

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3050

Title: London Plan Guidance: Air Quality Neutral, Air Quality Positive and Urban Greening Factor

Executive summary:

This Mayoral Decision (MD) seeks the Mayor's agreement to the adoption of the London Plan Guidance (LPG) documents on Urban Greening Factor, Air Quality Neutral and Air Quality Positive. These provide additional guidance relevant to the implementation of specific policy areas in the London Plan, namely:

- Policy G5 – Urban Greening Factor
- Policy SI 1 – Improving Air Quality.

These LPGs will also assist with implementation of other London Plan policies including G6 Biodiversity and Access to Nature. This will help support and steer boroughs, developers and other stakeholders; and help ensure the delivery in practice of key environmental and other objectives of the London Plan.

Decision:

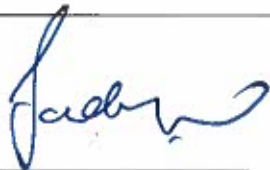
That the Mayor approves the Urban Greening Factor, Air Quality Neutral and Air Quality Positive London Plan Guidance documents for adoption as further guidance to the London Plan 2021, taking into account the accompanying Equality Impact Assessments and consultation summary reports.

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:

26/1/23

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

Decision required – supporting report

1. Introduction and background

- 1.1. The London Plan 2021 was published on 2 March 2021, giving full statutory weight to the Spatial Development Strategy as part of the Development Plan for all London planning authorities. Following its publication, a suite of new guidance is being developed, providing additional detail on how specific policies in the Plan should be applied to planning applications and boroughs' local plans.
- 1.2. The guidance documents referred to in this MD will add a further three documents to the suite of six London Plan Guidance (LPG) documents adopted since the publication of the London Plan 2021. Previous LPGs have been adopted by the Mayor in September 2021 (MD2861), March 2022 (MD2962) and December 2022 (MD3021), with the first MD report also including further background on the LPG programme and the approach being taken.
- 1.3. LPG has no specific statutory weight and cannot create or change London Plan policies. However, it is capable of being a material planning consideration; and adds further, more detailed guidance as to implementation of the London Plan in practice.
- 1.4. This MD form relates to the adoption of the Urban Greening Factor LPG (Appendix A1), the Air Quality Neutral LPG (Appendix B1) and the Air Quality Positive LPG (Appendix C1). These documents have been collectively drafted by the GLA's Planning and Environment teams.

2. Objectives and expected outcomes

- 2.1. The objective of these LPGs is to provide detailed guidance to complement and support the implementation of policies within the London Plan 2021, particularly policies G5, SI 1 as well as the Good Growth objectives set out in the Plan. They should facilitate improved clarity and faster decision-making by ensuring a consistent and shared understanding of the policies' requirements across local planning authorities and all stakeholders, including developers and their agents, and the local community. The adoption and implementation of the LPG will contribute to the aims set out in the GLA Act 1999 (the GLA Act), in particular to achieving sustainable development, and mitigating and adapting to climate change.
- 2.2. The Air Quality Neutral LPG replaces what was previously part of the Sustainable Design and Construction Supplementary Planning Guidance. This was rendered out of date when the London Plan was published. It was not 'saved' as part of the London Plan adoption process in March 2021.

Urban Greening Factor London Plan Guidance

- 2.3. The Urban Greening Factor (UGF) LPG provides further guidance to support planning authorities and planning applicants to implement the urban greening requirements set out in London Plan Policy G5. The UGF is a tool to measure and assess the quantity and quality of greening provided on a development. The guidance builds on the requirements in London Plan Policy G5, which sets out interim targets for different development types, providing further advice on the application of the UGF tool to developments and advice to boroughs on introducing UGF targets through Local Plans.
- 2.4. The LPG provides guidance on how to incorporate UGF principles into scheme design; and sets out in detail how UGF scores should be measured, presented and assessed. It provides further information on the surface cover greening types in Table 8.2 of the London Plan; and provides some clarification on the relationship to other policies such as Policy G6 Biodiversity and Access to Nature and national Biodiversity Net Gain (BNG) requirements, signposting other relevant guidance and information, including signposting to emerging fire safety guidance which restricts the use of green walls (but does not affect green roofs) further to the Mayor's position on the use of combustible

materials (7 August 2018). Currently no green wall products are able to meet the standard for non-combustibles¹. This is expected therefore to impact the use of green walls as part of an external wall, as a way of meeting UGF targets. We are proposing further detailed guidance to provide clarity on this issue.

