

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2558

Title: Intend to Publish version of the London Plan

Executive Summary:

This MD seeks the Mayor's agreement to the next statutory steps in the process for the preparation of the London Plan, following the receipt of the Panel's report which includes sending the 'intend to publish' version of the London Plan to the Secretary of State for Housing, Communities and Local Government (SoS) and publishing the Mayor's response to the Inspectors' recommendations. It also seeks financial approval for statutory notices and printing costs for the final London Plan.

Decision:

That the Mayor:

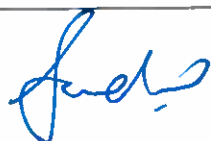
- notes the report and recommendations from the Panel of Inspectors (Annex A), agrees his responses to the report's recommendations, including his statement of reasons for not accepting some recommendations or accepting them in part/with amendment (Annex B) and reasons for accepting the remaining recommendations (Annex C);
- agrees to send to the Secretary of State for Housing, Communities and Local Government a statement of his intention to publish the London Plan (Annex D), together with two versions of the 'intend to publish' version of the London Plan – a 'clean' version of the 'intend to publish' Plan (Annex E) and a 'tracked' copy of the text of the 'intend to publish' version of the Plan that highlights the changes made as a result of the Inspectors' recommendations (Annex F), a statement of reasons for not accepting some of the Inspectors' recommendations or accepting them in part/with amendment (Annex B) and a note that sets out what the Mayor is doing to increase housing delivery in London (Annex G);
- notes the Integrated Impact Assessment Report (December 2019) (Annex H) and Habitats Regulations Assessment Report (December 2019) (Annex I), the Equality Impact Assessment Summary Report (April 2019) (Annex J), Integrated Impact Assessment Addendum Report (July 2018) (Annex K), and Integrated Impact Assessment Report (November 2017) (Annex L);
- agrees that the London Plan should be laid in front of the London Assembly in accordance with section 42B of the Greater London Authority Act 1999 (as amended); and
- authorises expenditure of up to £8,000 for placing statutory notices and up to £35,000 for printing the final version of the London Plan.

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:

9/12/19

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

Decision required – supporting report

1. Introduction and background

- 1.1 In October 2016, the Mayor announced his intention to carry out a full review of the London Plan with a view to publishing a new Plan in early 2020. In November 2017, he approved publication of a consultation draft London Plan for a three-month period of public consultation (MD1284). As a result of the consultation, in August 2018, the Mayor published a Minor Suggested Changes version of the draft Plan (MD2337).
- 1.2 An Examination in Public (EiP) of the draft Plan led by a Panel of Inspectors was held at City Hall between 15 January and 22 May 2019. Throughout the EiP, in response to discussions with participants that took place during the hearings, a number of Further Suggested Changes to the London Plan were put forward. A consolidated version of the Plan which incorporated the Minor Suggested Changes and these Further Suggested Changes was considered by the Panel of Inspectors and made available online.
- 1.3 The Inspectors' report on the EiP was received on 8 October 2019 and published on the GLA website on 18 October 2019 (Annex A). In accordance with the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (regulation 8 (9)) a copy of the report has been sent to each of the boroughs with a request that it is made available for inspection at their principal offices¹. It has also been made available at City Hall.

2. Objectives and expected outcomes

- 2.1. The next step in the process is for the Mayor to agree his 'intend to publish' version of the Plan, including his responses to the Inspectors' recommendations. The Mayor must then send to the Secretary of State²:
 - a statement of his intention to publish the London Plan;
 - a copy of the London Plan which he intends to publish; and
 - where he proposes not to accept any of the Inspectors' recommendations, a statement of reasons for not doing so.
- 2.2. The final Plan must not be published until the Secretary of State has had six weeks to consider the Plan, or such longer period as the Secretary of State may require in writing.
- 2.3. The Secretary of State may at any time before the Mayor publishes the London Plan give the Mayor a direction under Section 337(7) of the Greater London Authority Act 1999 (as amended) requiring him to modify the 'intend to publish' version before it is formally published if it appears to him that it is expedient to do so for the purpose of avoiding:
 - (a) any inconsistency with current national policies or relevant planning guidance; or
 - (b) any detriment to the interests of an area outside Greater London.

¹ To note a copy of the report was sent by email.

² Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (regulation 9 (2) a

- 2.4. If such a direction is given, the Mayor must not publish the London Plan unless he has satisfied the Secretary of State that he has made the modifications necessary to conform with the direction, or the direction is withdrawn.
- 2.5. Subject to no direction being given by the Secretary of State, the Mayor may proceed to publish the London Plan which shall become operative on the date on which it is so published.
- 2.6. As per section 42B of the Greater London Authority Act 1999 (as amended), the Mayor must also lay the London Plan before the London Assembly. The Assembly can adopt a motion to reject the Plan and would have to do this within 21 days beginning with the day on which the copy of the Plan is laid before the Assembly. A motion to reject the Plan must be considered at a meeting of the Assembly where members of the Public are entitled to be present and is not carried unless it is agreed to by at least two thirds of the Assembly Members voting. The Assembly may not amend or modify the Plan, they can only reject the Plan in its entirety.
- 2.7. Following the process of sending the 'intend to publish' version of the Plan to the Secretary of State described above and laying the Plan before the Assembly, assuming a motion to veto the Plan is not successful, the final London Plan can be published. A further Mayoral Decision form will be submitted to seek formal agreement to publish the final London Plan. Once published the London Plan will formally constitute the Mayor's Spatial Development Strategy and will form part of the development plan for Greater London.
- 2.8. To support the 'intend to publish' version of the Plan, the Integrated Impact Assessment and Habitats Regulations Assessment have been updated to reflect the Further Suggested Changes and Inspectors' recommendations that are proposed to be accepted. This MD therefore asks the Mayor to note the Integrated Impact Assessment Addendum Report (December 2019) (Annex H) and the Habitats Regulations Assessment Report (November 2019) (Annex I).
- 2.9. The previous Integrated Impact Assessment reports that accompanied the draft London Plan and the Minor Suggested Changes London Plan (Annexes J and K) that were considered under cover of MD1284 and MD2337 are also attached for reference alongside the Equality Impact Assessment summary document that was prepared as part of the Examination in Public (Annex L).

Inspectors' report

- 2.10. The Inspectors' report and recommendations are attached as Annex A to this form.
- 2.11. Annex B shows, in schedule form, the Inspectors' recommendations and the recommended Mayoral response, including a statement of reasons for not accepting some of the recommendations and accepting some in part or with amendment. This schedule will be submitted to the Secretary of State with the statement of intention to publish the London Plan.
- 2.12. Annex F is the 'intend to publish' version of the London Plan, which shows the changes arising from the Inspectors' recommendations that are accepted, either in whole or in part. Annex E is a 'clean' designed version of the 'intend to publish' Plan, which also incorporates the changes.
- 2.13. The Inspectors concluded 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 our recommendations set out in this report"*.
- 2.14. The Inspectors' report includes 55 recommendations. The report is 'non-binding' on the Mayor, which means the recommendations do not have to be accepted, however, regulation 9(2)(a)(iii) Town and Country Planning (London Spatial Development Strategy) Regulations 2000 requires the Mayor to provide a statement of reasons to the Secretary of State for not accepting any recommendations. The Mayor is recommended to accept the majority of the Inspectors' recommendations, either as they have been proposed or in part/ with amendment, recognising the detailed process that was undertaken to inform those recommendations.

- 2.15. As set out in Annex B, the Mayor is recommended to accept 28 of the recommendations in full and a further 12 in part/with amendment and to not accept 15 of the recommendations. Annex B also provides a statement of reasons for not accepting those recommendations that are proposed not to be accepted/accepted in part or with amendment. Once agreed, this will be sent to the Secretary of State alongside the 'intend to publish' version of the Plan. Annex C provides an overview of those recommendations that are proposed to be accepted (this information does not need to be supplied to the Secretary of State and so is not included in Annex B).
- 2.16. It should be noted that all of the Further Suggested Changes and Inspectors' recommendations that are proposed to be accepted in part or in full were assessed as part of the Integrated Impact Assessment and Habitats Regulations Assessment at Annexes H and I. They have been part of the ongoing consideration and review of the implications of the policies in the Plan as it has developed. These reports should be read alongside Annexes B and C.

