

# GREATER LONDON AUTHORITY

[REDACTED]  
(By email)

Our Ref: MGLA190820-1432

24 September 2020

Dear [REDACTED]

Thank you for your recent requests for information set out in your letter dated 6 August 2020, relating to the approval process for the Strategic Housing Land Availability Assessment (SHLAA) for the new London Plan, and 13 August 2020 relating to the Habitats Regulation Assessment (HRA) of London Plan. Your requests have been dealt with under the Environmental Information Regulations (EIR) 2004.

Our response to your requests is as follows:

## **Strategic Housing Land Availability Assessment (SHLAA)**

1. *'Given my concerns about the SHLAA, I would be grateful if you can send me the relevant reports to the Mayor recommending approval of the final SHLAA methodology and of the final version of the SHLAA 2017...'*

The GLA holds the following information within scope of this part of your request:

- a paper to the Deputy Mayor dated 8 November 2016 seeking a steer on the proposed methodology for the SHLAA; and
- a paper to the Deputy Mayor dated 24 July 2017 setting out the small site options and housing targets.

We consider that the paper of 24 July 2017 is exempt from disclosure under the exception provisions found under Regulations 12(4)(d) and 12(5)(e) of the EIR.

Regulation 12(4)(d) is engaged when the request relates to material that is still in the course of completion, unfinished documents or incomplete data. If the information in question falls into one of these categories, then the exception is engaged.

This provision has been applied to withhold material in the course of completion. Guidance<sup>1</sup> published by the Information Commissioner clarifies:

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<sup>1</sup> [https://ico.org.uk/media/for-organisations/documents/1637/eir\\_material\\_in\\_the\\_course\\_of\\_completion.pdf](https://ico.org.uk/media/for-organisations/documents/1637/eir_material_in_the_course_of_completion.pdf)

*“The fact that the exception refers to both material in the course of completion and unfinished documents implies that these terms are not necessarily synonymous. While a particular document may itself be finished, it may be part of material which is still in the course of completion. An example of this could be where a public authority is formulating and developing policy.”*

This same guidance also clarifies that material which is still in the course of completion can include information created as part of the process of formulating and developing a policy, decision or recommendation such as the London Plan. In this instance it is necessary that officers should have the necessary space to undertake discussions relating to work in progress and our background thinking of information which will conclude when we go on to put the result into the public domain.

Please note that in addition to the paper of 24 July 2017, the attached paper dated 8 November 2016 also includes a table of information containing SHLAA data which was provided to the GLA by London Borough Councils which we consider falls under Regulation 12 (5)(e).

The SHLAA uses the assessment of overall capacity on potential sites to provide an aggregate, probability-based estimate of the future contribution from this source at a local planning authority level, not as an indication of the capacity of individual potential sites. Consequently, the release of detailed information on these sites could lead to this data being misunderstood and misapplied. If this data was released to the public it could lead to the pre-empting of the statutory planning decision process, undermine current land uses and businesses and lead to increases in land value through the speculative disposal and purchase of sites. This would not support optimum housing development outcomes and could compromise wider planning objectives of the Plan. Therefore, in this instance, Regulation 12(5)(e) applies when disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law.

The Information Commissioner’s Office (ICO) recognise that the types of information that might attract this exception include Planning information relating to development plans for land. Regarding the confidentiality of site specific information, please see the below extract from the 2017 SHLAA report;

*“All ‘potential’ sites in the SHLAA will remain confidential, as the SHLAA provides an aggregate, probability based estimate of the potential housing capacity on these types of sites. Specifically identifying potential sites might undermine current uses, pre-empt the statutory planning making/decision making process, and affect land values which could compromise wider planning objectives. Consequently, it is for each Planning Authority to determine whether information on potential sites should be made publicly available at site level, e.g. in terms of their Local Plans, housing trajectories and brownfield registers. As part of the study the GLA will only publish information about sites with planning approval or which are already publicly identified as suitable for housing, e.g. Local Plan allocations. These approved and allocated sites will be published on the London Datastore on the Mayor of London website.”*

Therefore, the Mayor would be in breach of his agreement with the London Planning Authorities if he were to release this data. The approved and allocated sites can be downloaded [here](#).

In relying on these EIR exception provisions under regulations, the GLA is required to balance the public interest in order to decide whether the information should be withheld. Under

regulation 12(1)(b), the public authority can only withhold the information if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. Furthermore, under regulation 12(2), it must apply a presumption in favour of disclosure.

There is a public interest in the release of information that would inform and engage the public debate on issues pertinent to the London Plan, however, the release of unpublished reports would be likely to undermine the safe space required by the GLA and Local Authorities to reach decisions without undue influence.

We further do not consider it to be in the public interest to release information that would undermine current land uses and businesses and lead to increases in land value through the speculative disposal and purchase of sites.

2. *'...the minutes of the meetings at which each document was approved, the signed approval document for each document and any written information – whether published or not – recording the process that was undertaken to approve each document.'*

The GLA does not hold information within scope of this part of your request.

