

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD1482

Title: Minor Alterations to the London Plan (MALPs) – housing standards and parking standards – approval of two sets of draft Minor Alterations for public consultation

Executive Summary:

This Mayoral Decision form asks the Mayor to take account of the statutory appraisals of two sets of draft Minor Alterations to the London Plan (MALPs – on Housing Standards and Parking Standards) and to agree the Minor Alterations for public consultation. Financial approval is sought for expenditure on statutory notices, and for the appointment of an inspector and a secretary to conduct a joint examination in public into both sets of draft Minor Alterations later this year.

Decision:

That the Mayor:

1. notes the findings and conclusions of the Integrated Impact Assessment of the draft Housing Standards Minor Alterations to the London Plan, as set out in Annex A
2. approves publication of the draft Housing Standards Minor Alterations to the London Plan for public consultation, as set out in Annex B
3. notes the findings and conclusions of the Integrated Impact Assessment and the Habitats Regulation Assessment of the draft Parking Standards Minor Alterations to the London Plan, as set out in Annexes C and D
4. approves publication of the draft Parking Standards Minor Alterations to the London Plan for public consultation, as set out in Annex E
5. approves the arrangements for public consultation and authorises expenditure of up to £4,000 for placing statutory notices for both sets of draft Minor Alterations
6. authorises expenditure of up to £40,000 for EiP Inspector fees/expenses and up to £35,000 for the appointment of an EiP Secretary for a joint examination in public of both sets of draft Minor Alterations

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:

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

Decision required – supporting report

1. Introduction and background

- 1.1 In August 2013 the Government first consulted on its intention to introduce national housing standards following its housing standards review. The rationale behind the standards review was to reduce the burden on new housing developments by simplifying and rationalising the large number of standards that local authorities apply to new homes.
- 1.2 GLA officers have worked closely with Government on the housing standards review to ensure, as far as possible, that the national standards reflect London's current standards. Officers sat on the national Housing Standards Review Steering Group and its various sub groups to ensure the Mayor's view was represented.
- 1.3 In September 2014 the Government consulted on the technical matters related to the review, including the proposed transitional arrangements. While the proposed transitional arrangements meant that London could continue to apply many of its standards until a full review of the London Plan is carried out, the government was keen for London to formally adopt any 'optional' standards through a minor review of the plan.
- 1.4 On 12 December 2014 the Mayor signed MD1423 in which, following consideration of the report of the inspector of the examination of public into the Further Alterations to the London Plan (FALP), he approved an 'intend to publish version' of the FALP for submission to the Secretary of State for Communities and Local Government.
- 1.5 On 27 January 2015, the Mayor received a letter from Brandon Lewis, Minister of State for Housing and Planning. The letter confirmed that he was content for the Mayor to publish the FALP and welcomed the clear commitment in FALP to carry out an early review of parking standards in outer London. The letter went on to restate the Government's view on car parking – that more spaces should be provided alongside new homes that families want and need, especially in areas of low public transport accessibility; and that even in urban areas, insufficient spaces, which may be caused by maximum parking standards among other reasons, risk a 'vicious cycle' of clogged up streets leaving motorists running the gauntlet of congestion, unfair fines and parking restrictions.
- 1.6 On 26 February 2015, the Mayor signed MD1450, agreeing the FALP for publication/adoption. In considering the Government's response to the 'intend to publish' FALP, the Mayor took into account the officer advice reproduced below:

Given the key role of maximum parking standards in inner and central London in managing congestion, the Government's recognition that the scope of parking deregulation should be restricted to outer London – acknowledged both in the letter and through the negotiated additional change to FALP paragraph 0.16F – is to be welcomed. Officers are currently scoping policy options focused on low PTAL parts of outer London with a view to bringing forward minor alterations to the London Plan in May 2015. (MD1450, paragraph 3.35)

- 1.7 The London Plan was updated to incorporate the FALP and was published on 10 March 2015 <http://www.london.gov.uk/priorities/planning/london-plan/further-alterations-to-the-london-plan>.

- 1.8 The March 2015 London Plan affirms the Mayor’s intention to carry out minor alterations to ensure that the Plan fully reflects the Government’s emerging policy on housing standards and parking standards. Paragraph 0.16H of the London Plan (March 2015) states:

[In the interim,] as a result of changes proposed in the Government’s Housing Standards Review, the Mayor will bring forward additional alterations to the London Plan in early 2015 to reflect Government housing standards. He will also give active consideration to addressing changes to national policy on car parking should Government bring these forward. The Mayor recognises the flexible approach in the National Planning Policy Framework on parking standards, and the abolition of maximum parking standards in national policy. National planning guidance published in 2014 also recommends that planning policies should consider how parking provision can be enhanced to encourage the vitality of town centres. Whilst the Mayor considers that there are sound reasons for retaining residential parking standards in core and inner London, he recognises the opportunity to adopt a more flexible approach in parts of outer London, especially where public transport accessibility levels are lower. He therefore intends to bring forward an early review of parking standards in Outer London in advance of the general review of the Plan. In doing so he will give active consideration to any changes to national policy on car parking should Government bring these forward.

