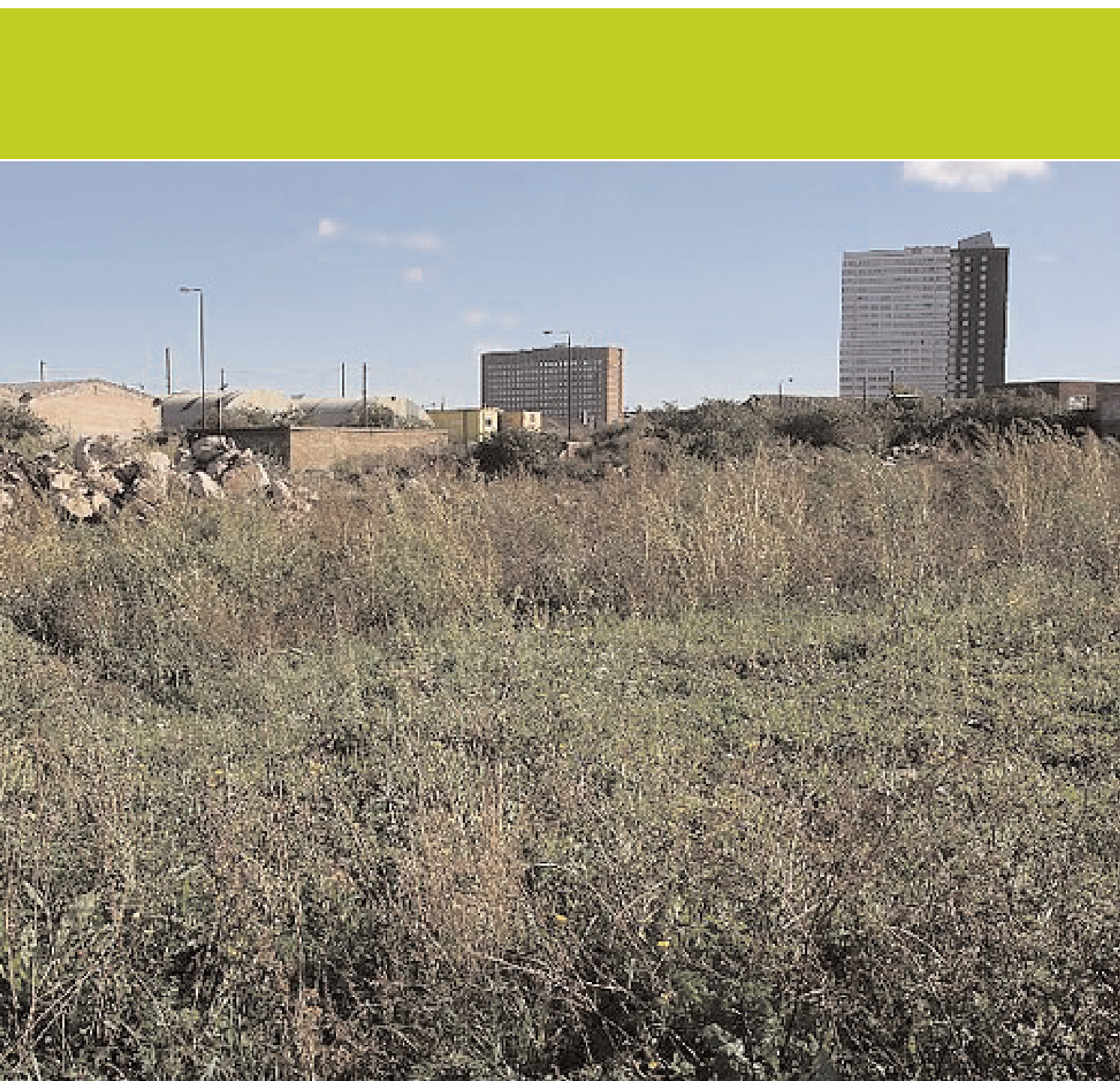


Dereliction of duty?

A report on brownfield development in London

November 2005



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Chair's Foreword



Dereliction of duty? Over the next ten years, London's population is set to grow by 800,000, and up to 636,000 more jobs will be created. This growth will place great demands on the capital to provide the houses, work places, schools and other infrastructure needed to create sustainable communities. The challenge will be to balance these needs with the need to preserve existing quality and accessible green spaces for Londoners to enjoy, and to continue to provide more of them in the future. The failure of key responsible agencies to meet this challenge would be a dereliction of duty.

London has long had to manage competing priorities for land use; the London Assembly's Environment Committee's concern is to see that this is done in a way that enhances rather than harms our environment. The Assembly inquiry into the decline and loss of green spaces in 2001 showed that between 1989 and 1999, 1000 hectares of green spaces were lost to development. The trend in loss is slowing, but we believe that it could be improved on if London were to properly tap into the wealth of brownfield land available for development in the capital.

Careful planning will be needed to take advantage of the many opportunities there are to make more effective use of land, for example through means such as mixed-use developments, or reviewing land use.

We appreciate that considerable barriers remain to achieving the full potential for brownfield site development. The recent disclosure by the London Development Agency that the costs of buying and decontaminating the Stratford site in preparation for the 2012 Olympic and Paralympic games, could end up twice the amount initially estimated, is a brutal reminder of the uncertainty developers face.

We believe that as the key agency responsible for bringing forward brownfield land for development, the London Development Agency has a crucial role to play. However we are extremely concerned at the LDA's painfully slow progress and their failure to raise awareness of the financial packages available for developing brownfield land. Unless we see a real determination to address these problems London looks set to lose even more precious green space.

A handwritten signature in black ink, appearing to read 'Darren Johnson'.

Darren Johnson AM
Chair, Environment Committee

The London Assembly Environment Committee

Terms of Reference

The Environment Committee is a cross-party committee of London Assembly Members, with the following terms of reference.

To examine and report from time to time on –

- the strategies, policies and actions of the Mayor and the Functional Bodies
- matters of importance to Greater London

To examine and report to the Assembly from time to time on the Mayor's Air Quality, Biodiversity, Energy, Noise and Waste Strategies, in particular their implementation and revision.

To consider environmental matters on request from another standing committee and report its opinion to that standing committee.

To take into account in its deliberations the cross cutting themes of: the health of persons in Greater London; and the promotion of opportunity.

To respond on behalf of the Assembly to consultations and similar processes when within its terms of reference.

Committee members

Darren Johnson (Chair)	Green
Murad Qureshi (Deputy Chair)	Labour
Roger Evans	Conservative
Bob Neill	Conservative
Mike Tuffrey	Liberal Democrat
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Executive Summary

London is one of the greenest cities in the world with two thirds of its surface area covered with green space or water but we are in danger of losing much of this greenness.

