

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2337

### Title: Draft New London Plan – Minor Suggested Changes

#### Executive Summary:

MD2184 authorised the publication of the draft London Plan for consultation. Following consultation and in advance of the Examination in Public, the Mayor can propose to the Examination Panel of Inspectors minor suggested changes to the Plan which are matters of fact or clarification.

This MD seeks to approve the publication of the minor suggested changes to the draft London Plan and table of minor suggested changes.

#### Decision:

That the Mayor:

1. Agrees that Draft London Plan – Minor Suggested Changes and the table of minor suggested changes annexed to this report be published on the GLA website and forwarded to the EiP Inspector; and
2. Notes the that Addendum reports have been prepared for the Integrated Impact Assessment ("IIA") and Habitats Regulation Assessment ("HRA") and consents to these and the consultation responses being published at the same time as the minor suggested changes.

#### Mayor of London

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

The above request has my approval.

Signature:



Date:

7/8/18

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

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1 The Mayor is required to publish a spatial development strategy (the London Plan) and to keep it under review. At any time, the Mayor may prepare and publish alterations of the London Plan or a new London Plan to replace it.
- 1.2 MD 2184 authorised publication of the draft London Plan for consultation. Consultation on the draft Plan was supported by a comprehensive public and stakeholder engagement programme, which included presenting at over 100 events, on top of the existing business-as-usual events. Consultation is now complete and preparations are under way for an Examination in Public starting later this year.
- 1.3 Subject to the view of the Examination In Public (“EIP”) Panel, government guidance in “Examining Local Plans Procedural Practice” suggests that there should not be further changes to the draft plan at this stage without a further round of consultation on the IIA, another round of consultation on the draft Plan and another EIP. However, there is some latitude for proposing changes which are matters of fact or for clarification without having to follow this process as set out within the legal section below.
- 1.4 Analysis of the consultation responses on the draft London Plan have identified a number of points of clarification and fact which could usefully be made to the draft Plan which will not require a further round of IIA/consultation/EIP and are therefore considered non-material. In line with previous practice these are termed ‘minor suggested changes’. These changes were discussed at officer level and with the Deputy Mayor for Planning, Regeneration and Skills, and at meetings on 24<sup>th</sup> May, 4<sup>th</sup> June and 6<sup>th</sup> June that provided the opportunity for all Deputy Mayors to debate the changes. The changes were then agreed at CIB on 18<sup>th</sup> June. The draft London Plan with the minor suggested changes – as tracked changes was sent to the Inspectors for their consideration.
- 1.5 In light of these minor suggested changes and following a recent European Court of Justice decision known as the “Sweetman ruling” which now requires authorities and inspectors to draw a clear distinction in the Habitats Regulations Assessment (HRA) between mitigation measures specifically designed to avoid or reduce harmful impacts on European sites, and those which are not directly related to maintaining the integrity of the European sites, the IIA and Habitats Regulation Assessment have been re visited and revised Addendum Reports have been prepared. This showed a slight change to the scoring in the matrix in the IIA, however the reassessment has not changed the overall conclusions in either the IIA or the HRA Report as set out in MD 2184. The Mayor is therefore recommended to publish:
  - The Draft London Plan - minor suggested changes July 2018
  - Table of minor suggested changes
  - London Plan IIA Addendum Report July 2018
  - London Plan HRA Update Report July 2018

#### **2 Suggested Changes to the draft London Plan**

- 2.1 The majority of the minor suggested changes are factual e.g. points of grammar, inclusion of useful cross references, updating source material, consistency with other policies. There are others which the Mayor would like to propose for clarity. These are summarised below:

## **Introduction**

Clarification of process and more explicit references to role of Neighbourhood Planning

## **Chapter 1**

References of the important cross linkages between policies areas as well as further contextual explanation.

## **Chapter 2**

**SD1** - More explicit reference to the importance of community involvement in planning decisions, inclusion of references to heritage, inclusion of indicative number of jobs and homes across all Opportunity Areas (OAs), further detail on specific OAs.

**SD2 and SD3** - clarification of scope of issues and partnership arrangements.

**SD4 and SD5** - clarification of CAZ coverage and relationship between strategic functions and residential uses.

**SD6, SD7, SD8 and SD9** - strengthening of language, inclusion of references to high streets and social infrastructure, clarification of the role of residential uses in town centres and the approach to town centre strategies.

