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Title: Response to Planning White Paper

Executive Summary

On 14 July 2020, the Planning and Regeneration Committee noted the following standing delegation, which was agreed by the London Assembly at its Annual Meeting on 1 May 2013:

That authority be delegated to Chairs of all ordinary committees and sub-committees to respond on the relevant committee or sub-committee's behalf, following consultation with the lead Members of the party Groups on the committee or sub-committee, where it is consulted on issues by organisations and there is insufficient time to consider the consultation at a committee meeting.

Following consultation with party Group Lead Members, the Chair of the Planning and Regeneration Committee sent a response to the Government's Planning White Paper.

Decision

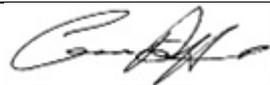
That the Chair, in consultation with the Deputy chair, agrees the response to the Government's Planning White Paper, as attached at **Appendix 1**.

Assembly Member

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

29/10/20

Printed Name

Andrew Boff AM, Chair of the Planning and Regeneration Committee

Decision by an Assembly Member under Delegated Authority

Notes:

- The Lead Officer should prepare this form for signature by relevant Members of the Assembly to record any instance where the Member proposes to take action under a specific delegated authority. The purpose of the form is to record the advice received from officers, and the decision made.*
- The 'background' section (below) should be used to include an indication as to whether the information contained in / referred to in this Form should be considered as exempt under the Freedom of Information Act 2000 (FoIA), or the Environmental Information Regulations 2004 (EIR). If so, the specimen Annexe (attached below) should be used. If this form does deal with exempt information, you must submit both parts of this form for approval together.**

Background and proposed next steps:

On 14 July 2020, the Planning and Regeneration Committee noted the following standing delegation, which was agreed by the London Assembly at its Annual Meeting on 1 May 2013:

That authority be delegated to Chairs of all ordinary committees and sub-committees to respond on the relevant committee or sub-committee's behalf, following consultation with the lead Members of the party Groups on the committee or sub-committee, where it is consulted on issues by organisations and there is insufficient time to consider the consultation at a committee meeting.

Following consultation with party Group Lead Members, the Chair of the Planning and Regeneration Committee sent a response to the Planning White Paper.

Confirmation that appropriate delegated authority exists for this decision

Signed by Committee Services



Date 29/10/20

Print Name: Diane Richards

Tel: 07925 353 478

Financial implications

NOT REQUIRED

Signed by Finance

N/A

Date

Print Name

N/A

Tel:

Legal implications

The Chair of the Economy Committee has the power to make the decision set out in this report.

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|-----------------|---|------|----------|
| Signed by Legal |  | Date | 29/10/20 |
| Print Name | Emma Strain, Monitoring Officer | Tel: | X 4399 |

Additional information should be provided supported by background papers. These could include for example the business case, a project report or the results of procurement evaluation.

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| <p>Supporting detail/List of Consultees:</p> <p>Nicky Gavron AM (Deputy Chair of the Planning and Regeneration Committee)</p> |
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| <p>Public Access to Information</p> <p>Information in this form (Part 1) is subject to the FoIA, or the EIR and will be made available on the GLA Website within one working day of approval.</p> <p>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.</p> |
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| <p>Part 1 – Deferral</p> <p>Is the publication of Part 1 of this approval to be deferred? No</p> <p>Until what date: (a date is required if deferring)</p> |
| <p>Part 2 – Sensitive information</p> <p>Only the facts or advice that would be exempt from disclosure under FoIA or EIR should be included in the separate Part 2 form, together with the legal rationale for non-publication.</p> <p>Is there a part 2 form - No</p> |

Lead Officer/Author

Signed



Date:
29.10.20

Print Name

Sarah-Jane Gay

Tel: x1328

Job Title

Countersigned by
Director

E. Williams
.....

Date:
29.10.2020

Print Name

Ed Williams

Tel: x4399

Andrew Boff AM

Chair of the Planning and Regeneration Committee

Planning for the Future White Paper Consultation

Response from London Assembly Planning & Regeneration Committee

29 October 2020

The London Assembly is the elected body, part of the Greater London Authority, that scrutinises the activities of the Mayor of London. The London Assembly has the power, with a two-thirds majority, to amend the Mayor's annual budget and to reject the Mayor's draft statutory strategies, including the London Plan, the Mayor's spatial strategy for London.

The London Assembly Planning and Regeneration Committee (the Committee) welcomes the opportunity to respond to this consultation on the Planning for the Future White Paper.

Engagement

Representing Londoners and London's communities, the Committee takes the view that meaningful community engagement and consultation at appropriate stage(s) of the process, is vital in creating new homes and neighbourhoods as well as in managing change in existing neighbourhoods.