The London Assembly's investigation into issues surrounding the availability of brownfield land for development in London found that between 1989 and 1999 an area the size of Richmond Park, was lost to development. More recent figures show that during January 2001 to March 2005 on average an area three times the size of St. James's Park in Central London was lost each year.

London's population is expected to grow by 800,000 to eight million by 2016 and up to 636,000 more jobs will be created. The *Housing Capacity Study* recently published by the Mayor identifies a capacity for 31,500 homes to be developed solely on brownfield land each year.

It is inevitable that more development will be needed to provide houses, work places, schools and other infrastructure needed to develop communities. Meeting the increased demands for development within London's boundaries without losing more of its green spaces or encroaching on the green belt will be a challenge. A challenge we are told that can be met by only developing on brownfield land, that is areas of land previously used for industrial or some other purpose and which now lies vacant or derelict.

However, despite the high availability of brownfield land in London, the rate at which available land is being brought forward or made ready for development is not as rapid as it could be.

A key underlying question for the Committee throughout this inquiry has been to consider whether it is feasible to say that all development in London should only take place on brownfield land. We heard and received information confirming that it is possible, provided there is flexibility in planning for how the land is used, and the scope to consider alternative uses for land. There are clearly instances when development on brownfield land should be avoided or limited, for example to retain the biodiversity value of a site or to minimise flood risk.

That said, there is a sizeable supply of brownfield land in London, which to date remains untapped. Figures published by the Government recently highlighted that there were some 250 hectares, equivalent to an area just short of the size of Hyde Park that are not in line for development of any sort. To adequately meet the current demands for land use in London, we need to make the best possible use of all available land and look to innovative and creative ways of doing so.

This report considers how land use planning and Government-led financial initiatives can help stimulate development on brownfield land in London, and examines the roles of the Mayor and London Development Agency and makes recommendation on how these can be built on to increase the rate at which brownfield land is brought forward for development in London.

Chapter 1 Introduction

- 1.1 London is a remarkable city in many ways, not least for its ecological richness. One of the greenest world cities, two thirds of London's surface area is covered with green space or water. But we are in danger of losing much of London's greenness.
- 1.2 In 2001, the Assembly investigation into the decline and loss of green spaces found that, between 1989 and 1999, 1000 hectares of green space in London, an area equivalent to the size of Richmond Park, were lost to development. We received information during this inquiry that an average of at least 60 hectares of greenfield land was lost to development of various kinds each year during January 2001 to March 2005¹. This would be equivalent to losing an area the size of St. James's Park in central London, three times over each year. This figure is a substantial improvement on losses recorded during 1997 – 2000, which averaged 105 hectares or an area the size of Kensington Gardens in West London, per year².
- 1.3 London's population is expected to grow by 800,000 by 2016 and up to 636,000 more jobs will be created. It is inevitable that more development will be needed to provide houses, work places, schools and other infrastructure needed to develop communities. Meeting the increased demands for development within London's boundaries without losing more of its green spaces or encroaching on the green belt³ will be a challenge. A challenge we are told that can be met by developing on brownfield land, areas of land previously used for industrial or some other purpose and which now lies vacant or derelict.
- 1.4 Government policy encourages development on brownfield land. Recognising the need to meet the upsurge in population growth across the country, in February 1998, the Government announced that least 60 per cent of new housing was to be developed on brownfield sites by 2008. A number of policy decisions and various initiatives have followed, in a bid to initiate a move towards developing on brownfield land.
- 1.5 The Mayor, in support of Government policy has pledged to concentrate new housing development on brownfield land⁴. The *Housing Capacity Study*⁵ recently published by the Mayor identifies a capacity for 31,500 homes to be developed solely on brownfield land each year. The study forms the basis for the draft alterations to the Mayor's Spatial Development Strategy on housing provision

¹ Written submission from Nigel Kersey, Director, Campaign to Protect Rural England, 6 September 2005. Written submissions are available on request from the London Assembly Secretariat

² Written submission from Nigel Kersey, Director, Campaign to Protect Rural England, 6 September 2005.

³ Green belt land is a designated area of countryside protected from most forms of development. See Appendix A for a more details.

⁴ Mayor of London, Biodiversity Strategy, Greater London Authority, 2002 Paragraph 4.34

⁵ Mayor of London, Draft alterations to housing provision targets, waste and minerals, October 2004. Copies are available at <http://www.london.gov.uk/mayor/strategies/>

targets, set to be incorporated in the Strategy, more commonly known as the 'London Plan' in late 2006.

- 1.6 Despite the high availability of brownfield land in London, the rate at which available land is being brought forward or made ready for development is not as rapid as it could be. There may be a variety of reasons for this, high development costs, the location of the land or its suitability for the intended use. We were keen to explore why brownfield development in London was being held back and how this might link to the loss of green space in London.
- 1.7 The Committee invited views and information from a range of stakeholders and individuals, and held a public enquiry session on 6 September 2005. The Committee would like to thank everyone who provided written comments and attended the session to discuss the issues in more depth.

Context of the inquiry

- 1.8 It was not our intention throughout this inquiry to conduct a comprehensive review of the range of existing barriers to development on brownfield land, or to provide a detailed technical assessment of the topic; published reports on both areas are already widely available. Rather, our focus was on trying to understand the scale of the problem in London, and the underlying issues contributing to it and how they might be rectified.
- 1.9 An underlying question for the Committee throughout this enquiry has been to consider whether it is feasible to say that all development in London should happen on brownfield land. We heard and received information confirming that it is possible, provided there is flexibility in planning for how the land is used, and the scope to consider alternative uses for land. There are clearly instances when development on brownfield land should be avoided or limited, for example to minimise flood risk or to retain the biodiversity value of a site. However there is a sizeable supply of brownfield land, which to date remains untapped.
- 1.10 Our inquiry also focused on the roles of the Mayor and London Development Agency and sought to identify and make recommendations on what changes could be made to encourage more development on brownfield land in London. We considered the national and regional policy context for brownfield development, took account of the current challenges developers and other key stakeholders face and looked to lessons to be learned from international examples.

Terms of Reference

- 1.11 The terms of reference for the inquiry were 'To examine issues surrounding the availability of brownfield land for development in London given the desirability of preserving London's available green spaces, with particular reference to the role of the Mayor and the London Development Agency'.