**SD10** - clarification of the important role of community engagement.

## **Chapter 3**

**D1** - restructuring of policy clauses, clarification of contextual information.

**D2** - clarification of approach to design scrutiny and architecture retention clauses, further explanation of role of MDAs and the London Quality Review Charter.

**D3** - clarification of approach, strengthening of language and strengthening of referencing of links with D11.

**D4** - slight restructuring of clauses and supporting text, replacement of list of potential considerations with a table, clarification of thresholds.

**D5** - clarification that policy is applied to all dwellings, clarification as to which typologies lifts are required.

**D6** - clarification of the approach to density and its applicability to all types of development, clarification of the timing of infrastructure provision.

**D7** - strengthening language, clarification of approach to street furniture and inclusion of references to Play Streets.

**D8** - clarification of approach to the identification of locations, thresholds and scrutiny of tall buildings, inclusion of references to engagement with neighbouring boroughs, inclusion of references to the River Thames and approach to publicly accessible areas of tall buildings.

**D9** - removal of explicit reference to inner London, inclusion of reference to cumulative impact.

**D10** - inclusion of reference to fear of crime and further clarity on the approach to minimising the impacts of terrorism.

**D12** - clarification of approach to evacuation and fire safety features, further detail on fire strategies.

**D13** - clarification that policy not only relates to noise and cultural facilities but includes other issues as well as other types of development.

**D14** - strengthening collaboration requirements and inclusion of reference to additional guidance.

## **Chapter 4**

**H1** - inclusion of reference to supermarkets as source of supply and clarification of timing of target.

**H2** - restructuring of policy and clarification of the definition and issues to be included in the presumption as well as further clarity over exemptions.

**H3** - clarification over small sites component

**H4** - clarification of counting towards housing targets

**H5 and H6** - clarification of thresholds, approach to requirements on public land and industrial land, further detail on the fast track approach, clarity on the approach to small sites.

**H7** - clarification on the tenure split and the different types of products

**H8** – n/a

**H9** – clarification that the requirements should not apply to heritage buildings.

**H10** – inclusion of more explicit reference to like-for-like provision.

**H11** – inclusion of more explicit referencing to under-occupation and HMOs, and clarification of short term lets and buy-to-leave.

**H12** – clarification of approach to small units.

**H13** – clarification of approach to affordable housing and its consistency with conventional built for sale.

**H14** – inclusion of reference to care leavers and people leaving prison and clarification of timescales assessments should consider.

**H15** – clarification about how the threshold approach to affordable housing should work.

**H16** – clarification of definition and approach to the assessment of need, and inclusion of more explicit reference to travelling show people.

**H17** – clarification of the threshold approach to affordable housing and agreements.

**H18** – clarification of definition and consistency with affordable housing contributions. Removal of some aspects of community management.

## **Chapter 5**

**S1 and S2** – more explicit references to cross borough working and clarification of public service transformation.

**S3** – update of projected need, clarification of types of facilities and more explicit references to active travel.

**S4** – clarification of the definition of requirements and reference to the use of informal recreation strategies.

**S5** – inclusion of reference to sports needs assessments.

**S6** – clarification of type of development and reference to updated guidance.

**S7** – inclusion of references to heritage and archaeological considerations and clarification of use of the Green Belt.

## **Chapter 6**

**E1** – clarification around terminology and approach to surplus office space.

**E2** – clarification around terminology and approach to re-provision.

**E3** – further explanation of arrangements for engaging providers

**E4** – clarification of the yard space requirements and application of no net loss.

**E5** – inclusion of reference to aggregates and research and development uses.

**E6** – clarification that boroughs should designate (as well as define) Locally Significant Industrial Areas.

**E7** – clarification of operational yard space, the provision of additional industrial capacity, the scope of masterplans and evidence required for marketing. Inclusion of reference to agent of change. Inclusion of reference to an SPG on the implementation of the policy.

**E8** – Inclusion of reference to sustainably-located employment clusters that support local economies.

**E9** – clarification of distances to schools and approach to set local thresholds, inclusion of reference to the character of high streets and Health Impact Assessments for particularly uses.

**E10** – Update of reference to British Standard for wheelchair-accessible hotel rooms, clarification of approach to camping and caravans, and approach to issues of local amenity affected by short-term lets.