As they currently stand, the White Paper proposals risk leaving out meaningful community participation, denying communities the opportunity to meaningfully shape their neighbourhoods, because community input is restricted to the early stage of the planning process, the development of the Local Plan, as well as because of the timings proposed. All in all, this may weaken the local planning authorities' and communities' say on how their local areas are developed.

However, as more detailed proposals emerge there is an opportunity to clarify and strengthen role of community engagement, and neighbourhood forums and planning. The Committee believes it is important to involve residents and

communities on decisions over specific sites and developments, rather than just Local Plans.

Strategic planning

Building much needed new homes for Londoners needs to sit in the context of a strategic spatial framework at the London city level, so that development is truly sustainable and delivers economic, environmental, and social outcomes across London's boroughs. The Committee sees there needs to be a role at the strategic level for mayoral direction and coordination to oversee the development across London Borough boundaries, such as that afforded by the London Plan which ensures some common standards across London, which often go beyond national policy. The Committee also sees the importance of collaborating with authorities across the functional urban area in the wider South East.

There is a role at a strategic level for the Mayor to work with boroughs and other relevant parties to increase diversity in the sector, and what it delivers. The Committee also believes that changes to the planning system should carefully consider the role of smaller builders, including community builders, in delivering the housing that London needs.

Local Plans

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

5. Do you agree that Local Plans should be simplified in line with our proposals?

The Committee sees the three broadly described area designations, Growth, Renewal and Protected, as a starting point for a discussion and looks forward to having more detail on how these designations and their allocation would work in practice. For such designations to work in London, they need to be sensitive to both the complexity of the city and the variety of character in its different areas.

There is a role here for strategic planning to retain oversight of the broader picture, particularly where a Local Plan might have impact extending across borough boundaries.

Of these designations, 'Growth' areas appear something akin to London's Opportunity Areas, areas which have been identified as having significant capacity for development.

However, Opportunity Areas (OA) can be vastly different in terms of their context and character and so the designation needs to respond to local needs: compare for example the Royal Docks OA in east London, where there is a vast amount of brownfield land and potential to reset the area's character, with the Victoria OA in

central London, an area that is more tightly bordered with existing development that has a specific urban character, and is often of historic significance.

At present the Mayor identifies the strategic sites for Opportunity Areas, taking account of the wider spatial development of the city, including transport links and infrastructure that are able to unlock development and support such growth. Local planning authorities draw the boundaries in their respective areas, and work together with the GLA to develop Opportunity Area Frameworks or Guidance. This model of strategic and local collaborative planning has worked well in Opportunity Areas.

The Committee notes how there is limited detail in the White Paper on how different land uses link with the proposed three areas, again missing on the complexity of development in dense urban areas like London. For example, the London Plan (intend to publish) policies allow for intensification of industrial land supporting growth, but also include the potential to bring forward residential development under the right circumstances within these areas.

In designating areas for protection, the Committee would want to see London's existing protection remain and policies for these to be set at the strategic, GLA level or borough level as appropriate. These include World Heritage Sites, the management of London views as well as conservation areas set at borough level. Any development in the vicinity should continue to be required take this historic context into account, and this would have to be reflected in drawing boundaries for any designations, such as a Growth area next to or surrounding a Protected area.

The complexity of London's urban fabric requires a more nuanced approach to that currently proposed of zones, which appear to be too binary and mutually exclusive. For example, an area of protection could be surrounded by – or even situated within - areas of growth or renewal, and the scale of development close to the boundaries would need to act as an appropriate context to the protected area.

The protection of green amenity should also take into consideration London's Metropolitan Open Areas, as well as the Green Belt. The importance of access to good quality green space has been further highlighted by the COVID-19 pandemic and experiences of lockdown.

Finally, the Committee believes that engagement and meaningful consultation is key to developing sustainable places and neighbourhoods. The Committee is concerned about the White Paper proposals suggesting that public scrutiny and influence would take place at the Local Plan making stage only.

Given the more abstract nature of Local Plans as opposed to individual applications, limiting public engagement to the Local Plan making stage is likely to make engagement less effective and will make the planning process less democratic. In addition, the proposed 6 weeks is likely to be insufficient time for consultation, given the importance of engaging with communities.

The Committee has found that different local planning authorities have very different levels of capacity and ability to facilitate meaningful engagement and there would have to be additional resource made available to level these differences. Better resourcing of local planning authorities may also be needed to deliver on the digitisation and producing design codes.

Limiting engagement to the Local Plan making stage may also pose a barrier to smaller builders, who are unlikely to have the capacity and resources to engage in plan making in anticipation for possible future development opportunities in the same way as larger builders have. This would go against the aim to diversify the sector.

Overall the proposed 30-month time scale for producing Local Plans will be challenging for planning authorities to produce Local Plans that are deliverable and of high quality. Finally, planning authorities may need more resources to deliver on the digitisation and design codes.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

The Committee sees merit in removing the duplication of generic policies, but believes that there needs to be flexibility to allow for local policies where the local context requires this, and for these local policies to have appropriate weight in appraising development proposals.