Key issues considered as part of the inquiry included:

- The costs and other remedial challenges faced by developers
- How retention and improvement of environmental benefits to the sites are secured and subsequently managed
- The pressures for development in London boroughs, the issues that need to be considered and how these might vary for inner and outer London boroughs
- Progress made on recommendations relevant to the topic, from the *Scrutiny of green spaces report* published in November 2001

The Report content

- 1.12 The remainder of the report sets out the Committee's considerations and findings. **Chapter two** outlines the national policy context for brownfield development and highlights key obstacles. **Chapter three** emphasises the need for a planned approach and creative thinking to address challenges at pre-development through to post-development stages, to maximise brownfield land use. It also considers the biodiversity benefits of brownfield land and why land use swap may be appropriate in some cases. In **Chapter four** we look at the range of financial incentives available to prospective developers and consider alternative international examples that it may be appropriate to implement in the UK. Finally in **Chapter five** we examine the roles of the Mayor and London Development Agency and consider how these can be built on to help increase brownfield development in London.

Chapter 2 The policy context

Defining brownfield land

- 2.1 Brownfield land is one of four main land classification types, the other three being green belt land, agricultural land, and greenfield sites; these are defined in Appendix 2.
- 2.2 Brownfield land is also referred to as ‘previously developed land’, which is essentially defined as land currently or previously occupied by a permanent structure⁶. Previously developed land may be vacant, derelict or contaminated and excludes land used for agricultural or forestry purposes, and also land that was previously developed but has blended into the landscape over time and has ecological or some other amenity benefit that would otherwise be destroyed by redevelopment.
- 2.3 The definition of previously developed land is adopted by English Partnerships in advising on the National Brownfield Strategy, which we will speak about later in this chapter, and is also reflected in the key national datasets recording trends and development across the country.
- 2.4 Throughout the report we adopt the term brownfield land. Reference to brownfield land is generally in line with the definition of previously developed land, however there are sections of the report that refer to brownfield land in terms of the biodiversity value it has to offer, as part of the overall definition of brownfield land.

The responsible agencies

- 2.5 In London, responsibility for bringing forward brownfield land for development, that is identifying and making it ready, lies with two agencies, English Partnerships and the London Development Agency.
- 2.6 English Partnerships is the national regeneration agency and special adviser to the Government on brownfield issues; it takes the lead in delivering brownfield development, and works in partnership with public and private sector bodies in assembling complex sites, masterplanning, remediating land and developing supporting infrastructure. The London Development Agency is the regional development agency for London and has a general responsibility for promoting and working with stakeholders to achieve London’s economic and social regeneration, including regeneration and development of brownfield land.
- 2.7 The Environment Agency is not directly responsible for brownfield land, but as principal adviser to the Government on the environment also has an important role to play.

⁶ Office of the Deputy Prime Minister, Planning Policy Guidance Note 3: Housing, March 2000

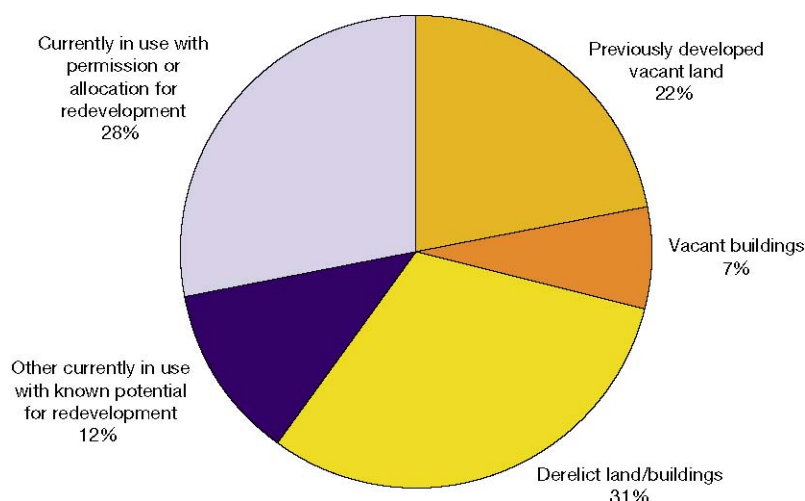
National policy

- 2.8 The Government is committed to bringing more land into sustainable use and concentrating development on brownfield sites to encourage social and economic regeneration and reduce pressure to build on greenfield land.⁷
- 2.9 English Partnerships, is leading on developing a National Brownfield Strategy to provide a national approach to re-using previously developed land. In November 2003 English Partnerships published *Towards a National Brownfield Strategy*, which assesses the state of England's brownfield land supply. This document is to be used as the basis for developing a comprehensive National Brownfield Strategy for England as outlined in the Sustainable Communities Plan.
- 2.10 The Sustainable Communities Plan, *Sustainable Communities building for the future* was published in February 2003; it sets out a long-term programme for delivering sustainable communities in urban and rural areas, a main aim being to tackle housing supply in the South East.

National statistics

- 2.11 Data on trends in development on brownfield land is held in the Government's National Land Use Database (NLUD), created in April 1998. The data is supplied at national and regional levels, and is updated annually. The latest report, published in May 2005 shows results based on information collected in 2004.⁸

Figure 2.1: Brownfield land by type



Source: ODPM

- 2.12 In 2004 there were an estimated 64,100 hectares of land that may be available for development. An estimated 38,200 hectares or 60 per cent of the total was

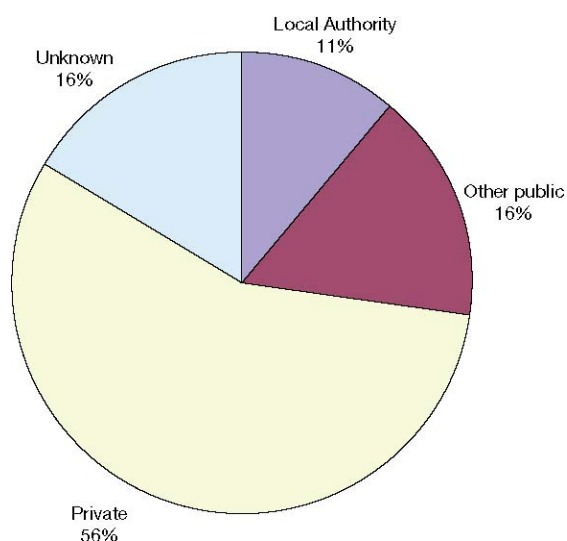
⁷ Position Statement, Brownfield Land Redevelopment, Environment Agency, 2003

⁸ Previously-Developed land that may be available for Development: England 2004: Results from the National Land Use Database of Previously-Developed Land, Office of the Deputy Prime Minister, 2005

vacant and derelict. The remaining 40 per cent, 26,000 hectares, were in use but had potential for redevelopment. The above diagram sets out the percentage breakdown of brownfield land by type.

- 2.13 Fifty-six per cent of available brownfield land is privately owned. Public sector bodies including central Government but excluding local authorities own 16 per cent, while local authorities own 11 per cent. The ownership for the remaining 16 per cent of land is unknown, but is believed to be mostly privately owned.