3. *'...and the legal, environmental, equalities and other implications of each decision.'*

The legal, environmental and equalities implications of the policies that were underpinned by the SHLAA methodology were considered as part of the London Plan Examination in Public. More information on this can be found on our website here:

<https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/examination-public-draft-new-london-plan/eip-library>

## **Habitats Regulation Assessment (HRA)**

4. *'Please can you clarify: i. the source of the above statement<sup>2</sup> and the form of such statement (whether letter, email or some other written form), ii. evidence of who made the statement iii. the date that such statement was provided to the Mayor of London iii. whether that person who provided the statement provided the exact wording presented above and, if not, the wording provided iv. what were the "number of further minor changes ...in relation to our previous comments on the HRA and Plan wording" to which the person refers?'*

Please find attached email which confirms the information you require. Please note that some names of members of staff are exempt from disclosure under Regulation 13 (Personal information) of the EIR. Information that identifies specific employees constitutes as personal data which is defined by Article 4(1) of the General Data Protection Regulation (GDPR) to mean any information relating to an identified or identifiable living individual. It is considered that disclosure of this information would contravene the first data protection principle under Article 5(1) of GDPR which states that Personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

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<sup>2</sup> [https://www.london.gov.uk/sites/default/files/m3\\_natural\\_england\\_2989.pdf](https://www.london.gov.uk/sites/default/files/m3_natural_england_2989.pdf)

All written statements were published on the website in the exact form they were received. Re minor changes; Please refer to the Mayor's written statement on Matter 3 – paragraph 3.6 – bullet point 4:

[https://www.london.gov.uk/sites/default/files/mayor\\_of\\_london\\_-\\_m3\\_hra.pdf](https://www.london.gov.uk/sites/default/files/mayor_of_london_-_m3_hra.pdf)

Yours sincerely



Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

**Agenda item X****Deputy Mayors' Planning Meeting**

<b>Prepared by:</b>	██████████
Title	Senior Strategic Planner
Extension	██████
<b>Meeting Date:</b>	8 November 2016
<b>Item:</b>	The SHLAA
<b>Format:</b>	Paper
<b>Purpose</b>	To seek a steer on the proposed methodology for the SHLAA

**Introduction**

- 1.1 This paper provides an overview of the SHLAA and sets out a number of recommended changes to the methodology. These are based on a review of the approach taken in 2013 SHLAA.
- 1.2 The previous version of this paper (discussed on 13 September) has been amended. The main changes are:
  - the approach to estimating site density – which is now recommended to be broadly based on the current London Plan density matrix, as a starting point for the SHLAA, with an uplift in town centres and opportunity areas
  - timescales for the SHLAA project
  - further clarification that additional scenario testing will need to be undertaken to examine:
    - different industrial land release options to reflect demand side evidence as this emerges during the SHLAA project
    - the impact of Crossrail 2 and the Bakerloo Line extension on the density, delivery and phasing of potential development (as these are not yet committed and funded schemes)
    - other potential policy options, for example station intensification areas, further intensification in town centres and some suburban areas

**2 Project timescales**

- 2.1 To inform the draft London Plan the SHLAA would need to be completed by summer 2017, with initial results finalised by the June. In order to meet this deadline it would be necessary to:
  - consult boroughs and other stakeholders on the draft SHLAA methodology between late-November and Christmas
  - undertake site assessment and borough one to one meetings between February and June
  - carry out various scenario tests alongside this process
  - finalise and write up the SHLAA document by September 2017

**3 Methodology**

- 3.1 GLA officers recommend following the general methodology of previous SHLAAs as this has been subject to Examination in Public (EiP) and considered to be sound and consistent with national policy and guidance by a number of planning inspectors. The

methodology is summarised below and is specifically tailored to suit London's highly pressurised and unpredictable land market where 98% of housing is delivered on brownfield sites and where significant amounts of future capacity comes forward on 'potential' sites which are currently in other active land uses. These sites are kept confidential in the SHLAA in order to avoid inflating land values or undermining existing land uses and the formal planning process.

3.2 A number of key changes are recommended to the approach in order to ensure the study provides the most comprehensive assessment of suitable and available housing capacity as possible and does not under-estimate potential supply. These are summarised in Section 5.

3.3 The main sources of housing capacity in the SHLAA are:

- **Approvals** – net housing provision from London's current pipeline of large sites (0.25ha or larger) with planning permission, taking into account housing completions. This includes non-self contained housing (eg accommodation for students and specialist housing for older people).
- **Allocations** – large sites which are allocated or informally identified for residential/mixed use redevelopment.
- **Potential sites** – there are around 8,000 other 'potential' large sites in the current 2013 SHLAA system, which will be supplemented by other large sites derived from:
  - the Call for Sites (1,300+ sites submitted),
  - OAPF capacity studies
  - TfL development capacity studies for major transport schemes (eg Crossrail 2 and the Bakerloo Line extension).
  - Housing Zones
- **Small sites (under 0.25ha)** – annual 'windfall' trends in housing completions.

#### Probability based approach

3.4 The overall amount of achievable and deliverable housing capacity on potential large sites is estimated in the SHLAA methodology using a probability based approach. This assigns a probability score (%) to each potential site based on the number and severity of identified planning policy, environmental and delivery constraints. These are set out below

<b>Planning policy constraints</b>	<ul style="list-style-type: none"> <li>• Designated open space</li> <li>• Strategic Industrial Land (SIL)</li> <li>• Locally Significant Industrial Locations (LSILs)</li> <li>• Non designated industrial sites which boroughs wished to retain</li> <li>• Safeguarded Wharves</li> </ul>
<b>Environmental Constraints</b>	<ul style="list-style-type: none"> <li>• Air pollution</li> <li>• Noise pollution</li> <li>• Flood Risk</li> <li>• Health and Safety Executive consultation zones</li> <li>• Pylons</li> </ul>
<b>Delivery constraints</b>	<ul style="list-style-type: none"> <li>• Ownership</li> <li>• Local Infrastructure</li> <li>• Contamination</li> </ul>

- 3.5 Following this constraints testing exercise, the system applies the lowest probability score across these three categories to the site. This is then applied to the notional density to provide a housing capacity estimate and to assign a site to a particular phasing period. Boroughs can also adjust assumed land uses on each site to account for mixed uses, employment and social infrastructure. This is explained below:



- 3.6 On aggregate, this approach provides a robust method of estimating potential housing output in London that is more sophisticated than traditional ‘windfall’ estimates based on trends in completions. This is because it takes into account potential capacity but also considers the various site specific planning, environmental and delivery constraints and how these may affect the rate of housing completions without assuming every individual site will come forward for development. Further refinements are suggested to the overall SHLAA methodology in this paper which aim to ensure potential capacity is not being under-estimated, without undermining the robustness of the SHLAA.