**E11** – inclusion of references to gender and ethnicity pay gaps.

## **Chapter 7**

**HC1** – clarification of terminology and inclusion of reference to developing a London-wide Heritage Strategy.

**HC2** – clarification of terminology.

**HC3** – n/a

**HC4** – clarification of terminology and approach to Landmark Viewing Corridors.

**HC5** – Further explanation of London's culture context, inclusion of reference to heritage and alternative cultural uses.

**HC6** – clarification of terminology, inclusion of references to impacts to consider, further explanation of context.

**HC7** – clarification of where public houses should be protected and what to take into account for new proposals.

## **Chapter 8**

**G1** – more explicit reference to cross-borough collaboration and integration into the network, expansion of possible positive impacts

**G2** – grammatical change

**G3** – slight restructuring of policy clauses and clarification that the overall quantum of MOL should not be reduced and that its value should be improved.

**G4** – restructuring of policy clauses, clarification of terminology, the hierarchy of open space and how green infrastructure strategies and open space strategies should inform each other.

**G5** – clarification of the approach, that existing cover counts towards the target, and terminology within Table 8.2.

**G6** – inclusion of reference to BAPs and net biodiversity gains, more explicit reference that impacts should be assessed in accordance with legislative requirement, approach to alternative sites and clarification of approach to biodiversity offsets.

**G7** – readability changes and inclusion of reference to amenity.

**G8** – inclusion of reference to meanwhile uses on vacant or underutilised sites.

**G9** – readability changes.

## **Chapter 9**

**SI1** – clarification that masterplans and development briefs for large scale development should propose methods for being air quality positive and that major sites must be air quality neutral.

**SI2** – clarification of zero-carbon target and whole-life carbon emissions, terminology and energy hierarchy.

**SI3** – clarification of heating hierarchy and approach in and outside of Heat Network Priority Areas.

**SI4** – slight restructuring of policy clauses and inclusion of references to green infrastructure and other design considerations.

**SI5** – clarification of standards and Thames Water Resource Management Plan, inclusion of references to Integrated Water Management Strategies and approach to water supply networks.

**SI6** – inclusion of references to full fibre connectivity, more explicit references to early engagement with network operators and ensuring mechanisms for future upgrades.

**SI7** – removal of excavation waste from the waste recycling targets.

**SI8** – clarification of net self-sufficiency and that boroughs will need to ensure sufficient waste sites to address waste not set out in the apportionments.

**SI9** – clarification of timings for maximum throughputs.

**SI10** – removal of reference to excavation waste, inclusion of references to the capacity of wharves and aggregates rail depots, and the expansion of capacity, clarification around safeguarding and approach to potential impacts.

**SI11** – n/a

**SI12** – inclusion of references to Local Flood Risk Management Strategies, natural flood management methods and more explicit references to the consideration of issues early in the development process.

**SI13** – clarification of approach to surface water run-off, green over grey features, and the drainage hierarchy.

**SI14** – inclusion of reference to Blue Ribbon Network, more explicit reference to the multi-functional benefits, clarification of issues to be included in Joint Thames Strategies and that additional stretches of the River Thames should not be designated as MOL.

**SI15** – clarification of approach to the re-use of wharves

**SI16** – restructuring of policy clauses, clarification on approach to existing and new moorings, inclusion of references to inclusivity and improving alignment of the Thames Path with the waterways.

**SI17** – inclusion of references to enhancing the waterways and clarification that waterways should not be used as extensions of developable land.

## **Chapter 10**

- T1** – clarification of modal shift expectations in different parts of London.
- T2** – inclusion of reference to ensuring the impacts of construction are managed and reference to clean air.
- T3** – clarification of London's walking and cycle networks, river crossings, expansion of detail on Elizabeth Line extension and updates to table 10.1.
- T4** – inclusion of reference to assessing impacts on internationally important wildlife sites.
- T5** – inclusion of reference to the provision of facilities for adapted cycles, a reference to supporting more generous cycle parking provision based on local evidence, updates to table 10.2 and clarification to approach in CAZ.
- T6** – clarification that disabled parking should still be provided in car-free developments, approach to on-street parking controls and retail sites and approach to the provision of electric/ rapid charging points. Inclusion of reference to emergency access
- T6.1** – clarification of approach to active charging points for car clubs, and approach to the provision of disabled parking bays, clarification of leasing arrangements and updates to table 10.3.
- T6.2** – inclusion of references to the provision of electric or other Ultra-Low Emission vehicles and updates to table 10.4.
- T6.3** – clarification to approach to town centre first approach to retail, the inclusion of reference to the provision of rapid charging points and updates to table 10.5.
- T6.4** – inclusion of reference to supporting lower maximum standards.
- T6.5** – updates to table 10.5.
- T7** – clarification to title of policy and approach to safeguarding rail heads, inclusion of references to noise, issues around construction phases and the Mayor's Direct Vision Standard.
- T8** – inclusion of references to health impacts, clarification of Heathrow and City Airport context.
- T9** – n/a

## **Chapter 11**

- DF1** – clarification that development proposals should meet relevant policy requirements and clarification of approach to CIL. Updates to contextual information.