3. Equality comments

- 3.1. The Mayor and GLA are required by Section 404 of the Act to have regard to the need to promote equality of opportunity for all persons irrespective of their race, sex, disability, age, sexual orientation or religion; to eliminate unlawful discrimination; and to promote good relations between persons of different racial groups, religious beliefs and sexual orientation. They are also subject to the public sector equality duty ("the Duty"), as set out in Section 149 of the Equality Act 2010 which brings together race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment as the grounds upon which discrimination is unlawful. These are referred to as 'protected characteristics.'
- 3.2. 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 Equality Act 2010, 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.
- 3.3. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with this Duty may involve treating some persons more favourably than others.
- 3.4. The courts have emphasised that "due regard" requires an active and engaged analysis of the relevant material with the specific statutory considerations in mind, but the Duty does not require that the considerations raised in the analysis are decisive in the particular case and finally, that the weight to be given to the requirement that "due regard" is to be had is for the decision maker to decide.
- 3.5. These duties apply to the Mayor's decision whether to approve the 'intend to publish' version of the Plan for the purposes of formal submission to the SoS and the London Assembly.
- 3.6. In light of these duties the draft London Plan has been subject to an Integrated Impact Assessment (IIA) which included an Equalities Impact Assessment (EqIA). The IIA framework uses objectives and key 'guide questions' to assess the Plan's policies against a range of criteria and was informed by a steering group which included the Equality and Human Rights Commission, Inclusion London and a community umbrella organisation that represented groups such as Age UK and Race on the Agenda. The objectives and guide questions were consulted on as part of the Scoping Report in 2017. Within

the IIA framework, 23 out of the 24 objectives contain EqIA guide questions as well as having two distinct objectives on equality and inclusion and social integration.

- 3.7. An IIA report (November 2017) (Annex K) was published alongside the draft London Plan for consultation in December 2017.
- 3.8. As a result of the consultation, the draft London Plan was amended to take account of the consultation responses and a Minor Suggested Change version of the Plan was published in August 2018. An IIA addendum report (July 2018) (Annex J) was also published alongside the Minor Suggested Changes version of the Plan, which assessed any changes to the draft London Plan policies as a result of the consultation. The IIA addendum report also concluded that overall, the majority of changes to policies resulted in further improvements in impacts in relation to equality considerations.
- 3.9. During the EiP in 2019, at the request of the Inspectors, a summary of the equality implications of the Plan on each of the nine protected characteristics (under the Equality Act) was published and is attached for reference (Annex I).
- 3.10. Following the EiP, a further IIA Addendum Report (December 2019) (Annex E), including an EqIA has now been prepared, which includes an assessment of the Further Suggested Changes, which were proposed as part of the EiP, and an assessment of the changes to policies as a result of the Inspectors' recommendations. The Mayor should note this report.
- 3.11. GLA officers have reviewed what is proposed in the 'intend to publish' version of the Plan and all the appropriate assessments as detailed above and advise that there is nothing raised by such which has not been already addressed as part of the statutory process.

4. Other considerations

Key risks and issues

- 4.1. The main risks associated with this final stage in the preparation of the London Plan are as follows. The SoS may not agree with the Mayor's responses to the Inspectors' recommendations and may direct the Mayor to make further changes to the draft Plan. The SoS may require more than six weeks to make a decision. If a direction is given, depending on the nature and scale of that direction, there may be a risk that it is not possible to revise the Plan, and satisfy the SoS that the direction has been complied with, before the Mayoral pre-election period begins in March, although officers will ensure, as far as possible, all reasonable efforts are made to expedite any changes necessary.
- 4.2. While conversations have been ongoing with officials at the Ministry of Housing, Communities and Local Government (MHCLG) with a view to limiting the risk of delay as much as possible, given that there is a general election taking place on 12 December, no clear view can be given at this stage from MHCLG officials and political conversations have not been able to take place.
- 4.3. There is a risk in running the statutory consultations with the SoS and Assembly (proposed for 6th February) concurrently that the version laid before the Assembly is later subject to a SoS direction or subject to a direction that will need to be considered alongside the version laid before them. That being said, there is nothing within the Greater London Authority Acts 1999 and 2007 to preclude this. In any event section 42B(2) of the GLA Act 2007, which precludes the Assembly from directing refusal of a draft strategy containing only revisions which are specified in a direction or which the Mayor considers necessary to comply with such a direction together with the SoS's other powers of direction over the Plan, will always take precedence over the Assembly's right of veto.
- 4.4. This approach is being proposed to provide sufficient time for the Plan to be published before the Mayoral pre-election period. Due to a significantly longer EiP, and other factors that have impacted on the overall programme, it has taken longer to get to this stage in the process than originally envisaged, and given that the timescales to produce a new Plan, undertake consultation, and go through the EiP process and complete the final stages in four years were always tight, any delay has an impact on the final publication date.

