Draft Replacement
London Plan

Report of the Panel: Volume 1 - Report
March 2011

Examination in Public
28th June - 8th December 2010
Dear Mayor

Panel Report on the draft Replacement London Plan

We have pleasure in submitting to you our Panel Report following the Examination in Public of the draft Replacement London Plan. The Examination in Public was conducted at City Hall on 32 days between 28 June and 8 December 2010.

Our report contains our conclusions and recommendations on the changes which we consider should be made to the draft Replacement London Plan in the light of the Examination, including the consideration of the Minor Alterations and the early and further suggested changes that you put forward prior to and during the Examination. As stated in the Overview to the report, we hope that our conclusions generally endorsing the draft as suggested for revision together with our specific recommendations will enable the publication of the Replacement London Plan at an early date.

We would like to thank all those who participated in the Examination. Our thanks are also due for the technical support of Chris White and Tom Stanley, Planning Officers with the Planning Inspectorate and to the Panel Assistant, Nicholas Rogers as well as support staff within City Hall. We also record our special gratitude to Carmel Edwards, our Panel Secretary, for everything she did to ensure a successful Examination.

Yours faithfully

P G Robottom           D C Lavender

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Preface

This is the report of the Examination in Public (EiP) that we were appointed to hold into the Draft Replacement London Plan.

The Greater London Authority submitted the Draft Replacement London Plan to the Secretary of State in October 2009. The consultation period closed on 12 January 2010. During this period and shortly thereafter there were a total of 944 respondents to the submission consultation and related documents making approximately 7,166 points of response. A first Minor Alteration (waste arisings and apportionments and corrections) was published on 7 December 2009 with a deadline for comments of 1 February 2010. This attracted 17 respondents raising 43 points for the Panel’s consideration. A second Minor Alteration (Gypsies and Travellers) was published on 23 March 2010 with a deadline for comment of 11 May 2010. This attracted 326 respondents raising 338 further points for the Panel’s consideration. A third Minor Alteration (Gypsies and Travellers and Aggregates) was published on 13 September 2010 with a deadline for comment of 25 October 2010 and attracted 482 respondents raising 629 points.

Arrangements were made for conducting and reporting on the Examination in Public as expeditiously as possible. The key stages were:

- Publication of initial draft Matters and Participants: 25 March 2010
- Preliminary Meeting: 30 March 2010
- Final list of initial Matters and Participants issued: 13 May 2010
- Examination in Public – opening prior to recess: 28 June 2010
- Examination in Public – adjourned for summer recess: 16 July 2010
- Examination in Public – resumption after recess: 6 Sept 2010
- Examination in Public – adjourned until deferred sessions: 15 Oct 2010
- Examination in Public – deferred sessions opened: 7 Dec 2010
- Examination in Public – closed after deferred sessions: 8 Dec 2010

The Examination sat for a total of 32 days. The Preliminary Meeting and the Examination sessions were held in the Assembly Chamber, City Hall, apart from the final day which was held in a Committee Room.

Technical Seminars were held to introduce sessions on 2 additional days (21 June and 4 October) and Panel Tours on 2 more to various locations and viewpoints referred to in the Plan or at the Examination in East and West London respectively (15 and 22 September). Site visits by individual Panel Members were also made on a number of other occasions including 13 April, 30 June, 14 July and 6 October to the Olympic Park and nearby areas, various riverside and central London locations and to particular Opportunity, Intensification and Regeneration Areas referred to at the Examination.

Some 282 organisations and individuals were invited to participate at the EiP. Many Councils of London Boroughs, the Corporation of the City of London and the representative body for London Councils took the
opportunity to participate as did initially the Government Office for London (GOL) on behalf of Department for Communities and Local Government (DCLG). There were also representatives of development and business interests including umbrella bodies such as London First and the Home Builders Federation together with representatives of a wide range of community interests such as the Just Space Network, London Forum of Civic and Amenity Societies and groups representing minorities and those with disabilities. Learned societies such as the Town and Country Planning Association and academic interests also made significant contributions, as did a number of individuals.

Following the close of the EiP we completed and submitted this report via the Planning Inspectorate in early February 2011.

During the Examination process new announcements and items of relevant information continued to appear, including material requested by the Panel from the Mayor and other participants. The statement by the Secretary of State for Communities and Local Government to the Examination on 12 July on localism and the Mayor’s response on 16 July necessitated a postponement of the close of the Examination to consider the Mayor’s Alterations to withdraw or modify certain targets and allow for the necessary advertisement of material changes to the Plan. This postponement also enabled consideration to be given to the implications of Government amendments to the Community Infrastructure Levy scheme. The deferred sessions were held on 7 & 8 December 2010.

Information that came out after submission of the Draft Replacement London Plan but before the final close of the EiP was able to be taken into account by the Panel and participants. We do not believe that there is anything in publications issued after the close of the EiP and prior to submission of our report that would have caused us to reach materially different conclusions or recommendations. However, where the new material comprises statements of Government policy, for example the publication of the Localism Bill on 13 December 2010, the statement on HS2 of 20 December 2010, the amendments to PPG13 on 3 January 2011 and publication of the White Paper: Creating Growth, Cutting Carbon: Making Sustainable Local Transport Happen by Department for Transport on 19 January 2011, regard has been had to such material.

This report is not intended to give a full account of the Matters discussed in the EiP, although it generally follows the same order, with the main chapters corresponding to the EiP Matters and chapters in the DRLP. Where appropriate, we draw upon points made in discussion and in various submitted documents in order to show how and why we arrive at our conclusions. Where we recommend changes to London Plan policies and supporting text our recommendations give specific wording. We also endorse the generality of the suggested changes put forward by the Mayor at the outset of the Examination and during the course of its sessions. Specific endorsement is given where we consider that the changes are of substance and significance for the soundness of the Plan. In the interests of brevity these recommendations are highlighted in the text where they occur and otherwise set out in separate Annexes. We have also identified in unboldened italics (e.g. paras 2.122, 3.56, 5.72, 5.90 and 6.20) a small
number of places where additional clarity might be helpful to users of the Plan, but which do not warrant formal recommendations.

Extensive though some of the chapters are, we consider they are the minimum necessary to give the supporting arguments for our recommendations and comments, those other than endorsement of suggested changes put forward by the Mayor being kept as few as possible in order to reflect the new emphasis on localism. In the Overview below we have picked out the key points and lessons, some of which go wider than the specific recommendations.

Acknowledgements

We would like to record our thanks to all who participated in the EiP for their contributions and for the co-operation of all involved in responding to the Panel’s requirements and requests.

We are particularly grateful to the Greater London Authority’s team, led by Andrew Barry-Pursell, for the helpful way in which they responded to the demands of the EiP and to the Panel’s requests for information. We are also grateful to the Mayor himself for the way in which he was willing to respond to representations and arguments in putting forward suggested changes. These changes enabled discussion of certain matters to be streamlined at the Examination and reduced significantly the number of matters on which we have felt it necessary to make specific recommendations of our own. We would like especially to thank all concerned at City Hall for providing such a welcoming and efficient venue.

We acknowledge also the helpful contributions of Chris Poulton and colleagues from the Government Office for London/Department of Communities and Local Government and other Government departments, particularly but not exclusively during the early stages of the Examination.

Our thanks are due to our Planning Officers Chris White and Tom Stanley of the Planning Inspectorate for their support in preparing for the EiP, both in helping to sieve representations in order to establish Matters and Participants, for researching the background to a variety of issues and assisting in the drafting of Panel Notes and of this report. We would similarly wish to thank our Panel Assistant Nicholas Rogers for collating and distributing the copious documentation for the Examination so effectively and generally supporting the administration of our work.

Finally, we would like to express our deep gratitude to our Panel Secretary Carmel Edwards for the efficient way in which she conducted our interface both with the GLA and all participants. Her dedication and tireless efforts ensured that a successful Examination was completed on schedule and her subsequent assistance helped facilitate the expeditious delivery of our report.
Overview

Non-Technical Summary

This report concludes on the evidence before us that the Draft Replacement London Plan provides a sound basis for the planning of Greater London over the next 20 years. The Mayor has sufficient evidence to support the strategy and the policies that would give it spatial expression and has demonstrated that there is a reasonable expectation of the desired outcomes being delivered.

The Mayor has put forward a substantial number of suggested changes to respond to representations and arguments advanced at the Examination. Almost without exception we endorse these suggested changes either to meet substantive concerns, some of which relate to internal consistency or consistency with statutory requirements or guidance and thus bear on the soundness of the strategy; others simply make minor corrections to improve the clarity of the Plan. In a limited number of policy areas we consider that a small number of further changes are needed to meet legal constraints or to respond more fully to substantive arguments advanced. These can be summarised as follows:

- Ensuring that the summary vision in the Plan and its objectives fully reflect the Mayor’s own vision and intentions;
- Making explicit reference to community involvement in regeneration proposals in order to sustain established communities;
- Clarifying the extent of demand/need for housing and refining the policies to ensure that aspiration for affordable housing is not curtailed while minimum provision expectations are set;
- Generally endorsing the March 2010 rather than the September 2010 Gypsy & Travellers Minor Alteration;
- Ensuring that the release of industrial land can be clearly monitored within individual Boroughs relative to current sub-regional groupings;
- Ensuring that the desire to retain or secure small shop units in parts of London is pursued in a way consistent with statutory requirements and the localism sought by both the Government and the Mayor and, as a consequence, recommending priority to public realm enhancements;
- Making limited amendments to ensure that the policies for various aspects of transport are consistent with national policy, other aspects of the London Plan and related Mayoral Strategies;
- Ensuring that the protection of Open Space is consistently applied across the various categories of designated land.

Almost all of the changes recommended are based on suggestions put forward by the Mayor in response to points raised and discussions during the Examination in Public. They do not materially alter the Mayor’s overall strategy.
i. The Examination of representations on the Draft Replacement London Plan (DRLP) had to have regard to the fact that it involved consideration of a Replacement Plan and not simply an Alteration. This meant that although a substantial extent of the policy content of the Plan was carried forward from the extant London Plan 2008, albeit in re-written form, all could be subject to representations. In considering these we had regard to the conclusions reached previously when comparable policies were considered at previous Examinations but in all cases we have based our conclusions on current circumstances, guidance and argument.

ii. A general election took place between the close of the main period for representations on the submission DRLP and the actual opening of the Examination. During the first group of Examination sessions the new Secretary of State for Communities and Local Government sought to revoke the extant Regional Spatial Strategies for the English Regions outside London and to cancel the guidance on their preparation which was generally relevant to the London Spatial Development Strategy (SDS). The London Plan is unaffected as the administrative arrangements for London are unique, being embodied in the GLA Acts 1999 -2007. In a specific statement to the Examination in July 2010, the Secretary of State indicated that the Mayor was no longer bound to have regard to the elements of guidance on regional strategies that is contained in Government Planning Policy Statements and Guidance in the interests of localism. The degree to which the London Plan set targets for the constituent Boroughs with Greater London was stated therefore to be a matter for the Mayor and other London Stakeholders.

iii. The Mayor responded by indicating that the DRLP represented his vision and strategy for London and only in three respects would he remove targets. These were firstly in respect of specific sources of renewable energy generation, which had already been suggested for removal because they were inconsistent with the latest overall approach of the Department for Energy and Climate Change and a replacement approach would ultimately be provided in Supplementary Planning Guidance (SPG). The two remaining changes, namely the removal of targets for Gypsy and Traveller pitch provision and the reduction of aggregates apportionments represented substantive changes to the Plan requiring advertisement and extension of the final closure of the Examination. Some participants, most notably the Association of London Borough Planning Officers, with limited support from a number of Boroughs and amenity interests, argued that the Mayor’s response to the localism agenda did not go far enough, despite his indication that targets in future would be drawn up on a more collaborative basis.

iv. For our part, we do not see it as any part of our role to enter into a philosophical debate on the nature of localism. Rather, having regard to the statutory duties and responsibilities of the Mayor, throughout the Examination we facilitated debate over the necessity or otherwise of

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1 The revocation was subsequently quashed in the High Court in November 2010 but the government intention remains that the Regional level of planning outside London will be removed in the Localism Bill.
particular standards and targets whether as mandatory policy or guidance both as matters of principle and of specific detail. With very limited exceptions we endorse the position taken by the Mayor over the strategic justification for inclusion of such matters or their non-inclusion having had the concept of localism very much in the forefront of our deliberations.

v. At the outset, a number of participants, particularly from the voluntary sector including the Just Space Network, Friends of the Earth and Race on the Agenda, questioned whether the process through which the DRLP had been prepared and submitted for Examination had fully complied with statutory requirements. The Plan had been through initial pre-submission iterations in Planning for a better London (July 2008)\(^2\) and A new Plan for London (April 2009)\(^3\) and was accompanied by an Integrated Impact Assessment\(^4\) and a Habitat Regulation Assessment Screening Report\(^5\). These latter documents had been prepared to comply with the EU Directive (92/43/EEC as amended) on the Conservation of Natural Habitats and Wild Flora and Fauna as transposed in the Conservation (Natural Habitats etc) Regulations 1994 as amended and EU Directive (2001/42/EC) on the Environmental Assessment of Plans and Programmes as transposed in the 2004 Regulations.

vi. Although we listened carefully to the arguments advanced and studied the submissions made we were not convinced that there had been any departure from the iterative approach outlined in The Sustainability Appraisal of Regional Spatial Strategies and Local Development Document 2005\(^6\) that remains extant in relation to the London Plan although now replaced for Development Plan Documents (DPDs). It appeared to us that the concerns expressed related essentially not to the soundness of the process undertaken but rather to the outworking in terms of wording within the body of the Plan, particularly in relation to issues of diversity and equality. We are very mindful of our responsibilities under the Race Relations Act 1976 in the light of the Court of Appeal judgement in the case of R (oao) Harris v London Borough of Haringey & others and under the Equalities Act 2010 and we were assured that the Mayor is similarly fully engaged in relation to such issues, as was demonstrated in the particular attention given to the needs of those with disabilities at the Examination. We had regard to these concerns in considering the wording of the Plan itself but have no hesitation in concluding that the process by which it was prepared is procedurally sound having regard to the requirements of The Town & Country Planning (London Spatial Development Strategy) Regulations 2000 and the guidance of GOL Circular 1/2008 Strategic Planning in London. In reaching this conclusion we have had regard to both the extent and nature of consultation undertaken and the account which has been taken of responses in shaping the Plan and its policies.
vii. **GOL Circular 1/2008** at paragraph 3.14 directs attention to the detailed guidance to be followed for holding a public examination into regional spatial strategies in PPS11 stating that it should be reflected in arrangements for conducting the EiP into the SDS. That guidance contained a detailed list of 12 criteria against which the Panel would need to assess the soundness of the Plan at paragraph 2.49 which in turn referred to 9 other partially overlapping considerations at paragraph 1.7. At the time that the DRLP was submitted for Examination this guidance was extant but it was replaced by the *Policy Statement on Regional Strategies* in February 2010. This guidance was therefore extant at the time that the Pre-Examination Meeting was held on 30 March, during the period that participants were preparing for the Examination and for the greater part of the first group of Examination sessions. It contains a much more streamlined statement of the role of the Panel at paragraph 4.35 in satisfying itself that the Strategy is sound, namely that it is founded on a robust and credible evidence base and is an appropriate strategy when considered against reasonable alternatives. It must also be effective by being deliverable, flexible and able to be monitored and comply with the requirements of legislation such as being consistent with national policy, compliant with sustainability and Habitats Regulation assessments and has been prepared with appropriate community involvement. In his statement of 6 July 2010, the new Secretary of State for Communities and Local Government cancelled this guidance when seeking to revoke Regional Strategies outside London, but in the light of the subsequent legal judgement, it seems sensible for us to have a general regard for these considerations in view of the wording of **GOL Circular 1/2008** and that the guidance closely reflects the statutory requirements of the GLA Acts.

viii. We have already commented on our satisfaction that there had been adequate compliance with the Assessment requirements and sufficient opportunity for community involvement in relation to the submission plan and this applies also to the Minor Alterations as these were processed through formal procedures. We consider the robustness of the evidence, the appropriateness of the strategy in relation to reasonable alternatives and issues of deliverability, flexibility and monitoring in the subsequent detailed chapters of this report. However, our overall conclusion is that the Replacement London Plan will be a sound strategy with the incorporation of the suggested changes put forward by the Mayor that we endorse and the limited number of further recommendations that we make to improve internal consistency, consistency with national requirements and policy and to better reflect the evidence base. It will be for the Mayor to consider the extent to which the final version of the Replacement London Plan that would be intended for publication incorporating all or any of the changes endorsed or recommended will require further assessment and consultation in accordance with statutory requirements.

ix. There are two final points on which we need to comment before summarising our conclusions on the respective Chapters of the Plan. The

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first is that as with the London Plan Crossrail Alterations, an element of proposed Mayoral Supplementary Planning Guidance (SPG) was placed before us, namely sections of the intended Housing SPG entitled *Housing SPG EiP Draft*. However, unlike in the case of the Crossrail Alterations, the Mayor made clear in his letter of 27 August 2010, that these sections had only been brought forward to assist in considering Policies 3.3-3.5 and 3.16-3.20 and that the Mayor was not therefore inviting the Panel to formally examine the SPG or make detailed recommendations on it. In the event we have not felt it necessary to comment on the draft Housing SPG, save to the extent to which any need for amendment might be inferred from recommendations that we have made in relation to the policies and their supporting text from which it derives. There was general concern at the Examination from bodies as diverse as the Association of London Planning Officers, the Corporation of the City of London and the Home Builder’s Federation that the DRLP refers to a very large number of intended SPG documents as well as other Mayoral Strategies. We endorse the approach that the SDS should provide an under-pinning spatial basis for other Mayoral strategies and, where we have found it necessary to comment on specific points in later chapters, we have sought to uphold the requirement that a Development Plan should not delegate policy to SPG which is not subject to as rigorous public consultation or examination. Otherwise we would simply commend consolidation and updating to keep the suite of documents that need consideration in the development management process to a minimum.

Lastly, we consider the coherence of the Plan. While we recognise that it has been simplified (and shortened) from previous versions particularly through removal of sub-regional sections, we note that policies in relation to certain topics are still found in more than one part of the Plan. This arises primarily as a consequence of addressing the key spatial elements of place in the strategy set out in Chapter 2, but then setting out thematic policies in the following Chapters 3-7. Policies relating to town centres, employment, transport and open space are therefore split between Chapter 2 and these subsequent chapters, and aspects of housing are also found outside Chapter 3. Even within individual Chapters, the first policy provides an over-arching framework for more detailed later ones. We recognise that the London Plan, like all development plans, has to be read as a whole and that there are some cross-references and more have been inserted through changes endorsed or recommended. Nevertheless, we suggest that in finalising the Plan for publication attention should be given as to whether additional cross-references or topic-based linking material might not be beneficial to ensure that key elements of relevant policy packages are not overlooked by those unfamiliar with the form of the Plan. We also add, as we have been requested, that we would expect the text of the Foreword and of the Introduction and Overview to be updated to reflect both the circumstances at the time of final publication and the status that the London Plan will then have. The same should apply to any descriptive material contained elsewhere within the Plan and, as agreed at the Examination, the End Notes should be updated to relate to the final text.
xi. We now turn to summarise our conclusions on the individual Chapters in turn. Firstly, in relation to the Context and Strategy (and those elements of the overview that have given rise to comment), we endorse the approach of having the content of policies split between strategic, planning decisions and LDF preparation as we consider that this makes the Plan easier to use. However, the content of what is currently paragraph 0.21 is important for the interpretation of the plan. We therefore recommend that it is moved out of the Introduction and Overview into Chapter 1 of the Plan to further assist in making the Plan easier to use. We are generally satisfied that the level of detail is appropriate. We do not consider that the three-fold division of policies should be any barrier to a further level of localism as Borough development plan documents only require to be in general conformity with the London Plan.

xii. More generally, we take the opportunity in the opening substantive chapter of our report to endorse the Mayor’s suggested changes that involve only minor clarifications, corrections and factual updating. As the Vision embodied in the Replacement Plan is the Mayor’s we have not thought it right to suggest any amendment to it, but in endorsing the Mayor’s suggested changes to the objectives and their supporting text, we have recommended inclusion of a few additional words that seem to us more fully to reflect the Mayor’s aspirations and responsibilities as evidenced in his opening address and in statute. Finally, we endorse the suggested re-casting of the over-arching Policy to include its spatial dimension that was previously positioned with a lack of policy clarity in Chapter 2 of the submission draft. In doing so, we have recommended a clarification of the wording regarding open space in order to avoid un-intended consequences.

xiii. In respect of Chapter 2, London’s Places, while generally endorsing the spatial framework for the strategy, we recommend fuller recognition of the importance of community engagement in Areas of Regeneration. We endorse the Mayor’s approach to Outer London based on the work of the Outer London Commission and we also endorse the Mayor’s changes to the schedules of existing and anticipated town centre hierarchy in Annexe 2 with the addition of reference to the growth potential at Canary Wharf. However, we recommend a clearer statement of strategic aims to be sought from the Olympic Legacy.

xiv. In Chapter 3, London’s People, we support the Mayor’s overall housing provision figure but recommend for consistency a minor adjustment to provision at Borough level. We also support the Mayor’s numerical target for affordable housing, though recommend inclusion of an aspirational percentage target for housing mix while supporting the Mayor’s proposed tenure split between social rented and intermediate housing subject to giving strong strategic impetus to the latter. We give general support to the introduction of dwelling size standards, but with modifications. However, we are not convinced that the September 2010 Minor Alteration would secure meeting the strategic need for pitches for Gypsies and Travellers in London and recommend instead incorporation of the March 2010 Minor Alteration with adjustments to certain figures and
indicative provision to be on a sub-regional basis that would allow for localist solutions to provision at Borough level through co-operative working.

xv. With regard to Chapter 4, London’s Economy, we generally support the office and retail provisions in the Plan. We support the Mayor’s approach to the managed release of surplus industrial land and premises, but recommend that sub-regional benchmarks be inserted in the Plan and not left to SPG as these benchmarks determine the policy approach. We broadly endorse, with modifications, the Mayor’s approach to supporting local shops and enhancing the attractiveness and competitiveness of town centres, but we take suggested Mayoral changes further to broaden the way in which support might be given and to give greater emphasis on localism. Finally, we endorse provision made for small businesses, especially for research and innovation, with minor amendments.

xvi. In relation to London’s Response to Climate Change in Chapter 5, we endorse the Mayor’s proposals for a steeper trajectory leading to zero carbon development, but only for developments of strategic scale. We also endorse the Mayor’s general approach to decentralised energy and renewables, to risk management and to provision for waste and aggregates.

xvii. On Transport, in Chapter 6, we endorse the overall transport strategy subject to reinstatement of a hierarchy of road use and insertion of specific emphasis on the need for access to public transport for those with disabilities. We also endorse the revised package of transport proposals put forward by the Mayor in the replacement Table 6.3, subject to minor amendments and updating, particularly in relation to HS2. We make a correction not carried forward from the Crossrail Alteration on the use of Planning Obligations. We accept the changes put forward by the Mayor to aviation Policy 6.6 subject to modest further amendments primarily to align the stance more closely with that of the Mayor’s Transport Strategy (MTS) and Government policy. We endorse the policies regarding buses, trams, cycling and walking with only minor amendment. In relation to Policies 6.11 and 6.12 on congestion and the road network, while broadly endorsing the policies, we recommend making the reference to the possibility of road user charges more positive and reinstating a caveat that seeks to avoid overall traffic growth in the vicinity of network improvements. We also recommend amendment of the relevant Key Performance indicators (KPI) on traffic growth. In relation to the car parking Policy 6.13, we endorse the approach of the Mayor subject to the suggested changes, including that to define parking for those with disabilities, with minor amendments. We endorse the policies for freight transport subject to inclusion of a reference to a potential location for a Strategic Rail Freight Interchange (SRFI).

xviii. Dealing with London’s Living Places and Spaces in Chapter 7, we generally support the Mayor’s approach to communities and design issues and, with minor amendments by way of clarification, we are content with the Mayor’s proposed approach to air quality. The Mayor’s
intended plan-led approach to the distribution of both large and tall buildings (including view management) is generally supported. We agree with the Mayor’s intended approach to protection of open space and to remedying deficiencies (with some strengthening). Finally, we are content with Mayor’s general approach to the Blue Ribbon Network, but recommend clarification of the processes and terminology involved.

xix. In Chapter 8, on **Implementation, Monitoring and Review**, we endorse the approach of publishing a separate Implementation Plan that can be updated alongside the AMR process. We also endorse the approach to Planning Obligations and the Community Infrastructure Levy as consistent with statutory provision and Government guidance, although we do recommend a minor change in the priorities for Obligations. Lastly, we endorse the Key Performance Indicators including the suggested changes, though we do recommend the revision of that concerning traffic growth and addition of an indicator concerning provision for Gypsies and Travellers.

xx. The remainder of our report comprises schedules and appendices. We have attached the four schedules of suggested early and further changes that the Mayor has put forward, highlighting those that we have explicitly endorsed as opposed to simply generally endorsing through our comments in Chapter 1 of our report. We have also attached a schedule setting out the limited number of recommendations that we have made for additional changes.
Chapter 1 Context and Strategy

Introduction – Procedural Soundness

1.1 The background evidence, procedures and assessment processes were subject of detailed presentations by GLA/TfL staff and retained consultants at a Technical Seminar on 21 June 2010 with opportunity for questions and answers to secure clarification of the background and evidence base for the DRLP. Only a very small number of participants such as the Just Space Network, Ealing Civic Society, Race on the Agenda and the Friends of the Earth suggested that there were inadequacies in the assessment or consultation processes that might call into question the procedural soundness of the Replacement Plan. Even the substantive critique of the Integrated Impact Assessment (IIA) submitted by the Just Space Network was essentially supportive of changes sought to the Plan as opposed to providing a case for a re-run of preparatory stages.

1.2 As already detailed in the preceding Overview, we were satisfied that all statutory requirements with regard to assessment and consultation had been adequately complied with. We do not accept that the IIA was in anyway defective through generally setting criteria that only sought movement in the desired direction of travel rather than complete achievement of the objectives having regard to the likely level of resources and deliverability. Moreover, the sustainability assessment has to take an overall view rather than looking at particular indicators in isolation. The guidance as explained in GOL Circular 1/2008 only requires the assessment to be proportionate to the nature of the plan and the London Plan is a strategic plan without site specific allocations. None of the statutory consultees had outstanding concerns over the more specific requirements of the Habitats Regulation Assessment in relation to anticipated outcomes over the Plan period.

1.3 Nevertheless, we have had regard for the points of concern, particularly in relation to ensuring that deprived communities and potentially deprived minorities within London’s population are not neglected in this introductory section of the Plan in order to ensure that their needs are appropriately recognised throughout the Plan. In this context we noted the GLA’s stress on the reference to the Plan expanding opportunities for all Londoners in this introductory section while Policy 3.1 explicitly takes this forward as policy.

1.4 A number of participants, such as Friends of the Earth, Drew Stevenson and Just Space Network, suggested that there should have been a more explicit testing of alternative growth scenarios, the majority of these either arguing that policy constraints could be imposed to restrict growth or that the recession and prospective constraints on public expenditure would reduce growth by more than assumed. However, although there is obvious force to the latter concern, we were not convinced by the former, since as the Mayor rightly points out, there is currently no planned programme of decentralisation nor any currently foreseeable likelihood of increased
provision for London’s needs in the surrounding regions (and indeed some indications of the converse). With regard to recessionary impacts and prospective reductions in public expenditure, while we address the latter in greater detail in relation to particular policy areas, we were satisfied that the preparatory stages of the DRLP had sufficiently addressed the issue of reasonable alternatives to planning for growth. This is the requirement of the assessment process, not that artificial scenarios have to be predicated for comparison, and the assessment did consider three alternative levels of housing provision.

1.5 The conclusion that London should plan for an expectation of long-term trend growth resuming and London meeting at least as great a proportion of that growth as over recent pre-recessionary years appears an entirely reasonable one. Failure to plan on this basis would seem inevitably to mean that environmental and social objectives would be at risk if such growth does materialise without being planned for and there might also be economic detriment if sufficient flexibility to accommodate growth is not provided. Should public expenditure constraints or lower rates of economic growth mean that less planned development is delivered over the Plan period, this would not in our view invalidate the spatial strategy but simply postpone its full realisation to a longer period. In this context we noted the evidence from the GLA that London is proportionately less reliant on public expenditure than other regions and that the greater part of anticipated population and household growth derives from natural change rather than net migration.

1.6 The South London Partnership suggested a converse hypothesis that through analysing the strengths of Outer London, it would be possible to project a significantly higher employment growth scenario. We consider such possibilities further in Chapters 2, 4 and 6 but conclude that, although minor re-wordings might facilitate greater flexibility to accommodate such an eventuality, there is substantial scope in employment provisions and policies to deliver additional capacity if more were to be required.

**Issue 1: Treatment of Suggested Changes**

1.7 The Mayor brought forward a substantial number of early suggested textual changes (ESCs) prior to the opening of the Examination to respond to representations that had been made and it was suggested by the GLA with widespread support including from London Councils that apart from those included which had been published as a ‘Minor Alteration’ in December 2009 (Borough level waste arisings and apportionments) these relate only to minor clarifications, corrections and factual updating. The Panel is satisfied that the overwhelming majority of the changes are indeed clarifications, corrections and factual updating and that it is inappropriate for the Panel to consider them one by one, although the Plan would be improved for the

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8 The term ‘Minor Alteration’ is used in the technical sense set out in GOL Circular 1/2008 that governs the nature of publicity and consultation required.
9 CD02
inclusion of these amendments. **We therefore endorse the generality of the Mayor’s Early Suggested Changes [CD12 and CD13] as improvements to the Plan, save where we expressly indicate to the contrary.** The waste elements of the ‘Minor Alteration’ are specifically addressed in Chapter 5. Where any of the ESCs relate to substantive matters that bear on the soundness of the strategy they are subject of explicit endorsement at appropriate points in our report and all of the changes that were disputed by participants are also explicitly covered. Otherwise our endorsement of these changes as improvements to the Plan is simply covered by this general comment.

1.8 It should be noted that the ESCs do not include those that would arise from the further ‘Minor Alteration’ published in March 2010 relating to Gypsies and Travellers10 nor the subsequent ‘Minor Alteration’ published in September 2010 again relating to Gypsies and Travellers and also to aggregates apportionments11. These are addressed in Chapters 3 and 5 respectively.

1.9 During the Examination sessions the Mayor put forward further suggested changes (FSCs) in order to respond to points raised and these were published in consolidated form on 22 October 201012, with additions at the close of the December sessions13. Our attitude to these changes is as for the early suggested changes, namely that for the most part we accept them as minor clarifications and corrections that we can endorse as improvements to the Plan in response to representations without need for further comment. Again where any of the FSCs relate to substantive matters that bear on the soundness of the strategy, they are subject to explicit endorsement at appropriate points in our report and all of the changes that were disputed by participants are also explicitly covered. **We endorse the generality of the further suggested changes [CD16 and CD17 as updated by CD19 and CD20] as improvements to the Plan, save where we expressly indicate to the contrary.**

**Issue 2: The Level of detail and the structure of policies**

1.10 We heard some general concerns over the level of detail from certain London Boroughs such as the LB Lambeth and the City Corporation and also from the Consortium of London Developers but address these later in our report in respect of specific policies. We addressed concerns over the extent of proposed SPG in our Overview.

1.11 There was general support for the approach of distinguishing within policies the strategic, development management and Local Development Framework (LDF) preparation aspects of the Mayoral strategy, though some such as the London Forum of Civic and Amenity Societies wished to see this subdivision applied universally. Conversely, some like the Association of London Planning

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10 CD08
11 CD14
12 CD16 and CD17
13 CD19 and CD20
**Officers**, thought it to be unnecessary and a constraint on localism. The Mayor assured us that the policies are intended to be permissive with regard to LDF preparation as such documents have only to be in general conformity with the London Plan. We accept that the approach is fully explained at paragraph 0.21 of the Introduction and Overview. However, we agree with the London Forum of Civic and Amenity Societies that the approach of the Plan would be clarified if that paragraph were to be moved into the substantive chapters to follow the over-arching Policy 1.1 where it would become paragraph 1.54. **We make the following Recommendation 1.1: Paragraph 0.21 of the Introduction be moved to follow Policy 1.1 to become paragraph 1.54.**

**Issue 3: The appropriateness of the vision and objectives**

1.12 As the DRLP embodies the vision of the Mayor, in furtherance of localism we are reluctant to consider proposing any changes to the vision itself as set out in paragraph 1.49 as we heard or read nothing that would invalidate this high level expression of intent. With regard to the six more detailed objectives, for a similar reason we have a reluctance to contemplate changes. However, substantive arguments were advanced as to why changes were warranted. A number of participants including the **Labour Members of the GLA Planning & Housing Committee** suggested that the objectives should be re-shaped to follow more closely the statutory requirements of the GLA Act 1999, particularly in relation to housing. We address the housing issue more fully in the following paragraph but we cannot see why as a generality it is necessary for the Plan to replicate what is set out in statute as that remains extant irrespective of the manner in which the objectives are set out.