## 4 Density estimates

- 4.1 ‘Notional’ density assumptions in the SHLAA have historically been based on the London Plan density matrix with the ability for boroughs to amend these based on local knowledge. In the 213 SHLAA these were generally based on mid-range matrix assumptions<sup>1</sup>, guided by Public Transport Access Levels (PTAL) and character maps. Higher or lower density assumptions were used depending on public transport access (PTAL). In town centres, densities were set towards the top of the relevant density range.
- 4.2 As a starting point for estimating capacity in the next SHLAA, it is recommended that default densities for sites are based on the current London Plan density matrix, as this ensures that site specific PTALs and other site characteristics can be fully taken into account for baseline estimates and in order to provide an accurate basis for further scenario testing (for example, town centre boundaries).
- 4.3 GLA officers have explored the potential to use an alternative model developed by London School of Economics (LSE) to predict site level densities. This model provides average (mean) density estimates for neighbourhood areas known as Lower Super Output Areas (LSOAs). There are around 4,800 LSOAs in London and these are geographically defined based on the number of residents in an area (between 1,000 to 2,000). The LSE model uses six characteristics<sup>2</sup> to predict the density of an LSOA having statistically analysed the significance of each characteristic in influencing density using completed developments between 2008 and 2015 and includes an uplift in opportunity areas and intensification areas.

<sup>1</sup> 3.1-3.7 habitable rooms per hectare

<sup>2</sup> These are public transport access, job accessibility, distance to centre, population density, % suburban character and % central character

- 4.4 GLA officers have tested both approaches by running the SHLAA system. Whilst the LSOA approach yields more capacity overall, on closer inspection the model does not appear to accurately pick up on substantial variations in PTAL at a site specific level and does not capture the geography of town centres. The model therefore significantly under-estimates density in these key growth locations, so may not be suited to the objectives of the London Plan and the SHLAA. This is due to the size and relatively arbitrary geography of LSOAs and the fact that the model provides average densities, which tends to 'average out' spatial variations present within each LSOA.
- 4.5 Overall, GLA officers have therefore concluded that whilst the LSE density model should be used to benchmark the density assumptions in the SHLAA and to provide an alternative scenario, it should not form the basis of the original site level density estimates in the SHLAA system.

Recommendation: As a starting point, densities in the SHLAA should be based broadly on the current London Plan density matrix, drawing on PTAL and character. Uplifts should be applied to sites in town centres and opportunity areas to reflect the expectation for these locations to yield additional housing output. Further scenario testing can then be undertaken to explore further density increases in other locations, eg transport corridors.

#### **Scope for boroughs to amend site density**

- 4.6 In the 2013 SHLAA around a third of all sites had their initial densities amended, with 70% reduced and 30% increased. Many of these changes were due to boroughs changing the character 'setting', eg urban to suburban. Whilst overall this reduced the capacity estimates in the SHLAA, it did help to ensure boroughs were generally supportive of the final housing targets and to demonstrate that site specific issues, local context and heritage assets had been taken into account.

#### Recommendation:

Boroughs should be encouraged to increase density estimates, noting that these are starting points and that actual realised densities could be higher.

Reductions in densities by boroughs would need greater justification in terms of site specific heritage or other constraints. This would be set out clearly in the SHLAA guidance.

#### **OAPF capacity estimates**

- 4.7 For the Isle of Dogs opportunity area the GLA has undertaken a detailed design-led masterplanning exercise as part of a development capacity study, which shows potential for higher levels of development than would be yielded by either density approach outlined above. Whilst the OAPF is still being finalised, this has involved a significant amount of work and detailed engagement with Tower Hamlets who are familiar with the capacity assumptions. Other OAPF capacity exercises have also been undertaken for Old Kent Road and Kingston, but are at a less formal stage.

#### Recommendation

GLA officers recommend that these OAPF capacity and land use assumptions are fed into the SHLAA system for boroughs to examine in more detail through the site assessment process.

## 5 Other issues and suggested changes to the SHLAA methodology

### Designated open space

- 5.1 As with previous SHLAAs designated open space (Green Belt, MOL and other open spaces) will be automatically set to zero probability, with any SHLAA sites overlapping these designations classified as unsuitable for housing. In the previous SHLAA boroughs were able to adjust this classification on a case by case basis where they were in the process de-designating a site and allocating it for housing, following a Green Belt Review. A steer is sought on the following options:

#### Options:

- A. Should boroughs be given the option to override the default settings in the SHLAA system for designated open space where they consider housing would be appropriate and are seeking to de-designate sites in their Local Plans?
- B. Alternatively, should all open space designations be classified as unsuitable with no option for boroughs to amend this, unless the GIS information is incorrect?

