

Annex C – Reasons for accepting recommendations

- 1.1. The Inspectors' recommendations represent the end of a detailed process, from the original consultation on the draft Plan, which resulted in Minor Suggested Changes to the Plan and Further Suggested Changes as a result of issues raised during the Examination in Public (EiP). The Inspectors' first recommendation (Recommendation **PR1**) is to include these changes in the Plan unless otherwise recommended. It is proposed to accept this recommendation as the Minor and Further Suggested Changes were informed by the consultation and EiP and demonstrate that the development of the Plan has been informed by the various stages of the process.
- 1.2. **PR2** recommends that when next altering or replacing the London Plan the Mayor should publish a statement setting out how consultation requirements will be met and evidence clearly what was done to meet those requirements. The Inspectors' report is positive in terms of the consultation carried out on the draft Plan, particularly the role of the City for all Londoners consultation. While the Panel's report found that the statutory requirements under the Greater London Authority Acts 1999 and 2007 and associated regulations with regards to publication and consultation had been met for this Plan, producing such a statement would make the process clearer for all stakeholders in future, so it is proposed to accept this recommendation.
- 1.3. **PR3** recommends that the Good Growth policies are amended to objectives. This point was discussed at length in the EiP, where a number of participants raised the concern that the nature of the Good Growth policies meant that it was unclear how they would be applied in practice. Of particular concern was how they would be used in development decisions. There was, however, strong support for them as objectives. Officers have reviewed the recommendation and the Good Growth chapter in the draft Plan and identified only one element of the chapter that is not supported sufficiently elsewhere in the Plan in policy – the requirement related to build out rates. Therefore, it is proposed to accept the recommendation with a corresponding amendment that ensures that the build out rate requirement is included in policy in the housing chapter of the Plan.
- 1.4. **PR5** relates to defining areas of the Central Activities Zone that are inappropriate for residential development. A number of boroughs argued that defining 'detailed boundaries' in development plans as proposed by the policy was too prescriptive and so the Inspectors have recommended that the policy is more flexible by requiring areas to be 'identified by boroughs in development plans'. It is proposed to accept this recommendation as the change in text does not change the intention of the policy.
- 1.5. **PR8 -11** relate to small sites. This London Plan places greater emphasis on the role that the development of small sites (sites of less than 0.25 hectares) can play in delivering the housing Londoners need. London has historically been heavily reliant on very large schemes to meet its housing requirements. Because of their size, scale and complexity, these can take a number of years to complete. Small sites can be delivered relatively quickly, often without large upfront capital investment, and can

therefore make a significant cumulative contribution to overall annual housing completions, helping to supplement the increasing rates of housing delivery on large sites.

- 1.6. The three key mechanisms in the draft London Plan for increasing the delivery of housing on small sites are:
- the ten-year targets (2019/20 -2028/29) for net housing completions on small sites for each of London's boroughs which are set out in Table 4.2 of the Plan. These form a component of each borough's overall ten-year housing target shown in Table 4.1 of the Plan;
 - a policy encouragement for boroughs to identify and bring forward housing development on small sites (Policy H2); and
 - a policy presumption in favour of approving the development of 'small housing developments' which are housing developments of between 1 and 25 homes (Policy H2A).
- 1.7. The small sites targets were informed by modelling undertaken by the GLA (set out in the Strategic Housing Land Availability Assessment 2017) to reflect the step-change in delivery that could be achieved through the application of Policy H2 and in particular the presumption in favour of small housing development set out in Policy H2A. This modelling exercise provided assumptions on the capacity for each borough to increase net additional housing supply within existing residential areas through conversion of houses to flats and new-build infill development of 10 or fewer homes. Findings from the modelling were then added to a remaining windfall trend for housing completions on other types of small sites not covered in the modelling to establish individual borough small sites housing targets. Overall it was estimated that there is capacity across London for some 24,500 units per year over 10 years from small sites.
- 1.8. The Inspectors' report notes that the modelling and small sites policies herald a new approach to increasing and diversifying possible sources of housing in light of growing need. However, they criticise the modelled growth assumptions for small sites for being adopted on the basis of a reasonable estimate without a firm empirical basis.
- 1.9. The modelled growth assumption used to derive the small sites targets was a 1% growth rate (equivalent to the intensification of one house for every 100 existing houses per year). This was the subject of intense debate at the EiP. Empirical evidence was presented from a group of west London boroughs¹ to indicate that housing intensification as a proportion of existing dwelling stock is currently below 1%, with net completions for all schemes between 1 and 25 units within 800m of town centres or stations between 2008 and 2015 having a rate ranging from 0.21% to 0.36% for the individual boroughs.
- 1.10. The Inspectors' report and EiP raised concerns about the deliverability of the policy and also the impact on local character. Some boroughs considered that the policy