1.13 With regard to the lack of sufficient emphasis on meeting housing need, there was a very broad degree of consensus amongst a wide range of participants including the **HBF, Consortium of London Developers, London Councils, London First, London Forum of Civic and Amenity Societies** and the **Brethren’s Gospel Trusts** who further argued for an objective to provide an adequate supply of housing including affordable housing to meet the needs of London residents. The Mayor put forward a further suggested change [FSC 1.1] to insert “and high quality homes and neighbourhoods” into Objective 1 to address this criticism. The insertion did not wholly satisfy participants and we are concerned that it could be read as giving a higher priority to securing quality housing over and above the achievement of a sufficient quantity of new homes. It seems to us that this would not be reflective of the Mayor’s opening address to the Examination in which he said that “We have to make sure there are enough homes suitable for the needs of a growing and changing population”, nor of the suggested changes put forward in Chapter 3. **We endorse FSC 1.1 subject to the following Recommendation 1.2: “sufficient” be included before “high quality” in FSC 1.1 to Objective 1.**
1.14 There was explicit support for a tourism objective from London First and London Councils, though others supported the Mayoral approach that this is already implicit in the World City objective, a stance with which we concur. The London Forum of Civic and Amenity Societies proposed amended wording for a number of the objectives and the addition of a spatial objective involving a reduction in the need to travel. Reducing the need to travel is a very important contributor to addressing a variety of climate change and environmental objectives such as reducing CO₂ and improving air quality, but we agree with the Mayor that this objective is also implicit in a number of objectives, particularly Objectives 3 and 6. To introduce another expressly directed at this issue would be duplication.

1.15 Friends of the Earth and others argued that there needs to be an objective explicitly to secure sustainable development and that there ought to be introductory text to flag up this overriding requirement drawn either from the Sustainable Development Strategy or PPS1. They also seek more explicit reference to environmental objectives (and inclusion of reference in Policy 1.1). Again this is a very important consideration, but we agree with the Mayor that, firstly, there is no need to enshrine the wording of national policy explicitly in the Plan and, secondly, that as well as being explicitly referred to in both the preamble to the Vision and Policy 1.1 it is implicit in the objectives, particularly Objectives 1 and 5.

1.16 Nevertheless, the Mayor put forward early suggested changes [ESC 1.14 (part) and ESC 1.17] to paragraphs 1.42 and 1.46 that stress the importance of environmental considerations and also address concerns raised by Royal Parks and the Lee Valley Regional Park Authority and also to insert “natural environments” in Objective 4 through FSC 1.2. Additional supporting text at Paragraph 1.51A was also put forward by the Mayor as ESC 1.19 to recognise his particular responsibilities with regard to the River Thames and the Blue Ribbon Network (BRN) as urged by a number of participants, including the London Forum. We do not, however, consider that the term “water” needs adding to the over-arching policy as the BRN Policies provide specific protection for waterways. We also consider that Objective 5 provides an appropriate lead-in to the Climate Change policies on mitigation and adaptation in Chapter 5. We endorse early suggested changes ESC 1.14, 1.17 and 1.19 and further suggested change FSC 1.2.

1.17 Finally, there were a number of requests for more specific references to inclusion, access and the needs of those with disabilities such as from Race on the Agenda, Just Space Network, London Councils and the London Forum of Civic and Amenity Societies, in part picking up concerns expressed on the IIA, and also a desire for greater emphasis on consultation and community engagement. A particular request from Hammersmith & Fulham Disability Forum that there should be a monitoring indicator against which to judge success is an issue that will be returned to in Chapter 8. The Mayor responded with early suggested changes ESC 1.14 (part) to paragraph
1.42 and ESC 1.15 to paragraph 1.43 to address these important concerns. They did not wholly satisfy the concerns and in particular that simply tackling inequality might not actually address deprivation or discrimination which are the aspects of relative inequality that are of greatest concern. We consider that this could be addressed in a way that is still consistent with the Mayor’s vision by addition of the words “deprivation and” before “inequality” in the penultimate line of Objective 1, but are otherwise satisfied that the suggested changes sufficiently address these concerns. **We endorse early suggested changes ESC 1.14 and 1.15. We make the following Recommendation 1.3: “deprivation and” be inserted before “inequality” in the penultimate line of Objective 1.**

1.18 There were a number of suggestions for additional policy references in the link between the objectives and the remainder of the Plan. Some feel that the linkages are still insufficiently developed despite the early suggested changes and the London Forum of Civic and Amenity Societies considers that additional cross-references are required because of the way that many issues are covered in more than one chapter. We have addressed this point in the Overview.

**Issue 4: The nature of the over-arching spatial policy**

1.19 The **Consortium of London Developers** amongst others argued that early suggested changes ESC 1.20 and 1.21, that introduce a spatial dimension to the over-arching Policy 1.1 together with the related change ESC 2.3 to delete paragraph 2.3 and its text box and ESC 1.18 to introduce additional supporting text, do represent substantive changes that warranted advertisement. However, we are satisfied that this group of changes simply clarifies the Plan by making clear that the text box of uncertain status in paragraph 2.3 is the intended spatial expression of the over-arching policy. The development interests also argued that the wording in the policy is insufficiently clear and could be seen as restrictive rather than enabling. As with more widely expressed concerns over the nature of the wording of various objectives, we are satisfied that both the objectives and the over-arching spatial policy have clear common sense meaning provided that they are seen as markers for the more detailed policies that are embodied in the remainder of the Plan.

1.20 Our only concern is the reference to not encroaching on London’s open spaces, given the definition of open space that was included in the Glossary of the submission DRLP. This refers to “all land that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use.” Although it was pointed out that this definition has been included in previous versions of the London Plan, given use of the term in the now proposed overarching policy, we consider that it could be perceived by many as implying that no undeveloped land should be used for development. This would be inconsistent with many of the objectives of the Plan even if avoidance of encroachment is taken as meaning that there should be no net encroachment. We consider that the problem would be avoided if the
word “protected” were to be added before “open spaces” and the Glossary definition of open space be adjusted accordingly to that of protected open spaces. We set out suggested wording for such an amended glossary definition below. We endorse early suggested changes 1.18, 1.20, 1.21 and 2.3 to Policy 1.1 and its supporting text. We make the following Recommendation 1.4: “protected” be included before “open spaces” in Policy 1.1Ba and a consequential amendment be made to the definition of “Open space” in the Glossary so that it would become a definition of “Protected open space” (see footnote) [The definition would read: “Protected Open Space: Metropolitan Open Land and land subject of local designation under Policy 7.18 (which would include essential linear components of Green Infrastructure as referred to in Policy 2.18). This land is predominantly undeveloped other than by buildings or structures that are ancillary to the open space. The definition covers...” (continued as in submission DRLP for Open space)].
Chapter 2 London’s Places

Chapter Headlines

- We recommend fuller recognition of the importance of community engagement in Areas of Regeneration.
- We endorse the Mayor’s approach to Outer London based on the work of the Outer London Commission.
- We endorse the Mayor’s changes to the schedules of existing and anticipated town centre hierarchy in Annexe 2 with the addition of reference to the growth potential at Canary Wharf.
- We recommend clearer statement of strategic aims from the Olympic Legacy.

Introduction

Issue: Is the Plan consistent with the Mayor’s other key strategies?

2.1 A number of early suggested textual changes\(^{14}\) have been advanced by the Mayor to the introductory text in paragraphs 2.2 – 2.5 to this Chapter. The Panel endorses these changes (ESCs 2.1-2.5) as clarifying the spatial structure and the relationship with other Mayoral strategies. Concern was, however, expressed by the Olympic Delivery Authority that reference to East London in paragraph 2.4 might attract a disproportionate mix of certain types of “poor quality” uses to the area. Nonetheless, the paragraph does no more than seek to reinvigorate attention to a part of London much in need of regeneration and with a significant land resource. This is consistent with the clarified over-arching spatial policy which we endorsed in Chapter 1 of this report. It will be for the Boroughs and others concerned to establish a plan-led approach to development there. The Panel notes that a “green enterprise district” is being pursued as one such example alongside intended community benefits deriving from the Olympic legacy, which should go some way to addressing local concentrations of deprivation (a theme developed further in Policy 2.14).

Policies 2.1 – 2.3 Linkages

Issue: Does Policy 2.1 suitably set London in its Global, European and United Kingdom context?

2.2 The various representations are generally supportive of Policy 2.1 as a broad expression of the spatial planning aims to be pursued to ensure that London’s national and international roles are maintained and further developed. These themes are refined and developed through the London Plan’s strategic policies taken as a whole. Calls for greater specificity were mostly directed at the supporting text, notably from

\(^{14}\) CD12
COPA/WPA who wanted the importance of London’s CAZ to be given greater prominence, and BAA and London First who seek greater recognition of the connectivity provided by Heathrow Airport.

2.3 However, if London is to continue to excel in business, innovation, creativity, health, education and research, spatial demands are likely to extend beyond the confines of CAZ alone. This has demonstrably been the case with Canary Wharf and may yet be the case (albeit perhaps at a lesser scale but with equal or greater specialism) within various of the Opportunity Areas and Outer London Development Centres referred to later in this Chapter (Policies 2.14 and 2.16). As Policy 2.1Aa recognises, it is the nature, quality and diversity of London’s offer as a whole that is likely to be the key driver to the Capital’s continuing prosperity and attraction as a place to do business, to live, visit and enjoy, not any one part of its geography or economy. On a similar basis, we also see no reason to refer specifically to other individual components of London’s “offer” here, such as the Royal Parks.

2.4 Likewise, Policy 2.1B of the policy refers to London’s role as an international and national gateway, and this is a role which is likely to be reliant on the complementary functions of all London’s airports and the connectivity provided by all of its transport networks operating in unison. However, in response to representations made by BAA and London First, the Mayor indicated a willingmess to acknowledge in paragraph 2.10 the central role of Heathrow as the UK’s only “hub” airport (FSC 2.2). Nevertheless, there is continuing dispute over qualification by use of the word “currently”15. This word unnecessarily conveys uncertainty over the future role of the airport. Thus, while we endorse FSC 2.2, we make Recommendation 2.1: “currently” be omitted from FSC 2.2.

2.5 We also endorse FSC 2.1 to paragraph 2.8, to reflect the international context with the added caveat (from ED06) that the latest position should be reflected in the Plan when finalised.

Issue: Does Policy 2.2 suitably set London within its wider regional context?

2.6 The administrative background to Policy 2.2 was in flux at the time it was examined (1 July 2010), the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government having written on 27 May 2010 to Council leaders highlighting the Coalition Government’s commitment to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Revocation of Regional Strategies, with immediate effect, was announced on 6 July 2010, but that revocation was quashed following judicial review. The Government still intends to abolish Regional Strategies in the Localism Bill. This situation does not, however, affect the status of the London Plan, which continues to provide the strategic planning framework for the London boroughs under the separate legislative framework for London which is contained in the GLA Acts 1999-2007.

15 ED39 and ED44
Nonetheless, wider strategic context provided by the South East Plan and the East of England Plan is now proposed to be changed, given the Government’s intention that these documents will in due course no longer form part of the statutory development plan. It is the relationship between London’s planning strategy and strategy for the wider surrounding City region that is the principal subject matter for Policy 2.2 to address in whatever changed context may emerge from parliament.

2.7 A meeting of “Regional leaders” (representatives from the East of England Local Government Association, South East England Councils, the GLA and London Councils) was held on 11 June 2010, in response to the Secretary of State’s initial correspondence with Council leaders. The meeting reviewed the past performance of the Inter-Regional Forum and discussed possible ways forward for inter-regional working. The discussion prompted early suggested textual changes from the Mayor to acknowledge uncertainty over the formation of any successor body, but also informed the submissions to the Examination from various bodies represented on the forum.

2.8 There is no dispute that it is impossible to plan for London without looking beyond the Capital’s administrative boundary but the scope of the Inter-Regional Forum extended across a geography from Norfolk to the Isle of Wight, much of which area had only limited bearing on strategic spatial policy interests affecting London. The Mayor wishes to be supportive of any appropriate successor body or bodies and, subject to funding arrangements (of concern to all involved), to engage fully with neighbouring authorities, but only to the extent that matters affecting London are at issue. Much the same applies to Mayoral involvement with bodies that may be set up to deal with co-ordination of more specific aspects, such as planning for transport and waste. These are all points recognised by the Mayor’s early suggested textual changes. **We therefore endorse ESC 2.7-2.11.**

2.9 Nonetheless, those representing the most closely surrounding parts of the regions (notably the South East England Partnership Board and Essex County Council and others such as Hertfordshire County Council and the North London Strategic Alliance) see a need for firm policy commitment by the Mayor to closer co-ordination with areas beyond London in both strategic approach and monitoring than Policy 2.2 implies (even with ESCs 2.7 and 2.8). Indeed, the South East England Partnership Board suggested that much of Policy 2.3, dealing specifically with the regional growth areas and corridors, was relevant to these wider planning issues, leading to a suggestion that the two policies be combined. The South London Partnership also repeated comments made to the EiP Panel for the South East Plan, that areas of Outer London relate as much to areas beyond London as they do to Central London. Like London Councils, it therefore sought greater influence for the Boroughs in the future planning of the region.

2.10 The Mayor has responded positively to these concerns by initiating further changes to policy and text (FSCs 2.3, 2.4, 2.5 and 2.6, which incorporate and add substantially to ESCs 2.7 and 2.8). In effect,
these adopt the South East England Partnership Board’s suggestion that much of the content of Policy 2.3 (effectively the whole of Policy 2.3B and C) should be absorbed into Policy 2.2, but do not go as far as amalgamating the two policies into one. As such, Policy 2.2 would have an expanded focus on the process for co-ordination across the whole range of planning issues in which there is joint interest, while Policy 2.3 would (within the framework provided by Policy 2.2) specifically and more narrowly drive forward growth corridor ambitions of both London and the Regions and the nationally designated growth points.

2.11 To the extent that the Mayor’s direct influence is limited to London in both administrative and spatial planning terms, this represents, for Policy 2.2, a clear and suitably proportionate expression of the Mayor’s intended interaction with the surrounding shire counties and areas beyond, without requiring further consequential amendments in Chapters 1, 2 and 8 as suggested by Essex County Council. The Mayor’s proposed Implementation Plan is intended to contain further detail. This would suitably meet the concerns of others such as EEDA, the East of England Local Government Association and TCPA who seek greater clarity on such matters.

2.12 Two additional matters of detail were, however, also raised at the Examination. The first, emanating from the South London Partnership’s concerns, is to include a reference to Boroughs in Policy 2.2B, the import of which would be to embrace Borough representation (perhaps through London Councils or sub-regional partnerships, for example) at the successor body to the Inter-Regional forum. This seems wholly appropriate in the interests of localism. The second is to delete the word “former”, also in Policy 2.2B, when referring to the South East and East of England regions, since these geographical divisions of England remain whether or not they have Regional Strategies. On that basis, we endorse FSCs 2.3 and 2.5 and make the following Recommendation 2.2: Insert “Boroughs and” before “the planning authorities…” and delete “former” in the amended text of Policy 2.2B following FSC 2.3.

Issue: Are relationships of strategy to Growth Areas and Co-ordination Corridors in Policy 2.3 sufficiently clear?

2.13 As noted in connection with Policy 2.2, it is intended to transfer the whole of Policies 2.3B and C into Policy 2.2 so that Policy 2.2 would deal comprehensively with matters of process involving areas outside London, while Policy 2.3 would be more clearly focused on guiding policy formulation aimed at securing co-ordinated planning and investment in identified growth corridors and nationally designated growth points. Significantly, Policy 2.3 would then fall within the overall ambit of the processes outlined in Policy 2.2 (which include the development of jointly owned policies and uniform patterns of monitoring as urged by Essex County Council), but have its own distinct purpose of setting forth the strategic input to LDF preparation. That is an appropriate approach.
2.14 Although some (such as London Councils) suggest that there is a need for a clear statement of objectives and priorities, with greater clarity on delivery mechanisms and funding, such considerations will vary greatly from area to area as Local Enterprise Partnerships are developed and it would be wrong to engage in, or prescribe, this level of detail in the London Plan for each area concerned. Rather, the policy should simply identify and categorise these regionally significant areas, establish the importance of their linkages with areas beyond London and highlight the importance of co-ordination between the various bodies responsible for their planning in terms of phasing and funding. This is what Policies 2.3Aa and Ab, together with the Mayor’s now suggested Policy 2.3B (FSC 2.5), introduced at least partly in response to criticism by London Forum, would do.

2.15 Nor is it appropriate to refer to growth areas identified through more localised cross-boundary initiatives, such as the “Gatwick Diamond” mentioned by South London Partnership. Although the Panel would not wish to diminish the importance of such areas in a sub-regional context, Policy 2.3 is concerned with those areas specifically identified on the strategic diagram as being of regionally strategic significance to the accommodation of London’s future outward growth. This is made clear in paragraph 2.16 which, in referring to the work of the Outer London Commission, mentions only the “Western Wedge”. It would be wrong for Policy 2.3 (with or without the Mayor’s proposed changes) to be used to advance the interests of any one part of London above others, for example by attaching greater strategic significance to Outer London than to Central or Inner London when the intention is that all three parts should function in complementary fashion to the benefit of London as a whole. For all of these reasons, the Panel concludes that the co-ordination of planning and investment in locations such as the “Gatwick Diamond” would be more properly and suitably advanced under the general aegis of Policy 2.2, and not Policy 2.3. We therefore also endorse the Mayor’s ESC 2.12 to paragraph 2.15.

Policy 2.4 The Olympic Legacy

Issue: Is the Legacy of the 2012 Olympic Games suitably advanced by the spatial strategy?

2.16 There are limitations to dealing with the Olympic legacy in all of its intended generic facets in a spatial plan. Nonetheless, it is important that the ambitions of the Mayor and other stakeholders that do bear on the desired spatial outcomes of hosting the games are clearly voiced in the policy. Black Neighbourhood Renewal and Regeneration Network, in particular, has pointed out that London won the bid to host the Olympics on two premises, firstly that there would be a social legacy to engage people in sport and, secondly, that there would be a physical legacy in regeneration. Both have clear spatial dimensions.

2.17 The combined themes of economic, social and environmental legacy are highlighted in Policy 2.4A of the policy, in the context of seeking to close the deprivation gap (“convergence”) between the host Boroughs

Chapter 2
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and the rest of London. This is plainly a Mayoral priority, but the concept is one which residents’ groups say is open to different interpretations. Adverse impacts of regeneration experienced by established local communities were a persistent theme of representations throughout the Examination, and the subject is more fully considered when dealing with Areas for Regeneration (Policy 2.14). It is sufficient to record here only that the legacy sought by local people includes sustaining existing stable communities and promoting local economic investment, not least to create job opportunities (especially for young people), all driven by community engagement from the outset of the planning process. These are subjects that should be identified in Policy 2.4A of the policy. **We therefore endorse FSC 2.6** which reinforces the need for local workspaces and make recommendations concerning Policy 2.4A below.

2.18 Sporting legacy is a theme that has been taken up by the **Olympic Delivery Authority**, in support of London Youth’s representations, the Delivery Authority having suggested policy wording to address the subject. The Panel endorses this wording, with the exception of the words “elite and casual” which add little of substance while imparting a risk of inequality. A reference to all Londoners (to include those with disabilities and to take up the representations by London Councils and other Boroughs alluding to the intention that the legacy would be of benefit to London as a whole rather than solely to the host Boroughs) would be an appropriate substitution here.

2.19 The Panel has also considered representations made about the structure and content the policy as a whole. While some of these may assist understanding of the policy, the Panel does not consider most of them to be so material as to warrant change.

2.20 However, the **Olympic Delivery Authority**’s suggestion that there should additionally be reference in Policy 2.4B to climate energy, water conservation and waste management should be accepted. These matters would complement a commitment to exemplary design already included in the policy, to family housing needs and to integration with existing surrounding communities. These are all points having particular resonance with views expressed by residents’ groups. **We therefore endorse the Mayor’s ESC 2.13-2.14 and make Recommendation 2.3: Insert at the end of Policy 2.4A “It will sustain existing stable communities and promote local economic investment to create job opportunities (especially for young people), driven by community engagement.”**; insert in Policy 2.4B after “environmental quality”, “including attention to response to climate change and provision of exemplary energy, water conservation and waste management”; and add at the end of Policy 2.4B “Legacy development within and surrounding the Olympic Park and management of the Legacy venues and parklands should focus on the development of the area for accessible and affordable sport and recreation and maximising opportunities for all Londoners to increase physical activity and reduce health inequalities.”
It is not appropriate to seek explicit reinstatement of facilities already lost to the Olympic Park development itself in this policy. Whether wildlife sites, Gypsy and Traveller pitches or social infrastructure, any initial displacement should have been weighed in the balance of planning considerations (including, in the case of the former, the Olympics Biodiversity Action Plan) when the development proposals for the area were originally considered and, where appropriate, alternative provision should have been made prior to the Olympics. Any new provision would fall to be considered in the context of Policy 7.19 in the case of wildlife sites, Policy 3.9 in the case of Gypsy and Traveller provision and Policy 3.17 in respect of social infrastructure, so it is unnecessary to refer to these matters specifically in Policy 2.4.

In response to representations, the Mayor has indicated a willingness to include wording to recognise the role of the Lee Valley Regional Park Authority in paragraphs 2.18 and 2.21 (FSCs 2.7 and 2.8). The Mayor has also suggested a new Policy 2.4Cd to refer to open space provision (ESC 2.14) and, again in response to representations, has agreed that reference to waterways should also be included in it as part of FSC 2.6. These changes provide appropriate recognition of statutory responsibilities and they also correct omissions. Accordingly we endorse FSC 2.6-2.8 and ESC 2.14.

Policy 2.5 Sub-Regions

Issue: Does the spatial strategy establish a suitable basis for sub-regional working within London?

It was pointed out by the Mayor that the DRLP proposes a much different approach to sub-regions than that in the consolidated London Plan 2008. In that Plan, Chapters 1, 2, 3 and 4 set out key spatial, thematic and cross-cutting policies for the whole of London. Chapter 5 identifies a range of sub-regions, each with their own suite of locally specific policies, with all being drawn together for implementation by further policies in Chapter 6. The Mayor and Boroughs wish to move away from that approach in order to avoid inherent repetition among the sub-regional policies, leading to regimes that were not sufficiently distinctive from each other. In the DRLP, the Mayor’s intention is instead to focus attention on places where strategic intervention is required.

The Panel questioned whether the proposed sub-regions would suitably reflect the intended separate treatment of CAZ, Inner London and Outer London in Policies 2.6 – 2.12. This prompted a wide range of views from participants. The City of London Corporation, for example, felt that the proposed approach would more suitably recognise that the City is part of CAZ rather than (as in London Plan 2008) part of a north eastern “wedge”, while others argued that groupings of Boroughs and other partnerships were formed for a wide range of reasons that no fixed pattern of sub-regions could reflect. These included, for example, planning for waste, allocation of social housing and primary health care delivery. Indeed, LB Lambeth sought flexibility to recognise wide differences in policy approaches.
within the Boroughs themselves (such as, in Lambeth, between Waterloo and Norwood). **South London Partnership** advised that its work on the “Gatwick Diamond” was inherently linked to Districts beyond the London boundary while North London Strategic Alliance apparently came about primarily to advance the London/Stansted/Cambridge corridor. For the Mayor it was pointed out that Opportunity Areas often cross Borough boundaries and TFL added that transport does not respect sub-regional boundaries either, while we had ourselves already referred to the apparently ambiguous relationship between the Isle of Dogs and the proposed Central London sub-region.

2.25 The commentary in paragraph 2.22 of the DRLP indicates the Mayor’s willingness to work with a range of different partnerships that may come before him for a range of purposes (expressed at the Examination as an invitation to the Boroughs to “take an issue and form a partnership”). The Mayor nevertheless does have a London-wide role in seeking to identify locations where multi-area agreements or joint working under Sections 28 and 29 of the Planning and Compulsory Purchase Act 2004 might be necessary to bring about effective and efficient delivery of regionally important projects (such as within the Regional Co-ordination Corridors identified on the Strategic Diagram). Like the local partnerships referred to by the Boroughs, however, these are not readily compatible with fixed sub-regional boundaries and, at strategic level, are more suitably established on a flexible basis in response to specific spatial objectives (such as waste management) or individual projects (such as the Opportunity Areas). In these latter respects, flexibility should not be regarded as a justification for an absence of strategic guidance, but such guidance may be provided in a range of different forms other than by fixed spatial policy expression.

2.26 Nevertheless, a good measure of support prevailed for Policy 2.5, for the more specific reasons explained in paragraph 2.23 of the draft Plan. While, on the basis of that paragraph, it might be argued that Part B of the policy and Map 2.1 would rest more comfortably in Chapter 8 given the reference to monitoring, there is no overriding reason to pursue that particular point. The policy is acceptable, as is the additional wording for paragraph 2.22 in the Mayor’s ESC 2.17, as this rightly highlights the need for flexibility in localised groupings. **We endorse ESC 2.17.**

**Policies 2.6, 2.7 and 2.8 Outer London**

*Issue: Is there a suitably developed spatial strategy to facilitate Outer London’s social, economic and environmental progress?*

2.27 Inclusion of policies for Outer London is a new feature of the London Plan and reflects work of the Outer London Commission, set up by the Mayor to identify (among other things) the extent to which Outer London has unrealised potential to contribute to London’s success, and to identify factors that are holding it back. A pre-publication report
was issued in May 2010\(^{16}\) and the final Report was published in July
2010\(^{17}\) and so informed the discussion of this Matter. The Panel’s
examination, however, is of the salient London Plan policies (2.6, 2.7
and 2.8), not the Commission’s Report, many of the recommendations
of which have already found expression in other documents such as
the Mayor’s Transport and Economic Development Strategies as well
as in more generic policies elsewhere in the London Plan itself.

2.28 The suite of policies was generally welcomed by participants, who
acknowledge that the Mayor’s early suggested changes address a
range of deposit stage concerns (changes 2.18 – 2.24). Further
suggested changes by the Mayor to insert a new paragraph 2.28A and
an insertion in paragraph 2.32 and in Policy 2.8Ac (FSCs 2.9, 2.10 and
2.11) followed in similar vein and were not contested. All these
changes improve the internal consistency of the Plan and add
important linkages or emphases. We therefore endorse ESC 2.18-
2.24 and FSC 2.9-2.11.

2.29 The main points attracting remaining criticism were as follows:

**Issue: Is the approach to Outer London’s economy appropriate?**

2.30 **South London Partnership** contended that there was capacity for
some 120,000 jobs in Outer London compared with the Mayor’s
estimate of 40,000, with lack of transport being argued as a key
reason for the difference. The Mayor disputed the evidence base for
the Partnership’s figures. The difficulty in reconciling projections of
individual sectors with realistic assumptions concerning overall
employment growth is addressed elsewhere in our report, but we
agree with the Mayor that even if there was to be greater growth in
Outer London this would not necessarily enable a different transport
strategy, given the generally distributed nature of economic activity.
A number of other participants reinforced the need for safeguarding
existing employment land, with **North London Strategic Alliance**
contending that historic losses of manufacturing have now largely
ended and what remains is necessary provision for London, with many
estates now fully let. Essentially, however, neither Policy 2.6 nor
Policy 2.7 seek to restrain employment in Outer London or limit its
economic growth, the intention being to expand London’s economic
base as a whole, while also promoting qualitative enhancement of the
business offer. Transport issues are considered separately below and
relationships to areas beyond London have already been considered
above. The concept of Strategic Outer London Development Centres is
the subject matter of Policy 2.16, but there is no need for policy or
textual change here to respond to the points raised.

2.31 **Friends of the Earth** further criticised Policy 2.6A for economic
growth rather than adaptation to a low carbon future. This found
some resonance with others who, referring to recommendations of the
Outer London Commission, wish to support green industries for other

\(^{16}\) LD19
\(^{17}\) LD19a
reasons, including for example to lead Outer London’s economic growth, improve the range and quality of its employment areas, reduce transport emissions, and to take full advantage of opportunities for adaptation of the existing suburban housing stock to the effects of climate change.

2.32 There are clear opportunities in all of these fields which should be fully exploited in Outer London deriving from attributes such as the size and distribution of its population, the homogenous nature of many of its suburban housing areas and the amount and diversity of the travel and transport demands that arise within it. However, such opportunities form only part of what may be needed and a more certain future for Outer London would be secured by a multi-faceted approach of the type outlined in the Commission’s report, involving also subjects such as more and better housing, improved environmental quality, a diverse employment offer and better relationships between businesses, education and training opportunities. These are factors fully recognised in Policy 2.7 and paragraphs 2.28 and 2.32 (with ESC 2.19) as well as elsewhere in the Plan (such as Policy 2.16) and which can be suitably advanced locally through LDF formulation as Policies 2.6A (with change 2.18) and 2.6B imply.

Issue: Is the approach to travel and transport in Outer London sufficiently sustainable?

2.33 A range of views was expressed on this subject mostly urging greater investment in public transport, especially to facilitate orbital movement around Outer London and to complement well established radial transport corridors. Some argued, for example, that accessibility to jobs was a significant obstacle to addressing endemic unemployment in the suburbs while others (such as LB Bexley) contended that lack of transport was a significant hindrance to economic growth, the earning potential of its residents and the development of its main town centres. South London Partnership questioned TfL’s demand-led approach to transport planning, arguing that, as in the case of Croydon Tramlink, prior provision released latent demand for public transport in substantial quantity. Several participants also advanced the case for prioritisation of transport investment in particular areas or projects.

2.34 In considering these points, it should be noted that the Commission’s recommended approach to transport is again a multi-faceted one. Its report recognises that while orbital connectivity is important, this must be tempered with realism over TfL and national transport budgets (a point which none of the participants challenged). Continued reliance on bus and car usage as main means of travel is therefore acknowledged in the Commission’s report, alongside the suggestion that some low cost enhancements could usefully be made to existing transport systems to facilitate orbital movement. A “star and cluster” pattern based on the existing town centre network whilst also recognising other important business locations (including “development centres”) is further proposed, the transport effect of
which would be to minimise the need to travel and to encourage sustainable local modes such as walking or cycling. This could be further reinforced by the recognition in the Commission’s report of the scope to encourage home (or near-home) working with new forms of infrastructure or locally-based business support services (including, for example, local ICT “hubs”). The report also suggests that by offering business development and associated employment opportunities complementary to those in Inner and Central London, it may be anticipated that the “stars” would release additional transport capacity by stimulating “reverse commuting”.

2.35 The Panel finds much to commend in this spatial approach, particularly if (as the Commission intimates) the “stars” are selected to reinforce town centres and development centres along existing transport corridors as well as to support growth corridors and proposals to address areas of deprivation. As the Commission observes, however, such selection is fundamentally a matter for sub-regional and Borough level determination having regard particularly to Policies 2.3 and 2.14. TfL affirmed its view that bus travel remains the best public transport option to meet the diverse travel needs of Outer London and, although unconvinced of the demand for “orbital routes”, it added that the MTS includes a commitment to regular review of bus routing, so adaptation to meet “web and spoke” and/or orbital patterns could be introduced as demand materialises. Prioritisation of certain centres for transport proposals in this part of the London Plan is not, however, appropriate, not least because this would give unfair advantage to some at the expense of others at a time when the Commission’s overall proposals have yet to be reflected in more detailed work at sub-regional and Borough level. We deal with overall transport priorities, across London, in Chapter 6. In all the circumstances, Policy 2.8 and its supporting text (with the Mayor’s suggested changes) represents, in the Panel’s view, an adequate response to the Commission’s thoughtful consideration of the subject.

*Issue: Does the strategy do enough to protect and enhance existing Outer London town centres, particularly in the face of parking demands and density controls?*

2.36 Some Boroughs close to the outer edge of London expressed the view that their town centres are being unfairly jeopardised by parking restraints that are more onerous than those applying beyond the London boundary. The point was put most eloquently by LB Bexley in its submissions that its area is relatively thinly served by public transport and that its main resource of housing land derives from surplus industrial land often in the most poorly served locations. Consequent reliance on car usage is comparatively high and this results in leakage of trade away from its main town centres to places such as Bluewater Park which are easy to drive to and have generous amounts of free parking, contrasting with DRLP Table 6.1 standards. Policy 6.13Ed, however, provides for more generous standards for office development in Outer London and, in response to J Sainsbury’s concerns, we observe that a more flexible approach to retail parking
provision in town centres throughout London is allowed under Policy 6.13Ec where regeneration is required, provided that the parking is to serve the town centre as a whole. Nonetheless, Campaign for Better Transport strongly objected to any relaxation of parking in Outer London, on the basis there is no evidence to suggest that this would assist the regeneration of town centres.

2.37 In response to these various points, it was intimated that parking standards similar to those in the London Plan have been advanced in the South East Plan. However, there can be no guarantee that such standards will find their way into relevant DPDs if Regional Spatial Strategies are withdrawn, particularly in the light of the January 2011 revision to PPG13. Nor would they apply to existing development.

2.38 Nevertheless, parking restraint plays an important role in influencing modal choice and supporting wider planning objectives such as pollution control and reduced congestion across the whole of London. The Outer London Commission’s recommended approach, among other things, cautions against pursuing “aspirational” growth of town centres and promotes a more measured response within them that builds on local strengths and specialisms, locally distinctive environments, and opportunities for multi-functionalism and linked trips, which stand-alone centres cannot easily compete with. Further suggested change 2.10 to paragraph 2.32 has been put forward by the Mayor to clarify the contribution that can be made by appropriately located retail development to regeneration. We endorse FSC 2.10.

2.39 Parking standards are considered more fully in Chapter 6, but the main challenge for Boroughs should be to devise strategies for their Outer London town centres and surrounding areas within the broad and flexible framework provided by London Plan Policies 2.6, 2.7 and 2.8. The opposite approach, in which Boroughs seek aspirational advantage by challenging important components of those or other London Plan policies (such as of Policy 4.7Ba and Policy 6.13) is not supported either by the Mayor or by the Panel. We consider that Policy 6.13 as drafted provides sufficient, but carefully regulated, flexibility.

**Issue: Are there any matters that the strategy inappropriately overlooks?**

2.40 The generality of the call for increased housing supply made by Strategic Land Planning Trust is considered in Chapter 3, but Policy 2.7Ap (introduced by ESC 2.22) addresses the point sufficiently in an Outer London context here.

2.41 Concerns expressed by others about the night-time economy are also covered by a new Policy 2.7Ak (again set out in ESC 2.22). The absence of reference to lorry traffic in Policy 2.7, raised by the Federation of Small Businesses, is because the subject is covered comprehensively on a London-wide basis by Policy 6.14. There is no especially distinctive feature of Outer London in this respect that requires specific reference in the suite of Outer London policies.