Background to the proposed Housing Standards Minor Alterations

- 1.9 On 27 March 2015 the government set out in a Written Ministerial statement the introduction of new technical housing standards in England and detailed how these would be applied thorough planning policy¹. The new system comprises of new additional ‘optional’ Building Regulations on water and access, and a nationally described space standard² (referred to as “the new national technical standards”).
- 1.10 In terms of space, water and access, the optional standards are broadly in line with London’s current standards. The main differences are to be found in residential space standards and residential accessibility criteria:
- The space standards for houses are slightly smaller than those in the current London Plan. However, this is expected to have a limited effect on the capital because seven eighths of new dwellings delivered in London is flatted development and, where houses are delivered, they often exceed the minimum space standards. Moreover, the layout of staircases assumed in the national standards effectively ‘saves’ usable space.
 - The national space standards include a minimum standard for ceiling height – 2.3 metres for at least 75% of the dwelling. The fact that the government has adopted 2.3 as the minimum is disappointing. The current standard in London is a minimum of 2.5 metres and 2.6 metres is encouraged in habitable rooms. Ceiling height is important in many ways, particularly to improve ventilation to help address London’s distinct ‘heat island’ effect and to address the quality of life in London’s uniquely high density and predominantly flatted forms of residential development; high ceilings can have a positive impact on how spacious, light and comfortable a dwelling is by improving the amount and quality of natural light in a room. Given the importance of adequate ceiling heights, the MALP proposes that a minimum ceiling heights of 2.5 metres should be strongly encouraged. Although this has been cast as an ‘encouragement’ rather than a ‘requirement’ as a means of complying with government policy, it could however be construed as

1 Written Ministerial Statement – The Rt Hon Eric Pickles March 2015 ‘Steps the government are taking to streamline the planning system, protect the environment, support economic growth and assist locally-led decision making’

2 DCLG Technical housing standards – nationally described space standard. DCLG 2015

being against the spirit of the policy. It is also suggested that this position should be explained and affirmed in the updated Housing SPG.

- The optional Building Regulation M4 (2) 'Accessible and adaptable dwellings' is broadly aligned with the Lifetime Homes standard which the current London Plan applies to all dwellings. However, unlike Lifetime Homes, to meet the new M4 (2) standard step free access is required for all dwellings, including those of four storeys or less. If it is proved that it is not viable to provide lifts in these blocks the dwellings cannot meet this standard and they can then be built at the lower M4 (1) standard ie at a lower standard than any others in London (see para 2.5 below).

- 1.11 For energy, whilst the Government's policy statement currently allows local energy policies to go beyond the Building Regulations until 'zero carbon homes' is implemented in 2016, it seeks to limit the energy requirements for new housing development to Code 4 equivalent. Code 4 equates to approximately a 19% improvement on energy performance than that specified in the 2013 Building Regulations. The London Plan seeks a 35% improvement on the 2013 Building Regulations, a further 15% beyond Code 4. The proposed Housing Standards Minor Alterations recalibrate the London Plan's energy target, which is currently expressed in terms of the 2010 Building Regulations, to a target expressed in 2013 Building Regulations terms. In general, there is no change to the concept of energy performance as set out in the London Plan 2011.

policy document	standard
Building Regulations 2013	baseline
Code 4	19% improvement on Building Regs
London Plan march 2015	35% improvement on Building Regs