### Industrial land

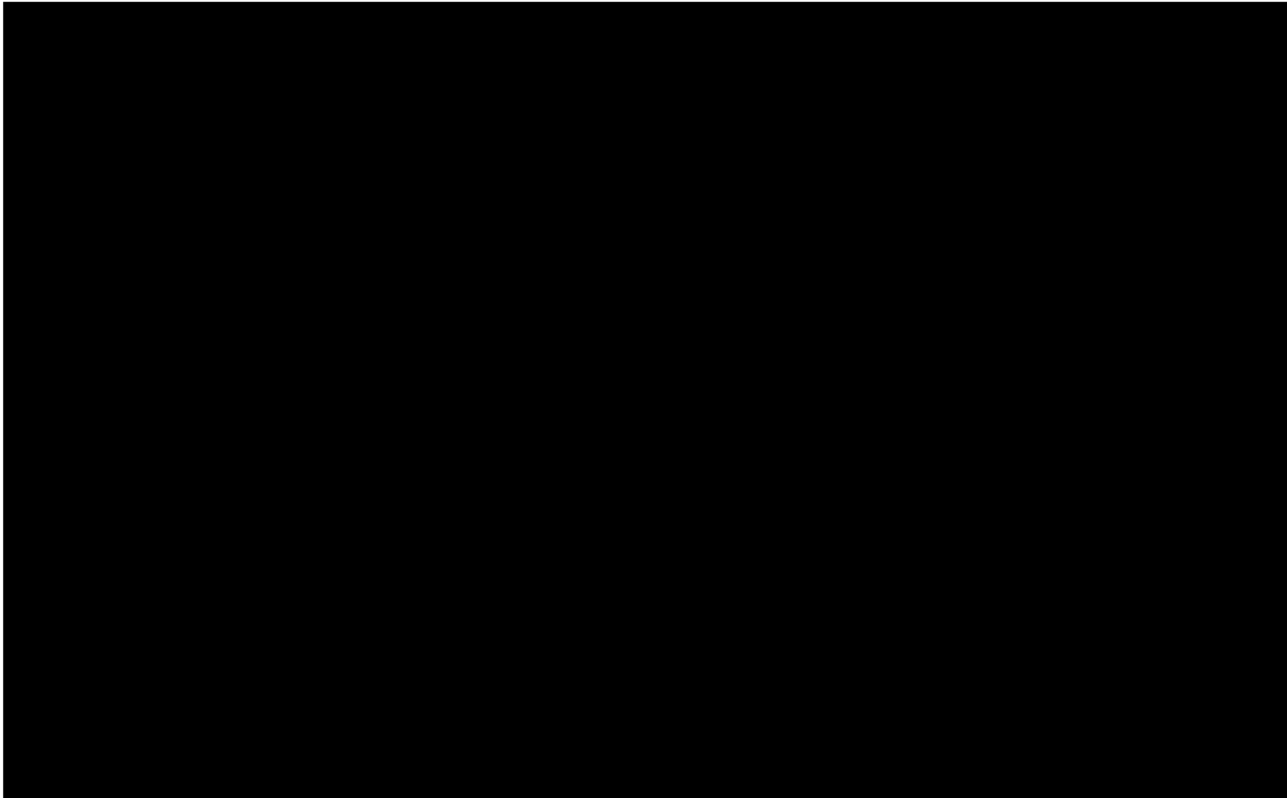
- 5.2 The approach to industrial land in the new SHLAA is designed to allow assumptions about industrial land release to be revisited and potentially re-modelled once evidence on industrial demand is finalised and policy decisions are taken during the course of the SHLAA project.
- 5.3 The 2013 SHLAA categorised Strategic Industrial Land (SIL) sites as unsuitable for housing but allowed boroughs to alter this default setting where they considered sites were suitable for de-designation and housing/mixed use redevelopment.
- 5.3 For locally significant industrial sites (LSIS), the SHLAA methodology assigns a notional probability estimate which is based on borough classifications for industrial land release in the London Plan (restricted, limited and managed):
- sites within a 'restricted' borough are assigned a lower probability of 40%
  - sites with a 'limited' borough are assigned a probability of 50%
  - sites with a 'managed' borough are assigned an increased probability of 60%
- 5.4 This approach reflects the different planning status these sites have and the fact the stock of locally designated industrial sites has reduced at a higher rate (23%) compared to SIL (5%). Boroughs could alter these probability assumptions where they considered sites should be protected based on local evidence, or considered more suitable for housing. A broadly similar approach was followed for other non-designated industrial land, with probability estimates 5% higher in 'restricted' and 'limited' boroughs and the same estimate for 'managed' boroughs.

### Industrial land in the development pipeline and emerging plans

- 5.5 The latest industrial supply study (2015) shows that the rate of release of industrial stock has been 105 hectares a year over the period 2010-2015. A further 834 ha of industrial land is earmarked for release through:
- planning permissions – 189 ha
  - Opportunity Area Planning Frameworks (OAPFs) – 363 ha
  - Housing Zones – 126 ha
  - Emerging (not yet adopted) Local Plans – 153 ha

5.6 These locations are shown in Figure 1, below.

**Figure 1 – Potential industrial land release in the development pipeline, Local Plans, OAPFs, Housing Zones**



Recommendation: As a starting point, the industrial sites earmarked for release in opportunity area planning frameworks, emerging Local Plans and Housing Zones should be considered as 'potential sites'.

Boroughs would be able to adjust the land use assumptions on potential sites to accommodate a mix of uses including employment floorspace, including provision for industrial uses.