2.42 Ealing Civic Society’s desire to avoid dormitory communities is part of the bedrock of this suite of policies, and questions about distribution
of homes and employment facilities relative to the radial route network are for consideration through the LDF process at Borough level, depending on local circumstances. Much the same applies to detailed suggestions made by the Campaign for Better Transport of the various ways in which alternatives to the car might be promoted (such as through car clubs and lower speed limits). The Plan seeks a more localised approach than the identification of “super-hubs”, the latter finding disfavour with the Outer London Commission and others.

2.43 Congestion caused by the “school run” is not unique to Outer London and is dealt with as part of a package of measures aimed at promoting walking in Proposals 59-62 of the Mayor’s Transport Strategy.

**Policy 2.9 Inner London**

*Issue: Is there a suitably developed spatial strategy to facilitate Inner London’s social, economic and environmental progress?*

2.44 Concerns expressed about this issue focussed principally on the brevity of Policy 2.9 when compared with the range and detail of policies for Outer London and the Central Activities Zone. Community groups in particular argued for a comprehensive vision and strategy for Inner London of similar breadth to that for both of these neighbouring areas.

2.45 For the Mayor, the response was that the format of Policy 2.9 reflected the position of Inner London as a zone of transition between the areas bordering it to either side. The intention therefore was that, within the ambit of the strategy outlined in Policy 2.9A, Borough LDF work would “mix and match” from among the relevant policies for Outer London and CAZ, alongside others in the DRLP (including those specifically referred to in paragraphs 2.38-2.40) as appropriate. Policy 2.9B (introduced by ESC 2.26) would express this approach to localism more clearly. **Consequently, we endorse ESC 2.26.**

2.46 In essence, the approach advanced by the Mayor for Inner London is based on the premise that there is a need to respond to change that is already happening, not that there is a need to change past trends, as is the case in Outer London. In particular, it is necessary to accommodate the significant employment and population growth quantified in paragraph 2.35 (with FSC 2.12). While the Mayor recognises that this creates opportunities as well as threats to local communities and the environment, the recent experience of the communities themselves has (according to London Tenants Federation among others) been overwhelmingly negative.

2.47 To date, the perception has been of large office developments with piazzas but no space for children to play, tall buildings that have not contributed positively to the quality of local environments, and an over-reliance on Public Transport Accessibility Levels (PTALs) to justify high density development but with inadequate attention to its effect on overall movement patterns and local network congestion. Several participants urged provision of small workspace units to provide for local offices or craft workshops with reception/sales areas. These, it was argued, would provide local business and employment
opportunities, as well as adding prosperity from increased tourism expenditure. Most stressed the importance of open and covered markets both as seedbeds for entrepreneurship and for integration of immigrant communities. A particular concern was the incursion of strip clubs and late night bars as part of the night time economy, management of which is referred to in Policy 2.7Ak of for Outer London but absent from Policy 2.9.

2.48 The Panel was impressed by the willingness of community representatives to accommodate and facilitate more intensive development in their Inner London neighbourhoods in line with paragraph 2.37, where this could be seen to lead to improved social, economic and environmental conditions for existing residents and which preserved local heritage. Higher densities were acknowledged, for example, as a way to secure investment but the communities themselves want involvement in how that investment may best be deployed to local advantage.

2.49 Similar points were put, with some force, in connection with a range of other policies (such as Policies 2.4, 2.13, 2.14 and 3.8), from which it is apparent that safeguarding communities and involving them in the future of their neighbourhoods are concerns not necessarily confined just to Inner London but finding resonance wherever areas of deprivation are proposed to be tackled by regeneration projects. These concerns bear most directly on Regeneration Areas and the issue of how concentrations of deprivation may be best addressed is considered in more detail in relation to Policies 2.13 and 2.14.

2.50 As with Policy 2.4, however, Policy 2.9 should include references to “sustaining existing established communities” and to the involvement of those communities, to make clear that references in Policy 2.9A and paragraph 2.37, for example, are not solely to new communities introduced by the regeneration process. Beyond that, ESCs introduce textual references to use of public transport infrastructure, labour market initiatives, local character, lifetime neighbourhoods and the Mayor’s vision for open space, thereby providing important emphases to be pursued locally. **We accordingly endorse ESC 2.27, 2.28 and 2.29 and FSC 2.12 and make Recommendation 2.4: Insert “sustaining existing established communities with their involvement,” before “addressing its unique concentrations...” in Policy 2.9A.**

2.51 While noting some inconsistency with the format of Policy 2.7, the night-time economy is part of the subject matter of Policy 4.6Cf and street markets are covered in Policy 4.8Be. It is unnecessary to repeat these or the thrusts of other policies elsewhere in the Plan relating to such matters as housing and community infrastructure (Policies 3.11-3.20), town centres (Policies 4.7-4.9) and walkability (Policy 6.10) as the Plan has to be read as a whole. Taking account of all other matters raised in the representations, the policy (as we recommend for modification) would provide an adequate strategic framework to guide the sensitive local planning of Inner London, without the degree of prescription suggested in the alternative proposals put forward by the London Forum.
Policies 2.10, 2.11 and 2.12 The Central Activities Zone (CAZ)

**Issue: Is the extent of CAZ suitably defined?**

2.52 The CAZ is an inherently diverse area which embraces internationally and nationally important businesses in a wide range of sectors including banking, law, accountancy, design, tourism, retailing and the arts, embedded among which are long established residential communities and the local services and facilities that support them.

2.53 The interests of these strategic businesses and local communities are in some measure inter-dependent but those representing the latter hold the view that the economic power of the former is leading increasingly to the inward encroachment of large scale commercial development (especially but not exclusively offices) into the embedded communities, coupled also with outward expansion into the communities bordering the outer edge of CAZ.

2.54 We consider the strategy for the CAZ separately below, but there is a clear need for London to have an adequate resource of space to keep pace with future economic growth and the Capital’s employment needs, and to maintain London’s position on the world stage. In the words voiced at the Examination, it is necessary to signal clearly that London is “open for business”. The boundary of the CAZ is not proposed for change from London Plan 2008 (when it was discussed at some length) and, apart from detailed definition at LDF level, there is no obvious reason for it to be changed. Rather, it is entirely appropriate that the boundaries of the CAZ should remain as widely drawn as they are now. This maximises the amount of land and buildings available for commercial enterprise, in a wide range of locations. It both accommodates and facilitates the continuing growth and development of the Capital on the basis of planned new “quarters”, where the present pattern of land use would otherwise remain outworn or underperforming. It also facilitates housing renewal, relieves the pressure for inward incursion upon existing CAZ communities and, by the careful selection of areas of opportunity, guides outward pressure to places where well designed development and associated programmed or potential infrastructure investment can bring widespread benefit and avoid localised harm.

2.55 As such, diminution of the area would serve only to marginalise localities where increased economic activity would be welcomed (such as in the area around Waterloo where, we were told, the local community is supportive of attracting suitable economic investment to off-set large scale losses of employment at the Shell Centre and County Hall). Such areas clearly have unrealised potential, as recent development on the south bank of the Thames between London Bridge and Tower Bridge has indicated. Conversely, further enlargement would dilute developer interest in areas that have clear regenerative potential to contribute more fully to Central London’s development needs, both commercially and residentially, such as at Nine Elms, Paddington and Euston. Inclusion of the Royal Parks, questioned by London Forum as a potential threat to their openness and public use,
does no more than recognise that they are an extensive and integral component of the urban fabric of the CAZ. Their strategic importance is recognised by Policy 2.10Ac (which would become Policy 2.10Ad with the Mayor’s important ESC 2.30), and their continued protection is the subject matter of Policy 2.18 and related policies in Chapter 7. The bordering areas of Inner London are subject of Policy 2.9 which, as already indicated, provides a sufficiently flexible strategic framework for the development of LDF policies to protect and enhance the physical, social and economic qualities of areas like Spitalfields and similar fringe locations.

2.56 It was further contended that the Isle of Dogs should be recognised as an extension of the CAZ. The two areas are separated by intervening communities such as Wapping, Shadwell and Limehouse all of which are of very different nature, while the southern swathe of the Isle of Dogs is itself almost entirely residential in character. London Forum drew attention to similarities between these communities and Pimlico to question why the Isle of Dogs should be excluded from CAZ while the Vauxhall/Nine Elms/Battersea Opportunity Area (VNEB) is included. This point was advanced, however, in support of exclusion of the latter rather than inclusion of the former, a matter that we have already concluded upon by endorsing the current general extent of the CAZ.

2.57 After further exchange of evidence, both in writing18 and at further Examination sessions, dispute over the Isle of Dogs became more precisely focussed on whether only the northern part (effectively the area defined by a solid blue line on the Annexe 2 map in the Mayor’s Crossrail SPG) should be identified as a separate outlier of the CAZ.

2.58 This latter area, by itself, has greater affinity with the City of London in terms of employment density and industrial structure than the Mayor’s Technical Note (which includes permutations of the intervening wards) might be taken to imply. It also out performs, in terms of financial and business services, much of the CAZ. Sizeable permissions have been granted since the London Plan 2008 EiP for development of Wood Wharf, Riverside South and Heron Quays West, there are planned commitments to a near doubling of current retail provision including around the Crossrail station that is currently under construction and we were also informed of an extensive but mainly local programme of community arts and sports events. It does not yet share the diversity or scale of specialist retail, tourist and cultural uses and activities that characterise the CAZ but the CAZ has different emphases within it and we consider that the northern Isle of Dogs will increasingly come to share more fully in the characteristics of the CAZ as a whole. We consider therefore that it should be recognised as an outlier of the CAZ and that CAZ policies should be applied to it.

2.59 However, among the reasons advanced in support of the “CAZ outlier” by the Canary Wharf Group was to secure a more flexible approach to housing provision in the area. That would represent a different policy regime from the DRLP approach within CAZ where,

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notwithstanding the reference in paragraph 2.42 to the use of “swaps and credits”, no universal exemption from or reduction of housing provision requirements applies. Introduction of such exemption or reduction would thus effectively represent a “CAZ plus” policy regime unique to the Isle of Dogs and there is no supportable reason to pursue that approach. Rather, DRLP paragraph 2.52 appropriately recognises the complementary contribution to the CAZ made specifically by the globally-oriented financial and business service cluster in the northern part of the Isle of Dogs and, with new Policy 2.10Ac (introduced by the ESC 2.30), provides a suitably refined policy direction for future office development here. However, to avoid any suggestion that this would give rise to a special dispensation for the northern Isle of Dogs we consider that the wording should be adjusted to make clear that it is an outlier and that the totality of CAZ policies would still apply. We endorse ESC 2.30 and make Recommendation 2.5: Amend the parenthesis in new Policy 2.10Ac inserted by ESC 2.30 to read “(and in the outlier of the CAZ in the northern Isle of Dogs – see paragraph 2.52)”; replace in paragraph 2.52 “is not formally within the CAZ” by “is an outlier of the CAZ” and insert “and other strategic functions and predominantly local activities” after “offices” in that paragraph.

**Issue:** Is there a suitably developed spatial strategy to facilitate the social, economic and physical planning of the CAZ?

2.60 Circular 1/2008 makes clear that protecting and enhancing the economic well being, amenity and environmental quality of the CAZ is essential to the maintenance of London's capital and world city roles. In advancing these objectives, the proposed strategy in DRLP broadly mirrors that in London Plan 2008, the relevant policies from which are proposed to be reassembled in fewer number. The diversity of policy strands reflects the diversity of the area itself.

2.61 There might be opportunity for greater clarity of expression, for example in distinguishing between broad statements of strategic direction (such as Policies 2.10Aa—Ag) specific objectives (such as Policies 2.10Ah-j, Policies 2.11Ac, Ae, Af–Ai), guidance on LDF formulation (such as Policy 2.10B and Policy 2.12 Aa) and guidance on the approach to decisions (such as Policies 2.11 Aa, Ab and Policy 2.12Ab). The Mayor went a small way towards suggesting this at the Examination indicating, in response to London Forum’s submission, that planning decisions and LDF formulation sections could be added to the word “strategic” in the subheading of the policies. Such an approach could be supported although it is actually unnecessary given the explanatory paragraph 0.21 that we have recommended be brought into the body of the Plan to accompany the over-arching Policy 1.1. However, the partly prescriptive and partly repetitive approach to decisions that would be imported by adoption of London Forum’s suggested new Policy 2.10C and Policy 2.11B would not represent a substantive improvement. It is unnecessary to say, for example, that strategic directions will be supported. Optimisation of
development density will also vary from place to place and use to use, and is best guided by locally formulated policies in LDFs.

2.62 Whatever the case may be on those points, the arrangement and distribution of the various policies does not, by itself, affect either their overall content or main thrusts, so no recommendation is made on that subject. However, representations made about the approach to planning decisions are considered separately in the third section of our analysis, below. There would be no demonstrable merit in expanding the glossary definition of the CAZ, as suggested by London Forum, the effect of which would confine much of its purpose to development management within specific quarters, rather than expressing a strategy for the whole.

2.63 London First drew attention to two reports concerning the office market in the West End of London\textsuperscript{19,20}. This was in support of its case that a combination of mixed use policy and heritage designations constrain supply and make this the most expensive office location in the world. It would not, however, be appropriate to extrapolate the findings of those reports to the whole of the CAZ from a policy regime that has applied in Westminster and which has prevailed before both London Plan 2008 and DRLP policies have had time to take effect. London First itself acknowledges that quantitative housing provision in Westminster has benefited over the period surveyed and advances the reports only in support of its contention that careful balance is required.

2.64 Indeed, there was broad acceptance among the participants that the proposed strategy should be based on a rich mix of local as well as strategic uses (Policy 2.10Aa). Although the development sector contended that offices and retail should form a part of the mix anywhere in the CAZ, amenity interests sought the identification of individual communities on the CAZ diagram (Map 2.3) and a policy regime that protected them from unwelcome large scale development intrusion. Nonetheless, Policies 2.10Ab, Ae and Af, in particular, establish an appropriate overall balance through references to enhancing the varied strategic functions of the CAZ, safeguarding the attractions of residential neighbourhoods, ensuring that office provision is not strategically constrained in appropriate parts of the CAZ and supporting retail activity for residents, workers and visitors alike.

2.65 It could be argued that the predominantly residential enclaves are already indicated on the CAZ diagram, albeit by omission rather than commission, largely (but not entirely) as the areas without any overlying notation. However, as Policy 2.12Aa asserts, it will be for LDFs to identify any specific boundaries that might be appropriate at Borough level, and for a detailed policy regime for those areas to be established through the LDF process. Much the same applies to other areas which form part of the mix, including office zones and retail frontages where any relevant detailed policy boundaries and regimes

\textsuperscript{19} Global Office Rents 2009 (CB Richard Ellis)
\textsuperscript{20} The importance of the historic environment to the office market in Westminster, December 2007 (Drivers Jonas)
will be established locally in accordance with similar strategic imperatives. As in Fitzrovia and Kings Cross, this may require closer working between Boroughs whose boundaries bisect particular areas administratively, but soundness testing of LDFs should ensure that there are no serious incompatibilities between local development strategies and the London Plan.

2.66 The importance attached to small businesses (raised by the Federation of Small Businesses and LB Islington, for example) is a generic issue across London, not just limited to the CAZ, and is adequately covered by Policy 2.12Aa (which urges sensitive mixed use policies in predominantly residential neighbourhoods) and by Policy 4.1Aa. These provide a sufficient framework within which locally appropriate policies can be developed at Borough level. It would be inappropriate for the DRLP to make reference to different uses occurring within small individual buildings, as is characteristic of the Charlotte Street Association’s area of Fitzrovia. That is a matter more suitably addressed through local character appraisals that inform the application of LDF policies, rather than being of more widespread strategic significance.

2.67 Turning specifically to the retail components of the strategy, the CAZ diagram identifies a different range of CAZ frontages than the London Plan 2008, but there is no reason to depart from the Mayor’s assertion that those now shown represent the only strategically important ones. The strategic policy regime for them is further refined in Annexe A2 to the DRLP. Policy 2.11Ac indicates that these frontages are to be the focus for identifying retail capacity expansion and enhancement to meet strategic and local need. We do not support suggestions by the business sector that new retail development should be permitted throughout CAZ. Such an approach would not accord with the aims of PPS4, although we note that the distribution of existing local shops, convenient for local communities and businesses alike, is often relatively dispersed in CAZ. Where this is a feature of particular localities, identified through characterisation studies, Policy 2.11Ac is sufficiently flexible to accommodate LDF policies that sustain local shops as part of the wider CAZ mix.

2.68 The West End Special Retail Policy Area shown on the CAZ diagram in both the London Plan 2008 and the DRLP was originally intended to highlight the need to give particular attention to the Area's urban realm and environment, and also to address congestion, public transport and traffic management. Now that Crossrail uncertainties have been resolved, however, there will be a need to consider how best to absorb the impacts of changed travel patterns and progress improvements to the public realm within this area. The latter was urged by John Lewis Partnership and both were acknowledged by the Mayor. Policy 2.11Ad provides a sufficient stimulus for the development of suitably co-ordinated policy regimes at Borough level. We comment further in relation to Policies 4.9 and 8.2.

2.69 The two “international retail centres” are also identified on the CAZ diagram because they are of different scale (global) and character to the retail offer in other parts of CAZ. One is intended to represent the
West End and the other Knightsbridge (Policy 2.10Ae). Their identification and distinct strategic policy treatment are supported. **London Forum** is concerned, however, that the symbols do not suitably reflect the locations of these two places and may thus be misleading. Although the CAZ Diagram is expected to show broad areas rather than be locationally specific, there can be little doubt that Mayfair and Hyde Park would not be regarded by most as global shopping centres, whereas Knightsbridge would be, as would the part of the West End defined in the Special Retail Policy Area. **Recommendation 2.6:** The symbols for the two international retail centres be correctly located on Map 2.3.

2.70 Fears were also expressed by **London Forum** that a regional shopping centre could be introduced within the Vauxhall/Nine Elms/Battersea Opportunity Area. We consider this further in relation to Policy 2.15.

**Issue:** Have opportunities and constraints been suitably recognised?

2.71 There are divergent views among participants on the use of “swaps and credits”. This mechanism is referred to in paragraph 2.42, with further clarification in the DRLP glossary. **London First** and **City of London Corporation** are among those supporting this as a useful way of introducing flexibility to the consideration of commercial schemes (as in the case of the Devonshire Gate development in Upper Regent Street to which we were referred by London First) while others argue that the mechanism would serve only to consolidate single use areas at the expense of mix and local communities. Paragraph 2.42 does not, however, convey a policy imperative to use swaps and credits and circumstances will vary widely from place to place. It might, for example, be wrong to permit development that would simply displace one use in favour of another and transfer problems elsewhere. Equally, however, it might be appropriate to maximise to the fullest potential sites well suited for a particular category of use while securing economic and social investment necessary to support that use, in a more appropriate location nearby. Policy 2.10Ae and Policy 2.11Aa provide part of the basis for considering the relative merits of these issues. The respective advantages and disadvantages will fall to be considered in each case having regard (among other things) to the development plan for the area (taken as a whole), the various representations made at the time, and other material considerations as Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires. It would not be helpful to parties on either side of the argument for the DRLP to stipulate that one approach should be pursued rather than the other across the whole of CAZ or to require swaps and credits to take place only “close by” to each other. Not only is the concept of “close by” difficult to define on a sufficiently consistent basis for policy application, there might also be instances where the swaps and credits might beneficially take place between relatively distant locations (such as the City and its outlying social housing estates).

2.72 In a broadly similar context, Policy 2.12Aa was the focus of some criticism for implying that housing in residential communities within...
the CAZ might compromise strategic functions elsewhere. At the Examination session, the Mayor conceded that was not the intended interpretation and suggested moving the word “elsewhere” from the last line to the second, following the words “CAZ and...” This has not been carried forward into a FSC, but would make clear that predominantly residential neighbourhoods within CAZ are to be identified, protected and enhanced and that it is only elsewhere (outside those neighbourhoods) that sensitive mixed use policies are to be developed to avoid compromising strategic functions. This, we feel is a more suitable form of words than that suggested by London Forum. **We make Recommendation 2.7: Delete “elsewhere” from line 4 of Policy 2.12Aa and instead insert “elsewhere” before “develop sensitive” in line 2.**

2.73 Policy 2.11Ab was also criticised by some (including **LB Lambeth**) inasmuch as it suggests that heritage designations are a constraint on office provision. In paragraph 2.63 above, consideration has already been given to **London First**’s submission that mixed use development has such an effect. The reports that **London First** rely on also indicate that some 70% of the area of Westminster is the subject of Conservation Area designations. Nonetheless, both Policy 2.10Ac and paragraph 2.42 recognise the importance of London’s historic and architectural heritage as assets to be protected not least for the character and distinction they lend to the capital as an attractive place to conduct international business. There can be little doubt that without diligent protection of these assets London would not be able to command a premium in office rents while still experiencing the economic benefits of high office demand.

2.74 The salient parts of Policies 2.10 and 2.11 adopt an appropriate stance. The second policy (with the title “strategic functions”) acknowledges as a fact that the dense matrix of heritage assets is a constraint on unfettered office development. The first (with the title “strategic priorities”) recognises that the response must be to work positively with those constraints. Together they urge a conservation-led approach to proposals and high quality design. There is nothing in the **LB Lambeth** suggested wording that would usefully supplant that.

2.75 By way of clarification, the Mayor’s suggestion to include “other commercial development” in Policy 2.11Ab (FSC 2.13) represents a positive response to those who considered that more than just office development might need solutions to constraints imposed by heritage designations. **Accordingly we endorse FSC 2.13.** It would seem that the wording suggested by the Mayor has been misapplied by **London Forum** to Policy 2.11Ac, which is not the Mayor’s intention. ESCs 2.31-2.37 also provide important clarification and emphasis. **We endorse ESCs 2.31-2.37.**

**Policies 2.13 and 2.14 Opportunity Areas, Intensification Areas and Areas for Regeneration**

*Introduction*
2.76 Policies 2.13 and 2.14 cover three types of area where it is the Plan’s strategy to stimulate positive actions. The 33 Opportunity Areas and 10 Intensification Areas (Policy 2.13) are shown illustratively on Map 2.4 (DRLP page 48) and the Regeneration Areas (Policy 2.14) on Map 2.5 (DRLP page 49). Annexe 1 includes indicative employment capacity and minimum numbers for new homes together with “strategic directions” for each Policy 2.13 area. For Opportunity Areas, these are intended to be refined through the “Opportunity Area Planning Frameworks” (OAPFs) referred to in Policy 2.13Aa.

2.77 We considered these policies in two separate Examination sessions. The first, on 6 July 2010 covered Policy 2.13, discussion on which extended beyond the programmed time. The second session, held on 24 September 2010 was accordingly programmed to complete the debate on that policy and also to cover Policy 2.14. In this section of our report we set out our conclusions on each policy in turn, before ending with commentary on the relationships between the two.

**Issue: Will the strategy produce suitable spatial outcomes?**

2.78 Policy 2.13 represents an amalgam (with changes and additions) of London Plan 2008 Policies 2A.5 and 2A.6. Annexe 1 is new, but represents a re-casting of the employment and housing figures and relevant text in London Plan 2008 Chapter 5.

2.79 Opportunity Areas differ from Intensification Areas in their scale and nature (as explained in paragraphs 2.55 and 2.56) but we were told that they share the same objectives. Thus, the Opportunity Areas are estimated by GLA (according to ESC 2.41 and FSC 2.15 to paragraph 2.57) to have total capacity for about 490,300 new jobs and 233,600 new homes, whereas the Intensification Areas are estimated to be capable of accommodating much less, at some 13,000 new jobs and 14,350 new homes. Together, they will be expected to make very significant contributions to London’s housing and employment land supply over the Plan period.

2.80 It was for this reason that we examined both the intended spatial outcomes and the delivery process, (the latter not least because it bears directly on the Plan’s ability to deliver the actual homes and jobs that London needs to sustain its future population with appropriate infrastructure). In this connection, both Policies 2.13A and B, while having the aims of realizing potential, make extensive reference (with parts of Policies 2.13C and D) to the significance of proposed planning framework documents.

2.81 It would seem that the Opportunity Areas are seen by the Mayor, as their title might be taken to suggest, as largely “opportunistic” in the nature of their intended outcomes. They have not been selected with any particular number of sites, locations or outputs in mind, and largely represent locations where tracts of land are available for large scale development promoted by various combinations of public and private ownership interests and other development agencies. We were told that the Mayor seeks to maintain no more than a “light touch”
approach at strategic level to ensure the satisfactory development of schemes through the LDF process at local level.

2.82 The Panel cautions, however, that the importance of these areas should not be understated. In addition to co-ordinating public and private investment, they may be taken to represent the Mayor’s preferred choice of strategic locations for accommodating the planned development of London’s future housing and economic activity. Some may be key to advancing east London’s development and regeneration and the social and economic convergence that is expected to flow from it (recognised at least in part in Policy 2.13Ce). Others may also represent a significant portion of London’s overall contribution to wider objectives, including the progress of Regional Co-ordination Corridors and Sustainable Communities Growth areas referred to in Policy 2.3.

2.83 Nonetheless, many are such long-term projects that the process cannot be one of detailed project management in an environment controlled by the London Plan. Some will inevitably progress faster than others depending upon factors such as the nature and scale of obstacles in the way of immediate development (which might include the need for significant remediation, questions of land assembly and arrangements for new infrastructure provision – especially transport). Many may have to be pursued through variations in political, economic and property market conditions. Policy 2.13 responds to Policy 1.1B, and we acknowledge that the Mayor’s “light touch” is partly intentional (to recognise the importance of localism) but also largely unavoidable.

2.84 **London Forum, Tottenham Hotspur Football Club and North London Strategic Alliance** were among those pressing that the process as a whole would benefit from clearer prioritisation of actions. However, the strategic directions in Annexe 1 Tables A1.1 and A1.2, together with production of the strategic framework documents that the policy proposes, are the means by which at least some degree of certainty of intended outcomes can be introduced. Their purpose is to establish a broad commonality of objectives for each and, given that they often cross the administrative areas of more than one Borough, closer co-ordination of public and private investment to maximum effect.

2.85 In this latter respect, we were also assured that increasing expertise is being applied to the co-ordination of planning and transport. The MTS and the revised Table 6.3 of the DRLP include a range of relevant schemes to 2031 and it is inevitable that there will be some Opportunity Areas where progress will only be possible with significant public investment in transport infrastructure yet also where progress is a paramount necessity to further the overall strategy, such as in the regeneration of East London. In others there may be sufficient market impetus and funding available to allow progress to be made irrespective of public expenditure constraints. It will be necessary for GLA and TfL technical resources to be applied appropriately so as to enable the pre-planning of public expenditure in the former in order to maintain as great a momentum as possible and to avoid delaying the latter through absence of sufficient evaluation.
2.86 The progress of each scheme can, of course, be identified from the Annual Monitoring Reports and much of the detail will be filled in during the evolution of proposals through joint preparation of OAPFs and at Borough level through the formal DPD process. In the light of all of these factors, we are content that the progress of Opportunity and Intensification Areas should find manifestation in the Mayor’s actions rather than in detailed and potentially constraining prescriptive policy expression.

**Issue: Is the approach to individual Opportunity and Intensification Areas appropriate?**

2.87 The main focus of concern among participants was with matters of detailed process rather than general approach. A number of criticisms were directed at the indicative employment and homes figures and the “strategic directions” indicated in Tables A1.1 and A1.2, many arguing that neither had been subject to prior consultation and others contending that the tabulated figures, in particular, for certain of the areas were incorrect. The Mayor explained that these figures had been derived from SHLAA/HCS work undertaken with the Boroughs and from the London Employment Sites Database, supplemented with information from other sources, all of which had been checked with the Boroughs. Strategic directions had evolved from consultation with developers, Boroughs and the then Government Office for London. It might well be that the proposed planning framework documents would further refine all these matters, but there is a need for care when including figures, even indicative ones, in part of the statutory development plan. The Mayor affirmed at the Examination session, for example, that the site area figures are net, not gross and has since further confirmed\(^2\) that the site areas for riparian Opportunity Areas do not include the River Thames.

2.88 In the light of this concern, the Mayor undertook to review the contested sections of Tables A1.1 and A1.2 and has since revised some of the capacity figures and produced a revised schedule of areas in consultation with the relevant Boroughs. These are set out in FSCs A1.1-A1.12 which amend Annexe 1 and are additional to or amend the changes made by ESCs A1-A15. It is also now made clear that all of the capacity figures are to be tested through the preparation of planning frameworks and/or local development frameworks. A number of queries were, however, raised by the various parties, which warrant particular comment:

- **Earls Court/West Kensington (ref 8 in Table A1.1):** There is now an agreed position statement\(^2\) between the relevant Boroughs and the Mayor. However, while the new housing figure (4,000) has been agreed between the Mayor and the Boroughs, it has not been agreed to by the developer and from comments made at the Examination even the higher figure which results simply from

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\(^2\) ED65
\(^2\) ED152
extending the area to include renewal of housing estates in Hammersmith & Fulham may well be an under-estimate. However, we are content to accept the capacity figure provided by the Mayor on the basis that it is a minimum figure and remains subject to further testing as indicated.

- **Kings Cross (ref 16 in Table A1.1):** The Mayor has explained that the 1,900 housing figure derives from the permissions granted\(^2\), so we find no reason to question it further despite concerns from local community representatives.

- **Tottenham Court Road (ref 26 in Table A1.1):** Having discussed the matter further with the respective Boroughs, the Mayor has suggested that the housing figure should be increased from 200 to 420. **Charlotte Street Association** has pointed out that both figures are much less than the 1,000 homes in Table 5B.1 of London Plan 2008 and, given that there is no commensurate change to the employment figure, the figures now advanced via the DRLP would result in a considerable imbalance. The Panel was advised at the Examination that this Opportunity Area is one in which the involvement of the Mayor has been “politely declined” by the parties involved in its development. Consequently and having regard to the localism agenda, we cannot see any justification for Panel dissent from the Mayor’s acceptance of Borough figures. We remark only that the homes figure is expressed as a minimum and the jobs figure as “indicative”, with both subject to further testing.

- **Vauxhall/Nine Elms/Battersea (ref 28 in Table A1.1):** The Mayor has undertaken to insert revised figures for this area when the OAPF is finalised. We support that approach in this particular case given the complexities of the area and the need to reflect on the outcomes of the OAPF consultation exercise.

- **White City (ref 32 in Table A1.1):** Despite the much higher aspirations of the developer, we accept that the DRLP figures are all that can currently be included pending the agreement of an OAPF. The indicative employment and minimum housing figures again remain subject to further testing including the extent of necessary social or other infrastructure.

2.89 We share the Mayor’s view that Bromley Town Centre should not be identified as an Opportunity Area because, with capacity for about 2,000 homes and 2,000 jobs, it does not meet the capacity threshold referred to in paragraph 2.55. It also falls below the figures that typify Intensification Areas.

2.90 The Mayor has also responded positively to suggested criticisms of the textual content of various of the “strategic directions” in the Annexe 1 tabulations. For the Upper Lea Valley (Ref 27 in Table A1.1) we note

\(^2\) London Development Database
that of the three versions presented to us\(^{24}\) that in CD17 is to be preferred as it correctly refers to the A1010 road instead of the A10 road.  While we observe that the discursive style of this column of the tabulations clouds the difference between direction and suggestion, we are content to endorse all of these changes in the revised Annexe 1 (ESCs A1-A.15 as further changed by FSCs A1.1-A1.12).  ESCs 2.38-2.44 to Policies 2.13A, C and D and paragraph 2.57 (including new paragraph 2.57a) and 2.58 as amended by FSCs 2.15, 2.16 and 2.17 (which also correct Map 2.4) should also be supported as providing significant corrections and clarifications.  We therefore also endorse ESCs 2.38-2.44 and FSCs 2.15-2.17.

**Issue: Is the process sufficiently clear, and will it produce the intended outcomes within the Opportunity Areas and Intensification Areas?**

2.91 It would seem that there is no single delivery mechanism designed to bring the Opportunity and Intensification Areas from conception to delivery.  This is not to be unexpected given the differences in scale and nature of the various areas concerned and the number of agencies involved.  In this latter respect the reference to Mayoral leadership of partnerships in the formulation of “Opportunity Area Planning Frameworks” (OAPFs) is of much importance.  However, from the representations we found some considerable variety and confusion over the planning processes involved at least partly caused by the placing of the OAPFs between strategic and borough level plans.

2.92 In this connection, particular care needs to be exercised in the use of the word “frameworks” in the London Plan because there are potentially three different meanings attaching to it in Policy 2.13 and its supporting text alone.  The pedigree of OAPFs is found in Circular 1/2008 which identifies them (provided they have been prepared in the proper manner outlined in the Circular) as strategic level supplementary planning guidance (SPG) to the London Plan.  Advice in paragraph 6.3 of PPS12 is also relevant in this respect.  The “frameworks” for Intensification Areas referred to in Policy 2.13B of the policy would seem to be envisaged as a scaled down version of those for Opportunity Areas, but the implication of Policy 2.13B is that they would be for Boroughs to prepare.  In that case, they would not have Circular 1/2008 parentage and it would be assumed that the reference would be to Area Action Plans.  However, the reference to “planning frameworks” in paragraph 2.58 applies to Opportunity and Intensification Areas together.  This could be referring to Local Development Documents themselves, such as Area Action Plans, or might mean “Master Plans” or “Development Briefs” which could be produced as Supplementary Planning Documents (SPDs) supporting Local Development Plan Documents or independently of the development plan process.  The position becomes even more confused when documents produced collaboratively with the Boroughs at strategic level stray into detail more appropriate to local planning at

\(^{24}\) ED20, ED65 and CD17
Borough level or, conversely, seek to initiate proposals that ought more suitably be expressed in strategic policy.

