

New London Plan Examination – Written Statement [ID: 3223]

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From Lichfields on behalf of Dylon 2 Limited and Relta Limited

Matter Green Belt and Metropolitan Open Land
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Would Policies G2 and G3 provide an effective strategic context for the preparation of local plans and neighbourhood plans?

- 1.1 **No**, these policies would not provide that effective strategic context.
- 1.2 That is because these New London Plan (NLP) policies continue to relate to areas of land falling within the boundaries of these designations which do not fulfil the defined and designated purpose of Green Belt (GB) or Metropolitan Open Land (MOL). These policies can only be effective if they relate to land appropriately designated and are worded so as to be consistent with the NPPF.
- 1.3 What is required is a thorough and comprehensive review of all extant GB and MOL in each Borough. A harmony of voices, including some outer London LPAs, are calling for a GB Review. We and others are calling for a review of MOL. South-Eastern Boroughs, outside of London are calling for both¹. These reviews plainly must happen as part of the overall change to a suite of policies needed to tackle London's housing needs (alone).
- 1.4 We suggest that, through the re-wording of both policies G2 and G3, the Panel require every Borough to undertake an immediate review of GB and MOL, to identify land which does not meet all of the purposes of designating such land and which can be released to meet housing needs to be completed within two years of the adoption of the NLP.
- 1.5 To ensure the review is conducted expeditiously and is manageable, we suggest that this review is best done on an individual Borough by Borough basis. Each Borough Council is best placed to address this task within the timescale proposed. The timescale is a reflection of the urgent need to address the housing crisis in the capital and reflects the fact that it is addressing housing need for just a ten-year period. To take any longer than 2 years from NLP adoption would be to delay the process to such an extent that sites which are identified in such reviews might not deliver the homes within the relevant ten-year period.
- 1.6 It would not be appropriate for the Mayor to conduct such a review of London's GB and MOL. The NLP makes no firm allocations and therefore the NLP would become a strange mix of select allocations based purely on whether the land is GB/ MOL or not. Moreover, for the Mayor to do so across the whole of London, would be a somewhat unwieldy exercise and likely to lead to substantial and unwelcome delay.

¹ See response to Matter 10(b) on 7 December, para 3.4 for further detail [respondent 3223].

- 1.7 The Boroughs' reviews should be undertaken conscientiously with a view to ensuring each Borough is able to meet its own ten-year housing requirement as set out in the Mayor's NLP. It may be that some Boroughs are able to meet their housing requirement having undertaken a recent GB and MOL Review. That would provide a satisfactory answer if those needs can be genuinely met. For other Boroughs however, especially those that have not undertaken a review of such land, or which are claiming to be unable to meet their needs, then an immediate review is essential.
- 1.8 To ensure that the review is undertaken conscientiously, we would strongly urge that the Panel ensure each review is carried out by a Single Joint Expert (SJE) (or firm) instructed jointly by the relevant Borough and the development industry, preferably through a developer-led representative body such as the Home Builders Federation (HBF). SJE's are widely used in all other areas of dispute resolution.
- 1.9 The review will need to determine whether there is (or is not) designated land which does not meet one or more of the specific purposes of including land within GB/MOL, and would therefore be released for housing or other development.
- 1.10 Reviews will need to be carried out on a broadly consistent basis. We would suggest that each site is examined against the extent to which it meets the purpose of including land in the GB or MOL, visual and landscape impact (including visual containment) and locational sustainability (including proximity to transport hubs). But other criteria could be included too.
- 1.11 NLP policies G2 and G3 cannot be effective if some of the land designated as GB/MOL is not consistent with the purpose or criteria applying to each designation.
- 1.12 Given that the NLP has not carried out a GB review² and there has not been a strategic MOL review since its creation in the 1976 Greater London Development Plan – the original MOL designation being based on 1km grid squares - we consider that the review is likely to be fruitful in finding sites that can be de-designated in accordance with national policy to meet London's housing need.
- 1.13 Our research has shown that six London Boroughs have conducted GB/ MOL reviews in progressing their Local Plans (Enfield, Havering, Hillingdon, Kingston, Redbridge and Sutton). Three more are proposing to carry out such a review (Barnet, Hounslow and Merton). This demonstrates that it is a task which can be conducted and conducted effectively at the Borough level. However, as these lists reveal, the approach to review is haphazard and inconsistent. What must not happen is that Boroughs can simply elect not to meet their identified housing requirement as set by the NLP and yet fail to carry out a GB/ MOL review. Even those that purport to be able to meet the Mayor's housing requirement, without the need for recourse to a GB/MOL Review, should still be required to conduct one, in case they are able to accommodate unmet need from elsewhere in London.
- 1.14 Our client's 1.9ha Dylon 2 site at Lower Sydenham in LB Bromley is one such example: this site does not meet any of the MOL designation criteria, nor any of the MOL purposes and comprises c.38% 'brownfield' land. As such we consider the MOL designation to be inappropriate and new housing could be sustainably delivered on the site to assist with meeting London's housing (including affordable housing) needs.