Figure 2.2: Ownership of brownfield land

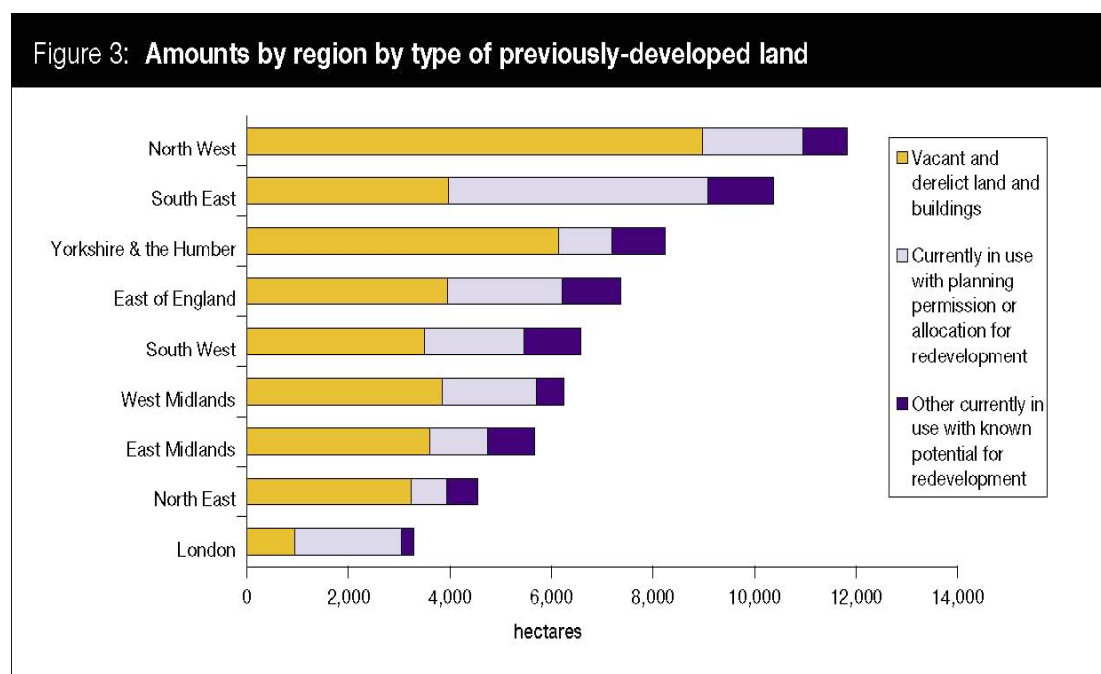


Source: ODPM

How London compares

- 2.14 London has 3,290 hectares of brownfield land available for development, of which 2,340 is described as currently in use; this may mean that planning has been granted, is in the process of being sought or intended to be sought, or that the land has potential for redevelopment but has not gone through any stage of the planning process. Eighty-nine per cent or 2,090 hectares of London's brownfield land is, or intended to be subject to planning permission, the remaining 11 per cent or 250 hectares is not.
- 2.15 In line with national figures, a high proportion, 44 per cent, of London's available brownfield land is privately owned. Public sector bodies including central Government own 19 per cent and local authorities 11 per cent. Ownership of the remaining 26 per cent is unknown.
- 2.16 Across the nine regions, London has the smallest amount of land available for development, but the highest percentage of land, 71 per cent categorised as currently in use.

Figure 2.3: Amounts by region by type of brownfield land



Source: ODPM

Key barriers to development

2.17 Two recent studies by the Joseph Rowntree Foundation⁹, and the Environmental Industries Commission (EIC)¹⁰ set out comprehensive information on the key barriers experienced by the range of stakeholders involved in developing on brownfield land. They may include but are not limited to:

- The complexities of the planning process and delays that can occur as a result.
- Problems with funding, knowing what is available, how to access it, and securing the right amount for the project.
- The inadequacies of existing tax relief incentives and their failure to incorporate all issues associated with redevelopment, for example, protection from neighbouring sites, noise prevention etc.
- Managing risk including issues relating to lack of clear guidance, failure to include evaluation of developer risk and risk management in policy initiatives, and dealing with potential long term contaminated land liability.
- The intricacies of legislation and regulation governing development.

⁹ Obstacles to the release of brownfield sites for redevelopment, Joseph Rowntree Foundation, May 2001

¹⁰ Driving Regeneration: A Report on the National Brownfields Strategy, May 2005

Chapter 3 Striking the balance in development

- 3.1 There are competing priorities for land use in London. The need for land for new housing, and the infrastructure that goes along with it, needs to be balanced with the need to provide quality and accessible open spaces for Londoners. We were told that this balance can be achieved with sensible land use planning at pre-development stage, which recognises the merit of and potential for alternative land use for both greenfield and brownfield land.

A planned approach

- 3.2 The framework for how land is used and developed is largely provided by the Town and Country Planning Act 1990, along with other legislation such as the General Permitted Development Order 1995, and a range of statutory instruments. Under the new system of local planning brought in by the Planning and Compulsory Purchase Act 2004, local planning authorities in consultation with key stakeholders, prepare local development plans which outline their policies and proposals. Development plans form part of the local development framework, which must be compatible with the regional spatial strategy prepared by a regional assembly, or in London's case the Mayor.
- 3.3 The development plan is the main consideration for local planning authorities when making a decision on a planning application. When drawing up development plans, planners and developers need to consider the wide range of policy issues, including for example, the viability of land swap, biodiversity value, flooding risk, as well as existing infrastructure, and how best these might be balanced.

Land use designations and land swap

- 3.4 Government policy is predisposed to development on brownfield land, and to protecting greenfield land. We would not disagree with this per se. However there are instances where a review of this stance will be needed. Brownfield land that has remained vacant or derelict over a long period of time may provide a more valuable community space in terms of the recreational, social activity or biodiversity value it offers. Conversely some green spaces may be of poor quality, wrongly located and consequently underused. In such instances it may be beneficial to restore a piece of brownfield land to greenfield status, trading it in with other low quality green spaces elsewhere in the area that may be underused, wrongly placed or simply devoid of wildlife or amenity value.¹¹

¹¹ Written submission from Emyr Poole, Senior Development Manager, Land Restoration Trust, 30 August 2005

3.5 We are concerned that there is a tendency to continue to develop on land that has previously been developed on, and to ignore other possible uses that the land might usefully provide. We believe that this may be a contributory factor to brownfield land remaining vacant or derelict for unnecessarily prolonged periods. Brownfield land which lies vacant or derelict for many years is a wasted resource. We need to capitalise on the land we do have and make the best possible use of it to meet current land use needs, rather than continuing to be restricted or limited to what the land's original use might have been.