Transition period

- 1.12 The Government's new national technical standards were published at the end of March 2015. However, the new housing standards will not apply until the end of September 2015, and the housing energy standard applies until zero carbon is implemented in 2016. Until then, London's current standards will continue to apply. After this point, existing London Plan policies relating to water efficiency, access and internal space will be interpreted by reference to the nearest equivalent new national technical standard.
- 1.13 Alongside the draft Housing Standards Minor Alterations, the Mayor will publish a Policy Statement clearly setting out how the standards in the current London Plan should be interpreted from the 1st of October. This will be signed off through a separate report to the Mayor's Planning and SDS Meeting. The Policy Statement will remain in place until the Housing Standards Minor Alterations are published (i.e. adopted), which will align the London Plan with the Government's new national technical standards by formally adopting the relevant 'optional' standards for London. In addition, the Housing SPG is being updated to reflect the national standards; having been first approved by the Mayor, the updated SPG will be published in draft for consultation on 11 May 2015 alongside the draft Housing Standards Minor Alterations.
- 1.14 As part of the work to underpin the Housing Standards Minor Alterations, and to meet the requirements of the NPPF, the written ministerial statement and associated guidance, the GLA has commissioned a viability study. The aim of this study was to update the evidence base on the need for the optional standards in London (building on the work done to support the adoption of standards in the 2011 plan) and to investigate the impact of the standards on development viability. The final report from the study will be published at the same time as the draft Minor Alteration on 11 May. The emerging evidence demonstrates that there is a need for the standards in London and

that adopting the proposed optional standards will have a limited impact on the viability of housing development here.

Background to the proposed Parking Standards Minor Alterations

- 1.15 Paragraph 1.5 of this form above sets out the context for the review of parking standards in outer London. Evidence gathering has been undertaken by TfL and five meetings of the Outer London Commission (OLC) have taken place to discuss the extent and nature of the proposed Parking Standards Minor Alterations. The OLC has produced a report to the Mayor setting out a recommended approach to parking which is reflected in the proposed Parking Standards Minor Alterations.

2. Housing Standards Minor Alterations to the London Plan

Proposed Minor Alterations

- 2.1 This section of the decision form summarises the key changes proposed in the order in which they appear in the draft Housing Standards Minor Alterations to the London Plan. The Minor Alterations are attached as **Annex B** to this form. The proposed alterations are shown in purple (**purple bold** for additions, ~~purple strikethrough~~ where text is deleted).
- 2.2 The proposed Minor Alterations will align the London Plan with the Government's new national technical standards and will set out which optional standards will be applied in London. The proposed Minor Alterations are summarised below by policy.
- 2.3 These Minor Alterations propose to amend London Plan Policy 3.5 Quality and Design of Housing Development to reflect the wording of the new national technical standards. A new paragraph 3.32A has been added which sets out how the new government standards will be used to reinforce the status of standards already in place in London and explaining that, in line with the NPPG, the standards have been tested to ensure they are sound in terms of need and viability. The other changes in this section update the language in order to ensure consistency with the government's new national technical standards and to update out of date text. Table 3.3 Minimum Space Standards for new development has been updated to reflect the nationally described space standards that will be applied in London. A note to this table strongly encourages (but does not require) minimum ceiling heights of 2.5 metres for at least 75% of a dwelling unit's gross internal area. This is set above the Government's 2.3 metre standard, but is considered appropriate in London's unique circumstances, as argued in paragraph 1.10 of this form.
- 2.4 Policy 3.8 Housing Choice is being updated to remove reference to Lifetime Homes and to replace it with the new, broadly equivalent, building regulation M4 (2) 'accessible and adaptable dwellings'. M4 (2) will be applied to 90% of homes in London. The requirement for 10% wheelchair accessible/easily adaptable for wheelchair users has been updated to reference the new Building Regulation requirement M4 (3). There is no change in policy – however for clarity 90% of new housing is to be built to Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' rather than 100% previously required for Lifetime Homes. This is because it is not possible for a dwelling to meet both M4 (2) and M4 (3).
- 2.5 The supporting text to Policy 3.8 has also been updated to reflect the changes to policy:
- Paragraph 3.48A sets out how the requirement for step free access for all 'accessible and adaptable dwellings' should be addressed in blocks of four storeys or less. This gives some flexibility to drop back to the basic Building Regulation requirement – M4 (1) when the addition of a lift is proved to be unviable.

- A new paragraph (3.49A) has been added to explain how the wheelchair user dwelling standard M4 (3) should be applied; the standard is essentially split into two – ‘wheelchair accessible’, which is suitable for immediate occupation by a wheelchair user and ‘wheelchair adaptable’, which is designed to be easily adaptable to the needs of a wheelchair user. Wheelchair accessible units can only be required where the local authority is responsible for allocating or nominating a person to live in that dwelling (this effectively means it can only be applied to affordable units).

