programmes Regulations 2004, the Act);
- Health inequality and promoting Londoners’ health (the Act);
- Community safety (Crime and Disorder Act 1998, Police and Justice Act 2006); and
- Equality of opportunity, elimination of discrimination and the promotion of good community relations (the Act, Equality Act 2010).

2.8 The Mayor is subject to the public sector equality duty, as set out in Section 149 of the Equality Act 2010. The 2010 Act includes a single public sector equality duty covering race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. These are the grounds upon which discrimination is unlawful and are referred to as ‘protected characteristics.’ The Duty requires the Mayor when exercising his functions to have *due regard* to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 2.9 The GLA adopts an integrated approach to demonstrate how these duties have been considered in the form of an Integrated Impact Assessment (IIA). The IIA fulfils the requirements for Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). It covers strategic environmental and sustainability appraisal and community safety, health impact and equalities impact assessments. This integrated approach enables any common themes to be considered together and avoids the need to undertake and report on separate assessments. The Mayor appointed independent consultants, AMEC E&I UK Ltd, to undertake the IIA for the Housing Standards MALP. The IIA for the Parking Standards MALP was carried out by the GLA itself.
- 2.10 Regulation 102 of the Conservation of Habitats and Species Regulations 2010 requires an appropriate assessment also known as a Habitats Regulation Assessment (HRA), to be undertaken in respect of any plan or project which either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site, and is not directly connected with the management of the site for nature conservation. Because the Housing Standards MALP are limited in scope, non location-specific and their impacts are confined to the interior of new housing developments, officers advised the Mayor that an HRA screening for these minor alterations was not required. An HRA was however carried out in-house by the GLA for the Parking Standards MALP

Mayoral approval

- 2.11 On 27 April 2015, the Mayor signed a decision form (MD1482), in which he:
- noted the findings and conclusions of the Integrated Impact Assessment of the draft Housing Standards Minor Alterations to the London Plan, and approved publication of the public consultation draft
 - noted the findings and conclusions of the Integrated Impact Assessment and the Habitats Regulation Assessment of the draft Parking Standards Minor Alterations to the London Plan, and approved publication of the public consultation draft
 - approved public consultation arrangements for both sets of minor alterations
 - authorised expenditure for statutory notices, and for an Inspector and an EiP Secretary for a joint examination in public of both sets of minor alterations
- 2.12 MD1482 can be found at <http://www.london.gov.uk/mayor-assembly/mayor/mayoral-decisions/MD1482>

3 MALPs publicity and consultation

The GLA Act and the SDS Regulations

- 3.1 Section 343(c) of the Act provides for the making of regulations by the Secretary of State with respect to the procedure to be followed in connection with preparation, alteration or replacement of the SDS . These are the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (SI 2000 No. 1491) (the 'Regulations').
- 3.2 Regulation 7 sets out the statutory requirements for public participation in the review process. The period for public consultation for London Plan alterations is normally not less than 12 weeks, but under the provisions of Regulation 7(7), not less than six weeks is permitted if in the Mayor opinion the alterations are minor.

3.3 Under the Act and the Regulations there are three statutory elements to this process:

- public inspection of key documents
- formal notice by statutory advertisement
- sending the draft alterations and key documents to statutory consultees and stakeholders.

3.4 In addition to these actions, the Mayor publishes documents on the GLA's website and undertakes a programme of public consultation. Under MD1482, he agreed a six weeks programme running from 11 May to 22 June 2015

The duty to co-operate

3.5 The duty to co-operate was introduced through section 110 of the Localism Act 2011 which adds a new section 33A to the Planning and Compulsory Purchase Act 2004. The duty applies to prescribed categories of organisations and/or people in respect of particular strategic planning activities which deal with strategic matters. Strategic matters are defined as sustainable development or use of land that has or would have a significant impact on at least two planning areas, and including in particular strategic infrastructure that has or would have a significant impact on at least two planning areas.

3.6 The Mayor of London is a 'prescribed person' for these purposes. Although the duty applies to the Mayor in respect of other authorities' plans, it is the Mayor's view (upheld by Leading Counsel) that section 33A does not apply specifically to the activity of preparing or amending the London Plan. However, London Plan Policy 2.2 makes clear that the Mayor is strongly committed to working with authorities and agencies in the East and South East of England to secure sustainable development and the management of growth in the wider metropolitan area and to co-ordinate approaches to other strategic issues of common concern.

3.7 The Mayor's duties to consult and inform under the GLA Act provide the statutory context for this. These are to:

- consult on any alteration to or replacement of the spatial development strategy (the London Plan) with counties and districts adjoining London (GLA Act section 335), and
- inform local planning authorities in the vicinity of London of his views concerning any matters of common interest relating to the planning or development of London or those areas (GLA Act sections 339 and 348).