2.93 None of these documents are before us for Examination and we raise the point mainly because it is important for all involved in the process to know what constitutes the statutory development plan, and what does not, for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Apart from its relevance to the decision-making process, it also engenders uncertainty among affected communities about when and how they may best seek to influence the future planning of their areas. That is of particular relevance to representations made to us in connection with Policy 2.14, which we turn to next. We urge the Mayor to reflect on these points and to consider introducing clarification of various relevant meanings of “frameworks” appropriate to the parts of the policy or text concerned.

**Issue:** Within the Areas for regeneration, does the process take sufficient account of the needs and aspirations of local communities?

2.94 Policy 2.14 effectively repeats London Plan 2008 Policy 2A.7 and Chapter 5 text. Although Map 2.5 carries the heading “Regeneration Areas”, it is in effect a map of all of London’s 20% most deprived super output areas. We were told that this was intentional, and it thus illustrates the considerable scale of ambition of Policy 2.14.

2.95 Residents groups informed the Panel that experiences of past and ongoing regeneration projects had been extremely adverse for the affected communities. Examples raised in this and other sessions of the Examination were many. They covered, for example, the Welsh Harp area in Barnet; Bunhill and Clerkenwell on the City fringe in Islington; the Heygate Estate at Elephant and Castle; Canning Town in Newham; Kidbrooke in Greenwich and a number of riverside sites in the Deptford part of Lewisham. We were addressed by several participants who had been directly affected by such projects.

2.96 It was alleged that “regeneration” of these areas followed a largely similar pattern involving the displacement of existing settled communities and their widespread dispersal mostly to unsuitable areas. Some of those affected (including elderly residents) had been impelled to make their own and often very unsatisfactory housing arrangements, or had effectively been forced to make themselves “homeless”, because dereliction of the estates during the decanting process had made their homes uninhabitable or the local environment unsafe. This was followed with redevelopment to provide mainly market housing with much smaller numbers of affordable units (and especially social rented housing) than the operation of London Plan 2008 affordable housing policies would require, and which were not available for the original community to return to. The affected communities consider that the only beneficiaries are developers and Borough finances. Moreover, it was put to us that the whole process is based on two false premises. Firstly, that the existing communities were “deprived” (this being an almost unavoidable finding given that the existing tenants are mainly elderly, so by definition workless, or
existing occupants of social housing, so inevitably on low incomes). Secondly, that the outcome was that deprivation had been cured (when in reality all that had happened was that a new wealthy community had supplanted the original one, which had been simply moved elsewhere to create new areas in need of “regeneration”).

2.97 In the absence of representation by the Boroughs we were left in no doubt that such concerns are very strongly held and that, as a reflection of widespread experiences, the process of regeneration is sometimes seen to fall well short of expectations. There is, however, a need to distinguish physical, social and economic regeneration to make a London fit for purpose in a strategic sense, and more locally based approaches to estate renewal which is largely undertaken by the Boroughs themselves and by other social housing providers. In the strategic context, the Panel observes that the process of regeneration is a complex one, not least because it is driven by a partnership of public and private investment, with every likelihood that the latter will generally be greater than the former. Indeed, the community representatives, in response to the Panel’s question, did not argue that the identification of Areas for Regeneration was inappropriate, or that some other spatial approach to the subject should be developed. Rather, within the areas identified, the principal points put to us by community representatives were that they:

- want involvement in the future plans for their areas;
- oppose wholesale and permanent displacement;
- want to contribute to, as well as derive benefit from, regeneration through new housing provision, local job opportunities and skills training, better environments and from improved community infrastructure of sufficient capacity and appropriate utility for all; and
- should be subjected to processes that are not unreasonably drawn out in implementation.

2.98 We do not see those as unreasonable aspirations.

2.99 On the first of these matters, we were informed that the Mayor relies largely on the Boroughs to indicate the appropriate level of consultation with local interests at plan formulation stage. We note, for example, that although there is no contribution from community groups acknowledged inside the front cover of the emerging Opportunity Area Planning Framework for Vauxhall/Nine Elms/Battersea, we understand that there has been considerable community consultation at Borough level there, as well as at Park Royal. In the case of the latter, we were told that publicity had included a full day exhibition and publicity to some 2,500 local residents. Whatever the case may be, there is firm recognition of the role of community engagement (rather than simply giving publicity to proposed plans) in Policy 2.3C of the Mayor’s Housing Strategy, published in February 2010. The strategy does not, however, have statutory force whereas the development plan does. Community involvement is a spatial planning issue, as affirmed by paragraphs 40-44 of PPS1. We have
considered the wording suggested by Just Space Network\(^{25}\) to make the Mayor’s commitment to community engagement clear. However, we prefer the Mayor’s own words and it is for this reason that we recommend that substantial portions of the Mayor’s Housing Strategy Policy 2.3C be repeated in supporting text for London Plan Policy 2.14.

**Recommendation 2.8:** Add additional supporting text as paragraph 2.59A “Working with local partnerships, public sector agencies must balance the need for local responses with the need for consistent and targeted public sector intervention across the capital. The Mayor will expect regeneration programmes to demonstrate active engagement with residents. Regeneration proposals should clearly outline the community’s aspirations for the estate and area, and demonstrate ‘buy in’ from residents either directly affected or living in surrounding areas. Options that give residents increased opportunities to participate in the delivery of local services will be encouraged. Consultation and involvement activities should also look to empower residents and develop wider skills.”

2.100 With regard to the second, we acknowledge that it will not always be possible for existing communities to remain in areas while regeneration is taking place, not least because of the time that the process might take and the extent of physical disruption that might be unavoidable. We do not support the suggestion made by community representatives that schemes should only be formulated once social impact studies have been undertaken. It may well be appropriate for them to be carried out, but the decision should be made locally on a case-by-case basis, not prescribed by strategic policy, which may only serve to engender considerable delay at a time when uncertainty of outcome and consequent degeneration may accelerate rather than diminish the need for development activity to begin.

2.101 If the risk of disadvantage being increased and intensified in other areas is to be avoided, however, the aim in regeneration should be to secure the same quantity of affordable housing within the areas concerned at the end of the process as there was at the beginning, even if the “mix” (expressed as a percentage of affordable homes to market homes) changes. Although this affordable housing may not be wholly available to the original community (many of whom may by then have put roots down elsewhere and may be regarded, in a statutory sense, as suitably re-housed) it should at least be available for those displaced from regeneration projects nearby. The appropriate “split” (expressed as the proportions of affordable housing that are to be social rented or intermediate) can then be tailored, by the housing providers in consultation with the Boroughs concerned, to meet the needs of the incoming community. We accordingly recommend that Policy 2.14 be modified by addition of a requirement that the aim should be no net loss of affordable housing within individual regeneration areas. **Recommendation 2.9:** Add at the end of Policy 2.14B “These plans should seek to achieve no net loss of affordable housing in individual regeneration areas.”

\(^{25}\) ED184
2.102 Turning to the third, we are content that revised paragraph 2.60 and new paragraph 2.60A (as set out in ESCs 2.46 and 2.47) together with other policies such as 7.1 suitably cover the concern raised. **We accordingly endorse ESC 2.46 and 2.47.**

2.103 The fourth has a strategic dimension because the desired outcome is regeneration of existing communities as much as it is about regeneration of existing places. Community engagement from the outset of the process can help to avoid opposition and consequent delay later in the development process, but we consider there should also be a textual commitment to ensuring that relevant policies and programmes recognise the need for a sequence of sensitive and expeditious actions. **We therefore make Recommendation 2.10:** *Add additional supporting text as paragraph 2.59B “Relevant plans should include a programme for implementation of policies and proposals designed to minimise disruption of the communities affected.”*

**Issue: Have potential synergies between Opportunity and Intensification Areas and Areas for Regeneration been suitably recognised?**

2.104 There are clear distinctions between the aims of Policy 2.13 and Policy 2.14 in that they each cover different types of areas for different purposes. Notably, the Mayor envisages more direct involvement in the Opportunity and Intensification Areas through co-ordination of LDA and TfL investment programs, whereas identification of the Areas for Regeneration and stimulation of development within them is primarily for the Boroughs. Nonetheless, some Opportunity and Intensification Areas may include Areas for Regeneration, and Policy 2.13Ae explicitly recognises that, even where this is not so, there is potential synergy between them. In the absence of a sufficiently substantial defined public funding source to secure regeneration, it must also be assumed that securing the objectives of Policy 2.14 will be heavily reliant upon being embraced by private development initiatives, the most significant of which can be expected to be related to the Opportunity and Intensification Areas.

2.105 That said, our finding that Opportunity and Intensification Areas are not readily susceptible to being brought forward in any particular sequence does not rest comfortably with the pressing need to address London’s most entrenched areas of deprivation. The thirty year period over which the Opportunity and Intensification Areas are expected to come forward effectively represents an entire generation of disadvantaged families.

2.106 In these circumstances, we see much to commend closer alignment of the two policy objectives, especially to maximise the potential beneficial synergies within Opportunity Areas that include Regeneration Areas, or in Regeneration Areas that have Opportunity Areas close by.

2.107 However, we consider that such an approach would not be practicable on a London-wide basis and may result in delay to projects urgently needed for wider strategic purposes, including stimulating or...
complementing investment in new infrastructure and meeting London’s wider housing and employment needs. Some degree of synergy is inherent in the way Boroughs are expected to bring forward their LDFs in the context of their Community Strategies. It is also likely that the precise identification of Opportunity and Intensification Area boundaries will be determined at Borough level by, among other things, local patterns of public land ownership. This will inevitably include housing estates where concentrations of deprivation are known to exist. Having reflected at some length on the subject, including suggestions made by London Forum, the Panel is of the view that there are no practical measures available to increase synergy beyond those already recognised by the Mayor and included in the DRLP. The subject is better left to the Boroughs involved to address themselves on the basis of local priorities and aspirations.

Policy 2.15 Town Centres

Issue: Will the proposed strategy facilitate suitable local strategies for town centre development and enhancement?

2.108 At the time that the Consultation Draft Replacement London Plan was prepared only Draft PPS4 was available. The current PPS4 was published on 29 December 2009 during the deposit period. We drew the attention of participants particularly to Policy EC3.1 of PPS4 which says that regional planning bodies should focus on higher level centres (those of more than local importance) to provide a strategic framework for planning for centres at the local level. Policy EC1.2 further explains that aims should include identifying any deficiencies in the network of higher level centres where a need for growth has been established, and identifying locations of deprivation to prioritise for remedial action and to address the drivers of decline within these areas. Early suggested textual changes have been advanced by the Mayor to assimilate this advice and other points, and further suggested changes provide additional cross-references and detail. Participants also generally accepted that the sequential approach in PPS4 must be followed. Expression of this and further policy coverage of Town Centres is to be found in DRLP Chapter 4, notably in the context of retail development in Policies 4.7 and 4.8.

2.109 In essence, Policy 2.15 represents an overarching policy framework for town centre development in general. It is supplemented by two tables in Annexe 2. Table A2.1 identifies the network of strategically significant centres. This includes two International Centres within the CAZ (West End and Knightsbridge) and, outside the CAZ, 12 Metropolitan Centres, 35 Major centres and 147 District Centres. In addition, it recognises 20 CAZ frontages. Among other things, this table indicates the policy directions for each of these centres by placing them within one of three categories (high, medium or low growth). It also highlights 68 of these various types of centre where there is some need for regeneration.

2.110 Table A2.2 signals centres where change to the network might take place over the Plan period. These include two Major and two District
Centres that are shown in Table A2.1 to have potential to move up to become higher order centres (Metropolitan and Major respectively) as contributions to regeneration (Stratford, Woolwich, Elephant and Castle and Surrey Quays/Canada Water) and seven currently unclassified centres which have potential to become classified either as District Centres or CAZ frontages. One further centre, Brent Cross which was unidentified in Table A2.1 because it was deemed to be a free-standing regional shopping centre and not a conventional town centre, is shown in Table A2.2 as a candidate for change from Regional to Metropolitan Centre status. In the Mayor’s further suggested changes (FSC A2.4) Vauxhall (currently unclassified) is added in Table A2.2 as a potential CAZ frontage, to respond to representations that there is scope within the VNEB and its emerging OAPF for a district centre at Vauxhall/Nine Elms in addition to shopping provision related to the Battersea Power station development.

2.111 In the light of Table A2.2, we do not consider that the overall approach can be criticised for seeking only to maintain the status quo. Boroughs seeking to reclassify their lower-order centres through their own LDFs would, nevertheless, have to satisfy the requirements of Policy 2.15. In particular, this means that proposed changes to, from, or within the strategically significant level of centres must be “strategically co-ordinated” (which we take to mean through prior recognition in Table A2.2 in future Alterations of the London Plan as necessary, or through the process of general conformity between the various components of the statutory development plan when testing for soundness, the latter being the likely route for changes only involving district or lower order centres). Reclassification would follow consultation with relevant planning authorities including those outside London, as Policy 2.15A requires. We do not find this approach over-prescriptive in relation to local strategies, not least because of the need to avoid the risks to local economies, environments and communities engendered by over-provision within the retail sector which might derive from the pursuit of competing aspirational growth objectives by Boroughs working independently.

2.112 Nor do we find that the low and medium growth categories of policy direction in Table A2.1 might be applied too rigidly by Boroughs unreceptive to the need for change. Policy 4.8 would suitably support proposals contributing to a successful and diverse retail sector within a PPS4 oriented pattern of locations established under Policy 4.7.

2.113 Both Save Ealing Centre and Regents Network referred to Policy 2.15Aa, which promotes intensification of residential development within Town Centres. Their concern was that the policy should do more to retain a mix of business and community uses within centres, not least to promote linked trips. This is, in fact, the thrust of Policy 2.15Ab. The Mayor justifies Policy 2.15Aa on the basis of lending support to redevelopment of surplus Outer London office space for housing and the potential for land use “swaps and credits” to establish a more sustainable pattern for both. Workspaces for small businesses, (a particular point raised by Regents Network), is the subject matter of Policies 4.1c and 4.10c. We are content with this overall approach.
2.114 We are also content with the additional wording inserted into the last paragraph of Policy 2.15A by ESC 2.48. This, although not following the precise words of PPS4 Policy EC1bi, is consistent with the meaning of Areas for Regeneration in Policy 2.14. These are, in effect, the areas of “multiple deprivation” countenanced by PPS4, but we agree that a cross-reference should be added in accordance with further suggested change 2.19 to make clear that “regeneration” does not impart any wider interpretation in this context. London Forum suggested wording instead more closely reflecting PPS4 but we are content that the cross-reference makes the position clear. We endorse ESC 2.48 and FSC 2.19.

Issue: Does Annexe 2 establish suitable strategic directions for individual centres?

2.115 A number of specific criticisms were made of the proposed entries in Tables A2.1 and A2.2.

2.116 Save Ealing Centre suggested that in Table A2.1 Ealing should be relegated from the Metropolitan Centres category on the basis that it now performed as two separate centres, Ealing Central and West Ealing, with substantial office and housing development intervening between the two. In effect, Ealing Central would thus be more suitably categorised as a Major Centre and West Ealing as a District Centre. This would recognise the competition Ealing now faces from both the new White City retail complex and Brent Cross and go some way to tackle the increasing vacancy rates among existing shop units by giving a clear guidance as to the scale and nature of retailing appropriate to both. However, neither the Borough nor the local retail sector advanced any similar argument and there can be no guarantee that such a move would not increase rather than decrease vacancy rates in either the short or long term. The Mayor’s view is that, as a single entity, Ealing continues to out-perform other Metropolitan Centres such as Harrow, Wood Green and Uxbridge. Ealing will also in due course benefit from a Crossrail station. In all of these circumstances, we conclude that the arguments in favour of retaining Ealing’s Metropolitan Centre status outweigh the uncertainty of outcome that would derive from its subdivision.

2.117 We were further advised that Brent Cross does not appear in Table A2.1 because it is not a town centre. It was argued that Table A2.2 and any Map representing it should reflect what is proposed. We find the entry for Brent Cross in Table A2.2 to be satisfactory together with new Map A2.2 (introduced in the Mayor’s FSC A2.5 as an illustration of Table A2.2. It would supplement Map 2.6 which illustrates Table A2.1 only). It would however be important to change the title of Map 2.6 to refer only to London’s existing town centre network and for the new Map currently numbered A2.2 to be inserted immediately following in order to provide sufficient clarity. Although London Forum estimates that it will take some 20 years for Brent Cross to become a Metropolitan Shopping Centre, even that extended timescale falls
within the title to Table A2.2 as a potential future change within the Plan period. For additional clarification the Mayor has also rightly suggested a change to entry 65 (Cricklewood) in Table A2.1 to include a cross-reference to Brent Cross in FSC A2.2. This is an important further clarification so that Brent Cross is anchored in the current network, even if not part of it. **We endorse FSC A2.2 and A2.5.**

2.118 The proposed inclusion of Vauxhall in Table A2.2 elicited a very mixed response. The proposal to designate a CAZ frontage here (FSC A2.5) apparently derives from Lambeth’s UDP which contains an aspiration for a small District Centre to serve the existing Vauxhall community. This is reflected in on-going work on the Planning Framework document for Vauxhall/Nine Elms/Battersea Opportunity Area, which mentions the prospect of a small CAZ frontage at Vauxhall to act as a focal point for redevelopment in that area. Increased retail provision at Vauxhall finds some support from **Waterloo Community Development Group** which says there is a large area of social deprivation at Vauxhall which is cut through by a six lane highway with very limited bus stopping facilities. It strongly supports “retail strengthening” in the area. The proposal is also strongly supported by the **Covent Garden Market Authority** who are the main land-owner in the vicinity.

2.119 More significantly, however, the draft Framework document says that the Opportunity Area is poorly served in terms of access to International, Major and District Centres, with an under-provision of retail uses within 2km. It suggests that there is also potential to deliver a new CAZ frontage of significant scale including retail uses at Battersea Power Station, adding that LB Wandsworth has tested a maximum retail floorspace of 60,000 sq m in a retail needs assessment dated March 2008. **Real Estate Opportunities** is very supportive of (if not initiating) this, in seeking to establish a new shopping centre of about that floorspace to serve potentially 16,000 new homes and a new workforce of about 10,000 within the Opportunity Area. Opposition is voiced principally by **London Forum**, which would be content with a small local centre at Vauxhall but cautions that clearer guidance should be given as to the location, scale and access infrastructure needed to support any significant new retail development within the wider Opportunity Area, and that the likely impact on the District Centre at Wandsworth should also be considered. This, together with any impact on Clapham Junction (Major Centre) and on the existing local shops clustered around Battersea High Street may, however, be expected to be covered by LB Wandsworth’s retail needs assessment.

2.120 It is clear from Map A2.2 (introduced by FSC A2.5) that the Mayor’s intention and that of LB Wandsworth in the amended Table A2.2 and the emerging Opportunity Area Planning Framework document is that the new Battersea CAZ frontage would be part of the Battersea Power Station development rather than Battersea itself. With Vauxhall, it would thereby create two CAZ frontages within the Opportunity Area. The point is of some significance because (apart from the two "International Centres") CAZ frontages are not sub-categorised and, in Table A2.1 they range, for example, in functional terms from relatively...
small centres (such as Lower Marsh/The Cut) to much more substantial ones (such as Covent Garden/Strand). In particular, it is at the very least questionable, as London Forum has implied, whether CAZ frontage designation should accommodate the equivalent of what would be, outside the CAZ, new Major or Metropolitan centres, rather than simply retail frontages within the overall mix of Central London. It is not for us to comment on proposals that were not before us, and we remark only that a new retail centre of the magnitude indicated in the OAPF for the Battersea CAZ frontage in the VNEB OAPF would appear to represent a departure from what has hitherto been covered by a CAZ frontage designation. Problems of public transport accessibility may, however, be resolved if the Northern Line extension into this area can be suitably secured. Once the scale of acceptable retail development has been firmly established at Battersea, it may well then be more appropriate to give the proposed centre a more specific designation than simply CAZ frontage.

2.121 Nevertheless, Table A2.2 does not, in itself, represent a reclassification of existing centres or an affirmation of future centres. Rather, it does no more than indicate potential future changes. As clause A of Policy 2.15 requires, the actual changes have to be “strategically co-ordinated” meaning, at the very least, that Borough DPDs must be in general conformity with the London Plan, with the Mayor having powers of strategic intervention in the case of any retail planning application of the scale envisaged in the Framework document that comes forward before actual change in the network of centres is embodied in a development plan. Both the draft VNEB Opportunity Area Planning Framework27 (page 33) and a footnote to Table A2.2 make clear that these proposed new CAZ classifications are subject to capacity analysis, impact assessments, land use and accessibility, planning approvals, town centre health checks and full implementation. In all of these circumstances, we are content that adequate safeguards are in place to ensure that, in line with Policy 4.7, strategically significant retail proposals are plan-led (that is, among other things, evidence-based and with due consultation and public engagement) and not determined on the basis of unfettered commercial aspiration or without consideration of wider planning issues such as economic, social, environmental and transport impacts. On this basis we find the Mayor’s ESC 2.54 acceptable in that it rightly stresses the plan-led nature of changes to the hierarchy, and also FSC A2.4 to add the proposed Vauxhall CAZ frontage. We endorse ESC 2.54 and FSC A2.4.

2.122 With regard to Canary Wharf, we have considered the further analysis undertaken by the Mayor in response to data submitted by the Canary Wharf Group28. The analysis shows Canary Wharf to fall below the core indicator thresholds for Metropolitan Centres used by the Mayor in terms of retailing, but to come very close to the threshold for overall town centre floorspace (in terms of Use Classes A1-A5) and to exceed the indicator thresholds for leisure services, rental level, public

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27 LD130
28 ED92
transport and office floorspace (the latter by some considerable margin). The categorisation is of town centres, not retailing alone, and while we note that GLA data shows a significant prevalence of convenience over comparison retail floorspace, we saw that the distinction in practice is not so clear. One of the anchor retail tenants, for example, although flagged as a “Waitrose Extra” store is almost equally divided between convenience and comparison goods (would this perhaps have been treated differently in the analysis had the store been branded as John Lewis?). It seems to the Panel that Canary Wharf is likely to become increasingly rounded in both its mix and overall commercial offer and soon draw at least much closer to, and in all probability exceed, more of the key indicators. We are aware that Canary Wharf Group’s retail aspirations may, in the context of the strategic network of centres, need to recognise the ascendancy of nearby Stratford, but on balance we are of the view that the overall economic growth potential of both should not be unnecessarily compromised. Accordingly we make Recommendation 2.11: Canary Wharf be included in Table A2.2 as having potential to rise from Major to Metropolitan classification during the Plan period and for this also to be shown on Map A2.2. We can see merit in the Metropolitan Centres envisaged as coming into being over the plan period as shown on new Map A2.2 (as amended by this recommendation) to be also shown on the revised Key Diagram introduced by FSC 2.30 to make this diagram more of an illustration of anticipated change. However, as the information would be contained on Map A2.2, we make no formal recommendation.

2.123 We are also content to endorse FSC 2.20 which includes New Addington in Map 2.6, as this had been wrongly omitted. The omission in the schedule in Annexe 2 had previously been corrected by ESC A2.2 which we also endorse. We endorse ESC A2.2 and FSC 2.20.

2.124 We also explicitly support ESCs 2.49 and 2.50 to Policies 2.15B and C and ESC 2.53 introducing new paragraph 2.63A of supporting text as these provide important clarifications of intended emphases of the policy approach. We endorse ESC 2.49, 2.50 and 2.53. As a point of detail arising out of the discussion at the Examination, we agree with the point made by the London Forum with regard to paragraph A2.2 of Annexe 2, that 2,000 sq m is too large for a small supermarket in neighbourhood and more local centres. That size of supermarket would more typically be found at district or larger centres. Its inclusion in smaller centres would frequently be contrary to Policy 4.7Ba and the underlying national policy in PPS4. We agree that a figure of typically up to around 500 sq m would be more reflective of the main ranges of small format stores pursued by the major retail chains in existing high streets, and those of independent traders. We make Recommendation 2.12: The parenthesis under the heading “Neighbourhood and more local centres” in Annexe 2 be amended to read "(typically up to around 500 sq m)".

Policy 2.16 Strategic Outer London Development Centres
Chapter 2

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Issue: Is the concept of Strategic Outer London Development Centres suitably advanced in the Plan?

2.125 The Strategic Outer London Development Centres derive from the work of the Outer London Commission to effectively as a means to help Outer London reach its full economic potential. The underlying concept is the establishment of a wide polycentric pattern of varied activity clusters of greater than sub-regional importance. These would be developed either by building on existing strengths or the capacity to attract new activities not found elsewhere.

2.126 There was widespread support for this approach among the participants but considerable doubt about its operation. The latter comes about partly in consequence of the concept having advanced only slightly beyond an early formative stage, with Policy 2.16 effectively representing a call for the identification of suitable centres, and the tabulation included in paragraph 2.69 amounting to a list of possible examples rather than an exhaustive schedule of firm proposals.

2.127 Indeed, uncertainty about the way in which the centres would be selected, and the effect on those that were not selected, lay at the root of many of the concerns expressed. Naturally there was, for example, considerable anxiety about the way in which transport investment in Outer London might be funnelled towards some areas to the detriment of others. We note that paragraph 2.70 makes clear that the selected areas would add a new dimension to the development of Opportunity Areas rather than competing with them. We are also comforted to some degree by the Mayor’s assertion that one area’s regeneration will not be held back by promotion of another (as feared by LB Redbridge and LB Harrow for example). Rather, the centres would be selected to complement the existing network of town centres, as affirmed by the Mayor’s ESC 2.56 to paragraph 2.69. We endorse ESC 2.56.

2.128 Nonetheless, it seems to the Panel that the selection process could benefit from greater transparency and clarity of purpose. In those respects, we find some merit in the matrix included in the London Sustainable Development Commission’s written statement, possibly supplemented with an additional column referring to areas for regeneration, as a more considered and systematic approach to selection at strategic level. This would ensure that the centres supported a range of complementary planning and investment objectives, with specialisms and opportunities emerging as an end product from careful analysis rather than as aspirations from the outset. That or some similar mechanism would also demonstrate fairness in the allocation of resources. However, matters of process do not warrant expression in such detail in the Plan itself.

2.129 In effect, the existing tabulation is to be regarded, according to the Mayor, only as a starting point to which further centres would be added as the process beds down. We find no reason to question any of the centres that appear in the tabulation at present, or any of the

29 LD19a
indicated strategic functions attached to them, noting only that the reference to Biggin Hill does not trespass into aviation policy. The tabulation identifies only those centres which the Mayor has, to date, identified as having potential. To that extent we endorse the tabulation and support the inclusion of the Centres on the Key Diagram as proposed by FSC 2.30. Others can be taken forward either, as the Mayor suggested, through future changes to the London Plan or, as new Policy 2.16B implies (which is rightly inserted by the Mayor’s ESC 2.55) through local planning frameworks with Mayoral support. Given the eagerness of those involved to drive the concept forward, we are content with the DRLP approach. **We therefore endorse ESC 2.55 (with omission of the superfluous second “strategic”) and FSC 2.30.**

2.130 We do, however, agree with [London Forum](#) that the “retail” category should be deleted from the tabulation as the planning status of these centres and appropriate policy directions for them are more suitably dealt with in the context of Policy 2.16, Annexe 2 and Policies 4.7 and 4.8. This is where the [LB Brent](#) retail aspirations regarding Wembley should be directed. The Mayor suggested at the Examination that a “Green Enterprise” category could properly be linked to industry to include Park Royal. The Mayor also conceded that reference to “parts of Greenwich” in the tabulation should more precisely identify the Greenwich Riverside and 02 Arena. Given the acceptance of sports as a driver for cultural areas in relation to Policy 4.6, the Leisure category ought to include sports in its widened remit. These conclusions mean that our endorsement of ESC 2.56 is qualified, though that change and ESC 2.57 do introduce important additions and clarifications arising out of the evidence contained in representations. **We endorse ESC 2.56 and 2.57 subject to the following Recommendation 2.13:** Delete the retail category; add “/-green enterprise” to the “industry” category and include “Park Royal”; add “sports” to the expanded “leisure/tourism” category and include the “Upper Lea Valley” as well as the “Lower Lea Valley”.

**Policy 2.17 Strategic Industrial Locations**

**Issue:** Does the strategy establish a suitable balance between protection of industrial land of strategic importance to London and the release of surplus land for other development of local importance?

2.131 As the Mayor’s Industrial Capacity SPG\(^{30}\) recognises, industrial land provides vital capacity to accommodate new industries - such as waste management, recycling, logistics and land for transport activities, which are essential to London’s wider success and sustainability. Much of this land resource is inherently well suited to such use, for example because of its historic locational attributes relative to transport networks and related infrastructure as well as to local workforce. However, with long term trends of continuing decline in traditional manufacturing industries and improved business efficiency, there is also a need to make sure that this land resource does not

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\(^{30}\) LD28
unnecessarily inhibit other strategic and local planning objectives, especially those to provide more housing (including affordable housing) and, in appropriate locations, to provide social infrastructure and to contribute to town centre renewal. Releases of industrial land therefore need to be carefully planned, monitored and managed if an appropriate balance is to be struck between competing demands for this resource, the particular attributes of which, once lost, cannot easily be replaced.

2.132 Participants were united in their view that the Plan should focus only on retaining land of strategic importance. At present, London has about 7,400 ha of industrial land, with Strategic Industrial Locations (SILs) protected by Policy 2.17 representing about half of that. Most of this (about 80%) is in Outer London. However, Policy 2.17 adopts a more protective stance towards it than is apparent in London Plan 2008 Policy 3B.4. That policy reflected both demand and supply side analysis. However, the supply side analysis prior to the submission DRLP had to be based mainly on "benchmark" reports for two quadrants of London (North East and South East) dating from 2007. These reports fed into Mayoral SPG on Industrial Capacity published in 200831 which derived from the London Plan 2008. More recently (after participant statements were produced, but before the session itself) the Mayor published a further report prepared by URS in association with DTZ32. This includes a more detailed and comprehensive analysis of London's supply of land in industrial and related uses than the two previous benchmark quadrant reports. It covers land for warehousing and logistics, waste management, utilities, wholesale markets and vacant land. There can be little doubt that it will inform the application, even if not the formulation, of Policy 2.17 by assisting the GLA, LDA, TfL, Boroughs and other partners to suitably monitor and manage the on-going release of surplus land. A further review of the complete evidence base, as part of an on-going process, is programmed for 2011/2012. In the context of policy EC1.2 of PPS4, we are content that Policy 2.17 takes suitable account of the best evidence available at the current time.

2.133 We were further told by the Mayor that monitoring currently indicates that releases of industrial land are running well ahead of the present annual benchmark of 41 ha per annum to 2026 but are still below the overall benchmark figure of 814 ha33. A major influence in controlling the release of such land is the rate of progress on Opportunity Areas (Policy 2.13). However, the greatest quantitative loss of industrial land is from small sites mostly outside SILs, which is a main factor in the tightening of control in Policy 2.17 relative to London Plan 2008 Policy 3B.4, since Policy 2.17 now solely addresses the smaller pool of SILs rather than having a combined approach in covering also Locally Significant and other industrial sites. The number of SILs has also been reduced (Wood Green, Wood Lane and Coldharbour having been deleted mainly for qualitative reasons). We find the more restrictive

31 LD28
32 LD33
33 ED92
stance of the policy acceptable in this context and do not accept the argument of **LB Lambeth** that it should still cover Locally Significant Industrial Sites (LSIS) as these are by definition for boroughs to identify and protect where appropriate. LSIS are more suitably the subject of Policy 4.4. The change between the plans in our view clearly reflects an appropriate move towards localism.

2.134 It was put to us that the policy should focus less on protecting historic SILs and more on identifying land suitable for new industries, such as market-driven green industries. However, it is not the purpose of Policy 2.17 to identify new employment land. At strategic level, such land is identified principally through the Opportunity Areas and the indicative employment capacity figures in Annexe 1. Proposals will also be brought forward at Borough level guided by Chapter 4 policies such as 4.1, 4.2, 4.3, 4.10, 4.11 and 4.12. Rather, the purpose of Policy 2.17 is to protect the best of the historic SILs, to make effective employment use of them in accordance with Policies 2.17A and D, and to manage the release of other parts in accordance with Policies 2.17A and C. We support that stance, taken forward as it is by Policy 4.4. Reconfiguration of workspace within them is also a Borough rather than strategic matter. Several participants said that they felt uncomfortable with the word “industrial” in the policy and indicated that they would submit alternative words for consideration. We share the concern of the Mayor and the London Forum that using alternatives might invite inappropriate development in industrial locations, such as retailing or offices of a nature that could readily be housed at town centres.

2.135 Several examples were brought to our attention of Opportunity Areas which include SILs or protected wharves. Developer frustration and delay arises where SIL boundaries must await local definition in LDFs (as required by paragraph 2.75) when Policy 2.17Bb indicates that permission for development should be refused unless strategically co-ordinated through the OAPF or Borough DPD process. We further note the specific example drawn to our attention by **ROOFF** referring to Annexe 3 site ref 18. **ROOFF** has a 15 ha site south of the Olympic Site in Newham, a large swathe of which (to the south of the Liverpool Street to Stratford railway viaduct) has become fragmented (from land in Marshgate Lane north of the viaduct). Nonetheless, we are firmly of the view that if land is of strategic importance (whether as SIL or as part of an OA), its release warrants careful consideration through a plan-led process. As progressing with the Olympic Legacy OAPF is stated to be the Mayor’s priority, this particular problem ought to be capable of being resolved prior to the Olympics. There may be greater issues in terms of prioritisation of plan-making in relation to the riverside areas of concern to Ballymore in Tower Hamlets or Newham, but the coincidence of a developer eager to move ahead and the need to pre-plan infrastructure works ought to be capable of resolution at an early date as Boroughs progress such matters in the light of their own economic development strategies and priorities. We do not consider it appropriate for the formulation of strategic level policy to be based upon delays that might arise in LDF work. Rather, strategic policy should be based on evaluation of strategic need. We deal more
generally with protected wharves separately in Chapter 7 and remark here only that they are subject to a separate review that will report in the near future.