² Despite GB making up 22% of London's land area and OLC evidence base documents identifying this as a possible option to meet London's housing needs, para. 4.83 and recommendation 13 [NLP/PP/001].

- 1.15 Usually, given the extent of the established unmet housing need in London, which will not be met by the NLP, it would be sound practice for the GB/MOL review to be undertaken now, however this would delay the adoption of the NLP.
- 1.16 We therefore consider that it would be desirable that **the policies G2 and G3 be amended to require a review of GB and MOL in each Borough which contains such land. That it be conducted by a SJE. It should aim to ensure that, together with realistic yields from intensification, enough land is identified in each Borough to meet the ten-year housing requirement in the NLP. And it should be completed within the two years of adoption of the NLP to form the evidence base for both the immediate review of the NLP in 2020 and emerging Local Plans.**
- 1.17 **The policy should also make clear that a failure to complete the task within that time period will be an important material consideration in the determination of applications or appeals for new housing.** Also, the Mayor should be required to intervene where failure is self-evident, to ensure LBs cooperate to ensure that each SJE review collectively leads to London's single market housing needs being met.
- 1.18 The requirement for this immediate review of the NLP is clearly established in the SoS's letter to the Mayor to ensure alignment with the NPPF (2018), with the need for the NLP to reflect the higher housing need requirements applying the standard methodology.
- 1.19 Policies G2 and G3 of the NLP should also be amended, as a consequence³, to reflect the requirement for the immediate, strategic review of MOL/GB (see Annex 1 on G3), consistent with the requirement for 'positive planning' and "*up-to-date and relevant evidence*" in the NPPF (para.158).
- 1.20 In conclusion, housing need in London cannot be met just through the intensification of existing built up areas alone and a full, review of GB / MOL must be undertaken by a SJE in each Borough. The NLP is the logical place in which to set out this strategic policy requirement to ensure such reviews are carried out London-wide. Until such a commitment to a strategic evidenced based review is in place, there is no sound justification for not seeking to meet London's development needs. To do otherwise would not be sound in the context of the NPPF (para.182).
- Are the policies and detailed criteria justified and necessary and would they provide an effective basis for development management?
In particular: (a) Is Policy G2 on London's Green Belt consistent with national policy and if not, is this justified?**
- 1.21 NLP Policy G2 aligns with national policy in so far that it strongly supports protection of the GB. Unlike the NPPF (and current LP Policy), however, there is no reference to allowing development in 'very special circumstances'. Instead, G2 supports the extension of the GB and seeks to prevent 'de-designation' of GB land (just like G3 does for MOL). This inflexible approach to GB and MOL release is unsound, inconsistent with national policy and, combined with G3, creates a substantial barrier to meeting housing need.
- 1.22 Under national policy, local planning authorities have discretion to review / assess the appropriateness of land situated in GB or MOL. G2 not only removes this opportunity in respect

³ In a similar vein to the amendments proposed within our March 2018 representations to the NLP, but with additional amends to reflect requirement for an immediate GB review [respondent 3223].

of GB, but it goes so far as to imply that no development should be allowed in the GB at all (not even brownfield land or that which forms part of the ‘exceptions’ list) which is contrary to the NPPF.