3.8 Accordingly, the Mayor consults on London Plan alterations with authorities adjoining London and further afield throughout the wider south east, and holds regular discussions at officer and member level on strategic planning issues of common concern. Further details of these activities can be found at <http://www.london.gov.uk/priorities/planning/cross-boundary-strategic-planning-co-operation>

Public inspection

3.9 Section 335(2)(b) of the Act, together with Regulation 7(1) to (3), requires the Mayor to make the SDS and the Sustainability Appraisal available for public inspection at the principal office of the Greater London Authority and those of the London boroughs.

3.10 On 11 May 2015 the Mayor wrote to the Chief Executives of the London boroughs and development corporations, enclosing copies of the MALPs, the IIAs, the HRA and an

explanatory note, requesting that the documents be placed in their public offices for public inspection for a 6 week consultation period. He also placed copies of the MALPs, the IIAs and the HRA in City Hall reception for public viewing.

- 3.11 The MALPs and associated documentation were also made available for download on the GLA's website from 11 May 2015 at <http://www.london.gov.uk/priorities/planning/london-plan/minor-alterations-to-the-london-plan-2015>

Statutory advertisement

- 3.12 Regulation 7(4) requires the Mayor to give notice by advertisement, the form of which is specified in an annex to the Regulations. Regulation 2(1) defines the process of advertisement as publication in the London Gazette and on at least one occasion in two successive weeks in a newspaper circulating in Greater London.
- 3.13 Statutory advertisements were placed appeared in the London Gazette on 11 May and in the London Evening Standard on 11 and 18 May 2015.

Sending documents to statutory consultees and stakeholders

- 3.14 Under the provisions of Sections 335(2)(c) and (3) of the Act, and Regulation 7(5), the Mayor is required to send copies of the SDS to the Secretary of State, every London borough council, the council of any county or district whose area adjoins Greater London and is affected by the proposed SDS, the Countryside Agency and the Nature Conservancy Council for England (subsequently English Nature, now Natural England), the Environment Agency, and the Historic buildings and Monuments Commission for England (subsequently English Heritage and now Historic England).
- 3.15 Under section 335(3)(aa) inserted into the Act by Section 228 of the Localism Act 2011, the Mayor is also required at this stage to send the SDS to the London Assembly and the GLA functional bodies [this reflects the revised single-stage procedure for preparing Mayoral strategies introduced by the Localism Act, where in return for foregoing its own stage of pre-consultation, the Assembly can reject a Mayoral strategy before final publication, provided a requisite two-thirds majority is secured].
- 3.16 Accordingly, on 11 May 2015, letters inviting a consultation response together with copies of the MALPs, the IIAs and the HRA were sent to:
- the Secretary of State for Communities and Local Government
 - the Chair of the London Assembly and the Chair of the London Assembly's Planning Committee
 - the GLA functional bodies – Transport for London, the London Fire and Emergency Planning Authority, and the Mayor's Office for Policing and Crime
 - the Environment Agency, Natural England and Historic England
 - London borough and development corporation planning directors, and
 - Chief planners in counties and districts adjoining London and the wider south east
- 3.17 Emails were also sent to all stakeholders on the GLA's planning mail lists inviting consultation responses and giving details of where the documents could be downloaded from. This included:
- FALP respondents/participants from last year
 - planning officer networks in London (the Association of London Borough Planning Officers (ALBPO) and the Planning Officers Society (POS))

- planning officer networks outside London (the Strategic Spatial Planning Officer Liaison Group (SSPOLG) and other contacts in the wider south east)

3.18 Additionally, any group or individual who requested copies of the MALPs were sent them.

Public consultation meetings and events

3.19 A short programme of meetings and events took place during the MALPs consultation period. Offers to attend meetings or to hold specific meetings to discuss the MALPs were made to all groups consulted. The following took place:

- MALPs launch event with the Deputy Mayor for Planning on 14 May at City Hall
- MALPs presentation to POS on 15 May at Tottenham
- Housing Standards MALP meeting on 18 May at City Hall
- MALPs presentation to ALBPO on 19 May at London Councils
- Parking Standards MALP meeting on 27 May at City Hall
- MALPs considered by the London Assembly Planning Committee on 16 June at City Hall

3.20 In addition, but outside the formal London Plan consultation process, the Mayor asked his independent Outer London Commission to advise him on parking policy in outer London. The Commission gathered intelligence to inform its response to the Mayor through four meetings in public around the quadrants of Outer London as well as through its own work and independent submissions.

*London Plan Team
GLA Planning
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