3.6 We are very much aware that there are competing priorities for land in London, and that these will need to be balanced. We fully appreciate that there will be issues about the extent to which it is practicable to use land designated for one purpose or another, for example, under-utilised employment land used for mixed used housing and employment development or open space provision.¹³ There are a variety of examples of successful mixed use projects. We have included details of the Buckland Paper Mill project managed by the South East Development Agency.

Buckland Paper Mill

A former employment site, the 3.9 hectare Buckland Mill site in Dover was previously owned by paper manufacturers Arjo Wiggins, who relocated its production facilities to Scotland in 2000. The South East England Development Agency (SEEDA) recognised the potential in the site for its redevelopment to contribute to the overall programme to regenerate the Buckland area.

Key results from the project include:

- * Reclamation of 3.9 hectares of brownfield land*
- * Restoration of River Dour and creation of new wildlife habitats*
- * Developer selected to partner SEEDA in the redevelopment of the site for a mixed use sustainable scheme.¹²*

3.7 We believe that a review of brownfield sites in London is needed to establish how long individual sites have remained vacant and/or derelict and their potential future use. An examination of whether or not there would be potential to develop a procedure to review the use of sites that have remained derelict or underused should also be conducted in tandem. Having a clear understanding of what land is available and how it can best be used should help stimulate brownfield development in London. Such work is best placed with the London Development Agency, the agency responsible for promoting and overseeing regeneration in the London region.

¹² For more information visit the South East England Development Agency website at www.seeda.co.uk

¹³ Transcript of Environment Committee dated, 6 September 2005. Minutes and transcripts of Environment Committee meetings are available at http://www.london.gov.uk/assembly/assembly_meetings.jsp or on request from the London Assembly Secretariat.

Recommendation 1

We recommend that the London Development Agency carry out or commission research to inform policy approaches on development on brownfield land, to include:

- **A review of brownfield sites in London to establish the length of time individual sites have remained vacant, and their potential for future use.**
- **Examining the potential for devising a procedure to review brownfield sites which have remained undeveloped in excess of five years.**
- **Examining whether it would be feasible to devise a review process along the lines of the one used for reviewing designations of land for planning use.**

Biodiversity value

- 3.8 In some cases brownfield land can have high biodiversity value, this may be as a result of its natural state or due to natural regeneration over the period of time it has remained derelict. To simplify the development debate to a division between brownfield development versus greenfield development is to overlook the added ecological and recreational value brownfield sites can bring to a community. There are a number of good examples of sites in London, where local communities have benefited from the ecological redevelopment and preservation of sites. These include Camley Street Natural Park in Kings Cross, Gillespie Park in Islington and Wandle Meadow Nature Park in Colliers Wood.

Camley Street Natural Park was opened to the public in May 1985, following a long local campaign to secure its existence. The two-acre site provides access to nature in a densely populated area with few similar opportunities – including a pond, a meadow, a marsh and woodland providing a habitat for a variety of wildlife. The park is managed by London Wildlife Trust¹⁴.

Flood risk

- 3.9 A substantial number of brownfield sites in London are located in the floodplain of the Thames and its tributaries, an area of London that is at risk from flooding; approximately 55,000 homes are to be built on these sites as part of the Sustainable Communities Plan. We were told that the proposed developments

¹⁴ Urbio, Urban biodiversity and human nature, English Nature, 2005

could substantially increase flood risk and if this is to be averted, careful planning will be needed. Evidence we received confirmed that simply developing on the lowest risk parts of the floodplain first, could result in a reduction of up to 52 per cent in flood losses in the Thames Gateway where more than 90 per cent of the land targeted for development lies in the floodplain¹⁵. The need for strong planning policy to reduce the impacts of flooding and risk in the Thames Gateway was one of several main findings from our investigation into flooding risk in London, highlighted in our report published earlier this year¹⁶.

Short term use of brownfield land

- 3.10 There are 250 hectares of brownfield land, not yet in the planning system that could potentially be suitable for development in London. There is every possibility that the many smaller vacant and often derelict sites dotted across London's dense urban areas are in this category. We believe that sites awaiting development can provide a valuable interim community resource, ranging from informal recreational use to the hosting of one-off events, and help generate funds to assist with future development work for the site.
- 3.11 Much work is being done by GLA officers, in partnership with London boroughs to identify wildlife sites in areas where there is a shortage of accessible open or green space¹⁷, but this work focuses mostly on larger sites, and on long-term use for the sites. We believe that there is room for further work identifying smaller sites across London for similar use but for the short-term.
- 3.12 There are benefits to be gained from regenerating small areas of community space, even on a temporary basis. Community involvement is one benefit. Engaging with local people and encouraging their participation generates a sense of community ownership and pride in the project. Physical improvement is another. A well-designed and properly maintained public space is more aesthetically pleasing than a run-down derelict area; and can provide opportunities for recreational, informal social and educational use. Examples of successful short-term use of derelict land can be drawn from the

Northwood (Project managed by Landlife)

Completed in Spring 2004, this Single Regeneration Budget and New Opportunities Fund project enabled Landlife to work with local people to create stunning new wildflower landscapes on Kirkby's Old Rough. Community involvement and enthusiasm has been enormous and a new Friends Group is working with Knowsley Borough to undertake further development. Funding for Landlife's work ended in June.¹⁸

¹⁵ Written submission from Sebastian Catovsky, Policy Adviser, Association of British Insurers, 6 September 2005 page 2

¹⁶ London Under Threat, Flooding risk in the Thames Gateway, London Assembly, 2005

¹⁷ Transcript of Environment Committee meeting, 6 September 2005. Minutes and transcripts of Environment Committee meetings are available at www.london.gov.uk/assembly or on request from the London Assembly Secretariat.

¹⁸ More information is available at <http://www.landlife.org.uk/projects/projects.htm>

work Landlife, a UK based charity, is doing. Landlife uses flexible, cost-effective ways to establish new areas for wildflowers, which people can enjoy.

- 3.13 Opportunities for generating income should also be explored. Income raised from interim use of sites, can be put towards costs for initial works and longer-term management of the development project. Interim uses may take the form of use of open spaces for public events such as festivals or on a longer-term basis as ecology sites, or allotments.
- 3.14 Not all brownfield land will be suitable for short-term use, due to contamination, health or other environmental safety issues. Short-term use may not generate vast sums of financial remuneration. However we believe that the potential value of short-term use should not be underestimated, and that an appraisal of how it might be applied to vacant and derelict sites in London should be carried out by the London Development Agency.

Recommendation 2

We recommend that the London Development Agency carry out an appraisal of the potential value for short-term use of brownfield land and how it might be applied to vacant and derelict sites in London.

Chapter 4 Financial assistance and incentives

- 4.1 Considerable financial investment is needed to cover the range of preparatory work required to prepare a site for development. Costs can vary widely depending on site-specific conditions and on what techniques will need to be used; they are further increased if the land is contaminated. Anticipating costs can be difficult, and the uncertainty this creates can make the option to develop on brownfield land less desirable.