The White Paper suggest that local variations could be made in 'exceptional' circumstances and the Committee feels that this sets the threshold too high.

The Committee believes there is a role for strategic level planning here, and wants to highlight some areas where city level development management policies in the London Plan have successfully set a higher standard for quality in London's built environment:

- Space standards for new homes
- Policies on play space and informal recreation
- Policies around environmental performance of buildings

Any changes should consider where local or strategic planning is already delivering high standards such as the development management policies in the London Plan, and not replace these with a one size fits all national policies, which would apply to both urban and rural areas. This was echoed in the Committee's discussions with experts which suggested that locally bespoke policies can play an important role in

achieving an uplift in housing. We are concerned that nationally set policies may be too rigid to deliver at this level.

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

The White Paper proposals to streamline the planning decision making process would detrimentally affect both civic engagement and the local democratic process, by cutting out community engagement and democratic oversight of application by automatic approvals. The Committee is not in favour of automatic permissions, whether in Growth or Renewal areas, as it believes the local community and other stakeholders needs to have a say in development proposals affecting their neighbourhood.

If the government was still minded to go ahead with automatic approval in principle, this would only be acceptable on individual sites rather than whole areas, and only if there had been meaningful consultation with communities at an appropriate level of detail, such as at the masterplanning stage or setting locally specific design codes. Even in such cases, in approving the technical detail, there should be utmost scrutiny to ensure the original plans were being adhered to.

In principle, the Committee agrees on the proposal to retain the consent process for Protected areas; however, this would be subject to the detail of what is included in this designation. Existing Green belt and conservation areas must not lose their current status of protection or be reduced in size.

The Committee would also like more detail on the Mayor of London's powers to call in applications in the proposed system.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness

7A?)Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?"

The White Paper does not give adequate detail on what is being proposed for the ‘consolidated test of sustainability’ therefore making commenting on it difficult.

However, the Committee notes that reducing the legal basis of the planning system does not necessarily simplify the process but rather risks bringing in new uncertainty to the planning process.

There should also be a clear definition of ‘sustainable development’ for this purpose, including its three dimensions environmental, social, and economic, and how this would be operationalised in any tests underpinning planning decision-making.

We would like to see evidence that the environmental impacts, together with other sustainability impacts can be properly identified and assessed both in the development plan and in proposals for development.

The White Paper proposes to remove the ‘Duty to Cooperate’ as it has not achieved its aims. In the absence of a more clearly stated role for planning at the strategic level, and the role of the Mayor in this, the Committee welcomes further consideration on the way in which strategic cross-boundary issues can be planned.

The Committee believes London can and should accommodate the vast majority of its growth requirements. This is the most effective way of accommodating London’s growth in a sustainable way. However, it is important to make longer-term contingencies and to work collaboratively with partners in the Wider South East and beyond in addressing key strategic issues. It should be for the London Plan to address not only issues of development and growth in the Wider South East but a range of other strategic issues such as energy, waste, water and transport. An effective way of working with planning authorities in the wider South East will need to be established.

The London Plan could set out more formalised arrangements for the co-ordination of both contingent planning and a longer-term strategic planning framework in London and the Wider South East. It is essential that they are more effective, because the potential of London and its functional urban region is currently not being realised.

Neighbourhood Planning

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

The White Paper proposes to retain neighbourhood planning, and for neighbourhood planning to have a role in creating local design guides and codes. The Committee thinks neighbourhood planning is vitally important to local engagement in planning and looks forward to further detail on making neighbourhood planning an integral part of the planning system. Neighbourhood planning can be a powerful tool for communities to deliver inclusive growth, and communities must have opportunities to engage throughout the planning process, from plan making to individual applications, and strengthened role for participation in setting design codes would be a welcome addition.

We are concerned that unless Neighbourhood Plans can interact with, and influence Local Plans, the role of neighbourhood planning will be diminished, as it will not have the same spatial role that it currently does. The Committee is concerned that if Neighbourhood Plans are not able to fit in with the cycle of plan making, they may be reduced to guiding design only. This will exacerbate concerns about proposals leading to communities not being able to respond to site applications.

The Committee's work in the past has found that London lags behind in the number of Neighbourhood Plans and neighbourhood forums. Over 700 Neighbourhood Plans have been made in England, compared to just 16 in London. At present there is disparity in different councils' ability and capacity to support neighbourhood planning, with urban boroughs facing a different environment in which to operate neighbourhood planning to, for example, parish councils.

The Committee's investigation found that Neighbourhood Plans make a significant contribution to areas of change and renewal; particularly in areas in need of regeneration. For example, Neighbourhood Plans can effectively identify assets of community value, heritage sites, and infill sites for housing. The Committee is concerned that Growth and Renewal areas, where you specifically need community buy in, will lose the input of Neighbourhood Plans at the application stage. We would welcome further consideration about how more significance can be given to Neighbourhood Plans.