2.136 Further criticism was addressed towards paragraph 2.71 which lists different sorts of industrial occupier that are considered suited to the Preferred Industrial Locations (PIL) and Industrial Business Parks (IBP) categories of SIL. It is suggested that these concentrate too much on Use Class B8 type uses, when the need is to generate economic output rather than particular types of industry. **South London Partnership**, in particular, argued for more freedom for Boroughs to develop their own management strategies, adding that Boroughs are sufficiently responsible not to ignore the needs of "dirty industries" such as waste. We agree that much can be left to local strategies. Provisions for waste treatment, for example, will be the subject of Waste DPDs in accordance with Policies 5.17F and G and break-bulk centres are the subject of Policy 6.14Cb. However, the two broad categorisations in paragraph 2.71 (and Annexe 3) simply acknowledge that certain activities do not always reside comfortably alongside each other and seek to apportion available land accordingly. The uses appropriate to each are introduced by the words “particularly suitable for...” so it cannot be held that they are exclusive.

2.137 The Mayor has proposed a replacement Map 2.7 to correct the position of the Purley Way/Beddington Lane PIL (FSC 2.22). **We endorse FSC 2.22** as a necessary correction, but do not accept the suggestion by **London Forum** that navigable waterways should also be included on the Map. While not necessarily cluttering the Map themselves, there would then be no reason to exclude railways or important road routes. A more comprehensive picture of waterways is already identified in Map 7.3, which has more suitable relevance to Policy 7.26. Lastly, we also accept the Mayor’s ESC 2.58, 2.59, 2.60 and 2.61 as these introduce additional important acceptable uses to Policy 2.17A and its supporting text and significant additional process requirements, also necessitating a consequential change to the glossary definition of SILs.** We endorse ESCs 2.58-2.61 and the consequential change to the glossary definition of SILs in FSC G.10.**

**Policy 2.18 Green Infrastructure**

**Issue: Is the concept of green infrastructure sufficiently clear?**

2.138 It was apparent from the submissions that a good deal of confusion prevailed over the meaning and purposes of Policy 2.18. From the discussion, which was later complemented by a Venn diagram produced by the Mayor for the discussion of Policy 7.18, it became clear that it represents an over-arching spatial policy which seeks to recognise the importance of all of London’s open and natural spaces – cumulatively its "green infrastructure” - as a single entity rather than for particular individual functions or qualities (which are covered by

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34 ED65
35 ED111
separate policies elsewhere throughout the Plan). It largely mirrors, but further develops, Policy 3D.8 of the London Plan 2008 to draw in a range of additional inter-dependent functions of green infrastructure, such as food production, mitigating climate change and water management.

2.139 Thus, to qualify as green infrastructure, spaces must be both “green” (or in the case of the Blue Ribbon Network – and the River Lea Navigation that it includes - “blue”) and “open”. It accordingly excludes covered recreation facilities and hard surfaces (which may have adverse implications for wildlife and flood management), although it was accepted that excluding the towpaths and riverside walkways where they constitute hard-surfaced public realm produces a somewhat artificial distinction because they are integral parts of the Blue Ribbon Network. While certain parts may contain buildings (such as changing rooms at sports pitches, or refreshment huts in parks), the policy recognises these only inasmuch as their absence might compromise the functions of the green infrastructure itself. Protection of those buildings is more appropriately part of the subject matter of other policies, such as Policies 3.17 and 3.20, and “open space” (which includes hard surfaced areas) is, like the Blue Ribbon Network, dealt with separately in a range of Chapter 7 policies.

2.140 The Mayor agreed that the glossary definition of green infrastructure, carried across into the DRLP from London Plan 2008, should be amended to reflect these factors and to make clear that the important characteristics of green infrastructure (FSC G.4), which distinguish the aims of Policy 2.18 from others in the Plan dealing with open space for its individual qualities, are its multi-functionality and its significance as a network of inter-dependent spaces. **We endorse FSC G.4.**

**Issue: Is the approach to protection and expansion of green infrastructure appropriate?**

2.141 In the light of the foregoing, we are (on balance) content with the Mayor’s intended approach, that deficiencies in “strategic” open space (regional, metropolitan and district parks) are dealt with in Policy 2.18. This is because the size of such spaces inherently lends them the additional multi-functional dimension of “green infrastructure”. This will often be absent from “local” open spaces (such as piazzas and civic spaces) covered by Policy 7.18 (which, with Policies 7.16 and 7.17, might otherwise more suitably deal with all measures to protect open spaces and to remedy deficiencies together).

2.142 In that context, we found general support for the aims of Policies 2.18A and B, including ESC 2.62 and the relevant part of FSC 2.23 as these provide necessary clarification. **Consequently, we endorse ESC 2.62 and FSC 2.23.** In response to concerns raised by **Waterloo Community Development Group**, we note that Policy 2.18A explicitly seeks protection of green infrastructure and, in response to **Haringey Federation of Residents Associations**, that it also seeks expansion of the network.
2.143 Policies 2.18 C, D and E refer to areas of deficiency for regional and metropolitan parks and seek to remedy them. This stimulated concern from development interests as to where such deficiencies were and how remedial action was to be undertaken. Map 2.8, while located as if to illustrate London’s strategic green infrastructure network, is actually titled “London’s Strategic Open Space Network” and Table 7.2 in Chapter 7 establishes standards through which areas of deficiency are to be identified. However, strategic deficiencies and locations for new “strategic” parks ought to be defined at strategic level and not left to Boroughs and developers to determine between themselves. This is not least because of the propensity of regionally significant open spaces to transcend local boundaries and thus require strategic co-ordination. The Mayor has accordingly produced at our request an amended illustrative Map\(^{36}\) which, as with the DRLP version, shows Green Belt and Metropolitan Open Land but now more clearly categorises the other strategic components of green open space in the existing “Regional Parks” and “Metropolitan Parks” and identifies the Royal Parks. It also includes four “Regional Park Opportunities”, thus broadly identifying the locations where deficiencies might most need to be addressed. We find that Map lends both clarity to what is currently Policy 2.18C in relation to areas of deficiency for strategic parks and to the strategic direction of Policy 2.18 itself. While supporting the relevant part of the Mayor’s FSC 2.23 to Policy 2.18C, we do not therefore agree with the Mayor’s FSC 2.27 that a Map should be excluded from the Plan altogether. Rather, we consider that the amended illustrative Map should replace the present Map 2.8, be given the title “London’s Strategic Open Space Network” and incorporate a footnote “see also Map 7.3 Blue Ribbon Network and Policy 7.18/Table 7.2” to make clear the full extent of interrelationships when it comes to identifying strategic green infrastructure. \textbf{We endorse FSC 2.23 and make Recommendation 2.14: Replace the present Map 2.8 by amended illustrative Map ED235, with an additional footnote “see also Map 7.3 Blue Ribbon Network and Policy 7.18/Table 7.2”. We also make Recommendation 2.15: The reference in Policy 2.18D to Policy 7.18 (in brackets) be replaced with the words “broadly corresponding to the areas identified as “Regional Park opportunities” on new Map 2.8.”}

2.144 That said, it seems to the Panel that the establishment of new Regional Parks in London would be an ambitious and long-term project. In the context of London Riverside, Wandle Valley and Northern Area opportunities, it might nonetheless consolidate and extend objectives for those parts which extend into Green Belt (paragraph 1.6 of PPG2) and the proposal for the South East Chain would seem to require little more than better linkages, delivered opportunistically, between a loose assemblage of existing green spaces. The broad concept is therefore one that we feel should be supported, but it is apparent that this is clearly very much a “work in progress” given that suitable land would need to be identified and safeguarded, the importance of competing uses for the land would need to be considered, and funding, delivery and maintenance

\(^{36}\) ED235, November 2010
arrangements would need to be devised. Although on a smaller scale, we do not regard the concept of Metropolitan Park deficiencies (which have yet to be identified) any differently.

2.145 However, as matters currently stand, and given the Mayoral priorities for development-funded infrastructure in Policies 8.2D and E, we consider that the specific reference to establishment of new regional and metropolitan parks in Policy 2.18D is likely to be a matter that may only be achievable in the longer-term, probably with assistance of Borough CIL contributions. It is commonplace for developers to make provision for new or improved open space where need derives from the development concerned. The evidence base for that approach follows from the process of audit, standard setting and identification of deficiencies currently outlined in PPG17, which applies to open spaces of all kinds, including Regional and Metropolitan Parks. That is the thrust of Policy 2.18Fa and is a process to which both the Mayor and the Boroughs may contribute. It may well be that Policy 2.18D will not achieve a great deal more than this but the amended Map would put developers on notice of some of the areas where they may be called upon to consider wider green infrastructure and strategic open space needs.

2.146 Nevertheless, we do not support the Consortium of London Developer’s criticism of Policy 2.18E. This does not refer specifically to Regional or Metropolitan Parks and, it seems to the Panel, does no more than highlight the difference between green infrastructure and individual open spaces, and indicates to developers that site layouts and landscaping schemes should be devised to recognise the latter as integral components of the former. That is no more than good practice.

2.147 Nor do we find substance in London Forum’s desires to categorise separately water courses contained within open space or brownfield land that has blended back into the landscape, because there is no doubt that both are now included in the definition of green infrastructure. “Flood management” in the definition also covers the point about land that allows the Thames to flood. Closing of gaps in the network is covered by Policy 2.18Eb.

2.148 We have considered all other matters raised in the representations (including others raised by London Forum37), but find nothing to alter or add to our conclusions. It is, however, necessary to make clear which of the Mayor’s various suggested changes we explicitly endorse as contributing to the soundness of the Plan. In addition to those to which we have already referred, and taking the policies and supporting paragraphs of text in turn, on Policy 2.18E we endorse ESC 2.67 and FSC 2.24 as these provide important clarifications and extensions of the policy. For Policy 2.18F, we endorse ESC 2.68 and FSC 2.25 for similar reasons. In paragraphs 2.78, 2.79 and 2.80 we endorse FSC 2.26, 2.28 and 2.29 and in paragraph 2.81 we endorse ESC 2.71 as these contain necessary clarifications and emphases.

37 ED202
Chapter 3 London’s People

Chapter Headlines

- We support the Mayor’s overall housing provision figure but recommend for consistency a minor adjustment to provision at Borough level.
- We support the Mayor’s numerical target for affordable housing, recommend inclusion of an aspirational percentage target for housing mix and support the Mayor’s proposed tenure split between social rented and intermediate housing subject to giving strong strategic impetus to the latter.
- We give general support to the introduction of dwelling size standards, but with modifications.
- We are not convinced that the September 2010 Minor Alteration would secure meeting the strategic need for Gypsies and Travellers provision in London and recommend instead incorporation of the March 2010 Minor Alteration with adjustments to certain figures and indicative provision on a sub-regional basis that would still allow for localist solutions to provision at Borough level through co-operative working.

Policies 3.1 Ensuring Equal Life Chances for All and 3.2 Addressing Health Inequalities

Introduction

3.1 Policy 3.1 signals the importance of a well developed pattern of social infrastructure to the metabolism of London’s varied communities. Policy 3.2 similarly highlights the importance of ensuring, inasmuch as the spatial planning process can, the good health of London’s population. Both policies effectively provide an overall framework for more detailed policies both in Chapter 3 and other Chapters of the DRLP.

3.2 The Mayor has responded positively to the submissions made both in writing and at the Examination by suggesting changes to these two policies and their supporting text, and relatively few points of dispute remain.

Issue: Does the strategy lend sufficient support to the social infrastructure needs of local communities?

3.3 The Mayor proposes deletion of the last sentence of Policy 3.1A (FSC 3.2) in order to make clear that the focus of concern is on needs of communities rather than the facilities themselves. Although London Forum and Newham Muslim Alliance38 pressed the importance of infrastructure to communities, the Mayor’s approach is appropriate at
strategic level and suitably reflects infrastructure needs in Policies 3.1D and 3.1E in LDF preparation (with FSCs 3.5 and 3.6). Policy 3.1D (with FSC 3.5) would, in particular, recognise the need for co-ordination of facilities across Borough boundaries, this being a particular concern of groups such as Race on the Agenda and Stonewall Housing, which represent communities spread across London and whose needs may not be suitably met on a Borough-by-Borough basis. We therefore explicitly endorse FSCs 3.1, 3.5 and 3.6.

3.4 Most acknowledged that particular community uses (whether these be provided commercially, publicly or voluntarily) could not be made to continue in operation if neither the finance was available nor the operators willing. However, suggestions were made that some form of matrix of facilities needed to sustain communities, or a sequential approach or “demonstrably failed” test be developed to protect the relevant buildings for other community uses. The Consortium of London Developers suggested that alternative uses should be permitted where need is not identified. While seeking deletion of Policies 3.1B and 3.1D the Consortium indicated that it would be content if development makes provision only for social infrastructure that the development itself generates. Nonetheless, the Consortium cautioned against such detail at strategic level (contending that Boroughs are best placed to identify local needs) and opposed any implication that developers would themselves have to undertake social infrastructure needs assessments at planning application stage and, in Policy 3.1B, seek to remedy existing deficiencies.

3.5 Similar points were made by participants in connection with Policy 3.17 and our comments here are also relevant to that policy. Infrastructure provision is not simply about retaining existing buildings. If social progress is to be made, there is a need to identify what facilities communities need or want, as well to assess what it is practicable to provide. We do not support a fixed matrix of the type urged by Just Space Network (and others representing community interests) because those needs and aspirations are not static and requirements for buildings to accommodate them may increase or decrease as development and other changes take place in (and sometimes beyond) any particular locality. Policy 3.1D (with FSC 3.5) suitably recognises the need for community engagement in a plan-led process, rather than reacting only when closure is either imminent or has already occurred. That enables the range of existing and potential community needs and uses to be systematically reviewed and quantified, and suitable provision secured as opportunities become available. This may be either in new and more appropriate buildings or through the retention and re-use of existing community buildings.

3.6 In the context of Policy 3.1B, “protect and enhance” thus reflects any consequence of increased need generated by development as well as the expectations deriving from plan-led proposals and site specific allocations that incorporate community infrastructure requirements. These are matters which communities, Boroughs and developers need...
to engage positively with at appropriately early stages in the development process. We were told that Mayoral SPG will promote collaborative approaches, and (other than FSC 3.5) we see no reason to modify the Plan in this particular respect. **We reiterate our endorsement of FSC 3.5.**

### 3.7 Inclusion London

Inclusion London seeks a reference in the policy to the Mayor’s “Planning for Equality and Diversity in London” SPG published in 2007\(^{40}\). The Mayor’s Equality Framework has, however, since been produced\(^{41}\) and this and other relevant guidance, together with mention of the statutory requirements of the Equality Act 2010 would instead be referred to in redrafted paragraphs 3.2 and 3.3 (with FSCs 3.4, 3.7 and 3.8). Although there were suggestions that these references should be in policy or text rather than in footnotes, it would not be appropriate to convey policy status to supporting documents that are not wholly spatial in their content. The proposed footnote references are sufficient to guide users of the Plan to them. The Mayor’s proposed reformulation is not inconsistent with the approach in Policy 7.2B, for example, where SPG is referred to only in the context of an intention to update rather than (as would be the case with of Policy 3.1C, if not deleted as the Mayor proposes) a requirement for compliance. Accordingly, **we endorse FSCs 3.4, 3.7 and 3.8.**

### 3.8

On more detailed points, some criticised confusion over the difference between “access” and “accessibility”, but this was raised principally with regard to the wording of Policy 7.1 rather Policy 3.1, so we return to the subject in Chapter 7. It was also put to us that Policy 3.1A should leave less room for discretion for the Boroughs to identify significant clusters of specific groups and consideration of their needs. We do not, however, consider it appropriate for the policy to be so prescriptive, given that the character of communities, their needs, and deficiencies or surpluses in provision for different groups, will vary widely across London. We find no substantive reason to modify the Plan in these respects.

**Issue:** Does the Plan sufficiently address the spatial implications of health inequalities?

### 3.9

Policy 3.2 is informed by the Mayor’s Health Inequalities Strategy\(^{42}\), which was developed at the same time as the strategic review of health inequalities in England post 2010\(^{43}\), led by Sir Michael Marmot. Both recognise the importance of the role of spatial planning in creating healthy places and DRLP includes a range of policies which, while also directed at other particular issues, contribute to advancing this objective. This range of policies includes, for example, those relating to regeneration (Policies 2.4 and 2.14), housing provision (Policies 3.3-3.20), the economy (Policy 4.12), climate change (Policy

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\(^{40}\) LD54  
\(^{41}\) LD08 “Equal Life Chances for All”  
\(^{42}\) LDS1  
\(^{43}\) RD376
5.4), travel (Policies 6.9 and 6.10) and local environments (Policies 7.1, 7.3, 7.14, 7.18, 7.22). We consider that Policy 3.2 adds value to the Plan by drawing together these various strands from the particular perspective of health inequality, and thus serves a different purpose to Policy 3.18 which has a more precise focus on health facilities.

3.10 In the light of comments made by HUDU and NHS London, it is necessary to recognise the Coalition Government’s White Paper proposals to (among other things) transfer responsibility for local health outcomes to the Boroughs. **We endorse FSC 3.18, which specifically recognises NHS restructuring.** To the extent possible through the spatial planning process, policy coverage must therefore extend beyond reducing health inequalities to promotion of health and well-being in general. These points, among others, are addressed in other FSCs in the sequence FSCs 3.12-3.21. However, not all those making representations were content and the changes also attracted additional criticisms.

3.11 **Just Space Network**, for example, want Policy 3.2A to include addressing the determinants of health. However, this is sufficiently covered by the words “improve the health of all Londoners”. It is implicit that this will be achieved in the Plan by such relevant spatial planning measures as might contribute to meeting that objective. Reference to community engagement, to the extent recommended in the Marmot review, is likewise implicit in the Policy 3.2Bb reference to “engaging a wider range of partners in action”, as is **Stonewall Housing**’s call for joint working across borough boundaries, which would be engendered by the stated commitment in Policy 3.2Bb to co-ordination at strategic level.

3.12 **London Forum** argued for specific reference in Policy 3.2D to air quality and noise pollution. However, these are the subject of separate Chapter 7 policies and a reference here would single out two particular potential health impacts among a range of others referred to in paragraph 3.8. Both are already embraced by the Policy 3.2Bb generic reference to the environment. Moreover, FSC 3.19 would insert into paragraph 3.8 (in which other potential impacts including air pollution are already mentioned) a specific reference to noise. The same change (in which paragraph 3.8 would be re-numbered to become paragraph 3.9) would also recognise the significance attaching to, cardio-vascular and respiratory diseases\[44\] which are attributable, in varying degree to air quality, or which spatial planning might reasonably be expected to help in tackling. It also refers to the importance of walking, cycling, playspace and access to leisure facilities including green and open spaces, which help tackle obesity. We thus consider FSC 3.19 to be a suitable response and so **we endorse FSC 3.19.**

3.13 We do not support the inclusion of specific social and economic determinants of health (income, gender, race and education) as proposed by **Race on the Agenda** in Policy 3.2Ec. This is because (with the exception of education, which is the subject matter of Policy

\[44\] ED228
3.19) they have no direct implications for spatial planning action. The
generalised reference is removed from the Mayor’s ESC 3.3 to Policy
3.2 Ec by FSC 3.16, which instead introduces reference to promoting
the health and well-being of communities. **We therefore endorse ESC 3.3 as amended by FSC 3.16.**

3.14 Although FSC 3.16 does not propose any follow-up action on
monitoring, both HUDU and NHS London advised that the
measurement of health outcomes is a difficult and often inconclusive
process, in which spatial planning only has a partial role. No further
modification to Policy 3.2 would be appropriate in this respect.
Rather, the subject of actions in response to the relevant key
performance indicators (across a range of policies) would be more
suitably taken forward through the Implementation Plan.

3.15 We acknowledge the concerns expressed by the HBF and the
**Consortium of London Developers** that there are limits to the
extent to which the planning process can address health issues.
However, the Mayor’s finding that there is a 17 year gap in life
expectancy between different parts of London\(^45\) indicates that health
has a spatial dimension and highlights the importance that attaches to
developing policies and proposals that suitably address the subject.
We do not, however, consider the reference in Policy 3.2D to Health
Impact Assessments to be appropriately placed. Such assessments
are, as the Mayor’s Best Practice Guidance\(^46\) recognises, best carried
out at the earliest stage in the planning process. We do not regard
this to be sufficiently timely if carried out only at the time of
consideration of major planning applications, especially when not
specifically identified also in Policy 3.2 where dealing with LDF
preparation (from which most major planning applications in a plan-
led system, might be expected to originate). “Appropriate
assessments”, suggested in the alternative by Consortium of London
Developers runs the risk of confusion with different EU legislative
requirements. As in Policy 3.2Ed, the matter is best dealt with
through seeking compliance with the Mayor’s Best Practice Guidance
in the same manner as paragraph 3.8 (which becomes paragraph 3.9
with FSC 3.19). HUDU’s request for cross referencing to Policy 3.17
(paragraph 3.81) is not supported in this respect\(^47\). **We instead
make Recommendation 3.1: That Policy 3.2D be amended to
read: “The impact of major planning applications on the health
and wellbeing of communities should be taken into account in accordance with the Mayor’s Best Practice Guidance on Health
Issues in Planning.”**

3.16 It follows that FSC 3.15 should not be made, but FSCs 3.12, 3.13,
3.14, 3.17 and 3.20 provide appropriate explanation of the proposed
strategic approach. **We therefore endorse FSCs 3.12, 3.13, 3.14,
3.17 and 3.20, but not FSC 3.15.**

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\(^{45}\) LDS1, page 7 fact box
\(^{46}\) LDS3
\(^{47}\) ED228
Policy 3.3 – Increasing Housing Supply

Introduction

Issue: Is the assessment of demand/need for housing soundly based on evidence?

3.17 The DRLP sets out the background context to the housing provision figures included in the Plan through Policy 3.3 “Increasing Housing Supply” and Table 3.1 which specifies Housing provision monitoring targets at Borough level supported by paragraphs 3.13 – 3.16. In essence, the process involves assessing housing need and the market demand to determine the level of housing provision that should be made and then seeking to secure an adequacy of housing supply. Our consideration follows that sequence.

3.18 The mechanics of the 2008 Strategic Housing Market Assessment produced by Consultants ORS for the GLA and the 2009 Strategic Housing Land Availability Assessment/Housing Capacity Study (SHLAA/HCS), wider regional factors and the possible implications of the 2008-based population and household projections were subject of presentations at a Technical seminar held on 4 October 2010. At this seminar there was opportunity for questions and answers so that the background to these matters might be more fully understood.

3.19 In the submission DRLP two comparative figures of 34,000 pa additional households growth over the plan period and a housing requirement figure of 32,600 pa derived from the 2008 SHMA are referred to. Following questioning from the Panel, the GLA accepted that the 32,600 pa requirement figure was net of a contribution from conversions which were (albeit using a different approach) included in the capacity identified in the SHLAA/HCS and that the true comparator with the latter should therefore be the gross requirement identified in the SHMA, namely a requirement of 34,900 pa including meeting the backlog of need over 10 years. The Mayor put forward FSC 3.23-3.25 to clarify paragraph 3.14 and introduce new paragraphs 3.14A and 3.14B explaining this position with a consequential change to paragraph 3.40 in FSC 3.40. We welcome these changes as increasing the transparency of the balance between housing need/demand and proposed levels of provision.

3.20 However, a number of participants particularly from the development sector such as the HBF, the Consortium of London Developers and Strategic Land Planning Trust questioned whether the real need/demand could properly be assessed to be as low as this, whether net or gross, given the range of required provision published by the NHPAU in July 2009 of 33,100-44,700 and which is acknowledged in paragraph 3.15 of the submission DRLP. They point out that the lower end of the range is simply a demographically based household...
growth expectation without making any provision for vacancies and second homes in the new stock. It was suggested that from past national figures this could mean that some 3.3% and 0.7% would need to be added. Moreover, no allowance for meeting backlog is included in the lower range figure. Even if the NHPAU approach of seeking to improve affordability is discounted, a factor which is normally included in their upper range figure (though the July 2009 report simply seeks to hold that experienced in London at 2007 levels as correctly reported in paragraph 3.15 of the DRLP), to meet both future need and backlog would imply in their view a requirement around the NHPAU upper range figure. Thus, having also considered the position on the basis of zero net migration using a Chelmer model, there is a broad consensus from the development sector that at least 42,000 pa should be regarded as a proper figure for need/demand.

3.21 Others expressing views on this figure included London First, pointing to the risk of inadequate housing provision constraining economic growth, while the NHF was anxious to ensure housing needs would be sufficiently addressed in a quantitative sense while TCPA cautioned against assuming that the downward influence on housing need from voluntary outward migration to surrounding levels would continue at past levels. Participants from the academic and community sector such as Drew Stevenson and Just Space Network also questioned the SHMA output on the basis that its gross requirement figure is only slightly above the NHPAU lower range figure if that is adjusted for vacancies and second homes. With the backlog of need equating to 8,000 dwellings pa, a requirement towards the upper end of the NHPAU range was therefore advocated.

3.22 The Mayor’s stance was that the 2008 SHMA process had been overseen by a stakeholder group, including HBF and GOL representation, and this group had signed-off the final report. Moreover, the ORS SHMA approach used a dynamic flow model which could not be compared directly to static approaches starting with household growth and adding additional allowances. The SHMA does take account of vacancies in the housing stock and second homes and backlog removal over 10 years. Its efficacy had been demonstrated through use in previous studies such as the 2004 Greater London Housing Requirements Study. We note submissions from London Tenants Federation who argued that the need for social rented housing had been greatly underestimated in the 2004 study, the potential for similar under-estimation of affordable housing need in the current study made by Fordham Research based on criticisms of the SHMA methodology, and wider commentary on the extent to which affordable housing needs have in recent years been absorbed by the private buy-to-rent sector. The argument was that the need for affordable housing may therefore expand considerably with the Coalition Government’s proposed cap on housing benefit support. However, these arguments (and the development sector’s response) bear on the type of housing provision to be made rather than the

52 LD96
overall level of housing need and we therefore return to them in our later consideration of the DRLP’s affordable housing policies.

3.23 For the Mayor it was however acknowledged that the net outflow of population from London into the South East and East Regions had been at reduced levels over recent years, though this did lead to questioning of the efficacy of the ORS model in looking forward over the plan period.

3.24 For our part, we consider that the SHMA 34,900 pa requirement must be regarded as very much a minimum figure for a number of reasons. Although we accept that the ORS model cannot be directly compared to other calculations, we consider that there is some strength in criticisms that its output is not transparent in the same way that alternative calculations are. However, we do not regard this as reason for setting aside its sign-off by the stakeholder group\textsuperscript{53}. As for the future we accept that there must be a question mark over the assumed unchanging numerical projection of households housed in market housing through receipt of housing benefit, given the significant increase of households housed with receipt of benefit that was not forecast over the period since the previous study. However, the Coalition Government’s proposals for capping benefit levels may make the constant projection more likely to be realised. Indeed, as already noted, many participants from the social housing sector, community groupings and academic interests argued that this would mean a need to increase social housing provision. None, however, argued that it would necessarily increase the total housing requirement.

3.25 Potential increases in the overall requirement for housing arise from three potential causes:

\textit{(1) Increased numbers of households as a consequence of the 2008-based population projections:}

At the time of the Examination, DCLG had not produced household projections derived from the 2008-based ONS Population projections. However, GLA statisticians accepted that the new population projections could imply a further growth of 2,000 households pa. There was some doubt expressed as to whether this may necessarily be so as the NHPAU demographic approach in their July 2009 recommendations\textsuperscript{54} and re-iterated in their November 2009 Bulletin\textsuperscript{55} drew attention to their more conservative demographic assumptions on household growth. This arises from an assumed lesser number of households created as a consequence of inward international migration than the official principal projection, albeit only over the short-term prior to a reversion to trend. For example, the 2009 NHPAU projection of household growth is 5% lower than the principal DCLG 2006-based projection and still below that which they assume would be derived from the 2008-based ONS population projection. Moreover, mid-2008 based projections still pre-date the main financial

\textsuperscript{53} GD39, page 9 bold text and text at bottom of page 10 and top of page 11
\textsuperscript{54} GD41
\textsuperscript{55} GD83
upheavals that have affected western economies in recent years so that current circumstances may not be reflected until 2010-based projections are available, presumably not until at least 2012.

The official DCLG 2008-based household projections were in fact published in November 2010, shortly before the close of the Examination\textsuperscript{56}. These confirmed the assumption of the GLA statisticians that these projections would show a growth of an additional 2,000 households pa over the plan period. The foregoing caveats as to the base-date and migration assumptions remain but it can be safely assumed that available data suggests that the 2006-based household growth projection for London on which the DRLP is based may well be exceeded by as many as 2,000 households pa.

(2) Application of a NHPAU approach:

We agree with the academic sector that there must also be additions to allow for vacancies and second homes if the NHPAU minimum range figure is used as a comparator to the SHMA output. For the Mayor it was pointed out that the proportion of vacant homes is lower in London than nationally at around 3% and, moreover, the provision figures include allowance for concerted action to reduce long-term vacancies but still leaving sufficient allowance for necessary market churn. The provision assumed that there would be the equivalent of around a 0.1% reduction in vacancies over the plan period. This does not seem a wholly unrealistic expectation, particularly given the Coalition Government’s intention to give greater freedom to local authorities in the Decent Homes programme. This would still leave an overall expectation of 2.9% vacancies, which ought to be applied to new stock.

As for second homes, the GLA suggested that it is very difficult to get hard data and, in terms of housing requirement, the key factor is whether these homes are let out to other households when not in use by owners. We recognise the difficulty in quantifying the actual situation in London, but given observed indications of overseas residents holding properties in London that seem unlikely to be let out and the scale of the weekend exodus from London, there seems no reason to assume a lesser proportion of homes being taken up as second residences than for England as a whole, which the NHPAU cited as 1.1% in 2008. This would still mean that the total housing requirement might need to be increased by 4% over and above household growth to maintain the status quo, notwithstanding the policy to reduce vacancy levels.

(3) The level of voluntary migration to surrounding regions:

We agree with the contention of development sector interests and the TCPA that lesser reliance ought to be placed on voluntary migration to surrounding regions in the future compared to past trends. With the intended revocation of Regional Strategies, there could be less new housing available to house migrants from London within travel to work distance. Only anecdotal indications are available of authorities

\textsuperscript{56} GD106
proposing to scale back provision in emerging DPDs from that contained in RSSs and Essex CC indicated that most Essex Districts are taking forward DPDs based on East of England Plan figures. Government policy would still require local planning authorities to provide evidence-based justification for the housing provision that they propose in draft DPDs in accordance with the elements of PPS3 that remain unaffected by the proposed RSS revocation. Nevertheless, it has to be recognised that the levels of provision in the East of England Plan\textsuperscript{57} and South East Plan\textsuperscript{58} are already well below projected 2006-based household growth in those regions – namely 26,830\textsuperscript{59} pa in the Eastern Region as compared to 33,800 and 32,700 pa in the South East Region as compared to 39,700. Thus, any scaling back would increase an already large projected shortfall.

Government policy is that the proposed “New Homes Bonus”, which will involve paying grant to local planning authorities on the basis of the equivalent of completed new homes Council Tax for each of the 6 years after the home is built, will incentivise local planning authorities sufficiently to accelerate housing delivery over that achieved by the previous government through regional targets. DCLG ministers expressed full confidence in this proposed approach when exposed to questioning by the Communities and Local Government Select Committee in September 2010. Sums of £196 million were indicated as to be available in 2011-12 and £250 million in each of the 3 following years for this purpose in the White Paper \textit{Local growth: realising every place’s potential} following the spending review in October 2010. It is not for us to speculate on the likely success or otherwise of this policy. However, simply a continuation of recent housing output as compared to the household projections does seem to make it likely that recent trends in net migration that have seen reduced out-migration to surrounding regions may well continue.

3.26 In summary, looking at a transparent approach based on official statistics but excluding any consideration of provision for backlog, there would be the 34,000 pa increase from the published DCLG 2006-based household projection, plus the increase of 2,000 pa to take account of the 2008-based household projections, plus 4% or about 1,400 pa for vacancies and second homes in new provision, plus an unknown possibility to allow for reduced rates of voluntary migration to surrounding regions if housing development fails to match up to household growth in those regions. This would produce a requirement figure of around at least 37,400 pa without seeking explicitly to make any allowance for meeting backlog. The 2008 SHMA gross requirement figure of 34,900 inclusive of an expectation to eliminate backlog within 10 years in our view must therefore be seen as \textit{very much a minimum estimate} of the housing requirement in London over the plan period.

\textsuperscript{57} GD29
\textsuperscript{58} GD28
\textsuperscript{59} In neither case do the figures quoted for regional provision take account of any reductions that might arise from legal challenges that have been successful.
3.27 In our view it would be more appropriate to postulate a range of requirements of a minimum of 34,900 - 37,400 against which to assess the adequacy of provision. We have not sought to add provision for addressing any current backlog to the higher figure as we are inclined to accept the validity of the dynamic model used by ORS for the GLA London-wide SHMA whereby backlog would become absorbed over time provided that provision is high enough to cover the growth in households needing to be housed. **We endorse FSC 3.23-3.25 and 3.40 subject to Recommendation 3.2: Insert the word “minimum”, before monitoring in the penultimate line of new paragraph 3.14B inserted by FSC 3.25 and add concluding sentences as follows: “Factors including increases in projected household formation and lower levels of net migration to surrounding regions may lead to a higher requirement over the plan period. It may be appropriate to regard a range of between 34,900-37,400 dwellings pa as the potential requirement to ensure sufficiency of provision for London’s residents.”**

**Issue: Should the RLP contain Borough housing provision figures?**

3.28 At the outset of the Examination on housing provision, the **Association of London Borough Planning Officers** supported by a small number of Boroughs such as LB Hillingdon, LB Bromley and LB Wandsworth argued that Borough provision targets should not be included within the London Plan as “localism” meant that these should only be determined at Borough level. However, **London Councils** and most Boroughs, including LB Lambeth did not oppose the inclusion of Borough targets provided that they are seen as indicative rather than mandatory. The **TCPA** stressed that it has long been recognised that it is necessary to work on the basis of a London-wide housing analysis to provide the basis for any local Borough figures. As it was not disputed that London is a single Strategic Housing Market Area with complex sub-markets that spread across Borough boundaries and has constrained land supply the use of which has to be optimised, we agree with the Mayor that it is not only appropriate but necessary to include Borough provision targets. The Mayor is given a strategic housing role in the GLA Acts, a role that is strengthened in the Localism Bill. Development interests, supported by **London First**, the **NHF** and a broad consensus across community groups including the **London Forum** and **Just Space Network** supported retention of the targets without express reference to them being indicative for the initial 10 years of the London Plan in order to provide certainty.