Funding and tax incentives

- 4.2 The range of funding and tax initiatives currently in place are intended to alleviate the uncertainty faced by developers and inject some measure of stability for longer-term project planning and management. Redevelopment grants are available from the European Regional Development Programme. The administration of these grants is dealt with by Regional Government Offices, in London's case the Government Office for London. Regional Development Agencies and English Partnerships are responsible for administering other Gap Funding grants. Examples of these include Enterprise Grants, Regional Selection Assistance, and Business Link Collaborative Funds.
- 4.3 National tax incentives are also available. In March 2001 the Government announced that it would provide a 150 per cent tax relief to companies for costs incurred from cleaning up contaminated land. Exemption from Landfill tax may also be claimed for waste resulting from the cleaning up of contaminated land. Exemption from Stamp Duty Land Tax, known as Disadvantaged Areas Relief, is available for land acquired in designated disadvantaged areas. Qualifying areas are based on results from the Indices of Deprivation¹⁹.

Take up of tax relief in London

- 4.4 We were keen to establish the impact of tax incentives on brownfield development in London, and particularly the effect of the 150 per cent tax relief. Under the scheme, companies are able to claim a deduction of 150 per cent against all qualifying costs incurred after May 2001. The requirements for, and circumstances in which costs can be claimed are set out in the Finance Act 2001.
- 4.5 A central Government review of the 150 per cent relief is due in 2006. It therefore seemed appropriate to concentrate our enquiries on this initiative to establish how its introduction has impacted on brownfield development in London, and how take up has compared with the rest of the country. If take up in London were poor in comparison to the rest of the country, we felt that further analysis as to why that was might lead to a better understanding of why

¹⁹ More details on how the grants and various tax relief are applied are provided in the LDA publication *Redevelopment, An Investors' Guide to Brownfield Land*, July 2005, available at www.lda.gov.uk

the rate of development on brownfield land in London is not as rapid as it could be, and potentially bring to light specific issues that might have previously been overlooked.

- 4.6 Given that the scheme is over four years old and is to be reviewed next year, we were surprised at how difficult it was to track down any interim data or evaluation of what its impact has been. Officers from the London Development Agency (LDA) were unable to supply any information on request. At the time of writing this report we are awaiting a response from central Government officials.
- 4.7 We are deeply concerned about the limited awareness LDA officers demonstrated when questioned about the impact of financial incentives currently available to developers²⁰. The LDA's primary role is to deliver the Mayor's vision for economic and social regeneration across London; this cannot be achieved without close partnership working with the wide range of stakeholders needed to deliver on the short, medium and long-term objectives outlined in the Mayor's Economic Development Strategy.
- 4.8 The Mayor is required to submit quarterly reports to Central Government on progress towards achieving thirteen annual output targets. Reclaiming brownfield land is one of the thirteen targets set. It would seem logical to track progress more widely to inform the LDA's own policy approaches. We were disappointed at the lack of evidence that any data had been collated or that any form of interim evaluation had been made. We fail to see how the LDA can usefully contribute to the impending Government review in 2006.
- 4.9 Achievement of the Mayor's aspirations for the regeneration of the capital and delivering on the Economic Development Strategy is fundamentally reliant on clear leadership and direction, particularly when one takes into account the range of stakeholders involved. The LDA must take the lead in driving forward initiatives that will benefit the regeneration of London. It should engage in an active programme of promoting, informing and encouraging brownfield development in London, and work closely with key stakeholders to identify ways in which barriers to development can be overcome. More specifically, the LDA should actively seek to link developers to the existing sources of funding assistance and tax incentives available for redeveloping brownfield land.
- 4.10 We appreciate that this will be a resource intensive approach. We question whether the LDA has sufficient capacity and resources at present, however we are strongly of the view that the LDA should be more proactive and should not be tempted to sideline this important area of work on account of resources.

²⁰ Transcript of Environment Committee meeting, 6 September 2005, pages 14- 15.

Recommendation 3

We recommend that the London Development Agency engage in an active programme of promoting, informing and encouraging brownfield development in London, and work closely with key stakeholders to identify ways in which barriers to development can be overcome.

Recommendation 4

We recommend that the London Development Agency actively seek to link developers to the existing sources of funding assistance and tax incentives available for redeveloping brownfield land.

- 4.11 While it is important to get a handle on existing Government financial incentives, we believe that there are also lessons to be learned from other schemes that operate in other parts of the world, and others which have previously been considered as part of the brownfield development debate.

Redevelopment zones

- 4.12 Redevelopment zones are largely an American initiative, which emerged in the mid 1990s. Redevelopment zones provide a wholesale, inclusive approach to regeneration, engendering a participative approach between a wide range of stakeholders, including the State, community, developers and other stakeholders in economic redevelopment. The approach works well and is invaluable to creating sustainable communities.
- 4.13 The United States Environmental Protection Agency (EPA) part funds pilot schemes to test clean-up and redevelopment models with a view to providing participating stakeholders with useful information and strategies to develop a unified approach to site assessment, environmental cleanup, and redevelopment. Depending on the scheme the funding can vary, recorded amounts range from \$200,000 to \$500,000. Qualifying sites must be or perceived to be contaminated but with potential for redevelopment or reuse.
- 4.14 Redevelopment zones attract a range of additional funding and tax incentives vested in the brownfield redevelopment authority created specifically to administer the development zone. These include direct contributions to the authority, revenues from properties owned by the authority, tax increment revenue received under a brownfield plan, proceeds of tax increments bonds and notes, proceeds of revenue bonds and notes and money available from a special revolving loan fund created by the authority²¹

²¹ For information see <http://www.law.msu.edu/lawrev/97-4/wasserman.htm>

Site value rating

- 4.15 Site value rating is similar to the idea of 'land value taxation'. Essentially a tax on land, site value rating provides a useful financial mechanism for encouraging land owners to release land, but discourages them from holding out for the highest premium available. The land owner is charged a portion of the value of the site or unit of land. The valuation is based on the current market rental value of the land, and does not include buildings or other improvements. Site value rating differs from a property tax which includes the value of buildings and other improvements on the land.
- 4.16 Other advantages of site value rating relate largely to the way in which it is administered. It is less expensive and therefore seen as more efficient, because less effort is required to track down who owns the land as opposed to income or sales transactions on the land. Unlike development or planning gain tax which can be avoided by failing to develop, site value rating is not easily avoided.

