

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3304

Digital Connectivity Infrastructure (DCI) and Purpose-built Student Accommodation London Plan Guidance documents

Executive summary:

This Mayoral Decision seeks the Mayor's agreement to adopt two London Plan Guidance documents: Digital Connectivity Infrastructure and Purpose-built Student Accommodation. These provide additional guidance relevant to the implementation of London Plan Policies SI 6, and H15.

Decision:

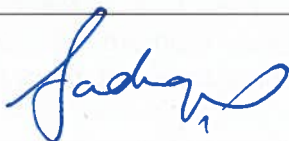
That the Mayor approves adopting the Digital Connectivity Infrastructure and Purpose-built Student Accommodation (PSBA) London Plan Guidance documents as further guidance to the London Plan 2021. This takes into account the accompanying Equality Impact Assessments and consultation summary reports. In adopting the PSBA LPG, the existing Wheelchair Accessible and Adaptable Practice Note will be superseded and thus withdrawn.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

5/6/24

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1. The London Plan 2021 was published on 2 March 2021. It gives full statutory weight to the Spatial Development Strategy as part of the Development Plan for all London planning authorities. Following its publication, a suite of new guidance is being developed. This provides additional detail on how specific policies in the Plan should be applied to planning applications and boroughs' local plans.
- 1.2. The guidance documents referred to in this Mayoral Decision (MD) (Appendix 1) have been drafted by the London Plan team (with support from Arcadis in the case of the Digital Connectivity LPG) and will be added to the suite of London Plan Guidance (LPG) documents adopted since the publication of the London Plan 2021. Previous LPGs were adopted by the Mayor in September 2021 (MD2861, which included further background on the LPG programme and the approach being taken), March 2022 (MD2962), October 2022 (MD3021), December 2022 (MD3050), May 2023 (MD3090) and February 2024 (MD3219).
- 1.3. The LPG has no specific statutory weight, and cannot create or change London Plan policies. However, it may be a material planning consideration; adds further, more detailed guidance as to implementation of the London Plan; and assists in achieving key objectives in practice.

2. Objectives and expected outcomes

- 2.1. The objective of each of these documents is to provide more detailed guidance to complement and support the implementation of specific London Plan Policies. The Digital Connectivity Infrastructure (DCI) LPG supports policy SI 6: Digital Connectivity Infrastructure in particular. The Purpose-Built Student Accommodation (PBSA) LPG supports policy H15: Purpose-built student accommodation.
- 2.2. More broadly, the LPG should support the realisation of the Good Growth objectives relating to housing quality and inclusion set out in the Plan. One of these, GG4: Delivering the homes Londoners need, is particularly supported by the PBSA LPG. This should facilitate improved clarity and faster decision-making by ensuring a consistent and shared understanding of policy requirements across local planning authorities (LPAs) and all stakeholders – including developers and their agents, and the local community. The guidance should also enable the positive shaping of design and management of such proposals to best achieve objectives, informed by good practice. The adoption and implementation of the LPG will therefore contribute to the aims set out in the Greater London Authority Act 1999 (the GLA Act), particularly in relation to achieving sustainable development.
- 2.3. London Plan Policy SI 6 was first included in the London Plan 2021, in response to manifesto commitments to improving digital access. The policy aims to improve digital connectivity via physical infrastructure delivery across London, through helping to shape new development proposals and local planning policies. The LPG aims to reinforce this in the design guidance and advice it provides. It helps to shape appropriate provision of DCI relative to expected demand, including making effective and appropriate use of rooftops and the public realm through suitable design and location. This should help address gaps in coverage and capacity, while ensuring a high level of design quality and inclusivity in the public realm.
- 2.4. London Plan Policy H15 built on earlier iterations in the Further Alterations to the London Plan (2015) and previous guidance that sought to shape an increasingly prominent housing product. The policy recognises the strategic importance of this type of accommodation. It aims to shape the location, design and management of new PBSA to ensure it supports the delivery of Good Growth – both at the neighbourhood level, and in terms of the quality and inclusivity of accommodation provided, and housing mix, to meet specific disability and affordability-related needs. The LPG also

includes sections on addressing issues such as the potential over-concentration of PBSA and similar accommodation, to the detriment of other housing provision and wider community needs.