- 2.5. The guidance sets out a recommended process for boroughs in developing local UGF targets, including how to establish a green infrastructure baseline and how to identify opportunities for new greening and other relevant information to inform local targets.

Air Quality Neutral London Plan Guidance

- 2.6. The Air Quality Neutral (AQN) LPG aims to support planning authorities and applicants to meet the requirements of, and implement, London Plan Policy SI 1 Improving Air Quality Part B(2)(a) and Part E. This policy requires all development in London to achieve the Air Quality Neutral standard. This means a development that does not contribute to air pollution beyond allowable benchmarks. As a result, the guidance sets out the detailed process for calculating the benchmark and the expected emissions rates for developments, as well as how to assess performance against the benchmarks and other technical considerations. The guidance also revises the benchmark emission rates set in the previous Sustainable Design and Construction Supplementary Planning Guidance.
- 2.7. The intention of the policy is to manage and minimise regional pollutant emissions from development in London. Accordingly, the guidance sets benchmarked emission rates for nitrogen dioxide and particulate matter, which new developments should not exceed.

Air Quality Positive London Plan Guidance

- 2.8. The Air Quality Positive (AQP) LPG aims to support planning authorities and applicants to meet the requirements of, and implement, London Plan Policy SI 1 Improving Air Quality Part C. This requires that masterplans and development briefs for large-scale development proposals subject to an Environmental Impact Assessment (EIA) should be accompanied by an AQP Statement. These statements should demonstrate:
- how proposals have considered ways to maximise benefits to local air quality
 - what measures or design features will be put in place to reduce exposure to pollution, and how they will achieve this.
- 2.9. The AQP approach aims to maximise the benefits to local air quality in and around significant development sites or masterplan areas; and minimise exposure to existing sources of poor air quality. It encourages planners, designers, architects and air quality experts to actively seek ways to achieve the best possible outcomes from their developments in terms of air quality and to go beyond simply meeting the maximum threshold of allowable contribution to air pollution.
- 2.10. For large-scale development requiring submission of an EIA, it is expected that air quality expertise has been engaged throughout the design process in order to maximise the potential benefits. The AQP approach does not use a threshold in its assessment, and instead brings together a range of evidence in support of a planning application to show how air quality has been considered holistically; and how the proposal provides benefits to air quality. The guidance sets out the minimum standards for an acceptable AQP Statement as well as providing guidance on how to apply the approach to different scales of development and at different stages in the planning process (e.g. at a masterplanning stage versus at the detailed application stage).

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/937931/ADB_Vol1_Dwellings_2019_edition_inc_2020_amendments.pdf

3. Equality comments

- 3.1. The Mayor and the GLA are subject to the public sector equality duty, as set out in section 149 of the Equality Act 2010. The London Plan, and its policies, plan for growth on the basis of its potential to: improve the health and quality of life of all Londoners; reduce inequalities; and make the city a better place to live, work and visit. It uses the opportunities of a growing and changing city to plan for a better future, and for planning decisions to be focused on improving London, transforming the city over time. It plans not just for growth, but for Good Growth: sustainable growth that works for everyone.
- 3.2. Objective GG1 of the London Plan – building strong and inclusive communities – makes it clear that Good Growth is inclusive growth. This objective underpins the policies in the Plan, which will help to address inequality in a broad range of ways. The London Plan 2021 was subject to an iterative Integrated Impact Assessment process, including an Equality Impact Assessment (EqIA), and this assessed the impact of the policies within the Plan on which the LPG in this report provides further guidance. This has been supplemented by an EqIA specific to each of the LPG topics, recognising that the application of the detail can give rise to additional, exacerbated or mitigated impacts that need to be taken into consideration in having due regard to the Public Sector Equality Duty.