Neighbourhood planning needs to be appropriately resourced to work, and in its past work the Committee has found lack of funding to be a barrier. At a minimum, neighbourhood share of any Infrastructure Levy (dependent on proposals for change) will need to be retained. Also, the Committee believes that the Government should reinstate the additional grant support to neighbourhood forums for delivery of their Neighbourhood Plan.

Design Codes

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

17. Do you agree with our proposals for improving the production and use of design guides and codes?

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

The Committee welcomes the White Paper's focus on the importance of good quality design in the built environment, the importance of which has been brought to the fore by experiences of lockdown in the spring 2020 in response to the COVID-19 crisis. 'Good design' operates at different scales, and goes further than merely creating 'beautiful places': design should play a role in creating functional and sustainable neighbourhoods, as well as individual developments and homes within them.

More detail would be needed to understand how design codes would be produced parallel with Local Plans, so that they would be detailed enough for the local context, yet flexible enough to stay current for the period of the Local Plan, whilst delivering high quality built environment.

The dense urban neighbourhoods of London will require an approach that is nuanced and able to reflect local character and local needs, and therefore setting design codes and guidance at the local level is paramount, as is the meaningful engagement of local communities in this process.

Similarly, leadership is needed at strategic level. The London Plan (Intend to Publish) sets out policies, standards and targets on design and also has a chapter setting out design policies. The GLA is also developing planning guidance that sets standards for design quality in London. The Good Quality Homes London Plan

Guidance (currently in consultation), sets out a framework for how to apply London Plan (intend to publish) policies on design and built quality, as well as linking to other Mayoral priorities such environmental standards.

The Guidance also provides steer for boroughs in developing their local response, from character appraisals to site optimisation. Boroughs are able interpret the guidance in a local context, innovate and go further, if they wish, on issues such as space standards, outdoor space, size-mix and energy and other environmental standards.

We would welcome design being given greater emphasis in the strategic objectives for Homes England. The GLA fulfils the function of Homes England in London and already has strategic objectives framed by the London Plan and its SPGs.

It is also important that there is both the leadership and the skills and capacity in local authorities, as proposed, to deliver this design led approach, including engagement throughout the production of design codes or guidance. Importantly then, boroughs need to be appropriately resourced to take on these new responsibilities.

Finally, experts giving evidence to the Committee highlighted the use of design reviews, and how particularly reviews post-occupancy would further strengthen what is proposed. This would give further assurance that the design led process produces high quality outcomes.

Standard Method for Establishing Housing Requirement

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

The Committee does not agree with the standard method for establishing housing requirement as proposed in the White Paper. Regardless of methodology, the decision on targets should not be made centrally, but be devolved to strategic and local level, so that decisions are based on both strategic oversight across borough boundaries and local understanding of the context. For example, possible new

targets (as calculated by Lichfield) highlight a discrepancy between the targets and deliverability.

The White Paper suggests “it may be appropriate for Mayors of combined authorities to oversee the strategic distribution of the requirement in a way that alters the distribution of numbers, and this would be allowed for.” The Committee views this as something the Mayor, with stronger collaboration in the wider South East as proposed earlier, should have responsibility for.

We don't have enough information about the formula to comment, but any future methodology should take into account the capacity of boroughs to build, the impact of the rental market on defining affordability and should include London's needs in regard to dwelling size mix. It is unclear from the White Paper how capacity will be factored in and by whom. Furthermore, any changes should recognise the strategic role of the Mayor in reallocating targets across London according to capacity and need.

Infrastructure Levy

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

The White Paper proposes reform to simplify and speed up the process for developer contributions and capture land value uplift.

As the proposals are developed, consideration should be given to who would administer the Infrastructure Levy and how this is allocated, and importantly, what role would local communities have in this. Further detail on these questions would be necessary to assess the proposals for change.

The Committee would also like to note the significant role current Section 106 contributions play in the delivery of affordable housing, as evidenced by research commissioned by the Government.¹ Any future alternatives should ensure affordable housing delivery is front loaded, as opposed to what the White Paper proposals appear to suggest. All in all, backloading developer contributions may put local authorities at greater financial risk and delay the delivery of infrastructure needed to enable and de-risk development. The White Paper proposals would effectively leave the discussion about the development value at the end of the development process, with local planning authorities having little leverage.

The Committee would also see a case for S106 type of local negotiation where a specific mitigation of non-financial nature is required. Finally, Mayoral CIL should be retained as it plays a critical role in delivering the strategic infrastructure that is needed to underpin development in cities like London.



Andrew Boff AM

Chair of the Planning and Regeneration Committee

¹ <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2018-to-2019-report-of-study>