**These assumptions can then be revisited before the SHLAA is finalised in order to reflect evidence on industrial demand/supply.**

All other industrial sites would then be considered in line with the same approach as was followed in the previous SHLAA. This entails:

- Classifying all other SIL sites as unsuitable, with boroughs given the option to change this assumption on a case by case basis
- LSIS and other non-designated industrial sites assigned probability scores highlighted above, which can be amended by boroughs and can be updated in light of new demand evidence (due in December)

Further scenario testing in relation to industrial land release is set out in Section 6.

#### **'Unsuitable' classifications**

5.9 In the previous SHLAA boroughs were able to classify sites as unsuitable due ownership, environmental setting, infrastructure and contamination constraints. This meant that sites were effectively excluded from the SHLAA with a probability of 0% applied. In total 450 sites were classified as unsuitable in this way, of which almost 400 were due to ownership, 27 due to 'environmental setting' and a further 30 due to infrastructure and

contamination. A quarter of the sites considered unsuitable due to ownership are located in town centres, which might significantly underplay potential housing capacity in these key potential growth locations.

#### Recommendation

It is recommended that boroughs are not able to classify sites as 'unsuitable' because of ownership, infrastructure and contamination constraints as it is reasonable to expect that these constraints can be mitigated and addressed through specific interventions, eg remediation, land assembly/CPO or, good design or infrastructure investment. As an alternative, boroughs should be given the option to grade these constraints as either: 'low', 'medium' or 'high'.

- 5.10 'Low' would have no impact on probability, whereas a 'medium' would reduce a site's probability by 10%, and 'high' would mean a 20% reduction. This approach has the benefit of retaining the sites in the SHLAA system and allowing constraints to be recorded for investment/intervention purposes, for example through Housing Zone designations. Importantly, the scope to address barriers to delivery could then be illustrated through scenario tests and taken into account as part of the overall study.
- 5.11 Specific instructions will also be provided to advise boroughs on how particular delivery constraints should be classified to ensure a more consistent and evidence based approach is followed. Land Registry Data is also now available which will inform the classification of ownership constraints and will be made available to boroughs within the SHLAA system. Boroughs would still be able to class sites as 'unsuitable' where they are in flood zone 3b or are affected by 'high' levels of aircraft noise<sup>3</sup>.

#### **Health and Safety Executive (HSE) consultation zones**

- 5.12 These zones cover gasholders and other hazardous installations. Minor amendments are proposed to reflect HSE advice in relation to housing within different zones and the scope for these sites to be decontaminated and decommissioned to enable redevelopment. Twenty gas holder sites have been submitted through the call for sites by National Grid and St William, which are considered developable in the short to long-term period.
- 5.13 In the previous SHLAA sites which overlapped with inner HSE consultation zones were considered unsuitable, unless boroughs changed this assumption. Sites overlapping middle and outer HSE zones were assigned a reduced probability (10% reduction). However, the HSE's advice<sup>4</sup> does not in principle advise against residential development in the outer and middle zones, so it is recommended that this constraint is removed. It is also recommended that HSE constraints are 'turned off' where sites have been put forwards by National Grid and considered developable.

#### Recommendation

Gas holder sites submitted as part of the Call for Sites should not be classed as 'unsuitable' and should be considered as 'potential sites' by boroughs, effectively turning off these constraints in the SHLAA system. Boroughs would then need to consider the likely phasing of any scheme and

<sup>3</sup> aircraft noise levels beyond 69 decibels – deemed to lead to unacceptable adverse effects

<sup>4</sup> Health and safety executive, planning methodology, decision matrix - <http://www.hse.gov.uk/landuseplanning/methodology.htm>

could apply other delivery constraints – eg contamination.

In other locations, sites overlapping with inner HSE zones would be classed as unsuitable, with boroughs required to re-draw site boundaries where appropriate to exclude these areas.

Middle and Outer HSE consultation zones would have no impact on site probability.

### **‘Environmental setting’**

- 5.14 This constraint was used in previous SHLAAs and is determined based on a borough officer’s judgement, rather than GIS data. In practice, this effectively duplicates noise and air quality constraints. These issues can also be successfully addressed and mitigated through good design and landscaping, so should not affect the probability or capacity assumed on a ‘potential site’.

### **Recommendation**

This constraint should be removed from the SHLAA methodology.

### **Road-based noise**

- 5.15 This constraint was used in the previous SHLAA drawing on GIS noise data and effectively meant that potential sites along busy roads and in town centres were considered less probable, with lower housing capacity assumed in the SHLAA. However, in reality, residential and mixed use development occurs along these movement corridors and potential noise issues can be effectively mitigated through soundproofing, landscaping and design, eg by accommodating commercial uses on the ground floor.

### **Recommendation**

Road base noise should be removed as a constraint used in the SHLAA. Aircraft based noise contours should be retained and will mean that particular sites may be considered unsuitable or with reduced probability in certain locations near airports.