¹ West London Small Sites SHLAA Part B Report para 7.71. (EiP reference NLP/AD/18)

presumption in favour of small housing development in Policy H2A, coupled with the 'high' small sites targets, would force them to accept poor quality development, particularly in the early years of the Plan as they would not have had time to develop area design codes and local planning guidance to manage these developments before proposals came forward. Once the London Plan is published its targets take precedence over those in existing borough plans even if these have been recently adopted. This could create difficulties in terms of immediately meeting the requirement for a five-year supply of deliverable housing sites and may lead to increased risk of boroughs failing the government's Housing Delivery Test (HDT). In both circumstances this could trigger the National Planning Policy Framework's presumption in favour of sustainable development and weaken Local Plan policies in the decision-making process.

- 1.11. The Inspectors recognise that there is some force to the argument that the small sites policies and targets were "intended to re-shape attitudes and that by always looking backwards nothing would change", but conclude that while the policy approach is aspirational, the growth rate modelled for the targets is not realistic. They also raise a concern that it would not positively contribute to the Good Growth objectives that underpin the Plan and could impose undesirable consequences on Londoners as plan-making at the local level would struggle to achieve unrealistic expectations. Thus, they recommend deleting Policy H2A small housing developments and related supporting text in its entirety (**PR11**) and reducing the small sites ten-year housing targets (**PR10**) and the overall housing targets as a consequence (**PR8**).
- 1.12. The Inspectors' supported the approach to having small sites targets that do not simply rely on past trends as in earlier London Plans. Therefore, the modified small sites ten-year housing targets that they recommended (**PR10**), and their consequential impact on the overall housing target (**PR8**), are based on both a windfall (past trend) element and a modelled element with a growth rate of 0.3% pa (rather than the 1% used in the draft London Plan). A growth rate of 0.3% was considered by the Inspectors to be the most likely to reflect the realistic output from small sites and this is supported by the evidence submitted by west London boroughs at the EiP.
- 1.13. This recommendation adjusts the overall ten-year small sites housing target from 245,730 to 119,250 and the total ten-year housing target from 649,350 to 522,870. In making their recommendation, the Inspectors acknowledge that boroughs could still adopt their own positive policies about small sites or higher targets.
- 1.14. It is proposed to accept the Inspectors' recommendations to modify the small sites targets (**PR10**) and total ten-year housing targets (**PR8**) and delete H2A (**PR11**) for the reasons set out above, but given the scope to exceed the small sites targets - as acknowledged by the Inspectors - it is proposed to set these as minimums. In addition, to encourage boroughs to make greater use of small sites for housing developments and help manage these developments, it is proposed to move some of the supporting text from Policy H2A into the supporting text of Policy H2 instead of deleting it. This supporting text identifies different ways in which small site development opportunities can be encouraged and managed by the boroughs, particularly through proactive use of design codes (which are encouraged by Policy H2 part B2). This

provides greater support for sustainably developing small sites, while responding to the key elements of the Inspectors' recommendations.