- 2.6 The energy targets in Policy 5.2 Minimising Carbon Dioxide Emissions have been updated so that they are now expressed using the Building Regulations 2013 baseline instead of the 2010 baseline. The London Plan energy targets have not been lowered, but additional text has been included to highlight how the targets are in line with the Government’s policy statement. That is to say, London Plan targets are to be firstly reached through on-site energy efficiency measures, generally in line with the Government limit of Code 4 equivalent (19% better than Building Regulations 2013). The remaining energy savings are met through low carbon infrastructure, either on-site or off-site, which is specifically referenced in the Government’s policy statement.
- 2.7 Policy 5.2 also introduces a ‘stepping stone’ target to zero carbon for non-residential development to be applied from 2016, when the next version of the Building Regulations are to be implemented. This is not related to the Housing Standards Review.
- 2.8 Also included is the Mayor’s preferred approach to the payment of Allowable Solutions, which is due to come in in 2016 when residential development is to be zero carbon. In its consultation, the Government set out four approaches to the delivery of Allowable Solutions. The cheapest route for developers is most likely to be the option of paying into a national fund. Officers have estimated this could result in £90 million per annum of developer contributions – leaving London to fund carbon saving measures elsewhere in the country, where they are easier and cheaper to deliver. Therefore some wording has been included in the proposed Housing Standards MALP to encourage developers to fund projects within London. This is also not related to the Housing Standards Review.
- 2.9 Policy 5.3 Sustainable Design and Construction and its supporting paragraphs have been updated to remove the reference to the Code for Sustainable Homes.
- 2.10 Policy 5.15 Water Use and Supplies has been updated to include a footnote to the 105 litres figure in the London Plan to note that this does not include external water use, with further background added to the supporting text. This aligns the water consumption target in the London Plan with the optional Building Regulation target. References to the Code for Sustainable Homes have also been removed from this section.
- 2.11 References to Lifetime Homes Standards has been removed from Policy 3.8 Lifetime Neighbourhoods
- 2.12 The definitions of Lifetime Homes and wheelchair accessible housing in the London Plan’s Glossary (Annex 6) have been removed. Definitions for allowable solutions, wheelchair accessible and wheelchair adaptable have been added.

Impact assessment

- 2.13 In preparing or altering the London Plan, the Mayor has legal duties to consider the following:
- Economic development and wealth creation (GLA Act 1999, as amended);
 - Social development (GLA Act 1999, as amended);

- 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 1999, as amended);
- Health inequality and promoting Londoners' health (GLA Act 1999, as amended);
- 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 1999, as amended, Equality Act 2010).

2.14 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. It covers strategic environmental and sustainability appraisal and community safety, health impact and equalities impact assessments.

2.15 An IIA of the proposed Housing Standards Minor Alterations has been prepared by independent consultants AMEC Ltd, the consultants used by the Mayor for FALP. The IIA conforms to the requirements of an environmental report under the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), and is an iterative process.

2.16 The first stage of the IIA process is to set the context and objectives and establish the baseline and scope of the proposed policies in a Scoping Report. As required by the Regulations, the IIA Scoping report was referred to the statutory consultees (English Heritage, Natural England and the Environment Agency) for a 5 week period in October and November 2014. The consultation responses have informed the development of the full IIA and will feed into the final IIA Scoping Report for the housing standards Minor Alterations.

2.17 The IIA includes the Sustainability Appraisal which appraises alternative options in addition to the preferred policy approach against the sustainability objectives. The Housing Standards Minor Alterations IIA report (attached as **Annex A**) will be published on 11 May 2015 when the Minor Alterations will be published for consultation. This suggests that overall the proposed Minor Alterations will have a positive effect especially on the environment. The Mayor is requested to take the IIA's findings and conclusions into account in arriving at his decision to publish the Housing Standards Minor Alterations for public consultation.

2.18 Regulation 48(1) of the Habitats Regulations 1994, which implements Article 6(3) of the Habitats Directive (92/43/EEC) requires an appropriate assessment also known as a Habitats Regulation Assessment (HRA) to be undertaken in respect of any plan or project which:

- a. either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site, and
- b. is not directly connected with the management of the site for nature conservation.

2.19 As the Housing Standards Minor Alterations are limited in scope and non location-specific, officers advise that a HRA screening is not required.

2.20 The Mayor is invited to consider **recommendation 1** of this form, that he:

Notes the findings and conclusions of the Integrated Impact Assessment of the draft Housing Standards Minor Alterations to the London Plan, as set out in Annex A

Agreement for public consultation

2.21 The Mayor is invited to consider **recommendation 2** of this form, that he:

Approves publication of the draft Housing Standards Minor Alterations to the London Plan for public consultation, as set out in Annex B

