

GREATER **LONDON** AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2324

Title: Draft New London Plan – Examination in Public budget

Executive Summary:

In order to publish a new London Plan, the Plan needs to be independently examined through a process called an examination in public ("EIP") which is conducted by a panel of planning inspectors appointed by the Secretary of State. This MD seeks the Mayor's approval of expenditure to cover the associated costs.

Decision:

That the Mayor:

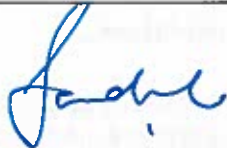
Approves expenditure of up to £887,000, over 2018/19 and 2019/20, to cover the costs for the Examination in Public of the draft London Plan.

Mayor of London

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

The above request has my approval.

Signature:



Date:

18/12/18

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

Decision required – supporting report

1. Introduction

- 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 In accordance with section 338(3) of the GLA Act, in order to publish a new London Plan, the Plan needs to be independently examined through a process called an examination in public (“EIP”) which is conducted by a panel of planning inspectors appointed by the Secretary of State.
- 1.3 This MD seeks the Mayor’s approval of expenditure to cover the costs of the examination in public. It is expected that the costs will cover two financial years. A breakdown of estimated costs is given in paragraph 6.1.

2. Background

- 2.1 Consultation on the draft London Plan was carried out between 1st December 2017 and 2 March 2018. Copies of all representations made on the Plan and minor suggested changes to the Plan have been submitted to the Panel along with a summary of the main issues raised. The Panel has had regard to these, along with the evidence base to support the Plan, in order to prepare a list of Matters for discussion at the EIP. These Matters have been published and are currently out for consultation until 11th October. All participants are invited to submit written statements on the Matters in advance of the Examination.

Examination in Public

- 2.2 It is expected that there will be six sessions, the first five lasting a period of two weeks from January through to May 2019 with a final week at the end of May. All EIP sessions will be open to the public to observe and are expected to be held in City Hall. They will take the form of structured discussions led by one or more of the Panel members relating to the defined matters.
- 2.3 The Panel may also hold seminars relating to a limited number of technical matters prior to the first EIP sessions. The purpose of these would be to clarify the supporting evidence and establish matters of fact in order to reduce the scope of the matters that need to be considered at the EIP.

Panel Report

- 2.4 Following the Examination in Public in May 2019, the panel will report on their findings – this is likely to be around July / August 2019. The Mayor should have regard to these findings in preparing his Intend to Publish London Plan, which he will send to the Secretary of State. If the Mayor proposes not to accept any recommendation contained in the Panel report he must publish and send to the Secretary of State a statement of his reasons.
- 2.5 The Secretary of State can then direct the Mayor to make changes to the Plan or agree for the Mayor to publish the Plan. As per other Mayoral Strategies, the Plan is then taken to the London Assembly which has the powers (through a two-thirds majority) to reject the Plan otherwise it is published.

3. Objectives and expected outcomes

- 3.1 To agree the expenditure of £887,000 to cover the costs to ensure the Examination in Public can take place, which the GLA is liable for, and which is part of the GLA’s statutory duties.

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 The draft London Plan was subject to an Integrated Impact Assessment (which included Equalities Impact Assessment).
- 4.3 The programme for the Examination in Public, which includes which participants are invited to EiP sessions is set by the Panel of Inspectors. There are not expected to be any specific impacts on those with protected characteristics.

5. Other considerations

Key risks and issues

Timetable

- 5.1 One of the key risks is the timetable for the Examination in Public, subsequent Inspector's Report and sign-off from the Secretary of State, all of which 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. However there have already been a number of delays to the original programme which means there is no scope for any further delays. The Inspectors have now informally issued a draft programme for EiP, which they have shared with GLA Officers, who are currently working through possible implications.

Links with other Strategies

- 5.2 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

- 5.3 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

- 5.4 The GLA has adopted 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.
- 5.5 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 IIA will be subject to the examination in public process and a final report will be issued alongside the publication of the Final London Plan.

Habitats Regulation Assessment

- 5.6 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.
- 5.7 A HRA was also published for consultation alongside the draft London Plan. The HRA will be subject to the examination in public process and a final report will be issued alongside the publication of the Final London Plan.

6. Financial comments

- 6.1 Mayoral approval is sought for expenditure of up to £887,000 to cover the costs for the Examination in Public of the draft London Plan. The cost of undertaking the Examination in Public is made up of the following:

£450,000	Inspectors' Fees (panel of 3 Inspectors)
£40,000	Hotel and travel
£60,000	Catering, advertising/marketing, printing
£25,000	Bow Tie – recording
£200,000	Additional work – IIA, evidence base
£32,000	EiP Secretary and EiP Admin officer (for the period March 2019 to June 2019, the cost of these from March 2018 to Feb 2019 was approved under DD 2167)
£80,000	Contingency @10%
£887,000	Total

- 6.2 The expenditure will be met from the Planning Smoothing Reserve and is expected to be split between two financial years: £537,000 in 2018-19 and £350,000 in 2019-20.

7. Legal comments

- 7.1 The statutory framework which applies to the Spatial Development Strategy (known as 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 provide for certain matters relevant to the operation of Part VIII of the GLA Act.
- 7.2 The Mayor is required to prepare and publish the London Plan under section 334 of the GLA Act and has a duty under Section 340 to keep this under review. Section 341 of the GLA Act authorises the Mayor at any time to prepare and publish a replacement Plan to this end and sets out the procedure to be followed for its preparation and publication.
- 7.3 In accordance with section 338(3) of the GLA Act, in order to publish a new London Plan, the Plan needs to be independently examined through a process called an examination in public (“EIP”) which is conducted by a panel of planning inspectors appointed by the Secretary of State. This MD seeks approval for costs associated with this process.
- 7.4 In taking the decision requested, the Mayor must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it (section 149 of the Equality Act 2010). To this end, the Mayor should have particular regard to section 4 (above) of this report.

8. Planned delivery approach and next steps

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

- March – Dec 2018 - preparing for the Examination in Public;
- Jan 19 – May 19 - Examination in Public;
- May 2019 – 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.

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? NO

If YES, for what reason:

Until what date:

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 15 October 2018.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

M. Patten
for M. PATTEN ON BEHALF OF MARTIN CLARKE

17.10.18

CHIEF OF STAFF:

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

Signature

Date

D. Bellamy

17/10/2018.