3. Equality comments

- 3.1. The Mayor and the GLA are subject to the Public Sector Equality Duty, as set out in section 149 of the Equality Act 2010. The London Plan, and its policies, plan for growth on the basis of its potential to: improve the health and quality of life of all Londoners; reduce inequalities; and make the city a better place to live, work and visit. It uses the opportunities of a growing and changing city to plan for a better future; and for planning decisions to be focused on improving London, transforming the city over time. It plans not just for growth, but for Good Growth: sustainable growth that works for everyone.
- 3.2. Objective GG1 of the London Plan – building strong and inclusive communities – makes it clear that Good Growth is inclusive growth. This objective underpins the policies in the Plan, which will help to address inequality in a broad range of ways. The London Plan 2021 was subject to an iterative Integrated Impact Assessment process, including an Equality Impact Assessment (EqIA). This assessed the impact of the Plan's policies on which the LPG in this report provides further guidance. This has been supplemented by EqIAs specific to each of the LPG documents, recognising that the application of the detail can generate additional, exacerbated or mitigated impacts that need to be considered in having due regard to the Public Sector Equality Duty.
- 3.3. These EqIAs were published for comment, as part of the consultation exercise undertaken for each LPG. The equality impacts were considered through this process, leading to wording changes in the LPG. These were made, in particular, to address the following:
 - DCI LPG:
 - the need for appropriate DCI in all types of accommodation (including temporary and Gypsy and Traveller sites), to be addressed through the decision-making and evidence-base process
 - the need to ensure appropriate consideration of pavement/public space accessibility impacts in relation to the siting and design of DCI equipment in the public realm.
 - PBSA LPG
 - the depiction of students and their own needs that may be linked to protected characteristics (notably age)
 - best practice in respect of design/management provision for neurodiversity and mental health needs; prayer, worship and religious practices; and the needs of trans and non-binary students
 - awareness-raising of inclusive design provision through marketing.
- 3.4. The associated EqIAs were also updated following revisions to the draft LPG, post-consultation. This update showed positive impacts for most groups through a variety of mechanisms. In the case of the DCI and PBSA LPG, these are through design, management and location/siting considerations that can help better ensure inclusive public spaces; and a quantum and mix of housing and infrastructure, at the building and neighbourhood scale, that meets a variety of needs. These needs may be linked to protected characteristics (notably age, disability, race and religion) but are also beneficial to the population as a whole.
- 3.5. It is also noted that while the PBSA LPG (as revised post-consultation), reduces the amount of wheelchair-accessible rooms sought, this is more in line with levels of need, and still provides for improved choice, helping to compensate for lack of accessible private rental properties. This level is also likely to allow for more affordable accommodation – a need experienced by many disabled

students and those with other protected characteristics. The justification of this level of provision (which remains ambitious and challenging) has also been strengthened, with the marketing provision anticipated to improve its impact. This revision renders the existing Practice Note on Wheelchair Accessible and Adaptable Student Accommodation out of date, so it will be withdrawn. The Practice Note was not consulted on (and as such has limited material weight); therefore, this matter has been more fully explored through consultation on the draft LPG (which incorporated the Practice Note).

- 3.6. The EqlAs are included in Appendices 2a and 2b. The Mayor should have regard to the contents of these EqlAs in deciding whether to agree the recommendations in this report.

4. Other considerations

Risks and issues

- 4.1. Care has been taken to ensure that the guidance contained in the LPG does not create or amend policies contained within the London Plan 2021; and that it falls within the legal powers, and follows a considered process, used to produce such guidance. The guidance does not purport to be a statutory Local Development Document within the meaning of the Planning and Compulsory Purchase Act 2004; or Supplementary Planning Documents developed in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This will mitigate the risk of any legal challenge to the LPG documents following adoption.
- 4.2. Historically, the issuing of Supplementary Planning Guidance has not always been as successful as envisaged, due to the length of the documents and a lack of focus on how their requirements should be implemented in the planning system. To mitigate this risk, the LPG documents aim to be clear and direct, without unnecessary related information. Both LPG documents clearly set out, at the start, the types of planning applications each should be applied to and how they relate to boroughs' development plan documents (as relevant). The relevant London Plan policy, and who the guidance is for, are also explained at the start of the documents.
- 4.3. The London Plan 2021 was developed and subject to examination in public before the Mayor's target for London to be carbon-neutral by 2030 was established. However, it remains a sound spatial development strategy for London and part of the statutory development plan for Greater London. Furthermore, the provisions that implement the spatial aspects of the Mayor's Transport Strategy, as required by subsection 334(4)(a) of the GLA Act, remain up to date and highly relevant in addressing the challenges of climate change and tackling damaging air quality.

Conflicts of interest

- 4.4. No one involved in the drafting or clearance of this form, or the preparation of the LPG, has any conflict of interest that might arise as a result of adopting and implementing the LPG.