3. Parking Standards Minor Alterations to the London Plan

Proposed Minor Alterations

- 3.1 This section of the decision form summarises the key changes proposed in the order in which they appear in the draft Parking Standards Minor Alterations to the London Plan. The Minor Alterations are attached as **Annex E** to this form. The proposed alterations are shown in red (**red bold** for additions, ~~red-strikethrough~~ where text is deleted).
- 3.2 The proposed Parking Standards Minor Alterations are limited in scope. They are confined to three changes to London Plan Policy 6.13 parking, three additional explanatory paragraphs supporting the policy, amendments to the notes to the 'Parking for residential development' section of Table 6.2 Car parking standards, and a minor amendment to the Glossary to update the definition of PTALs (Public Transport Accessibility Levels) .
- 3.3 The three changes to Policy 6.13 are as follows:
- Additional text to Policy 6.13 clause C to allow a more flexible approach to parking standards for residential development in those parts of London with the lowest levels of public transport access (PTALs).
 - Additional text to Policy 6.13 clause D to clarify that the requirements set out in this section of the policy (on electric vehicles, parking for disabled people, cycle parking and delivery and servicing) apply London-wide.
 - An additional sub clause (6.13Ee) to the LDF preparation section of the policy requiring outer London boroughs to promote more generous residential parking standards in areas with low public transport accessibility, taking into account current and projected pressures for on-street parking and the impact of this on all road users, as well as criteria set out in paragraph 39 of the NPPF.
- 3.4 The three additional explanatory paragraphs are as follows:
- A new paragraph 6.42i – in developing residential parking standards, outer London boroughs should take account of car dependency in areas with low public transport access (generally PTALs 0-1); where appropriate in these areas, boroughs should consider revised parking standards (including minimum standards) with higher provision than set out in Table 6.2, particularly to avoid generating unacceptable pressure for on-street parking; and that this may be important in suburban areas and areas with family housing.
 - A new paragraph 6.42j – a more flexible approach to determining the parking requirements of planning applications may be acceptable in some limited parts of outer London with PTAL 2 levels of public transport access where development is particularly car dependent (London Plan and TfL guidance forthcoming)
 - A new paragraph 6.42k – in deciding whether to apply more generous residential parking standards, boroughs should take account of the extent to which public transport might be provided in the future, and should give consideration to the impact of on-street parking measures which may help reduce the potential for overspill parking and congestion, and improve amenity and safety.
- 3.5 The amendments to the notes to the 'Parking for residential development' section of Table 6.2 Car Parking Standards are as follows:

- Clarifying that the “all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit” note applies to all parts of London.
- An additional note stating that in outer London areas with low PTAL (generally PTALs 0-1) boroughs should consider higher levels of provision to address parking overspill pressures.

Impact assessment

- 3.6 The GLA’s approach to the impact assessment of the proposed Minor Alterations – the IIA and HRA processes – is summarised in section 2 of this decision form.
- 3.7 An IIA of the proposed Parking Standards Minor Alterations has been prepared internally by officers. The IIA conforms to the requirements of an environmental report under the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) as well as the Mayor’s duties to consider equalities, health and community safety, and is an iterative process.
- 3.8 As required by the Regulations, the IIA Scoping report was referred to the statutory consultees (English Heritage, Natural England and the Environment Agency) for a 5 week period in February and March 2015. The consultation responses have informed the development of the full IIA and will feed into the final IIA Scoping Report for the Parking Standards Minor Alterations.
- 3.9 The Parking Standards Minor Alterations IIA report (attached as **Annex C**) assesses the proposed policy as generally positive with regards to social impacts, especially for those with disabilities, the elderly and those with children. However, it notes potential negative impacts on the environment. The application of existing London Plan policies on the environment will be essential to minimise these impacts. The report notes that any potential negative effects, such as on air quality, will be limited as housing delivered in low PTAL areas in outer London is a small proportion of that delivered across London. The IIA recommends that the implementation of the Parking Standards Minor Alterations should be monitored to review the land take of car parking spaces to ensure it is not impacting on overall housing delivery in low PTAL areas in outer London.
- 3.10 The IIA Report will be published on 11 May 2015 when the draft Minor Alterations are published for consultation. The Mayor is requested to take the IIA’s findings and conclusions into account in arriving at his decision to publish the parking standards minor alterations for public consultation.
- 3.11 An HRA for the Parking Standards Minor Alterations (attached as **Annex D**) has been undertaken internally by officers. It assessed that these Minor Alterations are not likely to have any significant environmental effects on the network of Natura 2000 protected sites. This HRA will be published on 11 May 2015 when the draft Minor Alterations are published for consultation. The Mayor is requested to take the HRA’s findings and conclusions into account in arriving at his decision to publish the Parking Standards Minor Alterations for public consultation.
- 3.12 The Mayor is invited to consider **recommendation 3** of this form, that he:
- Notes the findings and conclusions of the Integrated Impact Assessment and the Habitats Regulation Assessment of the draft Parking Standards Minor Alterations to the London Plan, as set out in Annexes C and D**