Urban Greening Factor London Plan Guidance

- 3.3. The EqIA undertaken for the guidance showed strong positive impacts related to age, disability and race or ethnicity. Positive impacts were also identified related to pregnancy and maternity; sex; sexual orientation; gender reassignment; and people on low incomes.
- 3.4. Four respondents made comments on the EqIA. Respondents raised the following potential equality impacts arising in relation to the draft guidance:
- all urban greening elements added must be accessible for people with disabilities and those that use mobility devices
 - the need for all greening to create environments where women and girls feel safe when outside.
- 3.5. The potential equality impacts raised in response to the draft UGF guidance had been identified during the draft EqIA, and mitigating actions were set out to maximise the positive overall impact of greening on these protected groups. The UGF promotes greening that is an integrated part of development and, as such, creates opportunities to improve access to greening according to local needs and priorities. The EqIA highlights that the UGF does not exist in isolation and must be considered alongside other relevant London Plan policies (e.g. those relating to design, the provision of amenity and play space, public realm and accessibility) when considering impacts on groups with protected characteristics.
- 3.6. The full EqIA report for the UGF LPG is included as Appendix A2. The Mayor should have regard to the contents of this EqIA report in deciding whether to agree the recommendations within this report.

Air Quality Neutral London Plan Guidance

- 3.7. The EqIA undertaken for the AQN guidance showed positive impacts for the following protected characteristic groups: age; disability; pregnancy and maternity; and race, as well as for people on low incomes. No anticipated impacts were identified for the remaining protected characteristic groups.
- 3.8. Several respondents made comments concerning potential equality impacts arising in relation to the guidance. Two key issues raised were:
- concern that the AQN benchmarks benefit inner London more than outer London

- more stringent measures should be in place where the application site sits in the vicinity or catchment area of a sensitive receptor, with particular attention to hospitals, schools and care homes.

3.9. Changes have been made to the LPG to address these potential equality impacts. However, as the Building Emissions Benchmarks are based on land use and the types of heating technology used, these are not considered to benefit inner London more than outer London. While the Transport Emissions Benchmarks are based on land use and the development's location, these reflect differences in access to sustainable modes of transport across London. Therefore, no change has been made in this respect as the benchmarks broadly align with the London Plan parking standards. To address concerns about more sensitive areas, additional text has been added to suggest that, where appropriate, local authorities could impose more restrictive benchmarks for generators as long as they are consistent with the safe operation of the equipment. The full EqlA report for the AQN LPG is included as Appendix B2. The Mayor should have regard to the contents of this EqlA report in deciding whether to agree the recommendations within this report.

Air Quality Positive London Plan Guidance

3.10. The EqlA undertaken for the AQP guidance showed positive impacts for the following protected characteristic groups: age; disability; pregnancy and maternity; and race, as well as for people on low incomes. No anticipated impacts were identified for the remaining protected characteristic groups.

3.11. Several respondents made comments concerning potential equality impacts arising in relation to the guidance. The key issues raised were:

- improved air-quality measures should ensure that issues of accessibility are also considered
- improved air quality can benefit under-21s, over-65s and those with a disability
- improvements to walking, cycling and public transport accessibility, through air quality measures, can benefit those without a car
- the need for wording that reflects transport and active travel networks being accessible for all. This includes ensuring that cycle infrastructure was accessible to all groups and supporting different groups to cycle more.

3.12. The LPG has been updated to accommodate these changes. This includes additional text in the suggested design approaches section of the document that highlights wider, smoother pavements to enhance accessibility for wheelchair and pushchair users. The LPG also advocates for development to adopt a Healthy Streets Approach, prioritising strategies that enhance access and connectivity for sustainable modes of transport. This includes removing barriers and obstacles to sustainable transport. The full EqlA report for the AQP LPG is included as Appendix C2. The Mayor should have regard to the contents of this EqlA report in deciding whether to agree the recommendations within this report.

4. Other considerations

Risks and issues

4.1. Care has been taken to ensure that the guidance contained in the LPG does not create or amend policies contained within the London Plan 2021 and falls within the legal powers used to produce such guidance. These documents do not purport to be statutory Local Development Documents within the meaning of the Planning and Compulsory Purchase Act 2004; or Supplementary Planning Documents developed in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This will mitigate the risk of any legal challenge to the LPG documents following adoption.

4.2. Historically, the issuing of Supplementary Planning Guidance has not always been as successful as envisaged, due to the length of the documents and a lack of focus on how their requirements should be implemented in the planning system. To mitigate this risk, the new LPG documents are written in a clear and direct manner, without unnecessary related information. These LPG documents clearly set out, at the start, the types of planning applications it should be applied to and how it relates to boroughs' development plan documents (as relevant). The relevant London Plan policy, and who the guidance is for, are also explained at the start of the document.

