

# MAYOR OF LONDON

**Tony Arbour AM**

Chairman of the London Assembly  
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*Dear Chairman Arbour,*

Thank you for Rebecca Arnold's letter of 21 May confirming that the Assembly has concluded its consideration of the draft London Environment Strategy.

I have responded below to the various points you raised in your subsequent letter of 1 June and have provided clarification on issues raised by Assembly Member Shaun Bailey and Assembly Member Andrew Boff at the Plenary meeting relating to the T-charge and back gardens respectively.

## **Auxiliary Engines**

Transport for London (TfL) is working, through the LoCity programme, with key industry leaders to encourage further take up of trials with new low emission technologies for auxiliary engines. I am pleased to report that both Sainsbury's and Marks & Spencer are trialling this new technology on their fleets in London. The Dearman technology replaces diesel-powered secondary engines used to power transport refrigeration units (TRUs) with liquid nitrogen, and has the potential to cut CO2 emissions by up to 95 per cent.

In addition, TfL, through LoCity, has commissioned research into the impacts and possible alternative technologies for transport refrigeration units. This forms part of a wider series of studies of non-exhaust vehicle emissions in order to better understand and reduce them. The report, titled Auxiliary Temperature Reduction Units in the Greater London Area, was published in March of this year on the TfL website.

## **Tube Noise**

The Greater London Authority (GLA) Transport Team has been in touch with Assembly Member Andrew Dismore's office to acknowledge his request for a meeting with the Deputy Mayor for Transport regarding Tube disturbance. Now that Heidi Alexander has begun her role at the Greater London Authority, her office will be back in touch to progress this meeting. In addition, the transcript for the London Assembly Plenary on the London Environment Strategy has been provided to TfL for information.

With regard to Assembly Member Keith Prince's request for a meeting with TfL officers, I understand that TfL has been in touch with his office to arrange this meeting. TfL is awaiting confirmation of suitable dates and I am happy to provide the details of this meeting once they have been confirmed.

# MAYOR OF LONDON

## **Support for boroughs to carry out carbon and energy assessments**

London's boroughs are required to assess the energy and carbon implications of all major developments, for which developers produce energy strategies demonstrating how London Plan carbon reduction targets will be met. This is the case for both the new and the current London Plan. Government cuts to local authorities have of course had a negative impact on the resources boroughs have for many areas of work, including planning decisions and carbon and energy assessments.

My officers in Environment and Planning have produced detailed guidance for boroughs to use to help assess developers' energy strategies, and work alongside boroughs to assess the energy and carbon implications of every planning application that is referred to the GLA. As stated in my London Environment Strategy, we are producing guidance for boroughs to help them make the best use of carbon offset funds collected from new developments and supporting those few who have yet to set up a fund. My Environment officers provide regular training sessions for boroughs on implementing London Plan climate change and energy policies, and we have a consultancy framework in place to provide technical support to evaluate the strategic applications referred to us in detail.

Once developments are approved, there is a real concern over insufficient monitoring of performance. The draft London Plan sets out a new requirement for major new developments to monitor their actual energy performance to try to close the performance gap where buildings use more energy than specified in their application.

My officers will review how the GLA can best support boroughs to effectively implement London Plan energy policies and ensure all types of development perform suitably, given the reduced capacity of boroughs.

## **Food Waste**

19 boroughs currently collect food waste on a weekly basis. These are Barnet, Harrow, Richmond, Bromley, Croydon, Kingston, Tower Hamlets, Hackney, Islington, Merton, Bexley, Lewisham, Ealing, Lambeth, Brent, Camden, Haringey, Hounslow and Sutton. I understand Barnet has recently agreed to cease its food waste collection service.

## **T-Charge**

The income to date from the T-charge is £2.1m. This has been generated from 275,300 chargeable vehicles that entered the T-Charge zone in the period to 26 May.

Assembly Member Shaun Bailey quoted various statistics which he said demonstrated that the T-charge had increased pollution levels. I did not recognise the statistics that were used and I would be very interested in seeing this data. I am sure the Assembly will agree with me that it is important that we use data in a responsible way, particularly as air quality data is complex, and therefore can be difficult to understand.