Link to Mayoral strategies and priorities

- 4.5. As well as supporting implementation of the London Plan 2021, this LPG will support the priority of delivering high-quality homes and inclusive neighbourhoods as set out in the Mayor's Housing Strategy. It is also likely to complement expected content in the London Growth Plan relating to digital infrastructure delivery.

Consultation and impact assessments

- 4.6. Consultation on each LPG document and supporting EqlAs was undertaken in accordance with section 32 of the GLA Act. This included a bespoke engagement process in order to realise Good Growth objective GG1 A, which requires early and inclusive engagement with stakeholders.

- 4.7. Early engagement concerning the scope of the LPG took place with a range of stakeholders from January to March 2023 (DCI) and from March to July 2023 (PBSA). For DCI, this comprised over 50 interviews with a broad range of stakeholders, including LPAs, and mobile and broadband operators and developers. For PBSA, early engagement included accommodation providers, higher education providers, the NUS, LPAs and the GLA's own development management and viability officers. In both cases, early engagement helped inform the drafts LPGs.
- 4.8. Formal consultation on the DCI and PBSA LPGs between 19 October 2023 and 11 January 2024. Five online Q&A events were held for the LPGs (three for DCI, two for PBSA) at the start of the consultation period. The DCI events drew 40 total attendees, and the PBSA events drew 65. Three targeted roundtable discussions, involving over 50 people, were also held on the draft PBSA LPG with business interests, the Mayor's Academic Forum and LPAs. Thirteen responses were received on the draft DCI LPG, and 39 on the PBSA LPG, through a combination of online questionnaires and emails.
- 4.9. It was not deemed necessary to re-consult on a revised draft of either LPG, given the ongoing engagement with the key interested and informed parties (internally and externally) following the formal consultation period. The follow-up engagement has enabled the iterative refinement of the documents to best support policy objectives. It is considered that finalising and adopting the guidance without further delay will support greater consistency in policy implementation across London, and expedite the realisation of anticipated outcomes.

Engagement

DCI draft LPG

- 4.10. Respondents were generally supportive of the draft guidance and its scope. Most of the feedback suggested adding further clarity and detail. Following careful consideration, key changes were made to the document (in addition to those noted in relation to the EqlA – see 3.3, above). These changes comprise:
- specifying, in greater detail, the minimum information and engagement expectations when submitting planning applications
 - encouraging the provision of bespoke in-building coverage and signal-boosting solutions
 - strengthened guidance regarding the design integration of DCI equipment on rooftops and in the public realm
 - explicit support for wider council initiatives to better support DCI provision and digital inclusion, such as through affordable digital connectivity that could benefit affordable-housing occupiers and others.

PBSA draft LPG

- 4.11. Respondents welcomed the LPG's intent and practical suggestions, and generally supported its scope. However, much of the feedback revealed a divided position between LPAs on the one hand, and universities and PBSA providers on the other. LPAs were typically concerned with the opportunity costs of PBSA, given its dominance relative to other housing proposals on sites that could be suitable for either. They sought: support to manage this better; greater transparency and local benefit; and support to raise standards and make accommodation healthier and future-proofed. The other respondents were concerned to further smooth delivery given a big gap in provision relative to student numbers. They sought to further reduce ambiguity; reflect case law; to protect the provision of affordable student accommodation (ASA); and ensure appropriate contrast with other types of student accommodation, notably houses in multiple occupation (HMOs).
- 4.12. The revised guidance seeks to strike a balance between the concerns of these different perspectives, reflecting the intent of the policy and the plan as a whole. Key changes in addition to those noted in relation to the EqlA (at paragraphs 3.3 and 3.5 above) are as follows:

- Revised phrasing to encourage a positive approach to planning for PBSA, whilst also recognising the importance of local context, plans and policies.
- Replacement of a 'prioritisation' of ASA with considerations to weigh in balancing the amount of ASA and conventional affordable housing sought, noting that ASA should rarely be entirely substituted by other affordable housing, and that significant levels of cluster-flat provision (as opposed to studios) should also be secured.
- Addition of further qualitative detail (aligned with similar guidance in the final large-scale purpose-built shared living LPG) regarding the design and management of communal spaces to better secure their enjoyment and functionality for all, whilst ensuring appropriate flexibility to respond to site context and evolving student and higher education provider (HEP) preferences.
- Replacement of the expectation to use 'all reasonable endeavours' to secure a nominations agreement with 'reasonable endeavours' to reduce legal ambiguity, also clarifying what this should mean in practice, including the role of rental reduction.
- Clarification that 'soft' (referral-only) nominations are acceptable, as the policy intent was not to transfer development risk (in the form of contractual obligations to fill rooms) to HEPs.
- Addition of clearer ASA allocation and cascade implementation audit trail expectations, with suggestions about allocation criteria, monitoring fees and timings cognisant of practicalities such as information availability, and the burden to LPAs.
- Clarification of expectations around (nomination) proxy arrangements and how this should be overseen by the London Plan team in consultation with HEPs.