4.3. No one involved in the drafting or clearance of this form or the preparation of the LPG has any conflict of interests that might arise as a result of the adoption and implementation of the LPG.

Link to Mayoral strategies and priorities

4.4. While the London Plan 2021 was developed and subject to Examination in Public prior to the Mayor's target for London to be carbon-neutral by 2030, it remains a sound spatial development strategy for London and part of the statutory development plan for Greater London. In particular, the provisions that implement the spatial aspects of the Mayor's Transport Strategy and Environmental Strategy, as required by subsection 334(4)(a) of the GLA Act, remain up to date and highly relevant in addressing the challenges of climate change and tackling damaging air quality.

Consultation and impact assessments

4.5. Consultation was undertaken in accordance with section 32 of the GLA Act. This included a bespoke engagement process in order to realise Good Growth objective GG1 A, which requires early and inclusive engagement with stakeholders.

4.6. Consultation on the draft UGF guidance was held between 30 September and 20 December 2021. Details of the consultation are set out in the consultation reports attached at Appendix A3. Consultation on the draft AQN LPG and AQP LPG was carried out between 12 November 2021 and 27 February 2022. Details of the consultation are set out in the consultation reports attached at Appendix B3.

Engagement – UGF LPG

4.7. Engagement on the UGF LPG was undertaken entirely online due to COVID-19 considerations. For the UGF, webinars were carried out between 19 October 2021 and 16 November 2021. It included three virtual events held through the consultation period; an online consultation webpage; and direct notification of those signed up for email notifications and via the planning newsletter. There were 78 attendees to the virtual events, at which people could learn more about the document and ask questions. There were 3,384 views of the consultation webpage. A total of 49 responses were received, with 35 using the webform and a further 14 sending free text via email.

4.8. Overall, respondents found the guidance was clear on how it should be applied to development proposals and Local Plans. The main issues raised in the consultation responses related to:

- requests for further detail on how to measure particular greening types
- requests for information on how to verify and appraise UGF information for planning applications
- the need to clarify the relationship between the UGF, Green Infrastructure Strategies and forthcoming Local Nature Recovery Strategies and other related borough plans.

4.9. The guidance has been updated to reflect issues raised in the consultation and as a result of the EqIA. This includes adding further detail on greening types to Table A1.1, further text on the relationship between the UGF and BNG; and a new section on reviewing UGF submissions.

Engagement – AQN and AQP LPGs

- 4.10. Engagement on the AQN LPG and the AQP LPG was undertaken entirely online due to COVID-19 considerations. It involved three webinars, each aimed at a different audience: London borough officers; air-quality professionals; and the general public. There was also a virtual seminar involving air-quality professionals. Additionally, there was an online survey for each LPG. Through the consultation period there were 282 attendees to virtual events and 2,929 page views of the consultation webpage. In total, 49 consultation responses were received during the consultation.

AQN LPG

- 4.11. There was strong overall support for the AQN LPG; 77 per cent of respondents strongly or somewhat agreed that having the AQN guidance will help to improve air quality in London.
- 4.12. The main issues raised by respondents related to:
- emissions sources that lie outside the scope of the policy, including servicing and delivery vehicles, and emergency power generators
 - the relationship between the AQN benchmarks and emissions restrictions in environmental permits for some development types
 - the specific transport emissions benchmarks set for light industrial and warehousing uses.
- 4.13. The proposed transport emissions benchmark for light industrial and warehousing uses has been revised in response to additional evidence received following the consultation. The benchmark remains at or below the previous benchmarks set in earlier guidance.
- 4.14. The section on how the guidance interacts with activities subject to an environmental permit has been revised to ensure that all emissions on these complex sites are subject to an appropriate mechanism to control emissions. In most cases this means extending the applicability of the benchmarks to sources that were excluded in the consultation draft of the guidance.
- 4.15. A number of other revisions have been made to the guidance to clarify how emissions outside the scope of this policy should be considered in the wider planning application process.