- 1.15. The supporting text also provides guidance for boroughs on issues that these developments may raise, from providing family housing in conversions to mitigating the impacts on green space. It also encourages minor housing developments (nine or fewer homes) to contribute to creating affordable housing through off-site contributions, so these developments can help provide the housing mix that London needs. This encouragement is important given that 65% of London's housing need is for affordable housing and for some boroughs, sites of nine or fewer units are the main source of supply. This approach is consistent with the approach taken in some London boroughs' Local Plans (e.g. Camden, Islington and Richmond upon Thames) that justify a requirement for affordable housing contributions from minor developments. These plans have been found sound by the Planning Inspectorate and the policies supported at appeal.
- 1.16. The Inspectors recommend adding supporting text to Policy H2 (Small sites) (**PR9**) to make clear to boroughs that the lower amended small sites targets can be taken to amount to a reliable source of windfall sites by boroughs when identifying land for homes in their plans. This is helpful as it means small sites targets can be relied upon at the local level as an agreed source of capacity.
- 1.17. Accepting these recommendations, with the proposed amendments (see PR11 Annex B), would mean the Plan will still contain an innovative and strong policy encouragement for the development of small sites as a source of housing supply and a significantly higher overall housing target (52,000 homes per year) than the previous London Plan (42,000 homes per year). Embedding this policy through proactive working with boroughs to develop area design codes for residential intensification and identifying small sites for allocation in Local Plans will provide an opportunity to further explore and evidence the latent capacity and deliverability of such sites. It will also enable initiatives to overcome any barriers (including perceived barriers) to delivering these sites in order to achieve a higher growth rate than the 0.3% modelled target from this source in the future. Many boroughs would welcome the support the GLA can provide to realise opportunities from small sites.
- 1.18. The Inspectors' report sets out that with the reduction in targets, the Plan provides an appropriate spatial strategy that plans for London's growth in a sustainable way and is sound. This does mean however, that the Mayor is intending to publish a London Plan does not meet all of London's identified development needs. Work will need to be undertaken to explore the potential options for meeting this need sustainably in London and beyond. As the Inspectors acknowledge, this is a matter for a future Plan and requires close collaboration with local and strategic authorities and partners. Clear commitment from the government is essential to support the consideration of these options and the significant strategic infrastructure investment requirements associated with them.
- 1.19. In **PR12**, the Inspectors recommend the deletion of the Vacant Building Credit (VBC) policy, which sought to limit the application of the VBC in London. The government's VBC policy has the potential to reduce the level of affordable housing delivered in the

capital. The Inspectors recognised both the acute need for affordable housing in London and the potential impact of the VBC on its delivery, but concluded that this is likely to be an issue in most urban areas and there is insufficient evidence of the impact of the disapplication of the VBC across London as a whole to justify a departure from national policy. This suggests there is a fundamental issue with the national policy. However, the report is clear that if boroughs wish to disapply the VBC, they can do so based on local evidence, which some boroughs already have. As such it is proposed to accept this recommendation and the Mayor will continue to support boroughs in developing local policies on the VBC based on local housing need.

- 1.20. **PR13** recommends the removal of part C of the Housing size-mix policy, which sought to prevent boroughs from setting prescriptive, area-wide, housing size-mix targets (in terms of bedrooms) for market and intermediate homes. A number of stakeholders objected to this element of the policy as they felt it restricted boroughs' ability to deliver the size of homes to meet their needs. While there are reasons why setting such targets is unlikely to help meet identified market and intermediate needs, there was considerable strength of opinion on this from a number of boroughs and the Assembly at the EiP. Any size mix policy a borough seeks to introduce would need to be considered through the plan-making process and this should ensure that the considerations of the remaining parts of the policy are taken on board. Given the above, it is proposed to accept this recommendation and to update related supporting text, with an explicit encouragement to set size-mix requirements on a site-by-site basis (rather than on an area-wide basis) as this can help ensure that size-mix requirements take account of the site, its location and the type of development that would be suitable.
- 1.21. **PR14 and PR34** recommend moving text from supporting text to the policy. It is proposed to accept this as the move into policy provides additional clarity.
- 1.22. **PR15** seeks to ensure that it is clear what development is in the scope of the policy. It is proposed to accept the recommendation as it adds clarity and will help with the implementation of this policy.
- 1.23. **PR16** is for the Mayor to commit to instigate and lead a London-wide accommodation assessment for Gypsies and Travellers and to support boroughs in finding ways to make provision for this group. It is proposed to accept this recommendation as it will help ensure the needs of the Gypsy and Traveller community are consistently and fully assessed across London.
- 1.24. **PR19, PR20, PR25, PR42 and PR45** recommend modifying the language in relevant policies and supporting text to ensure there is local discretion in decision-making, as the issues will be considered as part of the planning balance to be undertaken by boroughs. The intention of the policies remains the same and as such, it is proposed to accept these recommendations.
- 1.25. **PR22** recommends making it clear that policies on basements should be in Development Plans. As policies can only be brought forward in Development Plan Documents it is proposed to accept this recommendation, as it adds clarity.