In fact, the package of measures I have already delivered, including the T-charge, has resulted in improvements in air quality. It is estimated that there has been over a 90 per cent fall in the number of hours which exceed the 200ug/m<sup>3</sup> hourly limit for nitrogen dioxide since the beginning of my Mayorality in 2016. The Assembly will also have seen that 2018 was the first year in 18 years in which London got almost to the end of January without exceeding legal limits.

# MAYOR OF LONDON

Of course, there is a long way to go before Londoners consistently have the air quality they deserve. The central London Ultra Low Emission Zone and, if confirmed, its expansion up to the North/South Circular roads, will deliver further important improvements in air quality, alongside my measures to transform London's bus and taxi fleets. My London Environment Strategy sets out the reductions I expect to see in 2020 and 2025 and then on to 2030 and 2050. I am also encouraged by the commitment from the Secretary of State for Environment, Food and Rural Affairs to bring forward new clean air legislation, which I have been assured will grant me the powers I need over non-transport sources of pollution, including from wood-burning and construction.

Given the Assembly's clear concern about pollution and the way it affects Londoners, I hope that all members will now support the bold action I am taking to improve our city's air quality and that they will work with me to secure the additional support we need from Government to help small businesses and low-income Londoners replace their polluting older vehicles.

## **Back Gardens**

I would also like to clarify the level of protection afforded to back gardens by the existing London Plan following the question from Assembly Member Andrew Boff on this issue.

The current London Plan, published by the previous administration in 2011, does not provide blanket protection from development on gardens. When adopted, it only stated that boroughs could introduce a presumption against development on back gardens where this could be locally justified. This was clarified in the Housing Supplementary Planning Guidance (March 2016) (para 1.2.45), which stated that boroughs should seek to strike an appropriate balance between the objectives to protect residential gardens and other London Plan policies. In applying this approach, boroughs were required to consider the strategic objective to provide a wide choice of homes that Londoners could afford.

Our evidence shows that the 2011 London Plan policy did not lead to the increased protection of back gardens. Data from the London Development Database shows that between 2011/12 and 2015/16 there was no noticeable decline in the level of housing provision on this type of site. Over this period, approximately 2,600 homes were built on such sites, and the average annual rate of housing delivery from this source was broadly consistent with the preceding period, before the 2011 London Plan was adopted.

Currently, in certain circumstances, national permitted development rights allow the owner of a house to build on up to 50 per cent of their plot (minus the footprint of the original dwelling) to provide an extension or a detached outbuilding without any planning controls being applied. These are usually built in back gardens. In 2015, the government further relaxed the limitations on maximum depths for rear extensions, and whilst these relaxations will be lifted in March 2019, the 50 per cent rule will still apply. Permitted development rights do not allow for the creation of a new home, and thus, despite allowing the loss of some garden space or green cover, do not provide additional homes for Londoners.

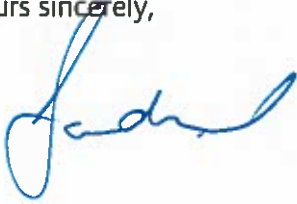
My draft London Plan seeks to meet London's substantial housing need by making the best use of available land, ensuring there is sufficient space for other essential land uses (industrial uses, for example), without encroaching on the Green Belt, Metropolitan Open Land and other designated open spaces.

# MAYOR OF LONDON

For the first time, this includes ensuring that any future development impacting on back gardens that requires planning permission must re-provide the same amount of green cover, so there is no net loss of overall green cover. The current London Plan provides no such provision, which has resulted in the loss of the valuable benefits provided by green cover in gardens.

The new approach proposed in my draft London Plan provides a more practical and nuanced response, to better manage the impacts of development on green cover and garden space, going further than the current London Plan. It will protect the level of green cover we have, and help to ensure that more than 50 per cent of London is green, while delivering the homes London desperately needs. I hope that these are aims that all Assembly Members can get behind, for the good of all Londoners.

Yours sincerely,



**Sadiq Khan**  
Mayor of London