3.29 In some senses this is an unnecessary debate. As Borough DPDs only have to be in general conformity with the London Plan, it will be open to individual Boroughs that have evidence to justify different figures to argue their case for them at the Examinations of their own Core Strategies. Nevertheless, to avoid any uncertainty and lack of impetus over securing sufficient housing provision, we endorse the Mayor’s position which includes FSC 3.31. This stresses in paragraph 3.19 that the figures are only indicative for years 11-15. Similarly, we
endorse FSC 3.32 that introduces a new paragraph 3.21A to indicate that a new consensual approach will be used in furtherance of "localism" in undertaking the next review of housing supply that would be brought forward in an Early Alteration to the Plan. Some pressed for the "by 2015/16" reference in paragraph 3.19 to be amended to an earlier date, but although the Mayor suggested that work would proceed as quickly as possible, given the intended changed basis for the SHLAA/HCS that will require agreement between all stakeholders, we were not persuaded that it would be appropriate to insert an earlier date. **We endorse FSC 3.31-3.32.**

**Issue: Is the assessment of housing land supply soundly based?**

3.30 Representatives of the development industry suggested that the SHLAA/HCS was not wholly in accordance with DCLG guidance on SHLAAs\(^\text{60}\) as the various sites identified by the individual Boroughs (but not generally published) as potential housing sites had not been agreed with owners or developers as viable development prospects. The yields might thereby be less than anticipated, meaning that the potential of Green Belt and open space land would need to be considered in order to meet the housing requirement. Conversely, it was also argued by the **London Forum** as well as development interests that too many constraints had been input by the Boroughs at the outset of the exercise meaning that much potential land had been artificially excluded. For the Mayor, it was pointed out that the form of both the SHMA and the SHLAA/HCS as strategic studies had been agreed to be appropriate with the GOL\(^\text{61}\) and that the stakeholders represented on the steering group for the latter included a major housebuilder and the HBF, HCA and NHF. Green Belt and Metropolitan Open Land (MOL) had been rightly excluded from consideration because of the Mayoral policy against encroachment, though this did not preclude localised reviews as it was agreed that this policy meant no net encroachment. It was also accepted that although the common methodology was intended to provide a basis for subsequent Borough DPD production, in some Boroughs more detailed assessment work would be necessary, including the assessment of the viability and deliverability of individual sites as advised in the national DCLG guidance\(^\text{62}\).

3.31 The SHLAA/HCS initially identified a potential capacity for 41,000 dwellings pa but reduced this to 37,000 pa in recognition that the policy approach is now to optimise rather than maximise development potential. Thus, a more conservative approach to constraints was applied than that which produced the higher figure and only half of the remaining potential sites were assessed at densities at the upper end of the Sustainable Residential Quality (SRQ) density matrix set out in Table 3.2, so that an average density around the mid-point was assumed. The prospective capacity was further reduced to a little

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\(^\text{60}\) GD38  
\(^\text{61}\) LD88 and LD89  
\(^\text{62}\) GD15 and GD38
over 33,000 pa to recognise new constraints such as the possibility of locally justified policies to protect garden land in particular localities and because small site development trends may have been derived during a boom time. This process is described in the Mayor’s Housing Technical Note. Finally, the figure of 33,380 pa or 333,800 over the years 2011-2021 included in the submission DRLP was then reduced to 32,210 pa or 322,100 over the 10 years by the corrections agreed with a number of Boroughs as referred to below.

3.32 Some development interests and individuals such as Drew Stevenson queried whether the import of the Cost and Delivery Impact Assessment of the London Housing Design Guide by GVA Grimley and the Viability Assessment of the overall SHLAA/HCS by Atkins/BNP Paribas for the GLA meant that the provision figures would not be attainable. The Design Guide assessment indicated that the guide as a whole, including higher space standards, might render some schemes non-viable, particularly on small sites, while the wider study suggested that as many as 7,000 dwellings pa might need to be discounted on viability grounds. When pressed, however, the development interests agreed that, although they were concerned and opposed mandatory space standards, they accepted that the discount should be applied to the higher figure discerned as the initial output of the SHLAA/HCS rather than to the lower discounted figures embodied in the DRLP. Thus, the provision figure put forward by the Mayor should be achievable. However, they maintained that to achieve the higher output perceived by them to be necessary to meet demand and need, while complying with the design and space requirements, would require a relaxation of the presumption against development of Green Belt and open space land. This last point was also advanced by TCPA on the basis of their concerns over the sustainability of assumed continuing trends of out-migration. Other participants, such as NHF, also supported a need to review such constraints and argued against undue reaction to the changed definition of previously developed land. We do not consider that it is necessary to come to a view on these latter points and are content to accept that the space standards and other design policies in the form that we endorse/recommend in relation to Policy 3.5 ought not to inhibit the realisation of the level of housing development proposed by the Mayor.

3.33 A small number of Boroughs suggested that the SHLAA output could not be relied upon because the findings had not been agreed. However, it was conceded that all had been consulted and the figures were agreed for all but a handful of Boroughs either in the submission draft or in FSC 3.30, which substituted a new Table 3.1 of Annual average housing provision monitoring targets 2011-21 with correction of the figures for a number of Boroughs. We heard the arguments over the figures that remained in dispute at the Examination from LB Bromley, LB Lambeth, LB Wandsworth, LB Southwark, LB Barnet and the City of London Corporation but were persuaded
that the GLA figures should stand, primarily on the basis that they reflected the situation at a common base date and that partial updates to reflect new or emerging policy in certain Boroughs should not be inserted selectively, but should await the proposed Early Alteration.

3.34 In the case of LB Barnet, in addition to detailed arguments, particularly over capacity in the Colindale AAP that are addressed in the previous paragraph, the concern was over the ability to continue to deliver the provision indicated for the 10 year period to 2021 over the following 5 years in accordance with the comment in paragraph 3.19 that the figures should be rolled forward for a further 5 years to provide LDF targets where this is necessary in advance of the London-wide review promised by 2015/16. This is because major developments in Barnet are front-loaded and that in the longer term emerging local plan policies would be expected to lead to lower housing output. While we have sympathy with this position, consistency requires application of a common approach across London to provide a meaningful understanding of the housing position at the strategic London-wide level. At the next review the figures for Barnet might reduce. Conversely, however, those in some other Boroughs like Barking & Dagenham (whose short-term figures have been reduced because of the inability to fund either the DLR extension to Dagenham Dock or further uncommitted phases of the East London Bus Transit in the short-term), might be able to increase their provision in the longer-term once infrastructure constraints are overcome. In the interim, if relevant Borough DPDs come forward it would be open for particular Borough Councils to argue for different 15 year figures because of their particular circumstances while remaining in general conformity with the London Plan. As a consequence localism need not suffer. Further suggested change 3.31 has already been endorsed which clarifies that the 11-15 year figures should be treated as only indicative.

3.35 Whether the provision figures should include non-self contained units and the restoration of long-term vacant units to housing use was subject of some debate. The former are indicated as largely though not wholly related to student accommodation. Some development sector participants such as Strategic Land Planning Trust, some boroughs such as LB Hillingdon and other participants such as the TCPA and Drew Stevenson argued that it was inappropriate to include such accommodation within the housing provision targets. Such units were said not to be included in the NHPAU calculations or, if they are, that this is acceptable because they can be subsumed within the higher range figure. However, the GLA indicated that the need for such accommodation is at least in part included within the SHMA and if new provision is not made on the scale indicated it would be likely that students would be sharing more units of housing accommodation intended for non-student households. Moreover, given the particular characteristics of London, where land is for the most part not undeveloped and available for allocation for general or specialist housing, previous Panels had accepted inclusion of such accommodation within the provision totals. We see no reason to differ
and address the detailed policy considerations relating to student housing later in this Chapter in the context of Policy 3.8.

3.36 There was some concern over the basis of the figures as these derived from projecting past trends rather than analysis of future proposals as this would tend to perpetuate past patterns. However, it was agreed by amenity society representatives that concerns at over-concentration of student accommodation stem from those living in private houses in multiple-occupation rather than in purpose-built blocks of student housing. We see no need for further policy comment on this issue in terms of numbers, as the status quo that recognises the importance of this type of accommodation to London appears likely to prevail following the reversal of changes over the need for planning permission for small-scale Housing in Multiple Occupation (HMOs). Nevertheless, to address concerns over the possible prescriptive nature of the subdivided targets that are set out in Annexe 4, the Mayor put forward FSC A4.1. This amends the title of Annexe 4 to clarify that the subdivisions are only monitoring benchmarks and that it is the overall figures that represent the Borough targets. We agree that this improves clarity and furthers localism. **We endorse FSC A4.1.**

3.37 The upshot of accepting the Mayor’s FSC 3.28-3.30, which embody the corrected Borough provision targets and apply the total figures to supporting text and Policy 3.3, as well as including a key new Policy 3.3A that highlights the pressing need for more homes in London in line with the Mayor’s Housing Strategy, is set out in FSC 3.26. This would introduce new paragraph 3.14C. The new paragraph states that there would be a gap of 2,690 dwellings pa against the requirement monitoring benchmark (34,900 less 32,210). We accept that this correctly notes that the gap between requirement and target provision would be smaller than in recent iterations of the London Plan, although, as indicated above, we consider that the SHMA derived gross requirement is likely to be a minimum requirement and that there may well be a range of potential requirement extending above this figure. Although this would still not indicate a gap larger than previously accepted in earlier London Plans it does highlight the consequences of having capacity determined provision figures and gives greater force to why the provision targets should be regarded as minima to be exceeded if reasonably possible.

3.38 FSC 3.27 introducing new paragraph 3.14D makes this point and indicates that it is most likely to be within the Opportunity and Intensification Areas, that additional housing is likely to be achievable. We would have wished to be able to identify the opportunities for increased provision on the basis of agreed evidence. We did hear suggestions of higher numbers in a number of localities. These included within the Vauxhall Nine Elms Battersea OA. However, there is a need for additional transport infrastructure in that OA which at present only seems capable of part-funding through developer contributions. This means that some of the potential there might have

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66 CD09
to be phased further into the future. Again, while the logic of the policies concerning Outer London in Chapter 2 of the Plan imply a future expectation of higher growth in the vicinity of Outer London town centres, this aspiration appears as yet to have only modest definition at Borough level.

3.39 Only in the case of LB Hammersmith & Fulham does there appear to be an agreed acceptance that higher provision will be achievable. The developers of both the White City and Earls Court & West Kensington OAs pressed for reference to substantially higher figures for both residential and employment growth in these OAs. However, the local planning authorities concerned and the GLA sought to reserve their positions during ongoing negotiations over the Opportunity Area Planning Frameworks (in which TfL appear to have an estate as well as a transport interest), though accepting that a significant uplift is ultimately likely. Only in the case of Earls Court & West Kensington OA was a further suggested change put forward that acknowledges an increased housing potential that has not been taken account of in the corrected Table 3.1. This is part of Further Suggested Changes A1.1-A1.12 to Annexe 1. The capacity is raised by 2,000 dwellings consequent upon extending the area westwards to include estate regeneration in Hammersmith & Fulham.

3.40 Although it was suggested that this could be picked up in the proposed Early Alteration, in order to maintain the consistency of figures, in the Plan, we consider that the scale of this now accepted increase would lead to a misleading figure should the Hammersmith and Fulham target provision not be increased by this amount. We propose this rather than any split of the increased provision between the two Boroughs because that is where the enlarged extent of the Opportunity Area is located and not because of representations at the Examination from the London Forum cautioning against increases in Kensington & Chelsea. We have noted the endorsement of Kensington & Chelsea’s expectation of potentially increased housing provision at Earls Court in the Inspector’s report on its Core Strategy Examination67, but that report also cautioned that the figure assumed for the Kensal Canalside OA might be difficult to attain should the Borough’s aspiration for a Crossrail station not come to fruition. There might therefore be little net change in the overall Kensington & Chelsea provision. We endorse FSC 3.26-3.30 subject to Recommendatation 3.3: Insert the word “minimum” before “gap” in the first line of new paragraph 3.14C inserted by FSC 3.26; replace the figure “2,690” by “2,490” in that line; insert “and after allowing for increased provision in the Earls Court and West Kensington Opportunity Area,” before “there is” in the first line of new paragraph 3.14C; add a final sentence to that paragraph as follows: “However, it is recognised in the previous paragraph that the requirement may be higher, which could mean that the gap may be as high as around 5,000 dwelling pa, which would be more comparable to that in the consolidated 2008 London Plan”; replace the figures “6,150”

67 RD455
and “615” by “8,150” and “815” for Hammersmith and Fulham in the replacement Table 3.1 inserted by FSC 3.30 and in Annexe 4 replace “564” for conventional supply by “764” and the total of 615 by “815” with the London Total figures changed from “322,100” and “32,210” to “324,100” and “32,410” respectively in both tables and the latter figure of “32,410” also substituted for “32,210” in clause B of revised Policy 3.3 inserted by 3.29.

3.41 Our conclusions on the overall land supply position have been embodied in the foregoing endorsements of a number of Mayoral suggested changes and our recommendations 3.2-3.3. In summary, we have accepted that there is a deliverable prospect of achieving a level of overall housing provision that would leave a gap between that provision and perceived demand/need no greater than under the extant London Plan. We judge this outcome to be achievable while optimising rather than maximising development potential, a matter that we address in greater detail below, and without involving a net encroachment on Green Belt or protected open space. The bulk of the provision will be achieved within the Opportunity and Intensification Areas. It is only if the potential of those areas can be higher than currently tabulated in Annexe 1, as hoped by the Mayor, that there will be a realistic prospect of closing the gap without a review of the urban boundary.

**Policy 3.4 Optimising Housing Potential**

*Background*

3.42 Density control has become an established feature of the London Plan since 2003, and was discussed at some length during the EiP that preceded the London Plan 2008. That Examination considered many of the concerns now raised by participants and others on Policy 3.4 of the DRLP. It ranged, for example, across the density Matrix (which, unchanged, is now DRLP Table 3.2), concerns about the number of schemes that exceeded the densities advanced in the Matrix, the aim of “maximisation” relative to “optimisation” (the latter term having been rejected for London Plan 2008, but now proposed for DRLP) and the relationship to other factors such as social infrastructure, housing mix, local character and commercial development. Circumstances have since changed in some material aspects, notably with the Coalition Government’s approach to localism manifested for example in the omission of the former national indicative minimum density of 30 dph in the June 2010 version of PPS3.

3.43 The Mayor also helpfully produced some chapters of draft Housing SPG being prepared to support the DRLP to replace that supporting London Plan 2008. We note, in particular, paragraph 1.3.8 of this emerging SPG, in which the Mayor advises that “with the exception of 200-300 major applications that come before the Mayor each year,
interpretation of the broad density policy outlined in DRLP and expressed in DPDs is very properly a local matter”. Our approach to this subject is informed by all of these matters as well as by the representations that have been made to us, from which we have identified the following main issues.

**Issue: Should the aim be to “optimise” or “maximise” density?**

3.44 Among the proposed changes from London Plan 2008, Policy 3.4 requires “optimisation” to take place within the relevant density range shown in Table 3.2, and states that development proposals that compromise this policy should be resisted. The Mayor advises that this responds to findings that on average since 2004/5, little more than a third of homes permitted have been within the appropriate density range identified from the London Plan 2008 density Matrix, with (numerically) only 85 below range and some 55% above range. We attach no great significance to that because (to the extent that the schemes have been permitted), there is no evidence that the relevant decisions represent anything other than the intended operation of Section 38(6) of the *Planning and Compulsory Purchase Act 2004* (as amended). We say this in the light of figures given to the Examination by the Mayor which indicate that a proportion of the schemes concerned exceeded the range by relatively small amounts. More significantly, however, the Act does not require absolute compliance with every individual policy of the statutory development plan but with the development plan taken as whole, having regard to other material circumstances. These might include, for example, local patterns of housing need, design quality and local regeneration objectives, many of which (responding to LB Bromley’s representations70) are usually defined, or further refined, in Borough level DPDs.

3.45 Indeed, the formulation of Policy 3.4 and the Table 3.2 Matrix would make very little difference to outcomes if suggestions that both are simply being widely ignored held true. Given the provisions of Section 38(6) of the Act, we do not therefore support the suggestion made by the TCPA that development schemes should be required to show very special circumstances for exceeding the Matrix ranges. Rather, emerging Mayoral Housing SPG71 suggests that proposals above the density range should be “rigorously tested” and, at the opposite end of the Matrix, that 35 dph (in the 0-1 PTAL column of the Matrix) should remain the appropriate indicative minimum benchmark in London. This was the approach commended by the then Panel at the London Plan 2008 EiP72, and we find no reason to depart from it. While the interplay of factors affecting land prices is complex, the clearer and very detailed explanation in the emerging SPG of how Policy 3.4 is intended to be operated should also minimise any impact that unsubstantiated density expectations might have on driving up the

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70 ED236
71 LD123, paragraph 1.3.32
72 RD15, paragraph 6.26
Chapter 3

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cost of land and the adverse effects of that on housing affordability, which those representing community interests fear.

3.46 Turning to the strategic policy expression rather than the potential effects of policy application, the draft Housing SPG explains that Policy 3.4 has been formulated to take account of the need to ensure residential quality, to optimise the relationship between transport and land use to secure sustainable development and to recognise the “density guidelines” in Table 3.2. We agree that all are relevant factors. However, a main purpose of density control is to avoid the inefficient use of London’s scarce supply of housing land. That does not mean, in a policy sense, requiring that land be developed to its maximum physical capacity, but to the fullest amount consistent with all relevant planning objectives. It is for this reason that, for the avoidance of any residual doubt on the subject, we prefer “optimising” to “maximising” in both the title and Policy 3.4A (as the Mayor has drafted), noting that London Councils, representing those charged with responsibility for implementing the policy at Borough level, supports this terminology.

3.47 Moreover, London Plan 2008 Policy 3A.3 urges the Boroughs to adopt the density ranges set out in Table 3A.2 and ends with a sentence advising that the Mayor will refuse permission for strategic referrals which, taking account of context and potential transport capacity, under-use the potential of the site. Responding to concerns of the home building sector, we do not therefore see Policy 3.4 (even with changes ESC 3.10 and FSC 3.33) as signalling any significant change in Mayoral policy approach. The same factors are to be taken into account, the same density Matrix would apply, and the aim of the policy would likewise be compromised if housing potential is not optimised through the LDF process. We therefore support the policy as drafted by the Mayor (including ESC 3.10 and FSC 3.33. We endorse ESC 3.10 and FSC 3.33.

Issue: Does Table 3.2 adequately balance relationships between the range of relevant strategic policy objectives?

3.48 Several suggestions were put to us of ways in which the Table 3.2 density Matrix could be developed to advance other qualitative policy objectives. RIBA, for example, was keen to refine the Matrix to show in greater depth the types of homes that might be designed within each range and their suitability for different family needs. While this may be a subject that the Mayor’s emerging Housing SPG could take further, it is too detailed to find expression within the aims of Policy 3.4 and Table 3.2. Such matters are more appropriately considered, at planning application stage in the context of Policy 3.8 (Housing Choice) and Chapter 7 design policies.

3.49 CABE argued the case for the concept of “neighbourhood density”, which was taken up by others supportive of accessibility to community infrastructure being used as measure to advance the case for lifetime neighbourhoods. On a similar theme, London Forum suggested distances other than 800m to different types of facilities (in the notes
to Table 3.2) to identify “walkable” neighbourhoods. Again, we see such proposals as threatening to turn what is at present a relatively simple “triangular” Matrix into a highly complex tool of much dissipated force. In addition to leaving much more scope for misinterpretation, the result would be to inappropriately re-focus the main thrust of Policy 3.4 away from the optimisation of housing land potential (in simple quantitative and qualitative senses) and towards a much wider range of social objectives. There is nothing to be gained, in terms of policy weight, from duplicating other DRLP policies dealing with these and other related subjects, referenced in paragraph 3.22 and other policies in Chapters 6 and 7.

**Issue: Is Table 3.2 sufficiently sensitive in operation to local circumstances?**

3.50 **Pocket Homes Ltd** expressed the view that the reference in the Table 3.2 notes to “urban areas” being typified by buildings of two to four storeys should instead indicate a typical storey height of two to six storeys. This, however, is a matter which cannot be prescribed with any rigidity across London and we note the commentary in paragraph 1.3.23 of the draft SPG. It says that it will be for Boroughs to define setting and resulting appropriate density as part of the LDF process, adding that this will entail an element of professional judgement.

3.51 The approach to sites bordering the edges of central, urban and suburban character areas is, as the emerging SPG advises (paragraph 1.3.28) also a matter most suitably addressed by careful boundary definition at LDF level. That, together with application of the Matrix by the Boroughs in accordance with the emerging SPG, is in the opinion of the Panel sufficient to avoid concerns that developments of vastly different density will be juxtaposed on opposite sides of density boundaries or, as in the case of LB Hammersmith and Fulham (which lies almost exclusively within high PTAL areas), be likely to result in unduly uniform density patterns. FSC 3.35 (to paragraph 3.24) affirms that the approach to mixed use development will also be explained in the emerging SPG73. That is important guidance for policy implementation. **We endorse FSC 3.35.**

3.52 Representations were made that the Matrix would effectively prevent family housing being provided in town centres. We do not, however, consider this to be the case given that density ranges are given by the Matrix for “central”, “urban” and “suburban” areas (PTAL 4-6) for units with up to 4.6 habitable rooms per unit. As the first sentence of paragraph 3.23 implies, it may be expected that strategic housing market assessments at Borough level will be the principal determinants of the quantity and distribution of housing types (including family housing and affordable family housing) needed in particular areas. This is reflected, for example, in proposed Policy 3.8Bf (introduced by the Mayor’s ESC 3.21). From the particular perspective of Policy 3.4, we consider the second sentence of paragraph 3.23 to be a general truism inasmuch as it commends low

73 LD123 paragraph 1.3.37
density rather than high density development as typifying the more suitable environment in which to bring up children. This is not least because of the greater ease with which safe and accessible playspace can be provided. We therefore see no reason to delete the second sentence of paragraph 3.23 as suggested by London Tenants Federation.

3.53 Having considered all other representations including those on the suitability of the range of units used in the Matrix, we thus find no reason to depart from the Mayor’s proposed approach to density control.

Policies 3.5 Quality and Design of Housing Developments, 3.6 Children and Young People’s Play and Informal Recreation Facilities and 3.7 Large Residential Developments

Issue: Is it appropriate to make strategic policy provision for presumptions against back garden development?

3.54 By inviting Boroughs in Policy 3.5A to introduce presumptions against back garden development, we were told that the Mayor was responding to a strongly held opinion of many Londoners about the impact of such development on their local environments, as explained in DRLP paragraph 3.28. Support for this stance was drawn from the June 2010 version of PPS3, which contains in Annex B a revised definition of previously developed land. This excludes private residential gardens from the definition but retains former wording that "there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed." Some, including London Wildlife Trust, LB Bromley and London Tenants Federation argue that the policy as drafted does not sufficiently reflect this in referring only to back gardens and not to all private garden land (including communal space in public housing estates). Others such as London Councils, the HBF and London Forum point out that in some areas garden land represents an important contribution to housing land supply. The Mayor advised that this latter point is a main reason why the policy only invites rather than requires Boroughs to introduce a presumption. In that respect, we share London Forum’s view that there is nothing of substance in the Mayor’s policy invitation, because it would be open to the Boroughs to include evidence-based policies in their LDFs on the subject if they wished to do so in any event.

3.55 We note that some forms of development of concern to those supporting the policy approach may by reason of being in prominent side or front gardens be conspicuous and unattractive, may diminish wildlife interests or, in the case of excavation for basements (raised by Greenwich Environment Forum74) interfere with natural rainwater drainage. However, many such proposals fall within the category of “householder development” which is often permitted by the General Development Order rather than through the planning applications

74 ED181
process. The limited degree to which control is exercisable over the activities of individual homeowners is not, in the Panel’s view, a strategic matter and is more appropriately handled through action at Borough level.

3.56 Nonetheless, to the extent that the Mayor wishes to establish a strategic dimension for back garden policies at Borough level, we observe that the London-wide SHLAA assumed a theoretical reduction of 90% in the historic level of garden development. Given that some Boroughs would nevertheless be supportive of such development, and that “garden development” may extend more widely than “back garden development” alone, we find no reason to question any potential impact on assumed strategic housing land availability and this, we consider, is a key message for the Mayor to convey. It is also the case that DPD policies, although emanating from a strategic policy, will require evidential justification at local level. Adopting the Mayor’s un-numbered reference in Policy 3.5A to “back gardens or other private residential gardens”, we make Recommendation 3.4: That the third sentence of paragraph 3.28 be modified to read: “The Mayor therefore wishes to make clear that the London-wide SHLAA assumed a theoretical reduction of 90% in the historic level of garden development, so there is no strategic housing land availability obstacle to the formulation of relevant DPD policies that seek to protect back gardens or other private residential gardens from housing development. This does not, however, obviate the need for a suitable evidence base at local level for area-wide policies seeking to control such development”, and that the fourth sentence of paragraph 3.28 be deleted in its entirety. Although no specific reference number has been assigned to it, we question the apparent intention of the Mayor to delete “LDF Preparation” from the heading of Policy 3.5A as its text refers to LDF preparation. We can see no reason why two parts of the policy cannot address LDF preparation.

3.57 It is, however, inappropriate for the policy to refer to a “presumption” because this implies that developers will be required to demonstrate reasons why permission should be granted rather than the determining authority to demonstrate why permission should not be. “Presumptions”, which thus reverse the normal administration of the planning process, should accordingly be used with extreme caution, generally only by the Secretary of State and in a very limited range of specific circumstances. Indeed, in the Secretary of State’s usage, they derive only from statute or national planning guidance – general presumptions against inappropriate development in the Green Belt, and in favour of the conservation of historic assets (or the Coalition Government’s proposal for a presumption in favour of “sustainable development”), are examples. This should be recognised in strategic policy expression. We therefore make Recommendation 3.5:

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75 CD07, paragraph 3.53 and Annexe 3
76 CD21
77 CD21
That the words “policies to control” replace “a presumption against” in the last sentence of Policy 3.5A.

**Issue: Is it appropriate for dwelling space standards to be promoted through strategic policy?**

3.58 We found a good measure of agreement that action is necessary to improve the quality of new housing provision in terms of internal spaciousness. Reasons included, for example, the need to design more flexible “lifetime” homes for sustainability reasons, the needs of increasing numbers of elderly people within the population and of people with disabilities for “wheelchair accessibility”, as well as increasing quality of life expectations within the population at large. **CABE** evidence further indicates that the smallest homes in Europe are now being built in the UK.\(^78\)

3.59 To the extent that disagreement was voiced on the generality of the subject, it was questioned by the development industry whether the initiative should be taken at Government level (through amendment of the Building Regulations or similar national requirements) rather than by the Mayor. In this respect, **HCA** advised that it has developed its own detailed design standards for new dwellings (which include space standards). Its ultimate aspiration was for these to be rolled out nationally but, following alignment with the Mayor’s August 2010 **Interim London Housing Design Guide**\(^79\) its intention was that they would initially be implemented within the publicly subsidised affordable housing sector in London from April 2011.

3.60 We note, however, that on 25 November 2010 the Coalition Government announced that it has decided not to introduce the new "core standards" for development funded by, or on land owned, by HCA, because the standards would have made it difficult for developers in public build projects and potentially cost an extra £8,000 for every home. While it is only the dwelling size standards that have been extracted from the Mayor’s Interim Design Guide to become Table 3.3 in the DRLP (as explained in paragraph 3.30), these would be for application to all new housing development in both the public and private sectors. They might therefore provide greater flexibility between sectors, but the cost impact would spread across a much wider range of housing development. Moreover, although the Interim Design Guide requirements are reflected only in very broad terms in Policy 3.5C, paragraphs 3.31, 3.32 and 3.32 indicate that the Mayor’s emerging Housing SPG\(^80\) will include much of the same detail. It might therefore be assumed that the cost implications that led the Coalition Government to its decision in terms of national policy would not be significantly different from the cost of implementing Policy 3.5 as a whole.

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\(^{78}\) RD226

\(^{79}\) LD125

\(^{80}\) LD123
However, while the Coalition Government’s judgement applies nationally, the Mayor’s proposed standards would apply only within London where the housing market is generally regarded as being more robust. The primary source of evidence for London is the pre-publication draft (29 March 2010) of a report commissioned jointly by the Homes and Communities Agency, LDA and GLA under the title Cost and Delivery Impact Assessment relating specifically to the Interim London Housing Design Guide.

The impact assessment includes primary survey research with RSLs and 500 private tenure residents and case studies of eight London housing developments. Relevant findings of the assessment are, briefly, that:

- In most cases, at least in the short-term, there will not be any decrease in the number of dwellings that can be delivered as a result of the need to build bigger dwellings or to use slightly different configurations.
- There will be effects on viability.
- This is likely to be greatest in the case of flats and small sites (9 dwellings or less) where reconfiguration cannot accommodate the same number of dwellings. It is suggested this might be compensated for by purchasers being willing to pay more for better quality.
- The initial impact (3-5 years) may also be significant in areas where sales values are low.
- In practice, there is likely to be some trade-off between a rigid application of policy and the delivery of development.
- Other costs need to be taken into account including, for example, those arising from developer contributions to local and strategic infrastructure.

This does not provide a ringing endorsement of the ability of development in London to absorb all of the requirements in Policy 3.5C without risk of significant effects. We also find that further research by CABE does not advance the argument much further inasmuch as, despite more detailed analysis of particular schemes, it is based on an even more limited sample of sites and likewise indicates that some increased costs will be inevitable.

The implications of the Interim Housing Design Guide were also considered among a range of factors in the GLA commissioned Strategic Housing Land Availability Assessment and Housing Capacity Study Economic Viability Assessment. This concluded that the potential reduction in capacity (from all of the factors considered) falls within the assumed aggregate buffer and that the DRLP minimum housing target remains “realistic and achievable” in the light of current economic uncertainties and a period of depressed housing output.

While this latter finding is comforting in the sense of overall housing supply, we are not convinced by the evidence that there will not be
adverse impacts on affordability. The latter is a factor that we attach considerable importance to given that house prices in London are already much higher than the national average. Both Pocket Living Ltd and the HBF illustrated that even only relatively small increases in space can give rise to disproportionate increases in build costs. As they cautioned, it would be a perverse outcome if such marginal increases in costs began to polarise access to housing on the basis of those able to pay for more space and those able to secure subsidised social housing, while housing choices for those falling between the two becomes further squeezed by un-affordability.

3.66 We note the contrary submissions made by those supporting rigid application of the standards, to the effect that new house prices are set largely in relation to the sale price of older stock in the area concerned, so increased construction costs will transfer down to the price paid by developers to land-owners for housing land rather than up to the home purchaser. However, in a highly competitive land market like London (where development land is relatively scarce), there is no guarantee that this will be the case, or that it would be sufficient to allay fears that upward pressure on the cost of new housing might itself exert upward pressure on the cost of older stock. Land value adjustment cannot in any event occur overnight.

3.67 Against that, we acknowledge that uniform requirements established across the whole of London are, over time, more likely to have a stabilising effect on land values and house prices, and on the efficiency of the development sector itself, than if there is widespread variation between requirements in different Boroughs. We also find strength in the argument put to us by the Housing Association sector that uniform standards applied to both the public and private sector would facilitate much greater flexibility in the use of the housing stock over its built life. It would, for example, enable stock to be recycled more easily between social rented, intermediate and market tenures while also promoting the Mayoral principles of “lifetime homes” and “lifetime neighbourhoods”.

3.68 We find all of these arguments finely balanced. However, we can fully understand the Mayor’s desire to drive quality upwards in the private as well as the public sector in order to maintain London’s competitiveness as an attractive place in which to live and do business. Given the ongoing process of renewal of London’s housing stock at a high rate, we also acknowledge that it would be expedient to prioritise dwelling size standards without delay. In coming to this latter view, we note in particular the LDA submission that some 75% of Boroughs already have dwelling size standards but these are applied inconsistently and confusingly in different parts of London, and the GLA advice that some 77% of schemes already meet the standards proposed. These factors may go some way to explain why the Consortium of London Developers seemed less resistant to the principle of dwelling size standards than the HBF.

3.69 While we thus come to the view that dwelling size standards are a subject of strategic significance that warrant policy expression, Mayoral powers are not without limit. In effect, they extend to
decisions on “strategic” planning applications and certifying “general conformity” of DPDs produced at Borough level. They do not extend to directing Boroughs to adopt specific standards where evidence indicates a flexible approach to be more appropriate, or to apply rigid standards to every development. **We consider that this should be reflected in the formulation of the policy and its supporting text.** Accordingly, ESC 3.12 should not be made and we instead make Recommendation 3.6: That the following preliminary words be inserted in Policy 3.5C: “LDFs should incorporate minimum space standards that generally conform with Table 3.3 and the Mayor will seek to ensure compliance with the Table 3.3 standards when determining applications that come before him”.

3.70 **We further make Recommendation 3.7**: That the heading to Table 3.3 and the second sentence of paragraph 3.30 be modified by replacement of the word “minimum” with “indicative”.