Links to Mayoral strategies and priorities

- 4.5. The London Plan sets out the Mayor's policies for the development and use of land in London. It also incorporates the spatial – geographical and locational – aspects of his transport, economic development, environmental and other strategic policies for London in a single, comprehensive framework. It provides the basis for implementation of these strategies and policies through the planning system, to the extent this is appropriate.
- 4.6. In preparing or altering the London Plan, the Mayor has legal duties to consider the following:
- economic development and wealth creation (GLA Act 1999, as amended);
 - social development (GLA Act 1999, as amended);
 - protection and improvement of the environment (European Directive 201/42/EC on Strategic Environmental Assessment, The Environmental Assessment of Plans and Programmes Regulations 2004, GLA Act 1999, as amended);
 - health inequality and promoting Londoners' health (GLA Act 1999, as amended);
 - 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 (GLA Act 1999, as amended, Equality Act 2010).

Consultation and impact assessments

- 4.7. As set out in section 3, the GLA adopts an integrated approach to demonstrate how these duties have been considered in the form of an Integrated Impact Assessment (IIA). This methodology enables any common themes to be considered together. In addition, a Habitats Regulations Assessment (HRA) was undertaken. Assessment reports were published alongside the draft London Plan and were made publicly available during consultation; the addendum IIA and HRA reports were published alongside the Minor Suggested Changes to the Plan in August 2018 and again were made publicly available. As part of the Examination in Public, at the request of the Inspectors, a summary of the equality implications of the Plan on each of the nine protected characteristics was also published in April 2019 (Annex J).
- 4.8. A further IIA Addendum Report (December 2019) and updated HRA report (December 2019) were produced to consider the Further Suggested Changes from the EiP and the Inspectors' recommendations that are proposed to be accepted are attached to this decision at Annex G. To note, the HRA report provides an update to the previous HRA reports in November 2017 and July 2018, whereas the IIA Addendum Report December 2019 has to be read alongside the original IIA Report (November 2017) and the Addendum (July 2018). Accordingly, the Mayor is asked to give particular attention to these reports attached as appendix H and G respectively. Consideration of the equality duty is discussed within section 3 above.
- 4.9. As these duties are ongoing duties, they will be considered again in light of any further changes that are made as a result of this approval process or arising from SoS direction and will be published alongside the 'intend to publish' or the final London Plan accordingly.

Duty to cooperate

- 4.10. Section 110 of the Localism Act 2011 introduced section 33A to the Planning & Compulsory Purchase Act 2004, imposing 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 this duty. 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 as defined within section 110 nor is the preparation of a spatial development strategy included in the list of activities to which the duty to cooperate applies. As with previous revisions of the London Plan, there was discussion at the EiP about how and whether this duty to cooperate applied to the preparation of the London Plan. The

Inspectors report agreed with the Mayor's assessment that the duty to cooperate did not apply to the preparation of the London Plan. In all other respects as set out below this duty to cooperate was met³.

Consultation and public engagement

- 4.11. The GLA Act and associated regulations set out the requirements for public engagement in preparation of the London Plan, which was undertaken between December 2017 and March 2018. The Inspectors' report states that *"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"*⁴. The Inspectors' also state that *"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, 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. 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"*⁵. Although it was managed by the Panel of Inspectors, the EiP also provided a forum for public consultation, the purpose of which was to assist the Inspectors to form a view as to the soundness of the Plan. The Inspector's report concluded that the London Plan met the statutory and other requirements with regard to co-operation and public participation⁶.