- 1.26. **PR23** simply provides additional clarity on what is being asked of boroughs in regards to safety, security and resilience and as such it is proposed to accept the recommendation.
- 1.27. **PR24** recommends combining two policy clauses in Policy D12 (Agent of Change) while retaining all of the text, and so it is proposed to accept the recommendation.
- 1.28. The Inspectors' view is that Part F of Policy E3 (Affordable Workspace), which requires the affordable workspace elements of all mixed-use schemes to be operational or have agreed finalised terms prior to any residential elements being occupied, was not justified and could compromise the viability of schemes. However, they felt that planning obligations, as required by part A of the policy, could be used to ensure the timely delivery of the affordable workspace. In line with recommendation **PR27** it is proposed to add additional text to clarify this. This should achieve the same aims as the original text.
- 1.29. The Inspectors' view is that there is likely to be need, in quantitative terms, for more industrial land to meet future demand to 2041 and therefore they recommended (**PR28**) strengthening the policy to make it clear that a sufficient supply of industrial land and premises should be provided as well as maintained. It is proposed to accept this recommendation as it strengthens the approach in the Plan to ensure that London has the industrial floorspace capacity that London requires to function sustainably.
- 1.30. The Inspectors' view was that the addition of 'only' in Part D of Policy E7 (relating to intensification, co-location and substitution of industrial and logistics land) is necessary is to "ensure the Plan is effective in protecting all viable industrial sites, including those occupied by small businesses, in the future". It is proposed to accept the recommendation (**PR32**) as it provides clarity in line with the intention of the policy as originally drafted.
- 1.31. Consistent with the current London Plan, Mayoral Development Corporations (MDCs) were not allocated a waste apportionment² in the new London Plan. As MDCs are temporary planning authorities it was not considered appropriate to set long-term apportionment targets for them; MDCs also have limited power over how waste is collected and managed as they are not waste disposal authorities. Draft London Plan policy SI 8 C requires MDCs to cooperate with host boroughs to meet identified waste management needs. The Inspectors recommend (**PR43**) considering assigning an apportionment to MDCs in future versions of the Plan, is proposed to accept this recommendation because it will provide additional reassurance to host boroughs in planning to meet identified waste needs.
- 1.32. The Inspectors state that requiring transport assessments/statements to be 'in accordance' with Transport for London guidance that is prepared outside of the statutory planning process is not justified. It is proposed to accept the

² *The amount of household and commercial and industrial waste a borough must demonstrate they can manage.*

recommendation (**PR49**) to modify the language in the policy, as it ensures the guidance will still be taken into account.

- 1.33. **PR51** provides clarity about the type of development Policy T6 (Car Parking) applies to and as such it is proposed to accept it.
- 1.34. **PR52** recommends changes to ensure that Policy T7 (Freight and Servicing) is explicit in its aim and provides clarity on the types of sustainable freight movement that are supported. As such it is proposed that the recommendation is accepted.
- 1.35. **PR54** recommends modifications to Policy DF1 (Delivery of the Plan and Planning Obligations) to provide clarity on the application of the policy and as such, it is proposed to accept the recommendation.
- 1.36. **PR55** recommends the deletion of the glossary definition of Sustainable Development as it is defined in National Policy. As such, it is proposed to accept this recommendation.