Agreement for public consultation

- 3.13 The Mayor is invited to consider **recommendation 4** of this form, that he:
- Approves publication of the draft Parking Standards Minor Alterations to the London Plan for public consultation, as set out in Annex E**

4. Next steps

- 4.1 There is a statutory requirement to undertake consultation on Minor Alterations to the London Plan. As such, the proposal is to publish these two Minor Alterations, together with the Housing Standards IIA and the Parking Standards IIA and HRA, for a six week period of public consultation commencing on 11 May 2015 and running until 22 June 2015.
- 4.2 The statutory requirements under the Greater London Authority Act 1999 (as amended) (the 'GLA Act') and the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (SI 2000 No. 1491) (the 'Regulations') are given in brackets below.
- 4.3 *11 May 2015*
 - both sets of Minor Alterations and associated documentation (IIAs and HRA) are made available for public inspection at City Hall and the 'principle offices' of the London boroughs (GLA Act S.335 (2) (b) and Regulations 7 (1) to (3))
 - both sets of Minor Alterations and associated documentation are made available for download on the GLA's website
 - statutory notices appear in the London Gazette and the London Evening Standard (GLA Act S.343, Regulation 7 (4))
 - copies of the both sets of Minor Alterations and associated documentation are sent to the London Assembly and the Functional Bodies (TfL, LFEPA, MOPAC) (GLA Act S.335 (3) (aa))
 - copies of both sets of Minor Alterations and associated documentation are sent to the Secretary of State CLG, every London borough council, and authorities in the wider south east, English Nature, the Environment Agency and English Heritage (GLA Act S.335 (2) (c) and (3), GLA Act S.348 and Regulation 7 (5))
 - web links are emailed to stakeholder groups, POS and ALPBO mailing lists
- 4.4 *18 May 2015*
 - statutory notice in the London Evening Standard (GLA Act S.343, SDS reg 7 (4))
- 4.5 *May 2015 (date to be arranged)*
 - launch event in City Hall with the Deputy Mayor for Planning. All key stakeholders to be invited.
- 4.6 *June 2015 (dates to be arranged)*
 - housing standards consultation workshop event in City Hall for key stakeholders
 - parking standards consultation workshop event in City Hall for key stakeholders
 - presentation/discussion at ALBPO/POS technical group meetings
- 4.7 *October 2015*
 - Examination in public (EiP) at City Hall
- 4.8 *March 2016*
 - Publication/adoption of both sets of alterations before the GLA elections pre-election period commences
- 4.9 The Mayor is invited to consider **recommendation 5** of this form, that he:
Approves the arrangements for public consultation and authorises expenditure of up to £4,000 for placing statutory notices for both sets of draft Minor Alterations
- 4.10 Officers have contacted the Planning Inspectorate (PINS) and have made a formal request for an inspector to be appointed to conduct an EiP in October into both sets of Minor Alterations. The

Inspectorate has agreed this in principle and will confirm arrangements once the Minor Alterations have been published for public consultation. On the basis of costs incurred for the EiP into the Further Alterations to the London Plan in 2014, the inspector's fees and expenses for the Minor Alterations EiP are not expected to exceed £40,000.

4.11 An unfunded EiP Secretary post is included in the Planning Unit's establishment. It is to be appointed and funded from the Planning budget as and when required – for example, as was the case with the Revised Early Minor Alterations to the London plan (REMA) in 2012/13 and the Further Alterations (FALP) in 2014/15. A secretary has been appointed for the Minor Alterations EiP and will take up her position in June. The cost of this appointment will not exceed £35,000.

4.12 The Mayor is invited to consider **recommendation 6** of this form, that he:

Authorises expenditure of up to £40,000 for EiP Inspector fees/expenses and up to £35,000 for the appointment of an EiP Secretary for a joint examination in public of both sets of draft Minor Alterations