### **Air quality**

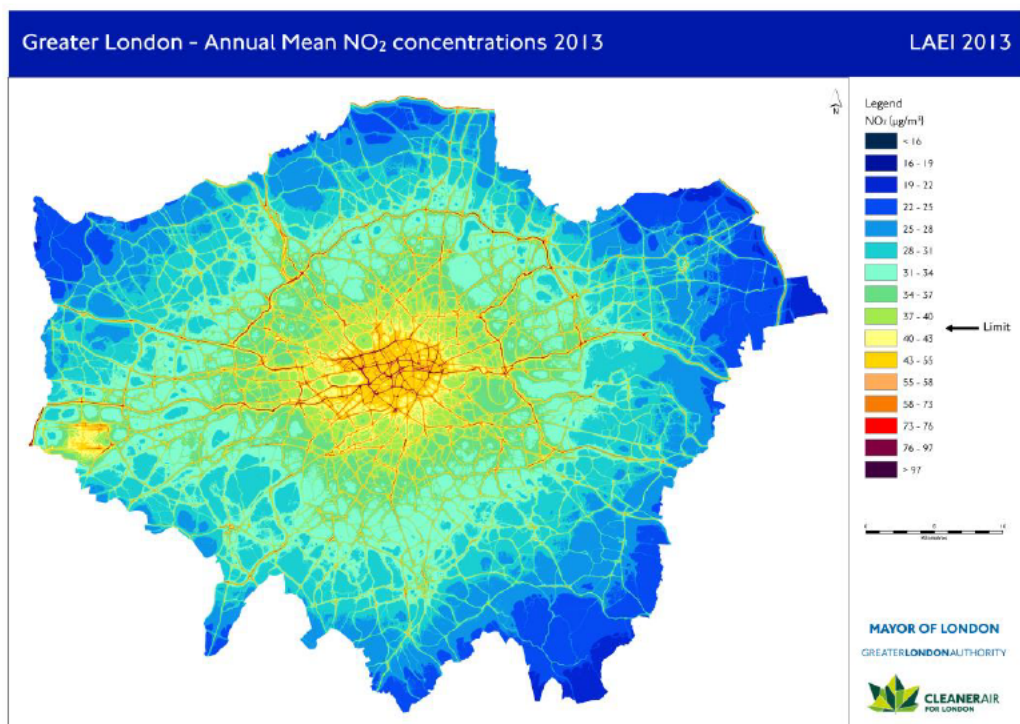
- 5.16 Similarly, air quality constraints affect a significant number of sites (see map below) but in practice do not affect the deliverability of housing in most instances and can be mitigated to enable development – eg through design solutions, for example setting backs development/buffer zones, sustainable design and construction methods and by ensuring air quality neutral development. These measures need not reduce housing output on a site. The Mayor’s air quality strategy will also include measures to address and improve air quality over time. Amendments to the SHLAA methodology are proposed which continue to recognise what is a key Mayoral priority but ensure that this constraint does not reduce the capacity identified in the SHLAA.

### **Options:**

**Option A** – air quality could be removed as a constraint affecting the probability of housing. This would not mean that it would not be considered an important Mayoral priority or planning issue, but would mean that it would not reduce the capacity assumed on sites in the SHLAA.

**Option B** – the impact of air quality levels have on capacity assumptions in the SHLAA is slightly reduced, with sites classified as either ‘medium’ (above EU limits for NO2 and PM10 levels) or ‘high’ (significantly above). A medium would reduce site probability by 5%, whereas a high constraint would reduce a site’s probability by 10%. This differs from the 2013 SHLAA in

which any site above EU levels received a 10% reduction in probability.



### Flood risk

5.17 A similar approach is taken to the previous SHLAA, with some minor refinement. This draws on flood risk maps published by the Environment Agency and borough level flood risk evidence:

- sites in flood zone 3a benefiting from flood defences are assigned a reduced probability of 5%
- sites in areas of Zone 3a not benefiting from flood defences are assigned a reduced probability of 10%
- sites in flood zone 3b are considered unsuitable and given a probability of 0%

### Allocated sites

5.18 In previous SHLAAs, sites which are already allocated are still subject to constraint testing in the same manner as 'potential sites', with probability based housing capacity estimates provided. This approach results in lower capacity estimates being identified in the SHLAA compared to site allocations documents.

### Recommendation

GLA officers suggest changing this approach, so that allocated sites are considered 100% probable to reflect their formal planning status and the higher likelihood of housing being delivered. Boroughs would be able to adjust the land use mix and phasing of a development. Constraints would be identified on allocated sites, but this would be for information only. This would apply to all sites identified in an adopted DPD or SPD.

### Overcoming constraints

5.19 National guidance on undertaking SHLAAs advises that local planning authorities should consider whether site constraints could be overcome, eg by removing policy restrictions or mitigating/addressing environmental or delivery constraints. Whilst this exercise was

undertaken in the 2013 SHLAA by boroughs, any changes made to constraints did not affect the probability assumed by the SHLAA system.

#### **Recommendation**

Boroughs should be required to evaluate whether site constraints can be mitigated and where they consider this is likely, this should 'turn-off' the relevant constraint so that it does not impact the probability calculation or the amount of housing assumed for a particular site.

#### **Offices**

- 5.20 In the 2013 SHLAA all offices were considered as potential sites but boroughs were allowed to exclude recently completed offices (since 2003) and could categorise other 'high value' offices as 'low probability' sites. These low probability sites were assigned an 8% probability for housing. The current SHLAA provides the opportunity to take a more tailored spatial approach which reflects:
- office to residential permitted development rights (which have now been made permanent); and
  - the change in emphasis taken in the Central Activities Zone SPG which seeks to sustain office provision in this area.
- 5.21 The recommended approach effectively assumes that CAZ boroughs will be successful in adopting their own Article 4 Directions, when the current exemptions expire in May 2019.