## **Chapter 12**

- KPIs** – supply of housing – clarification of dates.

## **Annex 1**

- District centres – inclusion of reference to social infrastructure.
- Table A1.1 – updates

## **Glossary** – updates

### **3. Objectives and expected outcomes**

- 3.1 Consulting on the draft new London Plan fulfilled the Mayor's statutory obligations as stipulated in the GLA Act and the publication of these documents demonstrates that this has been conducted thoroughly. There is also an opportunity for those involved in the consultation on the draft London Plan to comment on changes proposed by the Mayor through written statements submitted during the EiP process and as part of the debate at the Examination itself.

### **4. Equality comments**

- 4.1 Under s149 of the Equality Act 2010 (the Equality Act), as a public authority the Mayor/GLA must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. Protected characteristics under the Equality Act are age,

disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only).

- 4.2 In respect of the statutory process for the draft plan, as part of the Integrated Impact Assessment the consultation draft has already been subject to an Equalities Impact Assessment and this has been updated as appropriate to address these minor suggested changes.

## **5. Other considerations**

### Key risks and issues

#### *Timetable*

- 5.1 The timetable for the EIP, subsequent Inspector's Report and sign-off from the Secretary of State is outside the control of the GLA. An estimated programme was developed based on the previous full review of the Plan, and GLA officers have been working closely with the Planning Inspectorate (PINs) and Government to minimise risks and delays as much as possible. The Inspectors have now received the consultation responses and minor suggested changes and are considering whether to revise the timetable proposed by the GLA or not.

#### *National Planning Policy Framework*

- 5.2 A new NPPF was published on the 24<sup>th</sup> July 2018 which confirms that the draft London Plan will be examined under the transitional arrangements, however there is still outstanding detail yet to be published in relation to detailed policy matters, the implications of which on the draft London Plan will need to be fully considered.

### Links with other Strategies

- 5.3 The London Plan is the over-arching document that integrates the geographic and locational aspects of the other statutory Mayoral strategies. The draft new London Plan has been developed alongside these statutory strategies to ensure consistency.

### Impact Assessments and Consultations

- 5.4 In preparing or altering the London Plan, the Mayor has legal duties to consider the following:
- Economic development and wealth creation (GLA Act)
  - Social Development (GLA Act)
  - Protection and improvement of the environment (European Directive 201/42/EC on Strategic Environmental Assessment, The Environmental Assessment of Plans and Programmes Regulations 2004, GLA Act)
  - Health inequality and promoting Londoners' health (GLA Act)
  - Community Safety (Crime and Disorder Act 1998, Police and Justice Act 2006); and
  - Equality of opportunity, elimination of discrimination and the promotion of good community relations (GLA Act, Equality Act 2010).

#### *Integrated Impact Assessment*

- 5.7 The GLA adopts an integrated approach to demonstrate how these duties have been considered in the form of an Integrated Impact Assessment (IIA). This methodology enables any common themes to be considered together. The IIA process involves an assessment which follows the stages of the Strategic

Environmental Assessment (SEA) methodology outlined in the Environmental Assessment of Plans and Programmes Regulations ('EAPP') 2004. The assessments forming the IIA of the London Plan are:

- Strategic Environmental Assessment;
- Equality Impact Assessment;
- Health Impact Assessment; and
- Community Safety Impact Assessment.

5.8 The GLA appointed Arup as an independent consultant to undertake the IIA and an IIA Report was published for consultation alongside the draft London Plan. The minor suggested changes have been assessed and an addendum IIA report has been produced which outlines which of the changes have resulted in changes to the scoring matrix. However, the Addendum Report confirms that these changes have not resulted in changes to the overall conclusions as set out in the MD 2184. The addendum report will be published alongside the minor suggested changes to the Plan. Any further changes to the draft Plan as a result of changes proposed during the EIP will need to be assessed for impacts and will be reported on as part of the process of preparing the Intend to Publish version of the Plan in Autumn 2019.