- 1.23 Policy G2’s overly prohibitive approach also fails to recognise the benefits that GB/MOL reviews may offer in terms of contributing to housing supply and delivery, if certain non-performing / incorrectly designated parts of the GB/MOL situated in sustainable locations are released in accordance with the national guidelines (e.g. the Dylon 2 site, referred to above).
- 1.24 G2 (as currently worded) will discourage London LPAs who are currently proactively seek ways of meeting the ambitious targets set in the NLP by undertaking their own GB/ MOL reviews in isolation or with neighbouring authorities.
- 1.25 A continued restriction upon the GB/MOL not only conflicts with national policy, but it also conflicts with the Mayor’s intention to maximise housing supply and intensify land use.
- 1.26 Moreover, if London boroughs cannot undertake amendments to the GB or build on GB (outside of the Local Plan process) in the right circumstances to allow for development to meet their needs, this will put added pressure on authorities outside of London, that are also constrained and struggling to meet their own needs.
- 1.27 Sevenoaks District, for example, is 93% Green Belt and 60% AONB. They have a need for 13,960 new homes by 2035, yet can only identify a supply of 10,560 in their emerging Local Plan. It is utterly unrealistic to believe that such a district (that is only proposing to meet 75% of its’ own need) would be able to assist London by providing additional housing.
- 1.28 It would also be somewhat unfair to ask such districts (who are required to consider GB amendments in line with national policy) to help London boroughs that are (in line with NLP policy) not even expected to review and assess the purposes of the GB/ MOL in their areas.
- 1.29 Moreover, forcing commuters out to such districts or those even further afield that include areas beyond the GB will merely give rise to increased commuter journeys, higher carbon emissions and growth being accommodated in less sustainable locations (i.e. the exact opposite to what the NLP is trying to achieve).
- 1.30 The MHCLG, understandably, notes the concerns of a number of LPAs outside London about the potential impact of the Mayor’s GB policy on the GB within their areas (ID: 2631, M16).
- 1.31 Overall, Policy G2’s excessively restrictive approach, is not consistent with national policy and in fact goes well beyond the remit of the NPPF2 by allowing no flexibility to review / amend GB boundaries or remove sites from GB designations. There is no GB review evidence base to justify such an approach.

In particular: (b) Is the ‘swapping’ of Metropolitan Open Land (MOL) referred to in paragraph 8.3.2 and allowed for by Policy G3 AC justified? Do the other detailed criteria provide sufficient clarity about inappropriate development and how any boundary alterations should proceed? Should parts of the River Thames be designated?

- 1.32 Swapping of MOL is supported, but this should not be as an alternative to the findings of a comprehensive MOL review.

[1,989 words]

Annex 1 – Proposed Amendment to G3 (Incorporating Mayor’s suggested changes)

A. **Where it clearly meets the Metropolitan Open Land (MOL) criteria**, MOL should be protected from inappropriate development, **except in very special circumstances**. Thus:

- 1 development proposals that would harm MOL should be refused, **except in very special circumstances**
- 2 boroughs should work with partners to enhance the quality and range of uses of MOL **and place weight on those enhancements in decision taking**.

AA. Boroughs should designate MOL by establishing that the land meets at least one of the following criteria:

- 1 it contributes to the physical structure of London by being clearly distinguishable from the built-up area
- 2 it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London
- 3 it contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value
- 4 it forms part of a strategic corridor, ~~node or a link~~ in the network of green infrastructure and meets one of the above criteria.

AB. The extension of MOL designations should be supported where appropriate **and evidenced by an objective review against the MOL designation criteria**.

AC. ~~Any alterations to the boundary of MOL should~~ **To assist in meeting London’s housing needs a comprehensive review of all MOL must be undertaken in each Borough. This review should begin immediately upon adoption of this Plan and be completed within two years. It should be carried out in conjunction with a Borough-wide Green Belt Review (Policy G2). It should be conducted by a Single Joint Expert, jointly instructed by both the Borough and the development industry. The aim of the Review will be to ensure that each Borough can meet its ten-year housing requirement in this Plan, alongside the policies of intensification. All MOL land will be assessed against the purposes of MOL designation, visual and landscape impact (including visual containment) and locational sustainability (including proximity to transport hubs). Against these criteria, suitable land will be identified for release from MOL designation to meet housing needs.**

AD. **A failure to complete the review on time will amount to an important material consideration in the determination of applications and appeals for new housing on MOL. Furthermore, where failure is likely to occur, the Mayor will intervene and specify to Boroughs the appropriate measures required to address the shortfall so that London’s housing needs are met.**