5. Financial comments

- 5.1. Approval is sought for expenditure of up to £43,000 to produce statutory notices (£8,000) and printing costs (£35,000) for the final version of the London Plan.
- 5.2. The expenditure will be funded from the London Plan budget and the Planning Smoothing Reserves in 2019/20.
- 5.3. The GLA will incur no direct costs associated with the publishing of the 'intend to publish' version of the London Plan since the publication will be published online.
- 5.4. As per Section 43(4) Publicity and Availability of the Mayor's Strategies of the GLA Act, "a copy of the current version of each such strategy, or any part of such strategy, shall be supplied to any person on request for such reasonable fee as the Mayor may determine."
- 5.5. If the final publication of the London Plan is delayed until after the Mayoral election – a new approval will be sought in the following financial year.

6. Legal comments

- 6.1. The Mayor is required to prepare and publish a spatial development strategy (known as the London Plan) under section 334 of the Greater London Authority Act 1999 ("the Act"). The Strategy must

³ See paragraphs 13-18 Report of the Examination in Public of the London Plan 2019

⁴ Report of the Examination in Public of the London Plan 2019, Paragraph 19

⁵ *Ibid*, Paragraph 20

⁶ *Ibid*, paragraph 22

include his general policies in respect of the development and use of land in Greater London and must deal only with matters which are of strategic importance. However, in making that determination, it is immaterial whether or not the matter affects the whole of Greater London.

- 6.2. The Mayor has a duty under section 340 of the Act to keep this strategy under review and can under section 341(1)(b) of the Act at any time prepare and publish a new spatial development strategy to replace the published one. As such in October 2016, the Mayor announced his intention to carry out a full review of the London Plan and MD1284 approved the initial proposals and consultation for this review.
- 6.3. Section 341 of the Act sets out the procedure to be followed for the preparation and publication of the London Plan and this has been rigorously followed. The Mayor was required under Section 338 of the Act to cause an Examination in Public to be held by persons appointed by the Secretary of State for the purpose and as such this was duly held at City Hall between 15 January 2019 and 22 May 2019. The Inspectors' report was received on 8 October 2019. Under the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 ("the Regulations") the Mayor must, before the expiry of eight weeks, send a copy of the report to the London Boroughs and make it available for inspection. This was published on the GLA website on 18 October 2019. A copy of the report has also been sent via email to the London Boroughs.
- 6.4. Following consideration of the EiP Inspectors' report, the Mayor is required to send to the Secretary of State a statement of his intention to publish the London Plan, a copy of the Plan which he intends to publish and, where he proposes not to accept any recommendation contained in the EiP Inspectors' report, a statement of his reasons for not accepting that recommendation.

Direction

- 6.5. The Secretary of State then has six weeks, or such longer period as he may prescribe in writing, in order to consider the Plan. He may at any time before the Mayor publishes the London Plan give the Mayor a direction under Section 337(7) of the Act requiring him to modify the intended to publish version before it is formally published if it appears to him that it is expedient to do so for the purpose of avoiding-
 - (a) any inconsistency with current national policies or relevant planning guidance; or
 - (b) any detriment to the interests of an area outside Greater London.
- 6.6. If such a direction is given, the Mayor must not publish the London Plan unless he has satisfied the Secretary of State that he has made the modifications necessary to conform with the direction, or the direction is withdrawn.

Assembly role

- 6.7. Under section 42B of the Act (an amendment made by the Localism Act 2011) before the Mayor publishes the London Plan, he must also lay a copy before the London Assembly in accordance with the GLA standing orders. This may be either the 'intend to publish' version sent to the SoS, or a further version containing any changes directed by the SoS. The Mayor cannot publish the London Plan within the period of 21 days beginning with the day on which the Plan is laid before the Assembly. Within these 21 days, the Assembly has the power to reject the Plan in its entirety; they may not amend or modify the Plan. A motion to reject requires agreement of at least two thirds of the Assembly members voting (absentees and abstentions not counted) at a meeting of the whole Assembly. This process can run concurrently with that of the SoS consultation.
- 6.8. Subject to no direction being given by the SoS or any direction(s) being complied with and the Assembly not rejecting the Plan, the Mayor may proceed to publish the London Plan which will become operative on the date on which it is so published.