#### *Habitats Regulation Assessment*

5.9 Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (as amended), which implements Article 6(3) of the Habitats Directive (92/43/EEC), requires an appropriate assessment (HRA) to be undertaken in respect of any plan or project which, either alone or in combination with other plans or projects, would be likely to have a significant effect on a European Site, and is not directly connected with the management of the site for nature conservation. A HRA was also published for consultation alongside the draft London Plan.

5.10 As set out in paragraph 1.5 above a recent European Court of Justice decision known as the Sweetman ruling now requires authorities and inspectors to draw a clear distinction in the HRA between mitigation measures specifically designed to avoid or reduce harmful impacts on European sites, and those which are not directly related to maintaining the integrity of the European site. As London Plan policies fall into the latter category, advice from Natural England suggests that the Sweetman ruling is not relevant to the draft London Plan.

5.11 However, as a matter of good practice and in line with the Planning Inspectorate Guidance Note 05/2018 on this case, the initial screening assessment has been revisited in order to confirm to the inspector that the HRA is fully compliant with this decision. The HRA addendum report attached to this report showed that the overall conclusions of the HRA Report as set out in MD 2184 were not changed by the minor suggested changes or the Sweetman ruling.

5.12 Any further changes deriving from the EIP process will be addressed as part of the process of preparing the Intend to Publish version on the Plan in Autumn 2019.

## **6. Financial comments**

6.1 There are no direct financial implications for the GLA arising from this proposal.

## **7. Legal comments**

7.1 The statutory framework which applies to the replacement of the London Plan is set out in the Greater London Authority Act 1999 (GLA Act) and the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (the SDS Regulations) which provides for certain matters



relevant to the operation of Part VIII of the GLA Act and prescribes the legal procedure to follow when altering the London Plan. The consultation on the draft London Plan undertaken between December 2017 and March 2018 was carried out in accordance with the statutory requirements.

- 7.2 It is noted that the Planning Inspector has issued further guidance entitled “Examining Local Plans Procedural Practice” which sets out that where a Local Plan is concerned, main modifications at this stage should be the subject of further consultation and sustainability appraisal before submission. However, the London Plan is not a Local Plan and as such has its own unique legal procedure to follow when proposing an alteration as set out above. In any event, these minor suggested changes could not be seen to be comparable to the main modifications stage for a Local Plan as they are changes updating facts and providing clarification on proposed policy, not material changes to the policy itself. No further consultation is therefore proposed on these minor suggested changes and they will be put forward to the Inspectorate to decide whether, the proposed minor non-material suggested changes can be considered as part of the draft London Plan considered at the EIP.
- 7.3 An Integrated Impact Assessment including a specific Strategic Environmental Assessment, a Habitats Regulation Assessment and Equalities Impact Assessment has already been prepared and discussed within MD1284. These assessments have been updated as appropriate to address these minor suggested changes

## **8. Planned delivery approach and next steps**

8.1 The following is an estimated programme of delivery for the draft new London Plan:

- March – December 2018 - preparing for the Examination in Public;
- January – May 2019 - Examination in Public;
- May – July 2019 – Inspector’s Report;
- November 2019 – Mayor sends statement of intention to publish to Secretary of State;
- November 2019– January 2020 - Secretary of State sign off;
- January – February 2020 – scrutiny by London Assembly;
- February 2020– formal publication of the London Plan.

## **Appendices and supporting papers:**

Annex A – Draft London Plan – minor suggested changes

Annex B Table of minor suggested changes

Annex C IIA Addendum Report

Annex D HRA Addendum Report

**Public access to information**

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

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

**Part 1 Deferral:**

**Is the publication of Part 1 of this approval to be deferred? YES**

If YES, for what reason:

To ensure alignment with the publication of the early suggested changes on the GLA website

Until what date: 30<sup>th</sup> September 2018

**Part 2 Confidentiality:** Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer:**

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

✓

**Sponsoring Director:**

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

✓

**Mayoral Adviser:**

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

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**Corporate Investment Board**

This decision was agreed by the Corporate Investment Board on the 6<sup>th</sup> August 2018

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**

*M. J. Allen*

**Date**

*6.8.18*

**CHIEF OF STAFF:**

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

**Signature**

*D. Bellamy*

**Date:**

*6/8/2018*