5 Other considerations

Key risks and issues – Housing Standards Minor Alterations

- 5.1 The government policy statement on implementing its housing standards makes clear that Development Plans should not seek to impose higher local standards. Prima facie, this could be taken to mean that ceiling heights in London should comply with the national minimum ceiling height of 2.3m rather than the current SPG minimum standard of 2.5m. As set out in paragraph 1.0 and 2.3 of this form, in view of London's unique heat island affect, high densities and dependence on flatted development, the proposed Housing Standards Minor Alterations do not require planning decision makers to adopt a higher standard than the national minimum, but they do 'strongly encourage' a ceiling height of 2.5m for at least 75% of a dwelling unit's gross internal area. This may incur Government opposition and some reputational risk.
- 5.2 The Government's preferred approach to carbon emissions from residential development is somewhat different to the Mayor's proposed continuation of his existing approach. However, the Mayor's approach is considered to be robust and justifiable. The Minor Alterations proposed to Policy 5.2B for residential buildings do not actually change the energy targets – they are recalibrated to the 2013 Building Regulations. While this change is not a procedural requirement, it has been included in order to reflect the updated (2013) Building Regulations.
- 5.3 The other alterations proposed to Policy 5.2B are not directly related to the housing standards review, but provide a stepping stone between current targets and the Government's proposed zero carbon for non-domestic buildings in 2019. The minor alterations to the non-domestic development aspects of this policy would in any case apply from 2016 when the next amendments to the Building Regulations are due.
- 5.4 Altering a policy risks opening up the whole policy to scrutiny through the EIP process. Given that the proposed Minor Alterations do not reflect the approach set out in the March Ministerial Statement, Government may feel that it is necessary to suggest changes to the policy. There is therefore a risk that the EiP Inspector recommends that the Mayor adopt the Government's approach to energy in residential dwellings – or that the Mayor is forced to do so through Secretary of State Direction prior to publication of the Minor Alterations. This in turn would affect all London boroughs' policy in this area.

- 5.5 If this Policy 5.2 policy is not included in the Minor Alterations it cannot be scrutinised or changed through the EIP process, reducing the risk to the London Plan's current residential energy targets, endorsed as recently as March 2015. On the other hand, this approach would risk losing the 'stepping stone to zero carbon' for non-domestic dwellings. It is also possible, as suggested in the Ministerial Statement, that the Government may choose to legislate to prevent higher standards being used. This approach would affect all of England and Wales, but would only apply until October 2016 when 'zero carbon homes' is introduced through the Building Regulations.

Key risks and issues – Parking Standards Minor Alterations

- 5.6 As set out in paragraph 1.8 of this form, the London Plan as published on 10 March 2015 reflects at paragraph 0.16F the Mayor's positive response to the Government's call, as expressed through the Secretary of State sign-off process, for increased flexibility for residential car parking in outer London.
- 5.7 This contrasts with the position that the Mayor's representative took at the FALP EiP, at which he argued that the Government's advocacy of car parking liberalisation – as set out in the Government's consultation response to the draft FALP (Nick Bowles letter 11 April 2014) and to the EiP Inspector (Brandon Lewis letter 10 September 2014) – was inconsistent with national policy. This rebuttal of the Government's approach was endorsed by the FALP EiP Inspector in his November 2014 report to the Mayor.
- 5.8 However, National guidance on this matter has been recently strengthened (an expanded paragraph 39 of the NPPG announced by the Secretary of State on 25 March 2015) which changes the national policy context for the Parking Standards Minor Alterations. Nevertheless, the position now advanced in the Minor Alterations may still incur some reputational risk over consistency and could give rise to stakeholder objections.
- 5.9 Should there be a change of government in May and a different national approach to parking, there may be some opposition to the proposed Parking Standards Minor Alterations. Combined with the mixed responses from Outer London boroughs and others (as will be reported by the OLC), and the earlier conclusion of the FALP inspector (see above), there may be a significant risk that the Parking Standards Minor Alterations will be found unsound at the forthcoming EIP, London's unique circumstances notwithstanding.
- 5.10 Policy drafting for both sets of draft Minor Alterations has taken account of legal advice to minimise the prospect of a statutory challenge or, if one is mounted, the chances of it being successful.
- 5.11 London Plan alterations have been, and will continue to be, tightly project managed to ensure that key deadlines are met and that expenditure stays within budget.

Links to Mayoral strategies and priorities

- 5.12 The London Plan sets out the Mayor's policies for the development and use of land in London. It also incorporates the spatial – geographical and locational – aspects of his transport, economic development, housing, environmental and other strategic policies for London in a single, comprehensive framework. It provides the basis for implementation of these strategies and policies through the planning system, to the extent that this is appropriate.

6. Financial comments

- 6.1 Approval is being sought in connection with statutory consultation on two sets of Minor Alterations to the London Plan (Housing Standards and Parking Standards) for expenditure of up to £4,000 for placing statutory notices, and to facilitate a joint examination in public into both sets of Minor Alterations, up to £40,000 for EiP Inspector fees/expenses and up to £35,000 for the appointment of an EiP Secretary.
- 6.2 The proposed expenditure of £79,000 will be funded from the 2015-16 Planning London Plan budget.
- 6.3 Any changes to these proposals, including budgetary implications will be subject to further approval via the Authority's decision-making process. Any appropriate budget adjustments will be made.
- 6.4 The Planning Unit within the Development, Enterprise & Environment Directorate will be responsible for managing this expenditure and ensuring all associated activities relating to expenditure adhere to the Authority's Financial Regulations and Contracts & Funding Code.