Harmonising VAT

- 4.17 The issue of harmonising value added tax has historically related to housing or other building developments. VAT is currently chargeable on repairs to existing properties but not on the cost of new-build properties. It is argued that this distorts the market away from refurbishment towards new build; calls have been to harmonise VAT rates between the two to avoid the distortion. Suggestions have been made to apply a variant form of harmonisation between greenfield and brownfield development, as a means of encouraging developers to develop on brownfield sites.
- 4.18 The variant proposed is to levy VAT only on development on greenfield sites, while levying a reduced rate of five per cent on brownfield site development²². Under EEC Directive 77/388, VAT of five per cent is chargeable on domestic repair, maintenance and improvement work.
- 4.19 Further research will be needed to determine the suitability of the above approaches and how they might be applied. Now would be an opportune time to further explore additional financial approaches given the current work on developing a National Brownfield Strategy.

Recommendation 5

We recommend that as part of its work on developing the National Brownfield Strategy, English Partnerships examine the viability of other financial incentives, such as redevelopment zones, site value rating and harmonisation of VAT.

²² The Taxation of Property, Europe Economics for Campaign to Protect Rural England, 2005.

Chapter 5 The roles of the Mayor and LDA

- 5.1 Strategic responsibility for planning in London lies with the Mayor. The Mayor's Spatial Development Strategy, otherwise known as the London Plan, sets out the framework for planning at the regional level.
- 5.2 The London Plan sets out six overarching objectives for implementing the Mayor's planning policies²³. The first and sixth objectives are directly relevant to this enquiry. The first objective is to accommodate London's growth within its boundaries without encroaching on open spaces. A key policy direction for achieving this objective is to protect and improve the green belt, Metropolitan Open Land, other designated open spaces and the Blue Ribbon Network. The sixth objective is to make London a more attractive, well-designed and green city. Key policy directions for achieving this objective are to re-use buildings and brownfield sites, rather than developing on green space, and protect, enhance and create green open space²⁴.
- 5.3 Decisions about how the Mayor's planning policies are implemented should be made in combination with biodiversity policies set out in the Mayor's Biodiversity Strategy. The Strategy sets a London-wide framework for maintaining wildlife diversity, recognising the need for a balance between land for new housing, employment and infrastructure and land for wildlife. In it the Mayor endorses Government policy for brownfield development by making a commitment to concentrate new housing development on brownfield land²⁵.

Linking regional strategy with local planning

- 5.4 Local planning authorities are responsible for preparing local development plans outlining local policies and proposals. Development plans contribute to the local development framework, which sets out the spatial planning strategy for a local planning authority area. In London, the thirty-two borough councils along with the Corporation of London are the local planning authorities for their areas.
- 5.5 Earlier this year the Mayor published five draft sub-regional development frameworks²⁶. Developed in collaboration with the boroughs and other stakeholders, these frameworks aim to provide a link between the broad policies of the London Plan and local planning strategies.
- 5.6 GLA officers informed us that current versions of the frameworks will need further work towards achieving the increased housing capacity figures identified in the Mayor's recently published *Housing Capacity Study*. The study sets a new target of 31,500 per annum to be built solely on brownfield land. However, achievement of the target is dependant on securing sufficient funding for

²³ See Appendix 3.

²⁴ Mayor of London, London Plan, Greater London Authority, 2004, pp 5 - 7

²⁵ Mayor of London, Biodiversity Strategy, Greater London Authority, 2002 Para 4.34 – 4.38

²⁶ To complete this

preparing the land for development and for subsequent instalment of social and transport infrastructure.

- 5.7 The Mayor's policy to develop on brownfield land is a commendable one. But there is still significant work to be done to marry up policy with practice. Brownfield development proposals are currently monitored separately from opportunities identified for biodiversity conservation. We understand that GLA officers that are currently exploring whether the use of the new London Development Database²⁷, can be extended to include the above two areas of monitoring.

The London Development Agency

- 5.8 The London Development Agency is the key agency responsible for bringing forward brownfield land for development at the regional level. It is also the Regional Development Agency for London and is responsible for promoting and championing the economic and regeneration agenda in the Capital. It therefore holds a pivotal role in working with stakeholders to deliver the Mayor's Economic Development Strategy (EDS), which sets out the Mayor's vision for London. Each year the LDA produces a Corporate Plan which sits alongside the EDS and sets out targets and objectives to achieve the Mayor's overall vision and the Government's priorities over a three year period. As noted earlier reclaiming brownfield land is one of thirteen annual output targets the LDA is required to deliver on.

Reclaiming brownfield land

- 5.9 The target set for this financial year in the LDA's Corporate Plan 2005 – 2008 is 50 hectares of brownfield land. We are concerned that the low target set fails to provide the impetus to seriously drive forward the agenda for brownfield development in London. It is also disappointing to find in the second quarterly report presented to the LDA Board on 20 October that only 0.3 hectares of the eight hectares forecast to be reclaimed by 30 September 2005 were secured.
- 5.10 North East England is the region with the second lowest amount of brownfield land available for development. There are 4,540 hectares of land available. It is interesting to note that the target set for this financial year by One North East, the development agency for the region, is 110 hectares, twice as much as the LDA's target. We would wish to see a more ambitious annual target set by the LDA in future.

²⁷ The London Development Database records the progress of planning permissions in the Greater London area as part of the process of monitoring the Spatial Development Strategy contained in London Plan.

Recommendation 6

We recommend that the London Development Agency review its current annual target for reclaiming brownfield land and seek to set a more ambitious target in future versions of its Corporate Plan.

- 5.11 We appreciate that there will be an upsurge in development on brownfield land concentrated in the east of the capital as London prepares for the 2012 Olympics. However, there is considerable potential for development in other areas of London, including Barnet, Ealing, Enfield and Hounslow. A balance will need to be struck to ensure that these and other areas in London do not lose out.

LDA role in encouraging brownfield development

- 5.12 More use can be made of the LDA's role to work with private investors and other stakeholders to encourage more development on brownfield land. One way in which the barrier of uncertainty can be reduced is by informing stakeholders. *Redevelopment: An Investor's Guide to Brownfield Land*, published by the LDA earlier this year is a good example. Another way is to actively engage with stakeholders. Officers told us that in terms of encouraging private investors, the LDA has focused on acquiring land and making it ready for development.
- 5.13 It is within the LDA's remit, as the regional regeneration agency to assess the impact of Government initiatives designed to stimulate brownfield development; we were surprised to learn that the LDA has not taken a greater lead on this and that officers were unable to provide any assessment of the level of take up of the Government's 150 per cent tax relief for costs incurred from cleaning up contaminated land. It is difficult to see how the LDA can effectively measure the success of one of its key initiatives, without such information.
- 5.14 Earlier we questioned whether there is sufficient capacity and resources within the LDA to adequately address the issues around brownfield development in London. The Government's agenda for increased housing development and its significance for London, coupled with the emergence of the National Brownfield Strategy, due to be finalised early 2006 will require an intensification in focus on brownfield development. Regional development agencies will play a central role in delivering the Government's National Brownfield Strategy. Exactly what skills, expertise or financial resources are needed will need to be assessed as a matter of priority.

