London Plan Written Representation

Ministry of Housing Communities and Local Government (MHCLG)	Reference ID 2631
Matter Title – Affordable Housing	**Matter no.** 24

Matter Question (s)

M24. Would policies H5 to H8 provide a justified and effective approach to delivering affordable housing to meet the good growth objectives set out in Policy GG4?
Overall, would they provide an effective strategic framework for the preparation of local plans and neighbourhood plans in relation to affordable housing?

In particular, in relation to each policy:

Policy H5 Delivering Affordable Housing
a) Would the definition of 'genuinely affordable housing' and the Mayor's 'preferred affordable housing tenures', include the affordable homes needed?
b) Would the strategic target of 50% of all new homes to be genuinely affordable be justified in light of the identified need?
c) In requiring major developments which trigger affordable housing requirements to provide affordable housing through the threshold approach, would the policy be effective in delivering the quantum of affordable housing required?
d) Would the approach to affordable housing providers, public sector land and industrial land be justified and effective?
e) In requiring on site affordable housing generally, would the policy provide adequate flexibility to take account of local circumstances?
f) Does the approach taken in Policy H5 provide sufficient flexibility to take account of local circumstances?
g) Overall, would the policy be effective in delivering the affordable homes needed?

Policy H6 Threshold Approach to Applications
a) Would the threshold approach to viability, with a fast track route and viability tested route, as set out in policy H6, be justified and effective? Would the threshold level of affordable housing as set out in Policy H6B be justified and effective?
b) Would it provide a framework to increase delivery of affordable homes to meet the full range of identified need?
c) Would the approach taken to scheme amendments be effective in increasing delivery of affordable homes?
d) Would the approach taken to determining benchmark land value be justified?
e) Would the requirement to seek grants to increase the level of affordable housing to access the fast track route be effective in increasing speed of delivery?
f) Would the review mechanism as set out in Policy H6E2 be justified and effective in increasing delivery?

Policy H7 Affordable Housing Tenure
a) Would Policy H7 be effective in delivering the tenure of affordable housing to meet the objectives of Policy GG4?
b) In light of the identified need for low cost rental homes, would the split of affordable products in this policy be justified and effective? Would it provide sufficiently for boroughs to determine tenure locally to meet local needs and reflect local circumstances?

> c) Would the preferred affordable housing tenures be justified and effective in meeting identified need? d) Would the mechanism for review of the preferred tenures through supplementary planning guidance in 2021 be justified and effective?
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> Policy H8 Monitoring Affordable Housing
> a) Would Policy H8 provide an effective framework for boroughs to monitor affordable housing?

Affordable Housing contributions from Minor Developments

1. The approach to affordable housing developer contributions on minor developments (H2H but referred to in policy H6C) is contrary to national policy both in terms of the Written Ministerial Statement (WMS) of 28 November 2014 and Paragraph 63 of the 2018 NPPF. Policy H2H could be seen to effectively encourage London Boroughs to pursue policies which are not consistent with national policy.

2. The national Policy approach of not requiring S106 contributions on small sites was set out in the Written Ministerial Statement (WMS) of 28 November 2014 and is further explained in National Planning Policy Guidance on Planning Obligations Paragraph: 031 Reference ID: 23b-031-20161116.

3. The WMS remains in force as a material planning consideration and was available to the Mayor for consideration during the drafting of his London Plan

4. This approach is also contrary to Paragraph 63 of the 2018 NPPF. Although we acknowledge that the draft London Plan is being examined under the 2012 NPPF, being contrary to the 2018 NPPF in this regard calls into question the effectiveness of these policies as a framework for the preparation of Local Plans by the Boroughs, which must have regard to the NPPF in the preparation of their Local Plans.

Differentiated threshold for Public Sector Land development

5. As outlined in the Government's consultation response of 2nd March 2018, we would like to understand the evidence that has underpinned the choice of 50% thresholds for affordable housing provision on developments on public and industrial land as set out on London Plan Policy H6B.

6. Whilst the Government appreciates the overall need to provide affordable housing, we want to understand why the GLA believes it is justified that public sector land sites should have a significantly higher threshold for affordable housing contributions compared to other sites coming forward.

7. Therefore, we would like to understand how this approach has been viability assessed by the GLA to ensure the Plan supports the delivery of affordable housing without delaying potential development from public sector land sources.

Viability and regulatory burden on development

8. More broadly we would like to understand how the affordable housing thresholds chosen are compliant with Paragraph 173 of the 2012 NPPF which is clear that developer contributions should not negatively impact the deliverability of the plan. This is pertinent given the ambitious targets for increasing delivery outlined in the Plan overall and may also be raised later in the Examination under Matters 92-93 Viability.

Resolving the Government's concerns

9. The Mayor could resolve the concerns raised above by:
   a. Demonstrating the impact of the affordable housing policies in the plan on its deliverability, especially on public sector sites.
   b. Removing policies that enable Boroughs to seek affordable housing developer contributions on minor development, which is contrary to national policy.

Word Count (excluding Question and title/references) = 478 words