Both PBSA and DCI LPGs

- 4.13. There were various comments submitted that sit outside of the scope of the LPG or that sought changes that would go beyond the London Plan policies SI 6 and H15. It was not therefore possible to reflect these in the revised LPG proposed for adoption. These include comments concerned with working practices; additional technical detail/benchmarks; additional prescription; removing the requirement for nominations agreements; CIL liability of ASA; and suggestions for LPA actions beyond local plan preparation. These will be discussed as appropriate within the GLA and with stakeholders (such as LPAs) to see if there are changes to current practice that may be warranted. Some will also be relevant to the wider review of the London Plan and will be factored into that process in due course as part of the engagement evidence base.
- 4.14. Further detail concerning the consultation and engagement process and responses is to be found in the consultation summary reports included as Appendices 3a and 3b.

5. Financial comments

- 5.1. There are no direct financial implications for the GLA arising from this decision.

6. Legal comments

- 6.1. There is no statutory power that expressly deals with the development of the LPG in the GLA Act. However, LPG is developed in accordance with the general power in section 30 of the GLA Act,¹ which gives the GLA the power to do anything that it considers will further any one or more of its principal purposes, namely promoting economic development and wealth creation; social development; and the improvement of the environment in Greater London. The LPG will further all three principal purposes

¹ [Greater London Authority Act 1999](#)

to some extent, in particular promoting social development and the improvement of the environment. In addition, section 34 of the GLA Act contains a general power to do that which “is calculated to facilitate, or is conducive or incidental to, the exercise of any functions of the Authority”. The LPG is developed under these general powers.

- 6.2. The High Court has confirmed² that planning guidance issued by the Mayor of London is capable of being a material planning consideration in the same way as local Supplementary Planning Documents at borough level – that is, through supporting the policies in the relevant Plan.
- 6.3. The LPG has been subject to legal advice.
- 6.4. The Mayor and the GLA are subject to the public sector equality duty; this is considered in detail in section 3.

7. Planned delivery approach and next steps

- 7.1. This is the final stage of the development process for these pieces of guidance. Subject to this decision, they will be published with appropriate notifications.
- 7.2. The LPG will be applied as a material consideration to the local plan-making process, and to relevant planning applications by decision-makers. As a result, LPAs will consider the guidance (where relevant) when developing local plans and assessing planning applications involving DCI or PBSA. It will also be considered when assessing the general conformity of local plans with the London Plan, and in the assessment of referable planning applications.
- 7.3. The LPG includes links to GLA webpages, and references other guidance in preparation. As and when the web addresses change, and other documents are finalised, the links in the online and PDF versions of the LPG will be amended to ensure they direct users to the correct place. Any additional links will be added as appropriate.
- 7.4. Timelines for the key next step activities are as follows:
 - notification of the adoption – November 2024
 - publication (including supporting documents) – November 2024.

Appendices and supporting papers:

Appendix 1a – Digital Connectivity Infrastructure (DCI) LPG

Appendix 1b – Purpose-built Student Accommodation (PBSA) LPG

Appendix 2a – Equalities Impact Assessment – DCI LPG

Appendix 2b – Equalities Impact Assessment – PBSA LPG

Appendix 3a – Consultation Summary Report – DCI LPG

Appendix 3b – Consultation Summary Report – PBSA LPG

² [McCarthy and Stone Retirement Lifestyles Ltd & Ors, R \(on the application of\) v Greater London Authority \[2018\] EWHC 1202 \(Admin\) \(23 May 2018\)](#)

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will be published either within one working day after it has been approved or on the defer date.

Part 1 – Deferral

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form? NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the following
(✓)

Drafting officer:

Sophie Donaldson has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Philip Graham has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Jules Pipe has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Mayoral Delivery Board

This decision was agreed by the Mayoral Delivery Board on 28 October 2024.

✓

CHIEF FINANCE OFFICER:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature:



Date:

31 October 2024

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor.

Signature:



Date:

28 October 2024