Recommendation 7

Given the pivotal role that Regional Development Agencies will play in delivering the Government's National Brownfield Strategy we recommend that the London Development Agency step up its action in relation to the wider brownfield development programme in London, by:

- **Taking a more noticeably proactive approach to promote, encourage and disseminate good practice on development on brownfield land.**
- **Carrying out an assessment of the skills, expertise, and financial resources needed to carry forward the Government's National Brownfield Land Strategy, with a view to identifying the additional capacity needed and feeding this into the 2007 Spending Review.**

Appendix 1 List of recommendations

Recommendation 1

We recommend that the London Development Agency carry out or commission research to inform policy approaches on development on brownfield land, to include:

- **A review of brownfield sites in London to establish the length of time individual sites have remained vacant, and their potential for future use.**
- **Examining the potential for devising a procedure to review brownfield sites which have remained undeveloped in excess of five years.**
- **Examining whether it would be feasible to devise a review process along the lines of the one used for reviewing designations of land for planning use.**

Recommendation 2

We recommend that the London Development Agency carry out an appraisal of the potential value for short-term use of brownfield land and how it might be applied to vacant and derelict sites in London.

Recommendation 3

We recommend that the London Development Agency engage in an active programme of promoting, informing and encouraging brownfield development in London, and work closely with key stakeholders to identify ways in which barriers to development can be overcome.

Recommendation 4

We recommend that the London Development Agency actively seek to link developers to the existing sources of funding assistance and tax incentives available for redeveloping brownfield land.

Recommendation 5

We recommend that as part of its work on developing the National Brownfield Strategy, English Partnerships examine the viability of other financial incentives, such as redevelopment zones, site value rating and harmonisation of VAT.

Recommendation 6

We recommend that the London Development Agency review its current annual target for reclaiming brownfield land and seek to set a more ambitious target in future versions of its Corporate Plan.

Recommendation 7

Given the pivotal role that Regional Development Agencies will play in delivering the Government's National Brownfield Strategy we recommend that the London Development Agency step up its action in relation to the wider brownfield development programme in London, by:

- **Taking a more noticeably proactive approach to promote, encourage and disseminate good practice on development on brownfield land.**
- **Carrying out an assessment of the skills, expertise, and financial resources needed to carry forward the Government's National Brownfield Land Strategy, with a view to identifying the additional capacity needed and feeding this into the 2007 Spending Review.**

Appendix 2 Glossary of terms

Development plan document

Under the new system of local planning brought in under the Planning & Compulsory Purchase Act 2004, the term 'development plan document' covers any Local Development Document that is part of the development plan. Development plan documents include the local planning authority's core strategy, area action plans and proposals map.

Greenfield site

Land that has not previously been used for urban development. It is usually land last used for agriculture and located next to or outside existing built-up areas of a settlement.

Greenbelt land

Designated area of countryside 'belting' a settlement, which is protected from most forms of development. A Green Belt aims to stop urban sprawl and the merging of settlements, preserve the character of historic towns and encourage development to locate within existing built-up areas.

Land use

The way land is used or developed.

Local planning authority

The local Government body responsible for formulating planning policies (in a local development framework), controlling development through determining planning applications and taking enforcement action when necessary. This is either a district council, unitary authority, metropolitan council or national park authority.

National Land Use Database

The National Land Use Database collects data on vacant and derelict sites and other previously developed land and buildings that may be available for redevelopment in England.

For more information see <http://www.nlud.org.uk/>

Planning and Compulsory Purchase Act 2004

The Planning and Compulsory Purchase Act 2004 is the latest piece of planning legislation. It amends much of the Town and Country Planning Act 1990. In particular, the 2004 act has made major changes to the system of development plans and introduced sustainable development, as defined by Government policy, as an objective of the planning system.

Previously-developed land

Land which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the

curtilage of the development. Previously-developed land may occur in both built-up and rural settings.

The definition includes defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures.

The definition excludes land and buildings that are currently in use for agricultural or forestry purposes, and land in built-up areas which has not been developed previously (e.g. parks, recreation grounds, and allotments - even though these areas may contain certain urban features such as paths, pavilions and other buildings). Also excluded is land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site - such as its contribution to nature conservation - or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment.

For more information see www.odpm.gov.uk

Remediation

Land Remediation is the process by which the risk associated with presence of contamination at a site is reduced to an acceptable level and will take into account the proposed end use of the site. For more information see <http://www.leydenkirby.co.uk>

Unless otherwise noted, for more information on the above definitions visit the CPRE website at: <http://www.planninghelp.org.uk/resources/>

Appendix 3 London Plan objectives

Objective 1

To accommodate London's growth within its boundaries without encroaching on open spaces

Objective 2

To make London a better city for people to live in

Objective 3

To make London a more prosperous city with strong diverse economic growth

Objective 4

To promote social inclusion and tackle deprivation and discrimination

Objective 5

To improve London's accessibility

Objective 6

To make London a more attractive, well-designed and green city

Appendix 4 List of stakeholders providing written views and information, and oral comments

Organisations

Association of British Insurers
Black Environment Network
Council for the Protection of Rural England – London region
English Nature
Greater London Authority
Land Restoration Trust
London Borough of Barking and Dagenham
London Borough of Southwark
London Development Agency
London Wildlife Trust
National Playing Fields Association
Thames Gateway London Partnership
The Environment Council
The Royal Institute of Chartered Surveyors

Individuals

Alfred Munkenbeck
Michael Mitchell
Nicolaus Tideman

Appendix 5 Orders and translations

How to order

For further information on this report or to order a copy, please contact Carmen Musonda, Scrutiny Manager, on 020 7983 6542 or email to carmen.musonda@london.gov.uk

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Appendix 6 Principles of Scrutiny

The powers of the London Assembly include power to investigate and report on decisions and actions of the Mayor, or on matters relating to the principal purposes of the Greater London Authority, and on any other matters which the Assembly considers to be of importance to Londoners. In the conduct of scrutiny and investigation the Assembly abides by a number of principles.

Scrutinies:

- aim to recommend action to achieve improvements;
- are conducted with objectivity and independence;
- examine all aspects of the Mayor's strategies;
- consult widely, having regard to issues of timeliness and cost;
- are conducted in a constructive and positive manner; and
- are conducted with an awareness of the need to spend taxpayers money wisely and well.

More information about scrutiny work of the London Assembly, including published reports, details of committee meetings and contact information, can be found on the London Assembly web page at www.london.gov.uk/assembly.

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