AQP LPG

- 4.16. There was strong overall support for the AQP LPG, with 74 per cent of respondents to the consultation survey agreeing or strongly agreeing with the content and structure of the draft guidance.
- 4.17. The main issues raised by respondents related to:
- the size of developments that the policy applies to – in particular that some or all developments should be subject to the guidance
 - how the commitments set out in the AQP statement would be secured or enforced in practice
 - lack of examples of best practice
 - construction, which is not covered by the guidance.
- 4.18. The guidance was revised to clarify the need for outcomes to be secured by binding conditions or legal agreements.
- 4.19. No changes were made regarding construction as this is subject to separate guidance and policy. However, it should be noted that the GLA has separately committed to reviewing the current guidance on the control of dust and emissions during construction and demolition.

- 4.20. AQP is a new policy approach; as such, there are few examples of best practice to draw on to include in the guidance. However, the GLA has committed to collecting examples and case studies as the policy is applied in practice. These case studies will be made easily accessible.
- 4.21. Applying the guidance is likely to require a level of technical expertise that is unlikely to be available to smaller developments. For this reason, the scope of the policy has been left unchanged from the draft version of the guidance.

5. Financial comments

- 5.1. There are no direct financial implications for the GLA arising from this decision.

6. Legal comments

- 6.1. There is no statutory power that expressly deals with the development of the LPG in the GLA Act 1999 (as amended). However, the LPG is developed in accordance with the general power in section 30 of the GLA Act,² which gives the GLA the power to do anything that it considers will further any one or more of its principal purposes, namely promoting economic development and wealth creation in Greater London; promoting social development in Greater London; and promoting the improvement of the environment in Greater London. The LPG will further all three principal purposes to some extent, in particular promoting social development and the improvement of the environment. In addition, section 34 of the GLA Act contains a general power to do that which "is calculated to facilitate, or is conducive or incidental to, the exercise of any functions of the Authority". The LPG is developed under these general powers.
- 6.2. The High Court has confirmed³ that planning guidance issued by the Mayor of London is capable of being a material planning consideration in the same way as local Supplementary Planning Documents at borough level – that is, through supporting the policies in the relevant Plan.
- 6.3. The UGF, AQP and AQN LPGs have been subject to legal advice.
- 6.4. The Mayor and the GLA are subject to the public sector equality duty; this is considered in detail in section 3.

7. Planned delivery approach and next steps

- 7.1. This is the final stage of the LPG development process for these pieces of guidance. There is further guidance on other London Plan subject areas in different stages of development.
- 7.2. The LPG will be applied to relevant planning applications by decision-makers, taking into account the guidance as a material consideration; and will be taken into account by the Mayor when considering referable planning applications. Boroughs will consider the guidance (where relevant) when developing local plans; and it will be taken into account by the GLA when assessing the general conformity of boroughs' local plans with the London Plan.
- 7.3. The LPG includes links to GLA webpages and other sites. As and when the web addresses change, the links in the online and PDF versions of the LPG will be amended to ensure they direct users to the correct place.

² [Greater London Authority Act 1999](#)

³ [McCarthy and Stone Retirement Lifestyles Ltd & Ors, R \(on the application of\) v Greater London Authority \[2018\] EWHC 1202 \(Admin\) \(23 May 2018\)](#)

Activity	Timeline
Notification of the adoption	January 2023
Publication (including supporting documents)	January 2023

Appendices and supporting papers:

Appendix A1 - Urban Greening Factor LPG
 Appendix A2 - Urban Greening Factor EqIA
 Appendix A3 - Urban Greening Factor Consultation Summary Report
 Appendix B1 - Air Quality Neutral LPG
 Appendix B2 - Air Quality Neutral EqIA
 Appendix B3 - Air Quality Neutral and Air Quality Positive Consultation Summary Report
 Appendix C1 - Air Quality Positive LPG
 Appendix C2 - Air Quality Positive EqIA

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) 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 it has been approved or on the defer date.

Part 1 – Deferral

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included 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:

Nina Miles, Rhian Williams, Alan Smithies, Elliot Kemp and Stephen Inch have drafted this report in accordance with GLA procedures and confirms the following: ✓

Sponsoring Director:

Phil Graham 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 9 January 2023. ✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature:



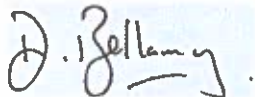
Date:

11/01/2023

CHIEF OF STAFF:

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

Signature:



Date:

09/01/2023