#### **Recommendation**

The following approach is recommended for assessing potential housing output from offices in the SHLAA:

- Offices in tightly defined commercial core areas of the City and the Isle of Dogs Opportunity Area should be excluded from the SHLAA. Recently completed offices would also be excluded.
- Offices in all other locations should be classified as 'potential sites' but boroughs given the ability to assign 'low probability' status to office sites. The probability assumption used would be varied depending on a site's location and potential for permitted development:
  - Within the CAZ, core areas of the City Fringe OAPF, any adopted Article 4 Direction area and high value business parks (eg Chiswick) a lower probability status would mean that sites are assigned a lower 5% probability.
  - Outside these locations a higher 10% probability is assumed.

- 5.22 Commercial core areas of the City and Isle of Dogs will be agreed and defined prior to the SHLAA, drawing on, the Isle of Dogs OAPF and Local Plan designations.

#### **Schools**

- 5.23 Primary and secondary schools were considered to have a 'low probability' for housing and assigned an 8% probability for housing in the 2013 SHLAA. Overall the study assumed that 2,300 homes would come forward on school sites before 2025. Whilst this comprised only 0.5% of the 10 year housing targets in the London Plan and played a limited role in contributing to individual borough targets, concerns were raised about this approach during the Examination in Public on the 2015 London Plan by boroughs and the London Assembly, particularly given concerns about social infrastructure.

### Recommendation

In light of increased demand for school places and the need to accommodate significant levels of new development, GLA officers recommend changing this approach to allow boroughs to exclude schools where there is a **zero** chance of housing coming forward. Boroughs would be advised to put forward any school sites where they were considering accommodating housing, eg as part of their asset management plans or as enabling development on expanded school sites. In addition, some boroughs have prepared site allocations documents for schools (eg Ealing), so boroughs should be able to exclude these sites, where DPDs are adopted.

### **Low probability sites**

- 5.24 Low probability status was added to the 2013 SHLAA to address the propensity for boroughs to exclude potential sites where predicting potential housing delivery is challenging – eg. existing retail, leisure, office developments and housing estates. However, a significant amount of housing does come forward on these types of sites.
- 5.25 Low probability sites are given an 8% probability of delivering housing. This probability estimate was established following a review of the number of planning permissions granted on sites excluded in the 2004 SHLAA. A more recent review of sites excluded in the 2009 SHLAA has shown that this estimate continues to provide an appropriate assumption based on planning approvals (2009-2015), even where school sites are removed. Capacity from low probability sites is allocated to the later phases of the SHLAA – phases 3,4 and 5. For the new SHLAA this would mean this capacity is assumed to come forward between 2024 and 2041.

### Recommendation

GLA officers therefore recommend applying broadly the same approach and criteria for low probability sites, subject to the changes described above in relation to offices and schools. In addition, thresholds for low probability sites are altered to include high value office, retail and leisure sites which were built before 2010. This seeks to ensure that fewer sites are excluded from the SHLAA given the long-term timescales used in the study (2041). All large out of town retail sites put forward in the Call for Sites (eg Tesco and Sainsbury's) would need to be considered as 'potential sites' by boroughs.

- 5.26 For boroughs to re-classify a potential site as 'low probability', this site in question must meet the criteria below:
- Further education site or hospital with no planned redevelopment before 2041
  - The site is an area of private/mixed tenure housing in multiple ownership with no known plans for redevelopment
  - Social housing estate with no planned intensification programme up to 2041
  - New build housing completed before 2005 where there is a low probability of additional housing development
  - A high value retail/leisure/ office development completed before 2010 where there is a low probability of additional housing development
  - Other reasons where necessary – scrutinised by GLA

### **Excluded sites**

- 5.27 Only sites considered to have a zero chance of coming forward for housing development during the plan period should be excluded from the assessment by boroughs. The

criteria for excluding sites has been updated to reflect changes outlined above in relation to schools and offices and is outlined below.

- 5.28 Sites in operational use as infrastructure (eg transport, utilities, waste) is a reason for exclusion. However, as substantial numbers of sites have been submitted through the Call for Sites by Network Rail, Thames Water, TfL, NHS Property Services and the MOD/MOJ – many of which are in operational use – the system will be designed to ensure that these sites are not excluded and are considered as ‘potential’ sites.

#### Recommendation

GLA officers therefore recommend applying broadly the same approach and criteria for excluded sites, subject to the changes described above in relation to low probability sites and call for sites received from infrastructure providers (see additional criteria in bold below).

- 5.29 To be excluded, sites will need to fall into the following categories:
- New build housing completed (since 2005) where additional housing development is improbable during the plan period.
  - Recently completed (since 2010) retail, leisure or office development, where redevelopment is improbable during the plan period.
  - **Office sites in defined commercial core areas within the City of London and north of Isle of Dogs.**
  - The site includes a listed building or scheduled monument where development or intensification is unlikely (before selecting this option, boroughs are encouraged to take account of potential for sympathetic enabling development around the site; the potential intensification ‘behind the façade’; or change of use to residential, where applicable).
  - The site is safeguarded for a strategic transport project (eg. Crossrail) which means development is improbable during the plan period.
  - **Primary and secondary schools**
  - The site is in strategic operational use for transport, waste or utilities infrastructure and is in operational use and expected to continue to be in use over the plan period so redevelopment is considered improbable. This exclusion is for sites that contain strategic infrastructure such as airports, railways, sewerage treatment works, waste sites and associated depots that are in operational use and have no potential of becoming redundant over the plan period. **This should not include sites that have been proposed by a land owner as part of the call for sites, as these should be considered potentially developable during the plan period and should be considered in the SHLAA.**

## **6 Scenario tests**

- 6.1 Further scenario testing can be undertaken in the SHLAA to explore a range of policy options and scenarios in terms of infrastructure delivery, for example:
- along defined transport corridors (eg Crossrail 2 and the Bakerloo Line Extension)
  - within 1km of town centres or in potential ‘station intensification areas’.
  - In order to take into account the findings of the industrial demand study, which will be available from December 2016 (see industrial land release scenarios below).