**Issue: Are the proposed dwelling size standards acceptable in themselves?**

3.71 There was relatively little debate on the figures for gross internal floor areas suggested by the Mayor and expressed in Table 3.3. Broad consensus is perhaps unsurprising given that the figures specified follow from work undertaken nationally by the Homes and Communities Agency and effectively derive from a simple exercise in ergonomics. That, we were told, was based on assessing the space required to accommodate a basic inventory of furniture together with adequate access, circulation and amenity space, with Lifetime Homes standards also being taken into account. Indeed, the robustness of the figures is exemplified by their relatively close approximation to some of those contained in the Parker Morris Report “Homes for Today and Tomorrow” published in 1961.

3.72 However, the development sector expressed considerable disquiet over the correlation to numbers of occupants. We were referred to evidence suggesting patterns of both under-occupancy and overcrowding within the existing stock which, in the private sector at least, may be voluntary or involuntary for a wide variety of reasons (such as lifestyle or affordability). In essence, it was put to us that planning powers cannot control the number of people who occupy a dwelling and it would be wrong for the Mayor’s spatial planning policies to implicitly invite the imposition of planning conditions or planning enforcement action that might seek otherwise. We consider the number of bedrooms to be the appropriate criterion on which to base the size of dwellings for planning purposes, but it must be the case that the size of bedrooms will largely be determined by the number of people they are expected to accommodate. Use of the word “bedspaces” rather than “persons” would in our view be a simple way to avoid the development sector’s concern and would be

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84 RD98 and LD11
appropriate in all but the third sentence of paragraph 3.30, where the usage of "persons" records the assessment findings.

3.73 ESC 3.17 makes factual corrections to Table 3.3. **We endorse ESC 3.17. We also make Recommendation 3.8: That in all but the third sentence of paragraph 3.30 and throughout Table 3.3 the words "number of occupants", "persons" and the abbreviation"p" be substituted with the word "bedspaces".**

**Issue: Should there be a standard for dwellings less than 50 sq m?**

3.74 Table 3.23 does not include a space standard for dwellings of less than 50 sq m. We were told that the Mayor does not wish to encourage provision of dwellings below that size for a range of reasons including their inherent inflexibility for adaptation to the changing needs of occupants as "lifetime homes". ESCs 3.13 and 3.16 nonetheless acknowledged that such accommodation does, and will continue to, contribute to London’s supply of new housing. We were told, for example, by the City of London Corporation that small units may sometimes be used as weekday homes for business people wishing to avoid a daily commute from their main places of residence away from London. Pocket Homes Ltd referred to the attractiveness of small homes to young people, and we are also aware of demands for specialist accommodation for students and the like. In these contexts, dwellings of less than 50 sq m might appropriately be referred to generically as “studio units”. Recognising that such units could be appropriate in some areas, the Mayor offered FSCs 3.37 and 3.38 to supplant the ESCs and adopt a more conciliatory tone towards them. However, it seems to the Panel that both suites of changes confuse the aims of Policy 3.5 (the quality and design of housing developments) with those of Policy 3.8 (housing choice) and similarly risk confusing internal layout with external appearance. In the Panel’s view the appropriate approach is simply to include a minimum floorspace for “studio units” and to consider quantitative and other qualitative issues under other relevant strategic and Borough level policies as they arise.

3.75 Discussion during the EiP ranged across figures from 35 sq m (proposed by LB Wandsworth in revisions to its own space standards, and found to be in high demand by the City of London Corporation) and 37 sq m (advanced by Pocket Homes Ltd and Consortium of London Developers). As a strategic minimum standard we alight on the Developers’ 37 sq m figure, which would not preclude the 35 sq m figure if there are circumstances to justify it (such as the pattern of usage or well-tailored design). **Thus, neither ESCs 3.13 and 3.16 nor FSCs 3.37 and 3.38 should be made and we make Recommendation 3.9: That an additional row be added to the top of Table 3.3 to provide for 1 bedroom/studio units with an indicative floorspace of 37sq m.**

**Issue: Is suitable strategic policy provision made for children and young people’s playspace and informal recreation facilities?**
3.76 For the most part, participants expressed their contentment with Policy 3.6 as drafted (with ESC 3.19), and its reference to Mayoral SPG Providing for Children and Young People’s Play and Informal Recreation\textsuperscript{85}. We note that the primary aim of this policy is to secure the provision of new play space. Given that most of this will be in the form of small and highly localised areas and buildings (and that some may be provided off-site in line with the SPG) any impact on housing land supply is likely to be small and will more suitably form part of the evidence base necessary to support DPD policies based on SHLAAs undertaken at Borough level. Protection of existing open space in general is covered by Policy 7.18, which is accompanied by Table 7.2 giving size guidelines for different types of open space (including play spaces) and recommended distances from homes. Together with Policy 3.19 and the more detailed advice on playspace, including “doorstep” playspace, in the SPG, we consider there to be an adequate strategic framework for policy development and application at Borough level. In addition to ESC 3.19, we endorse the further adjustment made to paragraph 3.34 by FSC 3.38. This responds to criticism of the term “youth clubs” as being too limited in extent and replaces it with “youth facilities”.

\textit{Issue: Is it necessary for “planning frameworks” to be produced for “large” residential developments?}

3.77 We were told that Policy 3.7 is directed at sites which fall below the size thresholds of Opportunity Areas but are nonetheless of a scale that makes them strategically significant. Concern was expressed mainly by the development sector that the production of “frameworks” referred to in Policy 3.7B might delay the development process considerably. Borough representatives added that framework documents placed a cost burden on them and may not always be necessary (for example if the land concerned was under the control of a single developer). Community interests were anxious to ensure that infrastructure needs would be properly considered from the outset, and thus supported the policy.

3.78 It seems to the Panel that schemes of the scale envisaged (over 5 ha or 500 dwellings, the latter being significantly above the present threshold for strategic referral) would be most likely to come forward through site allocations DPDs at Borough level rather than as “windfalls”. This would give both the Boroughs involved and the Mayor ample opportunity to consider how any such scheme should progress through the plan-led process. In the case of sites that span Borough boundaries, strategic co-ordination may be required through production of a Mayoral Planning Framework document, but further detail of those and most others would be more suitably handled through site specific DPD policies and proposals (affirmed by the Mayor as being in general conformity with the London Plan) or (as with those that are genuinely simple “windfalls”) through development

\textsuperscript{85} LD55
b Briefs and/or Master Plans produced by or in association with the Boroughs.

3.79 We support the Policy’s plan-led approach to location (Policy 3.7A) and to securing qualitative aims and appropriate community engagement (Policy 3.7B). However, given the potential range of the schemes involved and the different ways in which they may be advanced, we consider that use of the word “framework” does not convey adequate flexibility or transparency to the process itself. In particular, we consider that Policy 3.7B and paragraph 3.37 should be modified to better address questions of need (raised by Quintain Estates) and community engagement (raised by Just Space Network). We therefore make Recommendation 3.10: That Policy 3.7B be modified by replacement of the words “subject to planning framework” by “progressed through an appropriately plan-led process”, insertion of the words “where necessary” after “to co-ordinate” and, in the second sentence replacement of the words “Frameworks should be prepared in consultation with” with “The planning of these areas should take place with the engagement of”. We also make Recommendation 3.11: That the introductory sentence of paragraph 3.37 be modified by replacement of the words “Planning frameworks for these areas” with “Plans for these areas, which may include strategic framework documents as SPG, site specific DPD policies and proposals or Borough-level SPD as appropriate”.

Policy 3.8 Housing Choice

3.80 Provisions for Gypsies and Travellers and for Travelling Showpeople were introduced into this Policy by the Mayor’s proposed Minor Alteration of September 2010. However, we deal with the issues involved under Policy 3.9 as in the original submission version of DRLP.

Issue: Are the strategic aims of Policy 3.8 sufficiently clear?

3.81 The fundamental purpose of Policy 3.8 is to ensure that housing developed during the plan period is suitable for those who may reasonably be expected to occupy it. Tenure is principally the subject matter of Policies 3.10-3.14, and we see no strategic need to promote the community-owned housing sector or self-build housing (suggested by the Development Trusts Association) in this regard. Those specific forms of development are essentially locally based and more likely to emerge from community engagement in the planning process through Policies 2.14 and 7.1 for example. There is, however, a qualitative dimension to Policy 3.8 in seeking a suitable mix of housing types. There is also a quantitative dimension inasmuch as it is necessary to ensure (within the overall housing supply established by Policy 3.3) that sufficient numbers of each type are provided. A key output of the Strategic Housing Market Assessment process is to
estimate what is required in these respects, to enable appropriate policy provision to be made.

3.82 The London SHMA 2009\(^{86}\) is, however, broad-brush, inasmuch as it considers London as a single Housing Market Area. It does not therefore recognise how particular needs are spatially distributed across different parts of London. That more detailed work has yet to be undertaken, at either sub-regional or individual Borough level and is at present progressing in parallel with LDF formulation\(^{87}\). Two further aims of Policy 3.8 are therefore, in the context of LDF preparation, firstly to highlight (from the London-wide SHMA) the particular strategic needs that the Mayor wishes this further SHMA work by the Boroughs to particularly examine (in addition to other local peculiarities and priorities) and, secondly, to produce appropriate LDF policies to address them. Lastly, an additional aim of Policy 3.8 is to ensure that strategic priorities are suitably recognised in a planning decision-making context. The policy, with FSC 3.39, ranges across these subjects. While each sub-section might (notwithstanding paragraph 0.21 of DRLP) benefit from being structured more clearly, we do not accept criticisms that the content amounts only to vague aspirations rather than strategic policy direction. We endorse FSC 3.39.

**Issue: Should specific reference be made to "off-site" provision?**

3.83 On a general point of implementation, the representations identified some concern that the policy as drafted in DRLP makes no reference to the possibility of housing needs being met off-site. We have commented on the related subject of “swaps and credits” in Chapters 2 and 4. The Mayor drew our particular attention to paragraph 3.67 which also refers to the subject but only in the context of affordable housing. On the wider question raised here, we generally agree with both the development sector and community sector interests that housing needs should be met where they arise. On the one hand, this is because the direct relationship to the development concerned would otherwise be difficult to establish and, on the other hand, because there is a risk that communities in need of particular types of housing may be displaced from the vicinity of a development site, where they are now. However, there may be circumstances in which off-site provision might be appropriate (for example, where family housing might be more suitably provided away from a busy town centre road). We consider that flexibility should remain for Boroughs to determine the appropriate approach on a case-by-case basis. This is the thrust of FSC 3.42 to paragraph 3.43. We accordingly endorse FSC 3.42.

**Issue: Should there be prioritisation of needs?**

3.84 While we acknowledge the specific needs pressed by individual interests, and the desire of many to inject urgency into the process by

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\(^{86}\) LD11

\(^{87}\) See LD88
inclusion of numerical targets and specific measures, the evidence base is not yet sufficient to prioritise action in that degree of detail. Prioritisation will be necessary, not least because as London Forum indicated, the “wall of expectation is not matched by a wall of money”. However, as matters currently stand, such refinement is, as the Boroughs indicated, primarily a matter for local determination (subject to the requirement for DPDs to be in general conformity with the London Plan, and to Mayoral strategic intervention in the planning decisions process). A number of specific needs were nevertheless discussed in some depth at the Examination, because of potential strategic importance, and we deal with these individually below.

**Issue: Have the needs of older Londoners been sufficiently recognised?**

3.85 Substantial growth is projected in the number of Londoners over the age of 65 (reaching some 1.17 million by 2031, an increase of nearly 34% from 2011) and those over 90 (almost doubling to 96,000 over the same period). Habinteg suggested that up to a third of elderly households will include people with some form of disability, and there was strong support for Policies 3.8Bc and Bd (and paragraph 3.42) calling for homes built to Lifetime Homes standards and recognising the need for wheelchair accessibility. HBF and HUDU referred us to the need in this sector of the population for more specialised housing of a range of types, while Just Space Network contrasted the rising need with the closure of sheltered housing schemes and the lack of extra care housing.

3.86 Discussion confirmed the Panel’s experience that provision of accommodation for the elderly in London is a complex issue involving a variety of public and private sector providers and a range of funding mechanisms, and manifesting itself in different ways in different parts of the capital. We are pleased that the Mayor has recognised the need for a strategically co-ordinated approach, as shown by references at the Examination to commissioning further work to take a wider look at the situation than is appropriate for the planning system alone, and by FSC 3.42. This introduces a new paragraph 3.43A, which we support. The subject is suitably highlighted by Policy 3.8Be and, with FSC 3.42, we are content that an appropriate strategy is being developed to deal with the subject. At this formative stage, it is too early to include further detail in the Plan. We endorse FSC 3.42.

3.87 It was further put to us that specialist accommodation for the elderly should be excluded from any requirement to provide an element of affordable housing. Since conducting this particular session of the Examination, there have been changes to both the Use Classes Order and the General Development Order. These changes are explained in Circular 8/2010.

3.88 As matters now prevail, some homes where care is provided remain classified as Residential Institutions under Class C2 of Schedule 3 to the Town and Country Planning (Use Classes) Order 1987 (as

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88 ED228
amended), while others would not. However, within this changing specialised field, it is impossible to make clear distinctions not least because some homes involve a mix of “with care” and “without care” accommodation. It would also be inappropriate for planning policy to effectively “freeze” types and patterns of provision that are out-dated. These are matters that need judgement on a case-by-case basis, so it would not in our view be helpful to clutter strategic policy with prescriptive detail. Rather, we anticipate that the further work proposed by the Mayor will assist common sense interpretation of the Order, and will no doubt be manifested at least in Mayoral SPG in due course. We do not therefore consider any further modification of Policy 3.8 would be appropriate in this respect.

**Issue: Family housing and communities with larger families**

3.89 The London SHMA\(^9^9\) defines a family household as any household which contains at least one child. It says that these represent about a quarter of households in London. On the basis of affordability, it adds that families are more likely to require social rented housing than all households in the region, with fewer able to afford market housing. This is reflected in the London Housing Strategy\(^9^0\) by an expressed intention to provide more affordable family-sized homes, with 42% social rented.

3.90 We acknowledge that there is some uncertainty engendered by these various references to family housing, inasmuch as the Strategy refers to this meaning homes with at least three bedrooms, whereas the SHMA would seem to imply that two bedroom accommodation may also qualify as family-sized homes. Wording in paragraph 3.55 of DRLP (“homes with more than two bedrooms”) may be held to be an unnecessary further permutation of words. We understand that there is some variation in approach taken by Boroughs too. We think it would be helpful for the Mayor to clarify this point with a glossary definition, not least to make sure that the figures from the SHMA and the London Plan can be easily reconciled with each other. **We therefore make Recommendation 3.12: That a definition of family housing for the purposes of the Plan, by reference to the number of bedrooms or bedspaces, be included in the glossary.**

3.91 Policy 3.8Bb appropriately recognises the strategic importance of making provision for affordable family housing in London as a whole in accordance with London SHMA findings, and paragraph 3.41 suitably affirms that this is to be quantified at Borough level by local SHMA findings. It is at this local level that the balance of affordable family housing relative to any over-supply of family-sized market housing (for example in the outer London Boroughs) would be most precisely identified and suitably addressed.

3.92 The Mayor has suggested inclusion of a new clause Bf to Policy 3.8 (with subsequent clauses re-numbered) similarly recognising the

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89 LD11
90 CD09
strategic need to make provision for particular communities with large families (ESC 3.21) and, in response to representations, has suggested an addition to paragraph 3.41 to again seek provision in accordance with local SHMA findings (FSC 3.41). **We endorse both ESC 3.21 and FSC 3.41.**

**Issue: Is the policy for student accommodation appropriate?**

3.93 Policy 3.8Bg (which would become Policy 3.8Bh with ESC 3.21) together with paragraph 3.44 signals the strategic importance to London of provision of student accommodation.

3.94 However, whereas paragraph 3.44 indicates a mismatch between SHLAA/HCS estimates of capacity (17,000) and need (18,000-27,000 with FSC 3.43), the University Partnerships Programme advised that the main problem was the lack of purpose designed and managed accommodation. In Central London alone, for example, it was put to us that there are some 155,000 students but only 20,000 rooms and that across the whole of London the shortage was potentially taking some 90,000 homes out of the general market. There is broad agreement that provision of increased amounts of specialist student accommodation would be highly desirable, but considerable dispute over how this should be achieved. The points raised relate variously to issues of quantity, distribution, quality and implementation, and we deal briefly with each in turn.

3.95 In quantitative terms, we see no reason for strategic policy expression of a target for the number of student bed-spaces required (or any other category of provision). As with provision for other specialist needs, such as for older Londoners, that is a matter which needs to be analysed in greater depth at Borough level and is more suitably referenced in general terms (as in DRLP paragraph 3.44). This further analysis should be not only with the HEIs themselves (via the Mayor’s proposed Academic Forum), but also with the various specialist providers involved, which include both the private and charitable sectors. **We make Recommendation 3.13: That (DRLP) Policy 3.8Bg (Policy 3.8Bh after ESC 3.21) be modified to include the words “and the various specialist providers involved” after “further education agencies”**.

3.96 The numerical range of need in paragraph 3.44 (with the Mayor’s FSC 3.43) is open to criticism for being trend-based, but the uncertainties over a range of factors affecting student numbers and their accommodation requirements is such that there is no firm evidence on which to base any other forecast. **We therefore endorse FSC 3.43.**

3.97 On distribution, we agree with the HEIs that, wherever possible, new purpose built provision should be built close to the HEIs themselves. This is for a range of reasons, including security, ease of access/reducing the need to travel and management, and the benefits to students of a “campus” experience. Competition for sites with

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91 LD124
mainstream housing providers will be largely unavoidable, but we find **London Forum**’s suggestion helpful, that some sites unsuitable for the mainstream housing might be judged suitable for the student accommodation. This is because different values may be placed by students (relative to families) on factors such as external environmental characteristics, access to community facilities and travel and work needs. Site allocations DPDs might also suitably avoid harmful competition in particular locations. Avoidance of concentrations of student accommodation (“studentification”) away from the HEIs or embedded in areas of family housing could usefully be signalled as local development management considerations. These are primarily local issues, but we consider that paragraph 3.45 should be modified to guide the attention of Boroughs and the Mayor’s proposed Academic Forum towards them. **We therefore make Recommendation 3.14: That the third sentence of paragraph 3.45 be amended to include, after “to address these issues” and in place of the words in parenthesis, the following words “(exploring, for example, the use of DPD site allocations and development management policies to identify housing land particularly suitable for student accommodation, taking account of proximity to HEIs, environmental and social characteristics and travel needs and, more widely, to avoid potential problems of "studentification" within existing family housing areas)”.

3.98 It was apparent from the debate that a range of qualitative considerations also distinguish student housing from mainstream housing. Internal space needs and facilities may, for example, include smaller kitchen areas, more storage for books and fuller electronic connectivity. Security may be especially important in some locations but there may also be a range of types of accommodation needed including for students with disabilities or those who have children. These however are detailed matters for the Universities, the specialist market providers or the Boroughs to specify and do not warrant strategic policy expression.

3.99 The principal point relating to implementation lies in ensuring that the accommodation is, and remains, for student accommodation. This is the subject matter of the penultimate sentence of DRLP paragraph 3.45, which requires that it be secured through a planning agreement tied to a specified educational institution. However, the Mayor has suggested that the alternative of tying the accommodation to student use only would also be acceptable (FSC 3.44). Although some strongly urged retention of the DRLP wording, and some HEIs may commission schemes solely for their own use, the flexibility introduced by the Mayor’s proposed change would enable specialist providers to use their stock efficiently, which is of particular importance given the scale of need. While we are concerned that there could be a need to define what is meant by ‘students’ on the alternative approach when considering particular proposals, we find the flexibility inherent in the Mayor’s revised formulation to be acceptable in the context of a strategic plan.
3.100 A further concern was the reference in paragraph 3.45 to requirements for the provision of affordable housing. With the Mayor’s FSC 3.44, this would only apply where the development is not secured for use as student use. In effect, “unsecured” accommodation would form part of the overall housing stock and we see no reason not to seek an element of affordable housing in connection with such unsecured accommodation. We therefore endorse FSC 3.44.

Issue: Houses in multiple occupation

3.101 As DRLP paragraph 3.46 recognises, houses in multiple occupation (HMOs) can meet distinct needs and reduce pressure on other elements of the housing stock. In these respects it has some resonance with student accommodation. Shelter’s call for better regulation of the private rented sector is suitably echoed in paragraph 3.46 of the DRLP.

3.102 As we have already indicated in connection with provision for Older Londoners, since conducting this particular session of the EiP there have been changes to both the Use Classes Order and the General Development Order which affect this type of accommodation. Of relevance to HMOs, Class C3 has now been divided into three, covering single household dwellings, groups of up to 6 people living as a single household and receiving care, and groups of up to 6 people living together who do not fall into Class C4. This latter class is new and covers small houses and flats occupied by between 3 and 6 unrelated individuals who share basic amenities. Large houses in multiple occupation (more than 6 people) are “sui generis”. Changes from Class C3 to Class C4 and vice versa no longer require a planning application to be made, unless Local Planning Authorities have made “Article 4 Directions” the effect of which would be to identify areas in which such changes do require an application for planning permission to be made.

3.103 The Mayor’s suggested change 3.45 has effectively anticipated these changes and looks to the Boroughs to make Directions where loss of HMOs would harm the range of housing choices available to those in need (such as loss of student accommodation or low cost housing). Use of such Directions might also reasonably be expected to cover converse circumstances, for example in which “studentification” is a risk. In the light of the legislative changes, and in support of comments made by London Forum and Just Space Network (among others), we consider this approach to be appropriate. We accordingly endorse the Mayor’s FSC 3.45.

Policy 3.8 Housing Choice and Policy 3.9 Gypsies and Travellers (including Travelling Showpeople)

Introduction

3.104 Government policy in relation to provision for Gypsies and Travellers and for Travelling Showpeople is contained in ODPM Circular
01/2006\textsuperscript{92} and DCLG Circular 04/2007\textsuperscript{93} respectively. Guidance on Gypsy and Traveller Accommodation Needs Assessments is set out in a document of that name published by DCLG in October 2007\textsuperscript{94}. This follows an earlier research report on \textit{Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies}, which was published in March 2007\textsuperscript{95}. The extent to which the Government’s intention to abolish regional planning strategies should be regarded as a material planning consideration nationally was subject of further litigation at the time of writing this report, but the Mayor remains responsible for Regional Planning in London under the GLA Acts 1999-2007. The Government announced on 29 August 2010 that it intends to revoke the two circulars, subject to necessary impact assessments and replace them with light-touch guidance outlining councils’ statutory obligations. This intent was re-iterated in Parliamentary answers on 25 November 2010\textsuperscript{96}. While the Government regard this statement of intent as being a material consideration there was no indication of the content of the intended new guidance at the time of writing this report.

3.105 The housing needs arising from Gypsies and Travellers are referred to in paragraphs 6.64-6.67 of the \textit{Greater London Strategic Housing Market Assessment 2008} by ORS\textsuperscript{97}. In terms of bricks and mortar accommodation, this indicates that needs should have been taken into account. It then refers to the separate \textit{London Boroughs' Gypsy and Traveller Accommodation Needs Assessment (GTANA)} that was produced by Fordham Research in March 2008\textsuperscript{98} to guide pitch requirements. The GTANA was produced in the light of the government guidance\textsuperscript{99} under the auspices of a broadly based steering group who signed off the Final Report in May 2008\textsuperscript{100}, the assessment also having been declared fit for purpose by Pat Niner of Birmingham University, one of the Government’s advisers\textsuperscript{101}.

3.106 The GTANA postulated two levels of need, a minimum need arising from Gypsies and Travellers in caravans whether on authorised or unauthorised sites and a maximum need including a possible requirement from those living in bricks and mortar accommodation who have a ‘proven psychological aversion’ to living in such accommodation. The survey work for this assessment covered all boroughs apart from LB Bexley who wished to commission their own assessment (subsequently produced by Local Dialogue\textsuperscript{102}), but a figure for Bexley was derived and included in Appendix 10 to the main assessment. In course of consultation on provision that might be made in the light of the assessment, certain corrections were
discerned as necessary and the corrected figures on a Borough and London-wide basis were set out by the GLA in a Table comprising Annexe 5 of *Towards provision targets for Gypsy & Traveller, Travelling Showpeople and transit pitches in London*\(^{103}\). The corrected figures in this Annexe show a minimum need for 268 pitches and a maximum of 797.

**Issue: Matters arising from comments on original DRLP submission Policy 3.9 and Table 3.4 (October 2009)**

3.107 A number of London Boroughs (*Bexley, Bromley, Hammersmith and Fulham, Haringey, Havering* and *Hillingdon*) strongly objected to the required provision specified in the submission DRLP, considering that need on the scale proposed had not been justified. In this view they were supported by the **Conservative Members of the London Assembly**. There was concern over the methodology used and a belief that a more even London-wide spread of pitches is required. There were also 16 individual representations arguing against additional provision in **LB Havering**. Conversely, **Planning Aid for London** and the **London Gypsy and Traveller Forum** argued that the need is far greater than the target for provision which had at that stage been set at 538 pitches, being the mean of the uncorrected minimum and maximum figures derived from the GTANA. This view was further supported by individuals such as **Brenda Downes** and **Margaret Mongan**. There was also concern for the quality of sites that will be brought forward during the plan period. It was argued that sites should be located appropriately to consider all the needs of the Gypsy and Traveller community and sites identified for housing should also be considered as appropriate for Gypsy and Traveller pitches.

3.108 **London Gypsy and Traveller Unit (LGTU)** sought clear leadership from the London Plan so that all stakeholders can work together in meeting Gypsy and Traveller needs. They consider that by adopting a London-wide target based on the maximum need identified through the GTANA, the real needs of Gypsies and Travellers will be met. Rigorous monitoring would enable changes to be tracked in the provision of pitches against need. The **Irish Traveller Movement in Britain** suggested that the Mayor’s reduced provision was derived from giving undue weight to informal consultation outside the GTANA process. **Traveller Law Reform Project and Friends, Families and Travellers** drew attention to the recognition of Gypsy and Traveller psychological aversion to living in a house in guidance and in court judgements. There were also around 313 postcards and standard letters from members or supporters of the Gypsy and Traveller community seeking full provision at the maximum level of need discerned in the GTANA.

3.109 The **Showmen’s Guild of Great Britain** argued that the proposed provision for them in the Plan would be insufficient. They sought an increase from 73 pitches to 101 across London.

\(^{103}\) LD126
3.110 However, before any of these points could be explored at the EiP, the Mayor put forward a Minor Alteration that reduced proposed provision for Gypsies and Travellers to 238, the uncorrected figure for minimum need derived from the GTANA and also proposed lower provision for transit pitches and Travelling Showpeople. The changes were still, however, advanced on the basis of there being a specific Policy 3.9 in the DRLP on provision for Gypsies and Travellers.

**Issue: Matters arising from comments on the Minor Alteration of March 2010**

3.111 A number of London Boroughs (Bexley, Bromley, Hammersmith and Fulham, Haringey, Havering, Hillingdon and Wandsworth) welcomed the significant reduction in pitch targets and supported the proposed new distribution that emphasises the capacity to accommodate a site as well as consideration of need. LB Bromley added that those Boroughs catering for Travelling Showpeople should not be required to contribute to meeting the need for transit pitches (and vice versa). LB Hillingdon welcomed acceptance by the Mayor that ‘proven psychological aversion’ does not provide a robust justification for specific planning intervention.

3.112 Unsurprisingly, the changes were not welcomed by the travelling community and agencies working with them. Brenda Downes suggested that the Minor Alteration would be a continuation of the history of non-provision of sites by most London Boroughs. London GTU believes the revised Policy 3.9 would lead to more families moving back to the roadside and to unauthorised sites, to an enduring inequality and to unmet needs for suitable accommodation. The Irish Traveller Movement in Britain opposed the proposed alteration of pitch provision numbers claiming that it is based on incorrect facts and assertions presented to the Mayor and subsequently given as justification in the Plan. They were also concerned that the needs of those Gypsy and Travellers currently housed in bricks and mortar accommodation against their will have been disregarded. This view was also supported by Margaret Mongan and the Traveller Law Reform Project and Friends, Families and Travellers. The London Gypsy and Traveller Forum believes that the GTANA is the best evidence of need available and is fit for purpose. They consider that there is no rationale for the revised Borough targets and the need for sites for all Gypsy and Travellers is urgent.

3.113 Showmen’s Guild of Great Britain reiterated their former concerns but argued for at least the original proposal for 73 pitches to be apportioned on a sub-regional basis.

3.114 In the light of the Secretary of State’s statement to the EiP on 9 July 2010, that the Mayor need not include targets on particular matters in the London Plan unless he and other London stakeholders wished, the Mayor put forward a further Minor Alteration in September 2010. This deleted Policy 3.9 and Table 3.4 and so reference to target provision for Gypsies and Travellers would be removed, leaving this wholly to Borough decision at a local level. Instead reference to Gypsies and Travellers and similar needs were included in general Policy 3.8 on
housing choice. Again this new Minor Alteration was advertised and comment sought.

Issue: Matters arising from the Minor Alteration of September 2010 which proposed deletion of Policy 3.9 and Table 3.4 replacing them by amendment to Policy 3.8

3.115 A number of London Boroughs (Bexley, Hammersmith and Fulham, Haringey, Havering, Hillingdon, Westminster and the City of London), all strongly supported removal of Policy 3.9 and its associated targets, as did the Conservative Members of the London Assembly. They agreed that setting detailed targets at the regional level is not the most effective way of achieving delivery and considered that the September 2010 approach is consistent with the Coalition Government’s localism agenda. LB Bromley and the RB Kensington and Chelsea, whilst generally supportive of the Alteration, had concerns that this further Minor Alteration fails to acknowledge pitch provision as a London-wide issue. However, they welcomed the removal of references to those with ‘psychological aversion to bricks and mortar’ as need to be met because they consider that this was overstated in the GTANA which therefore produced unrealistic assessments of Borough needs.

3.116 Fordham Research and the Irish Traveller Movement in Britain believe that the GTANA demonstrates the need for provision of a minimum number of residential pitches, transit pitches and pitches for Travelling Showpeople London-wide. They argued that removal of pitch targets would constitute a very dangerous precedent for unpopular, vulnerable, and disadvantaged elements of London society, including Gypsy and Travellers, for whom the Mayor is committed to ensuring equal life chances and an enhanced quality of life under policies elsewhere in the DRLP. They consider that a pan-London strategic policy approach is essential in tackling London’s chronic shortage of Gypsy and Traveller sites. Brenda Downes and Margaret Mongan are also concerned that the latest Minor Alteration seeks to disregard the GTANA even though it offers the best evidence of need so far collected, a point also stressed by the Just Space Network. The London Gypsy and Traveller Forum share this view and argued that the validity of the GTANA is only under question to justify the suggestion that boroughs are best placed to assess pitch requirements which is contrary to evidence provided over the past 3½ years. Labour Members of the Assembly also hold this view and suggest that the original submission DRLP target requirement of around 500 pitches is broadly correct to address need derived from a soundly researched GTANA. They flagged-up concerns in the IIA over compliance with equalities legislation. The Traveller Law Reform Project and Friends, Families and Travellers argued that pitch targets for Gypsy and Traveller accommodation are strategic matters for the Mayor. In their view the proposed Alteration is indirectly discriminatory because a higher proportion of Gypsies & Travellers are likely to be affected by this change (in their identified need for a pitch on a site) than people from other racial groups in houses (who have
an identified need for bricks and mortar accommodation). The **Just Space Network** stressed the potential breach of equalities legislation highlighting issues raised in the IIA and the **London Forum** sees the issue of meeting the needs of London’s Gypsies and Travellers as a strategic matter needing attention on a London-wide basis.

3.117 The **London LGTU** are concerned that the consultation process is cited as justification for the Minor Alteration when there is an urgent need for pitch provision based on an assessment of need, policy and background evidence. If the approach of having a modified Policy 3.8i is pursued, the LGTU suggested an amendment seeking to secure protection of existing sites, as is included in the current consolidated London Plan Policy 3A.14 and earlier iterations of the DRLP. **Dr Angus Murdoch** argued that removal of all targets and reliance on Boroughs to produce sites of their own volition is doomed to failure on the evidence of what happened when the previous Circular 1/94 was in force. Authorised site provision fell and unauthorised sites increased.

3.118 The September Minor Alteration also attracted a large number of individual albeit standardised responses from members of or supporters of the Gypsy/Traveller community. There were around 240 responses from members of the community which refer to the desperate need for more sites; concern over the removal of targets from the DRLP given the lack of provision when there were no specific duties on boroughs even when funding was available; concern about the consultation process and discrimination towards Gypsy and Traveller community. Postcards from over 220 further supporters of the Gypsy and Traveller community stress equality issues as there is a serious need for further pitch provision and targets have been set for conventional housing.

3.119 The **Showmen’s Guild of Great Britain** argues that the need identified in the GTANA is not a theoretical “target” but a real need. They do not agree that way that the Mayor’s proposal in paragraph 1.7 of the March Minor Alteration would be ‘the best way to deliver real improvements in the provision of pitches’ but would rather curtail meeting actual housing need. Over 35% of Travelling Showpeople living in the capital were argued to be effectively homeless through having no settled home in which they can live.

**Issue: The adequacy of the evidence base for determining the level of need to be met**

3.120 At the Examination we sought to test the adequacy of the evidence base for the need for pitches and what had happened under various policy regimes that have been operative over past years. We noted that the Conservative Group on the London Assembly had concerns over the methodology used in the GTANA and supported that concern with responses from a number of London Borough Councils. When pressed, however, their spokesperson agreed that they had no

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104 CD10
quarrel with the assessment of minimum need, only with the additional need suggested as arising from travellers living in bricks and mortar accommodation and having a 'proven psychological aversion' to living in bricks and mortar, a component that would make up two-thirds of the maximum need identified.