Matters to which the Mayor should have regard

- 6.9. Under section 342 of the Act, when considering the proposed replacement Plan (i.e. a new London Plan), the Mayor must have regard to any planning guidance issued by the SoS so far as relating to an area which includes or adjoins Greater London and such other matters as the SoS may prescribe.
- 6.10. Under section 41 of the Act the Mayor must have regard to the need to ensure that the proposed London Plan is consistent with national policies, European Union and other obligations of the UK, other Mayoral strategies, the resources available for the implementation of the revised Strategy and the desirability of promoting and encouraging the use of the River Thames safely for the provision of passenger transport services and for the transportation of freight.
- 6.11. In formulating the replacement Plan, regard must be had to the national waste management plan, the objectives of preventing major accidents and limiting their consequences, the need to (in the long term) maintain appropriate distances between establishments and residential areas, areas of public use and places of natural sensitivity, and in the case of establishments not increasing the risk to people from dangerous substances.
- 6.12. In addition, under the Crime and Disorder Act 1998, the GLA has to do all it reasonably can to prevent crime and disorder. An assessment of community safety impacts of the London Plan was carried out as part of the IIA and officers do not consider that the Inspector's report raises any issue not addressed by that assessment.
- 6.13. The Mayor is also required to have regard to the economic development and wealth creation, social development and improvement of the environment in Greater London. The Mayor must also have regard to and include such of the available policies and proposals relating to the subject matter of the London Plan as he considers best calculated to promote improvements in the health of persons in Greater London, promoting the reduction of health inequalities between persons living in that area, as well as contributing towards the achievement of sustainable development and the mitigation of, or adaptation to, climate change in the UK. These considerations are assessed in the IIA.
- 6.14. The Mayor and GLA are also subject to the public sector equality duty, as set out in section 149 of the Equality Act 2010. This duty is addressed in section 3 of this MD above. The Inspectors concluded that *"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"*.
- 6.15. An IIA and Habitats Regulation Assessment (HRA) of the intend to publish version were undertaken as detailed above. These examined the likely impacts of the proposed policies and conformed to the legal requirements regarding Sustainability Appraisal, the Environmental Assessment of Plans and Programmes Regulations 2004 and Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (as amended) which implements Article 6(3) of the Habitats Directive (92/43/EEC). This requires an 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.
- 6.16. The IIA and HRA reports were made publicly available during consultation and alongside the updated reports are considered by GLA officers to contain an adequate analysis of the material to which the Mayor must pay "due regard". The Inspectors' report⁷ concluded that the IIA met legal and national policy requirements relating to sustainability appraisal and strategic environmental assessment⁸. The Inspectors were also satisfied that the Plan met the requirements of the *Conservation of Habitats and Species Regulations 2017* and relevant national policy and guidance⁹. The Inspectors also concluded

⁷ Report of the Examination in Public of the London Plan 2019 paragraph 28

⁸ Ibid paragraph 28

⁹ Ibid paragraph 30

that the Plan included policies designed to contribute towards the mitigation of, or adaptation to, climate change in the UK as required by section 41(7)(c) of the Act.

7. Planned delivery approach and next steps

Next Step	Timetable
'Intend to publish' version of the Plan to Secretary of State	Mid December 2019
End of six weeks for Secretary of State consideration (note this can be extended)	End of January 2020
London Assembly plenary meeting	6 February 2020
Final London Plan published	March 2020

Appendices and supporting papers:

Annex A: Report of the Examination in Public of the London Plan 2019 and Recommendations

Annex B: Schedule of Panel of Inspectors' recommendations and recommended response

Annex C: Reasons for accepting recommendations

Annex D: Letter to Secretary of State – statement of his intention to publish the London Plan

Annex E: 'Intend to publish' draft of London Plan – clean (word)

Annex F: 'Intend to publish' draft of London Plan (tracked changes)

Annex G: Note of interventions to increase housing delivery in London

Annex H: Integrated Impact Assessment Addendum Report (December 2019)

Annex I: Habitats Regulations Assessment Report (December 2019)

Annex J: Integrated Impact Assessments – the EqIA Summary Report (April 2019)

Annex K: Integrated Impact Assessment Addendum Report (July 2018)

Annex L: Integrated Impact Assessment Report (November 2017)

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 either be published 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?

To be confirmed.

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under 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:

Jennifer Peters / Rachael Rooney has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Debbie Jackson 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.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 9 December 2019.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

M. D. Ollé

Date

9.12.19

CHIEF OF STAFF:

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

Signature

D. Bellamy

Date

9/12/2019.