7. Legal comments

- 7.1 The Mayor is required to prepare and publish a Spatial Development Strategy (known as the London Plan) under section 334 of the Greater London Authority Act 1999 (GLA Act). The Strategy must include his general policies in respect of the development and use of land in Greater London and must deal only with matters, which are of strategic importance. However, in making that determination, it is immaterial whether or not the matter affects the whole of Greater London. The current London Plan which replaced earlier versions was formerly altered on 11 October 2013 (the Revised Early Minor Alterations to the London Plan) and again on 10 March 2015 (the Further Alterations to the London Plan).
- 7.2 The Mayor has a duty under Section 340 of the GLA Act to keep this strategy under review and can under section 341(1)(a) of that GLA Act at any time prepare and publish alterations of the strategy. Sections 335 and 341 of the GLA Act sets out the procedure to be followed for the preparation and publication of alterations to the London Plan, and the procedural steps are set out in section 4 of this decision form.

Matters to which the Mayor should have regard

- 7.3 Under section 41 of the GLA Act the Mayor must have regard to the need to ensure that it is consistent with national policies, other statutory strategies, the resources available for the implementation of the Strategy and the desirability of promoting and encouraging the use of the River Thames safely for the provision of passenger transport services and for the transportation of freight. He has included in the London Plan such of the available policies and proposals as he considers are best calculated to promote improvements in the health of persons in Greater London, to promote the reduction in health inequalities between such persons, to contribute towards the achievement of sustainable development in the UK and to contribute towards the mitigation of or adaptation to climate change, and the consequences of climate change in the UK.
- 7.4 The Mayor is also required to have regard to the economic development and wealth creation, social development and improvement of the environment in Greater London. In addition, under the Crime and Disorder Act 1998, the Greater London Authority has to do all it reasonably can to prevent crime and disorder.

Public Sector Equality Duty

- 7.5 The Mayor and GLA are subject to the public sector equality duty, as set out in Section 149 of the Equality Act 2010. The 2010 Act includes a single public sector equality duty (“the Duty”) covering race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. These are the grounds upon which discrimination is unlawful and are referred to as ‘protected characteristics.’ The Duty requires the Mayor when exercising his functions to have *due regard* to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.6 Having *due regard* to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. The steps involved in meeting the needs of disabled persons include, in particular, steps to take account of disabled persons' disabilities. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with these duties may involve treating some persons more favourably than others.
- 7.7 In light of these duties GLA officers have reviewed what is proposed in both sets of Minor Alterations, and the equalities impact assessment included in the integrated impact assessments carried out for each set of Minor Alterations, and advise that there is nothing raised by such which has not been already addressed as part of the statutory process.
- 7.8 These duties apply to the Mayor’s decision whether to publish both sets of draft Minor Alterations for public consultation.
- 7.9 The courts have emphasised that “*due regard*” requires an active and engaged analysis of the relevant material with the specific statutory considerations in mind, but the Duty does not require that the considerations raised in the analysis are decisive in the particular case and finally, that the weight to be given to the requirement that “*due regard*” is to be had is for the decision maker to decide.

Integrated impact assessments (IIAs) and Habitats Regulations assessment (HRA) screening reports

- 7.10 The IIA and HRA reports detailed above are considered by GLA officers to contain an adequate analysis of the material to which the Mayor must pay “*due regard*” to in making the decision to publish both sets of draft Minor Alterations. Accordingly, the Mayor is asked to give particular attention to these reports and to the matters reported in paragraphs 2.13 to 2.20 and 3.6 to 3.12 above.

Appendices and supporting papers:

Annex A IIA of the Draft Housing Standards Minor Alterations to the London Plan

Annex B Housing Standards Minor Alterations to the London Plan consultation draft May 2015

Annex C IIA of the Draft Parking Standards Minor Alterations to the London Plan

Annex D HRA of the Draft Parking Standards Minor Alterations to the London Plan

Annex E Parking Standards Minor Alterations to the London Plan consultation draft May 2015

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: This MD should be withheld until the Minor Alterations are published for public consultation

Until what date: **Monday 11 May 2015** when the Minor Alterations will be published

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

Richard Linton has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Stewart Murray has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser

Edward Lister has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

CHIEF OF STAFF:

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

Signature

Date