- the potential for suburban intensification
- 6.2 A number of sites may also be dependent on Crossrail 2 and the Bakerloo Line Extension so scenario tests showing the potential impact of these schemes on the density, phasing and delivery of development will be needed and will be important in supporting the business case of individual schemes. These scenarios will need to be considered at a later date and may potentially involve further engagement with relevant boroughs and the consideration of some sites which may have been considered unsuitable in the SHLAA.

#### Industrial land release scenarios:

- 6.3 The GLA Industrial Land Demand Study will update the London Plan annual benchmark for industrial land release for 2015-2041. This will be based on a reconciliation of supply and demand for industrial land in different parts of London. The study will take into account the scope for intensification and co-location of some industrial activities with other uses (including residential), as well as the potential for the wider south east to accommodate some of London's demand for industrial land.
- 6.4 The potential impacts on London's economy and sustainability of alternative scenarios of industrial land release are also being explored in the GLA Industrial Land Demand Study. Provisionally, these scenarios include:
- an **industrial-led scenario**: i.e. what would be an appropriate quantum, mix and location of industrial provision within London/wider south east property market areas to service London's needs
  - a **supply-led scenario**: this scenario assumes that recent trend rates of industrial land release continue @ 100ha per annum
  - an **infrastructure-led scenario**: looking for example at the level of industrial land release that might be needed to deliver Crossrail 2 and the Bakerloo Line Extension.
  - a **tipping point scenario**: exploring the maximum quantum of industrial land that could be released without significant adverse impact on the London economy.
- 6.5 Each scenario above will include quantified industrial land release benchmarks at borough level which can be fed into the SHLAA scenario testing.
- 6.6 The SHLAA will therefore need to be flexible to enable us to test the implications of each of the above industrial land release scenarios on housing capacity. It will ensure that the SHLAA and the GLA Industrial Land Demand Study are fully integrated and inform policy development in the next London Plan.
- 7 Small sites**
- 7.1 For small sites the SHLAA uses annual trends in housing completions to project the amount of windfall development that can realistically be expected in each borough. This takes into account net housing output from new build development, conversions, and change of use. National policy states that historic windfall delivery rates should not include development on residential gardens, so 90% of these housing completions were removed. This accounts for around 5% of total housing completions on small sites in London.

- 7.2 Trends in completions between 2004 and 2014 indicate that a windfall delivery target of around 10,450 units a year could be expected from small sites. Early analysis suggests that this would reduce to around 9,900 pa once an adjustment is made for housing on garden land. This is slightly lower than the 10,600 units a year identified in the 2013 SHLAA and is a consequence of lower rates of housing completions for years 2012/13 to 2014/15 on small sites.

#### Recommendation

A similar approach to the previous SHLAA is proposed, with windfall rates updated to take into account recent trends in housing completions. However, given the potential for small sites to boost annual housing delivery, officers also recommend including separate figures for garden land in the SHLAA study to enable different potential scenarios to be modelled. In addition, the SHLAA study should take into account the potential for increased housing output (above trends) on small sites as a result of:

- potential policy changes in the London Plan in relation to small sites, upwards extensions and suburban intensification
- the impact of brownfield registers and permitted development rights, eg permission in principle, LDOs associated with design codes or 'pattern books'

The precise parameters for these scenarios can be explored in more detail over the next 6 months and it is possible for more detailed analysis to sit outside the SHLAA report, but be referenced in the SHLAA.

## **8 Vacant homes returning to use**

- 8.1 The 2013 SHLAA included an estimate for the number of long-term vacant homes expected to return to use between 2015 to 2025. This was based on the expectation that the number of long-term vacant homes will reduce to 0.75% of the total housing stock over this period. Since 2004 the overall number of long-term vacant homes in London has reduced by half and now accounts for only 0.6% of the total housing stock, suggesting that this is now a local rather than a strategic issue. Following the same methodology as the 2013 SHLAA would result in targets only being applied to 8 boroughs. There are also a number of other issues to consider:

- the data used to monitor vacant homes relies on Council tax records, so there is a risk of double counting
- rather than show whether homes are actually being occupied, trends may illustrate how homes are being classified for Council tax purposes.
- whilst long-term vacant homes returning to use have made a important contribution to overall housing completions over the past 10 years (around 7%), data returns show lumpy and unpredictable patterns which have resulted in negative returns for three of the last 10 years, which can have significant impacts locally.

#### Recommendation

Whilst the number of empty homes will continue to be a key Mayoral priority and addressed by policies in the London Plan and Housing Strategy, it is recommended that this issue is not considered in the SHLAA or London Plan minimum housing targets.

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**Subject:** RE: Natural England\_Statements in relation to Matter 3 and Matter 16

Dear [REDACTED]

Thank you, I can confirm safe receipt.

Kind regards

[REDACTED]

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*EiP for the draft New London Plan*

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**Subject:** Natural England\_Statements in relation to Matter 3 and Matter 16

Dear [REDACTED]

Please find attached Natural England's statements in relation to Matter 3 - Habitats Regulations Assessment, and Matter 16 – The Wider South East and Beyond, for the Examination in Public.

Please do let me know if there are any questions regarding the content of our statements at any stage.

Kind regards,

[REDACTED]

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