3.121 We noted that the Steering Group overseeing the Assessment (which was led by Boroughs and did not include the Mayor, although he had commissioned the study on behalf of the boroughs, but did include the DCLG) had signed off the report as appropriate. Moreover, it had been endorsed by Pat Niner, a respected academic adviser to the Government on traveller issues. As far as we can see, it carefully followed extant Government advice and indeed addressed deficiencies found in earlier comparable studies. Leaving aside the judgement over the extent to which provision should be made to address 'proven psychological aversion' to living in bricks and mortar, a point to which we will return, it is undoubtedly a substantial body of evidence to which weight should be given. There was argument over the wisdom of using some interviewers from the Gypsy and Traveller community, but this was countered by the difficulty of getting responses if reliance is placed wholly on professional staff, as was evident in the separate Bexley study. All in all we cannot see any obvious deficiencies in the study and consider that it stands very good comparison in terms of rigour and coverage with the individual borough assessment commissioned by the LB Bexley. When pressed, the Mayor's representative accepted that the study was 'reasonable'.

3.122 Our first conclusion is therefore that there is an evidence-based minimum need for some 268 pitches for Gypsy and Travellers over the next 10 years in Greater London. Given the inclusion of reference to the level of need for total housing provision we cannot see any justification for failing to include reference to at least this level of need for pitches in the London Plan. The overall SHMA indicated that the GTANA would define this element of housing need, which it has. Moreover, to fail to acknowledge the value of what is probably the most thorough GTANA conducted to date in England, the RLP would risk side-lining this valuable resource, even if it is only wholly accepted in relation to the definition of the minimum level of need. For Boroughs to undertake individual GTAAs in the short-term would

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105 RD457
106 ED168
107 GD43 and GD45
108 LD126
109 LD11
seem a waste of scarce public resources without any guarantee that as sound or consistent conclusions would be able to be drawn from any such further studies.

3.123 The next element of this issue is whether the maximum level of assessed need is adequately based on evidence. The Gypsy and Traveller community and supporting agencies argued that the GTANA assessment of those having ‘proven psychological aversion’ to living in bricks and mortar was rigorous as it was based on requiring survey answers both to being dissatisfied with their current home and having a negative psychological effect from living in bricks and mortar accommodation, so it was not just an expression of preference. Hence their argument that the whole of this category of need should be included and provision set at the maximum need identified (when corrected, this would be 797 pitches). Conversely, those not convinced that the additions arising from this category of need produce figures representing real need argued that a concept such as ‘proven psychological aversion’ could only be assessed on a case-by-case basis by medical practitioners. Dr Murdoch and others suggested that this latter approach was not an appropriate test as the term really should be a ‘cultural aversion’ as highlighted in certain court judgements. However, the Mayor’s representative pointed out that the court decisions referred to were cases under the Housing Acts and not Town & Country Planning cases. He also pointed out that the concept in terms of ‘proven psychological aversion’ is only referred to once in paragraph 15 of the Government guidance on GTANAs\(^\text{110}\) and in a context clearly indicating that inclusion of an allowance for need arising from this reason is discretionary rather than mandatory.

3.124 For our part, we have to have regard to the wording of Government guidance, so we are inclined to the view that the GTANA does place undue emphasis on this element of need. Moreover, although the requirement for two corroborating answers to the survey does introduce an element of rigour, we do agree with critics that the phraseology of the questions is not wholly neutral and encourages expressions of dissatisfaction with bricks and mortar accommodation. Further, amongst the answers to the questions were a significant number of respondents who were dissatisfied with their bricks and mortar accommodation because of isolation from other members of the Gypsy and Traveller community and others who expressed concerns such as over-crowding that would not be unique to Gypsies and Travellers. We heard similar concerns over isolation arising in re-housing from regeneration areas and it would seem that an element of the ‘aversion’ revealed might be overcome by more sensitive housing allocation policies. In making such a comment we do not under-estimate the problems faced by Housing Authorities and other social landlords in a context of shortage of affordable housing and the need inevitably to make allocations out of a strict sequence of need if communities are to be housed together or in relatively close proximity.

\(^{110}\) GD43
3.125 Having regard to these conclusions, we consider that the GTANA is likely to overstate the extent of need arising from those in bricks and mortar, though by how much is very difficult to assess. What we can be confident of is that the 268 minimum need figure should have an additional allowance added to allow for some need arising from this reason. Traveller Law Reform Project and Friends, Families and Travellers reported that in relation to the South East Plan the Examining Panel were minded to recommend an uplift of 10% in the assessment of need to allow for this aversion and that in a study of Greater Manchester 60% of the identified need was assessed to arise from this reason. Some participants argued that wholly to exclude the possibility of any such need being catered for risks an outcome akin to the approach of the former governments of Eastern Europe in the forcible re-housing of their Roma populations. There, we were told, a culture had been largely eradicated, an approach that was argued to be contrary to United Kingdom equalities legislation. Moving testimony to the problems and needs of the varied traveller communities across London was given by representatives at the Examination.

3.126 Before concluding on what should be included in the RLP, we need to consider the evidence of achievement under various policy regimes that have applied in London over the years. At our request, the London GTU and the GLA sought to agree figures of pitches and site provision over recent years. These could not be wholly agreed as the GLA indicated that it could not speak on behalf of Boroughs where corrections to their figures were needed. Nevertheless, they did not object to the figures tabled by the London GTU\(^\text{111}\). The figures appear to show beyond any doubt that the provision of pitches grew steadily under the regime that applied under the Caravan Sites and Control of Development Act 1968 which placed an obligation on individual Boroughs to make provision, but that growth came to an end in the 1990’s under the guidance introduced by Circular 1/94 after the repeal of the 1968 Act requirements. This Circular gave emphasis to private provision that is very difficult in a largely built-up area like London. Since then the level of provision in terms of pitches has remained broadly static with some falls recorded as socially provided sites (which are the great majority in London) have been closed without replacement. Although Circular 1/2006 re-introduced funding of social provision this has had little impact as the strategic policy in the Consolidated London Plan 2008 does not set provision requirements for individual boroughs but only includes a general policy, Policy 3A.14, to encourage collaboration and establish criteria-based policies in DPDs to govern consideration of suitable sites. The number of pitches on socially-rented sites rose from around 400 in 1980 to a peak of around 520 on a moving average basis in the late 1990’s before falling back to around 480 by 2009. The only new or re-shaped sites provided in recent years appear to be ones provided in Hackney and Tower Hamlets to replace those acquired to create the Olympic Park or to facilitate the construction of Crossrail.

\(^{111}\) ED247
3.127 The inescapable conclusion is that in the context of London which is acknowledged as being a single, albeit complex, strategic housing market area, a solution reliant wholly on Boroughs acting individually is unlikely to meet the demonstrable need for significantly increased numbers of pitches for Gypsies and Travellers.

**Issue: The appropriate form of policy to secure provision for Gypsies and Travellers in London**

3.128 We do not doubt the efforts which the Mayor has put into seeking to find a solution acceptable to both the travelling communities and the local communities within which provision has to take place. The responses to the March 2010 Minor Alteration made clear that although Boroughs who responded felt that it was a step forward, it certainly did not find favour with the travelling community. The need for local ownership of solutions has been stressed by the Coalition Government under the localism agenda, but we are concerned that if the needs of a recognised minority are not sufficiently recognised on a Londonwide basis, then the absence of such recognition would sit uncomfortably alongside the equalities obligations enshrined in national legislation and the specific provisions regarding equalities in the GLA Acts. We acknowledge, however, that the Mayor took legal advice before putting forward the September 2010 Minor Alteration and our observation is not intended as a comment on the legal situation.

3.129 In the light of all the submissions put to us, we are unconvinced that the September 2010 Minor Alteration represents an appropriate solution to the very difficult balancing act necessary to weigh need against practical possibilities to realise provision. As already concluded, we do not consider that it can be appropriate to omit reference to the need when that for overall housing apart from Travellers pitches has been included in the Plan. To omit reference to the need for pitches would be inconsistent with the overall SHMA. Neither do we consider that the problem would be solved simply by increasing the overall housing requirement by the requisite number and including a standardised, but not identified addition to the indicative provision figures for each Borough, as was postulated as a possible way forward at the Examination. This is at the heart of the problem in seeking just to include reference to Gypsies and Travellers under the Policy 3.8 on housing choice. Whereas the other categories of need under that policy require some kind of bricks and mortar accommodation, albeit in some instances with adaptation, the provision of pitches for Gypsies and Travellers is of a different kind as they involve provision of land for caravans and not sites for conventional development with all the differences that are implied in terms of density and design.

3.130 In short we regard the approach of the September Minor Alteration with regard to Gypsies and Travellers as inappropriate and unlikely to achieve the objective sought on the basis of the historic record. It was suggested that the situation would be different now because
Gypsy and Traveller pitches would be able to be funded on exactly the same basis as other social housing and that they would qualify for the new homes bonus in the same way as conventional dwellings. Since full funding of pitch provision has been available in the past during periods of static or falling provision when the policy framework did not set targets for individual Boroughs or areas, we do not find this argument at all convincing. Boroughs would get a similar benefit under the new homes bonus for less controversial conventional housing, even if in terms of expenditure on social housing, a serviced plot would cost less in terms of construction than a conventional dwelling. However, any cost benefit in terms of the latter would be reduced by the lower density achievable for caravans.

3.131 In our judgement, the March 2010 Minor Alteration with suitable amendment, offers a better way forward with a much greater chance of securing provision to meet at least minimum need and one that from the representations received and comment at the Examination could still command a reasonable degree of community support and thus consistency with a localism agenda. It is significant to us that it was not publicly opposed by Borough Councils. Clearly, it would not satisfy those within the traveller community and amongst their supporters that seek provision up to the maximum level of need identified in the GTANA, but it would be likely in our view to secure some additional provision that might at least meet minimum needs.

**Issue: The strengths and weaknesses of the March 2010 Minor Alteration**

3.132 The first issue to address is the inclusion of a provision figure of 238 pitches. This is simply the original, but incorrect level of minimum need identified in the GTANA. The reasoning advanced by the Mayor for this figure is that given the constraints on provision arising from restricted availability of financial and land resources, Gypsies and Travellers ought not to expect a better level of provision in relation to need than that anticipated as feasible for social housing generally. The proposed minimum target for social housing that we have accepted elsewhere in this chapter of 13,200 homes pa is around 72.5% of the need identified in the overall SHMA. Applying that percentage to the corrected minimum need for pitches identified would only indicate a requirement for some 194 pitches. This was increased to 238 to match the lowest level consulted upon and considered in the IIA process prior to the September 2010 Minor Alteration. While the reasoning is understood, it seems to us that the result is an arbitrary figure that is neither the correct figure of minimum need nor an accurate adjustment to apply equitable treatment in respect of potential deliverability.

3.133 We have sympathy with the equitable deliverability argument, but it seems to us that if it is to be applied, it should be applied to a figure that does include some allowance for need arising from those with a ‘proven psychological aversion’ to living in bricks and mortar. As indicated above, although we consider that some allowance should be included, it is a figure that is very difficult to quantify on a generalised
basis. Our conclusion is therefore that the figure that should be included for minimum provision ought to be the corrected 268 pitch figure. Such a figure can be perceived as arising from the GTANA in a way that can be apportioned amongst the Boroughs. If the equitable principle is acknowledged, at least some allowance would by implication be made for proven instances of psychological aversion being identified amongst individuals.

3.134 We pressed the Mayor’s representative at the Examination as to whether the distribution among the Boroughs in the March 2010 Minor Alteration, which was stated to take account of physical capacity as well as need, was based on the corrected minimum need figures and we were assured that it was. This distribution was welcomed by those Boroughs which made comment and not publicly opposed by any Borough. It would seem to us that a distribution of a 268 pitch requirement could therefore be made on the March 2010 basis that ought broadly to be reflective of the interaction between need and capacity and which would thus redress some of the balance between those authorities that have been making or permitting some provision and those which have not or which have even been closing those sites which previously existed. This is illustrated in the table below.

3.135 The question remains whether specifying indicative provision levels for pitches in each individual Borough can be reconciled with the restraint upon the Mayor from including non-strategic matters in the spatial development strategy for London in accordance with the guidance of GOL Circular 1/2008 and the Coalition Government’s policy of localism. We have no doubt that ensuring sufficient provision of pitches to meet reasonable expectations of need being met is a strategic matter in the context of London, as argued by the Gypsies and Travellers and their supporters at the Examination. These communities are Londoners in the same way as all the other communities that make up its population.

3.136 Nevertheless, the Mayor argued that as a matter of scale, specification of a handful of pitches being required in an individual Borough cannot be regarded as strategic and we have sympathy with this particular argument. Moreover, although the GLA March 2010 distribution of indicative requirements in relation to capacity as well as need was based on a rational analysis of factors such as density of development recently achieved and capacity for conventional housing, there is no evidence that the outcome was accepted as deliverable by all the Boroughs whereas the overall housing provision figures derived through the SHLAA/HCS process appeared essentially acceptable to all, subject to a limited number of specific caveats. Those Boroughs that have commented appeared to accept the March distribution, albeit that this was based on 238 pitches rather than 268 and thus for many Boroughs a slightly lower figure than those indicated below. However, those commenting at that stage were only a relatively small proportion of the Boroughs and included some of those that would see the greatest reduction in indicative requirements as compared to a distribution based purely on minimum need arising from existing sites. It cannot be assumed therefore that the individual Borough figures
derived from distributing a provision of 268 pitches on the March 2010 basis would be deliverable.

<table>
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<tr>
<th>Borough</th>
<th>Minimum Need as corrected in Annexe 5 of Towards provision targets for Gypsy &amp; Traveller, Travelling Showpeople and transit pitches in London [LD126]</th>
<th>This level of Minimum Need distributed as in March 2010 Minor Alteration [CD08] but controlled to a 268 rather than a 238 total</th>
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<td>0</td>
<td>2</td>
</tr>
<tr>
<td><strong>London total</strong></td>
<td><strong>268</strong></td>
<td><strong>268</strong></td>
</tr>
</tbody>
</table>
3.137 In an attempt to see whether there could be an approach between simply a London-wide indicative minimum pitch provision requirement at one end of the spectrum and individual Borough figures at the other, we explored at the Examination whether sub-regional figures as indicated in the earlier iterations of DRLP Gypsy and Traveller policy for transit pitches and provision for Travelling Showpeople might provide a solution. There was little enthusiasm for such an approach as the Gypsy and Traveller community and their supporters argued that without specific targets for individual Boroughs provision would not be made, while the Mayor and those supporting the September 2010 Minor Alteration approach still argued that localism required ability for Boroughs to come to their own conclusions in an unfettered way. The Mayor had the added argument related to the September 2010 Minor Alteration that leaving provision completely to the Boroughs was right as the powers and responsibilities lay wholly with them. The last point would no longer appear to be correct as from 1 December 2010, the Mayor has assumed responsibility for HCA roles within London (and the transfer of appropriate powers to the Mayor is contained within the Localism Bill). The Mayor would now therefore seem to control funding for provision and probably would also have power to make provision should Boroughs not fulfil their responsibilities. Despite the lack of enthusiasm for a sub-regional approach, the boroughs participating in the Examination confirmed that any approach using sub-regional housing partnerships should be related to the HCA London sub-regions as this is the current basis for co-operative working on housing matters.112

3.138 We have therefore aggregated the borough figures for pitch requirements shown above into HCA Sub-regional groupings.

<table>
<thead>
<tr>
<th>HCA Sub-regions and Housing Partnership Sub-regions</th>
<th>Need as set out in Towards provision targets for Gypsy &amp; Traveller, Travelling Showpeople and transit pitches in London Annexe 5</th>
<th>Provision requirement based on March 2010 distribution principles</th>
<th>Range of required provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>North-West</td>
<td>43</td>
<td>40</td>
<td>40-43</td>
</tr>
<tr>
<td>South-West</td>
<td>45</td>
<td>47</td>
<td>45-47</td>
</tr>
<tr>
<td>North</td>
<td>8</td>
<td>39</td>
<td>8-39</td>
</tr>
<tr>
<td>North-East</td>
<td>97</td>
<td>77</td>
<td>77-97</td>
</tr>
<tr>
<td>South-East</td>
<td>75</td>
<td>65</td>
<td>65-75</td>
</tr>
<tr>
<td><strong>London total</strong></td>
<td><strong>268</strong></td>
<td><strong>268</strong></td>
<td><strong>235-301 (mean 268)</strong></td>
</tr>
</tbody>
</table>

3.139 We believe that the RLP should specify an indicative minimum pitch provision on the above sub-regional basis. We consider this would not offend against any principle of localism and ought to provide opportunity for reasonable provision to be made by local partnership working such that a site in a particular Borough might also serve one

112 Map 5 ED14
or more neighbours. Statutory provision for co-operation to secure sustainable development, which must include meeting the reasonable needs of travelling communities, is enshrined in the Localism Bill. In making this suggestion we do not assume any particular minimum size of site since although 10-15 pitches is sometimes referred to as optimum for management and to enable accommodation of extended families and avoidance of isolation, examples were cited from Camden in which provision of very small sites on a clustered basis had proved satisfactory, particularly in relation to assimilation into the local community. We also agree with the London GTU that there should be a KPI that would ensure that trends in pitch provision are monitored by the GLA. We return to this point in Chapter 8.

3.140 It will be noted that the two alternative distributions are very similar for North-West and South-West London. However, the re-distribution in the second column to show a higher sub-regional figure in North London reflects the much criticised closures of sites without replacement which has had the effect of deflating apparent need in Boroughs such as Enfield and Haringey. Conversely, the high levels of past provision made or accepted in South-East and North-East London in the past, in particular in LB Bromley and LB Havering, has the effect of inflating apparent need in those areas, so that the second column indicates lower provision in these latter sub-regions.

Issue: How to make provision for transit pitches and an appropriate level of provision for Travelling Showpeople

3.141 The earlier iterations of the DRLP policy for Gypsies and Travellers referred to distribution of these requirements being made through sub-regional housing partnerships. There seems no other way for transit provision to be made as it is likely only to involve a small number of sites at whatever level is proposed. The GTANA suggested a need for 20 pitches, but to allow for movement, the submission DRLP proposed a provision of 40 pitches distributed evenly across the sub-regions. The March 2010 Minor Alteration suggested reducing that figure to 16, whereas the September 2010 Minor Alteration gave no indication of a provision figure. If the rationale of the earlier figures is accepted relating these to a minimum provision figure of 268 would imply that around 20 new transit pitches should be provided across London.

3.142 There was some suggestion that provision of pitches on any new permanent sites over and above immediate requirements might meet some of this requirement which is intended to facilitate retention of the culture of travelling. Leaving some provision to allow for growth within extended families appears sensible given the examples of overcrowding of existing sites put to us at the Examination. However, whether it is feasible to make transit provision on a temporary basis by such means is a local rather than strategic issue. We can only suggest that provision of around 20 transit pitches should be made across London with a broadly equal distribution made through the sub-regional housing partnerships.
3.143 With regard to pitches for Travelling Showpeople, the **Showmen’s Guild of Great Britain** clarified that their specific concern with the findings of the GTANA was the suggestion that some of the need arising within London would be met by households moving out to sites established in surrounding regions. The example of difficulty in securing such provision at South Ockendon in Thurrock was cited at the Examination and no evidence was provided that outward migration is a realistic expectation given the constraints in neighbouring authorities. The Guild therefore argued that provision of 101 pitches within London is the proper figure to be derived from the GTANA, though on a zero net migration basis the figure would be 98. We heard nothing to counter this evidence. Moreover, the suggestion for an equitable reduction in the figures in the March 2010 Minor Alteration does not seem to be justified on the same basis as those for Gypsies and Travellers. Provision for Travelling Showpeople is very largely if not wholly through provision of private sites. Consequently, restriction on the availability of public finance is not relevant. Constraints imposed by other planning policies may well be relevant, but those would be applicable at whatever provision level might be suggested. We therefore agree with the Guild that around 100 pitches is the potential indicative requirement for London given the concentration of Showpeople’s activity in London and the desire to be located in proximity to the M25 for access to other parts of Britain.

3.144 In this case, the Guild did not accept that the distribution should be broadly equal between the sub-regional housing partnerships because the greater part of the demand arises from the over-crowded nature of existing sites concentrated in West London, in LB Hounslow in particular, and to a lesser extent in South-East London where LB Bromley was commended for a recent acceptance of an extended site for Travelling Showpeople. Thus, they argued that around two-thirds of provision should be indicated as required in North-West London (around 70 pitches), modest provision in South-East and North London (around 10 pitches each) but only low provision in South-West and North-East London (around 5 pitches each). We had no other evidence presented to us and therefore accept such a distribution would be reflective of need. The Guild also made the point that for Travelling Showpeople, the references should be to plots rather than to pitches as they have bulky equipment to accommodate.

3.145 In the light of all the foregoing we make:

**Recommendation 3.15:** That the September 2010 Minor Alteration be not proceeded with and that consequently the relevant FSCs be not endorsed (FSC 3.39A, 3.45A, 3.45B, 3.45C and 3.45D).

**Recommendation 3.16:** That the DRLP be amended by incorporation of the March 2010 Minor Alteration [see Appendix 6] with further amendments as follows:

- replace “Borough” by “Housing Partnership Sub-region” in line 4 of paragraph 3.47;
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- replace “238” by “268” in line 3 of paragraph 3.49, adding after that sentence “This number is the corrected figure of minimum need arising from those currently living in caravans. On an equitable basis, as it would otherwise not be expected that all social housing needs would be able to be met, this level should enable modest provision to be made to meet needs of those with proven psychological aversion to bricks and mortar accommodation.”;

- in the final sentence of paragraph 3.49 replace “borough” by “Sub-regional” and insert after “(see paragraph 3.50)”, “themselves informed by the more detailed borough levels of need identified in Annexe 5 of ‘Towards provision targets for Gypsy & Traveller, Travelling Showpeople and transit pitches in London’ and the related distribution of this provision based on capacity as well as need,...”; 

- in paragraph 3.51a in the first bullet point replace “15” by “around 20” and in the second bullet point delete “even”, replace “53” by “around 100”, replace “pitches” by “plots” and add at the end “such that around 70% would be in North-West London, 10% in each of the North-East and South-East London sub-regions and 5% in each of the North and South-West London sub-regions.”

- replace the text of Table 3.4 Gypsy and Traveller Pitch Provision 2007-17 by the following:

<table>
<thead>
<tr>
<th>HCA Sub-regions/Housing Partnership Sub-regions</th>
<th>Need as in Towards provision targets for Gypsy and Traveller, Travelling Showpeople and transit pitches in London Annexe 5*</th>
<th>Provision requirement based on March 2010 distribution principles</th>
<th>Range of required provision</th>
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</thead>
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<td>South-West</td>
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<td>47</td>
<td>45-47</td>
</tr>
<tr>
<td>North</td>
<td>8</td>
<td>39</td>
<td>8-39</td>
</tr>
<tr>
<td>North-East</td>
<td>97</td>
<td>77</td>
<td>77-97</td>
</tr>
<tr>
<td>South-East</td>
<td>75</td>
<td>65</td>
<td>65-75</td>
</tr>
<tr>
<td>London total</td>
<td>268</td>
<td>268</td>
<td>235-301 (mean 268)</td>
</tr>
</tbody>
</table>

“* Note for distribution of provision to meet needs for transit and travelling showpeople plots see para 3.51a”

- re-number paragraph 3.51 as paragraph 3.51c.
Affordable Housing

3.146 Under this Matter the Panel examined five DRLP policies (Policies 3.10, 3.11, 3.12, 3.13 and 3.14) and we consider relevant issues under each in turn.

Policy 3.10 Mixed and Balanced Communities

Issue: Is the proposed approach likely to produce mixed and balanced communities?

3.147 The Panel found a good measure of support for the concept of mixed and balanced communities as expressed in Policy 3.10A. Representations were directed primarily towards Policy 3.10B and paragraph 3.53 and their focus on areas where social renting predominates. Community groups united strongly behind the premise that the proposed approach was built on myth rather than evidence and expressed the view that the outcome would be the opposite of that which Policy 3.10A purports to establish. Existing settled communities, already more mixed than the Mayor recognises, would see existing social rented housing in their areas becoming increasingly residualised, while market housing would expand onto areas of land representing the only publicly controlled resource on which needed additional social rented housing could be provided. In large measure, these and other points put to us reflect the experiences of occupiers of existing and former social housing during the course of estate renewal and regeneration projects. These were eloquently voiced in connection with Policy 2.14, where we have commented at some length on the regeneration process itself.

3.148 However, the thrusts of the Mayor’s response to objectors in connection with the disputed Policy 3.10A is, firstly, that the purpose of Policy 3.10 is to unite rather than divide communities and, secondly, that there is “overwhelming evidence” in London of the correlation between social problems and mono-tenure estates. While we fully recognise and support the first of these comments, the Mayor acknowledged with regard to the second that the social character of estates varies widely in relatively small areas and that the amount and type of affordable housing provision should be dealt with on a case-by-case basis. More widely, the development sector interests made the simple point that west London is not accommodating a reciprocal amount of new affordable housing in comparison with the extent of market housing construction currently taking place in east London. In particular, we do not share the Mayor’s view that there is no need for Policy 3.10B to stimulate social rented housing provision in areas of mono-tenure market housing because “that is not where the concentrations of deprivation are”. While this response may be factually correct, the main purpose of Policy 3.10A would not be met universally in London if there is to be the weighted focus of implementation signalled in Policy 3.10B.

3.149 Identifying and addressing concentrations of deprivation in London is an important, complex and specific objective. It requires a more sensitive and balanced approach than simply singling out areas where social renting currently predominates for greater mix of tenures in
new development. The latter may contribute (both financially and physically) to the former in some cases, but may also have opposite effects in others. They are, in substance, two separate objectives which, although having some points of commonality, should be progressed independently from each other, as Policy 2.14 and Policy 3.10A provide. For this reason we come to the view that Policy 3.10B should be deleted, so that the approach to infill schemes would be an equitable one, determined locally as explained in paragraph 3.53 of the supporting text already included in the DRLP. We accordingly make Recommendation 3.17: That Policy 3.10B be deleted.

**Policy 3.11 Definition of Affordable Housing**

*Issue: Is it expedient to depart from the national definition in Annexe B to PPS3?*

3.150 The Mayor’s FSC 3.46 brings most parts of the Policy 3.11 definition wording directly in line with that in Annexe B to PPS3. **We endorse change FSC 3.46.** Among remaining differences, however, it was explained to us that the requirement in Policy 3.11A of the policy, that affordable housing “must” (rather than “should”) comply with Policies 3.11Aa, Ab and Ac, makes clear the Mayor’s intended approach to some types of affordable housing that fall on the cusp of the definition. It was on this basis that we questioned the exclusion from the definition of ensuing text (effectively elaborating upon “should”) from Annexe B and what the potential implications might be, in practice, of having two different definitions (one used nationally and one only in London) in circulation. In that respect, we do not dispute the Mayor’s submissions that the London Plan will, upon adoption, enjoy the statutory force of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus effectively “trump” PPS3 which amounts to no more than “guidance”, albeit of Governmental stature. That, however, left us with some surprise at the response to our further question, that the absent paragraphs from Annexe B were nevertheless still intended to apply in London.

3.151 Importantly, these absent paragraphs also dwell on the subject of types of housing that are on the cusp of being regarded as affordable and thus relate back to the Mayor’s case for the use of “must” rather than “should”. For example, the penultimate paragraph of Annexe B signals a difference between “low cost market housing” (which is not to be regarded as affordable housing) and “low cost homes for sale” (that, according to the Annexe B definition might be regarded as “intermediate affordable housing”, but is omitted from the definition of intermediate housing in the DRLP paragraph 3.55).

3.152 A main thrust of PPS3 is to promote innovation in the intermediate housing sector, and it is apparent from the Mayor’s evidence relating to Policy 3.10 that he seeks to increase, rather than restrain, this category of affordable housing provision. The differences in wording are, however, important when establishing the approach that the Mayor urges upon Boroughs and affordable housing providers when judging the status of newly developing products that may fall within
this category. The NHF pointed out, for example, that subsidy may not always be financial, a point with which Pocket Homes Ltd agreed, and this approach is supported by the daughter document to PPS3, Delivering Affordable Housing. It is clear from this document that judgements on whether different types of housing provision might be regarded as “affordable” within the PPS3 definition requires more detailed analysis on a case-by-case basis. We do not wish to be unnecessarily pedantic on whether or not there should be a definition for “London affordable housing”. We were, however, told of (and actually heard) inconsistencies of approach by the Boroughs to the interpretation of paragraph 27 of PPS3 and of Annexe B and we are concerned that deviation by the Mayor from national advice should not add a further layer of uncertainty to an already complex subject, and thus undermine delivery.

3.153 It is therefore our view that “should” rather than “must” is the appropriate word to use when introducing Policies 3.11Aa, Ab and Ac. For similar reasons, we also consider that the second sentence of the Annexe B definition of Intermediate Housing should be included in paragraph 3.55 together with a reference to the fact that further explanation is included in the last three paragraphs of the Annexe B definition of Affordable Housing. We therefore make Recommendation 3.18: That the introductory sentence of Policy 3.11A end with the word “should”, not “must”; and Recommendation 3.19: That the definition of intermediate housing in paragraph 3.55 include, after the first sentence, the words from Annexe B to PPS3 that “These can include shared equity products (e.g. Homebuy), other low cost homes for sale and intermediate rent”, together with a cross-reference to the last three paragraphs of the PPS3 Annexe B intermediate affordable housing definition for further information.

Issue: At what level should an upper income threshold be set in London?

3.154 Paragraph 3.56 of DRLP refers to the fact that HCA has devised a threshold income figure of £60,000 which it has applied nationally since 2004. This is for the purpose of making decisions on the allocation of its own funding pot, whether in the form of recyclable grant (to affordable housing providers) or recyclable subsidy (to intending occupiers). The approach to social rented housing is not in dispute because its affordability is effectively established by the national rent regime. However, given that not all intermediate housing will necessarily be reliant upon Mayoral/HCA funding, reference to there being a national income threshold is not, therefore, strictly correct.

3.155 In effect, the main strategic thrust for family housing will come from Policy 3.8, and the “split” between social rented and intermediate housing is primarily a matter for Policy 3.12. With those two policies in place, the “income threshold” by relating local incomes to local house prices, establishes (alongside other eligibility criteria) the

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113 See GD100, paragraphs 83 and 96-102
general range of housing that may be regarded as affordable (the first slash in the PPS3 Annexe B affordable housing definition). As a sub-category of affordable housing, intermediate housing is effectively then defined only by being available at a price or rent above social rent but below market prices or rents (the third paragraph in Annexe B). Thus, for spatial planning purposes, income levels are relevant (as part of a ratio with house prices/rents) to “mix” in determining the proportion of overall housing that should be affordable and, at development management stage, in determining whether proposed housing is affordable. However, when considering “split” between social rented and intermediate housing, the latter is defined by the level of price or rent at which it is to be offered, not by income. DRLP paragraph 3.56 is incorrect in suggesting otherwise. Rather, in the specific context of intermediate housing, an “income threshold” is essentially a housing management consideration inasmuch as it might be one of the factors of “need” used to determine whether an intending occupier is eligible for affordable housing and, if so, the level of public or private subsidy the intending occupier might need in order to purchase or rent the particular intermediate housing product concerned (whether for example in terms of “equity shares” or the size of dwelling required).

3.156 In the spatial planning sense, the ratio of local incomes and local house prices is important because it reflects local disparities between the two and enables the quantum of affordable housing provision to be adjusted accordingly. If only incomes are considered, and on a London-wide basis, there is a likelihood that affordable housing opportunities would be missed in some areas and excessive concentrations would emerge in others. Importantly, maximising the “pool” of affordable homes through expanding the scope of intermediate sector, for family homes or others, is likely to be of much increased importance in a climate of reduced public subsidy. Fears that the available pot of public or private funding for such products will in consequence be spread too thinly is not one that in our estimation should be addressed by restricting either the overall extent of the pool or (in response to those arguing for social rented and market housing only) the range of specific types of affordable housing that policy provides for. Rather, it should be addressed by the opposite approach of designing the broadest possible range of intermediate housing products (alongside social rented provision) supported by a correspondingly wide and diverse pattern of funding mechanisms. This is a theme that we return to in our consideration of Policies 3.12 and 3.13.

3.157 That said, the “general London upper household income threshold” in paragraph 3.56 represents, from the methodology used in its calculation, a broad measure of the relationship between London house prices and London incomes. As such, we see no evidential reason for departing from the threshold figure for the purposes of judging general conformity between plans and for use by the Mayor in determining “strategic” planning applications. In giving guidance to others, the Mayor should also certainly urge local recognition of the differential costs of family housing relative to other types when
Boroughs produce their own spatial policies for intermediate housing provision. The worked example for London as a whole in paragraph 3.56 would be helpful in that respect. However, the definition of intermediate housing in paragraph 3.55 should be expressed in terms of the cost of housing (which may include different costs for different sizes of units including, for example, family homes, student accommodation and studio-apartments and accommodation for the elderly). Moreover, given that imposition of a London-wide definition would be likely to constrain rather than expand the overall size of the intermediate sector, we further consider that such costs should be determined by comparison with market house prices and market rents at Borough level, which is effectively what the PPS3 Annexe B definition requires.

3.158 In a housing management sense, the provision of intermediate affordable housing is not reliant solely on public subsidy, and the overall size of the public subsidy pot is not under the direct control of the Mayor (or HCA outside London). As such, the advantage of setting a single pan-London upper income threshold has (like the HCA “national” figure) the potential advantage of focussing the limited public subsidy available on households with the lowest incomes. This has been increasingly so with the HCA’s own figure because it has not been updated annually in line with inflation since its introduction. However, the distribution of the pot of public funding available for affordable housing and the proportion of it made available for public funding of intermediate housing are essentially matters for the Mayor’s Housing Investment Strategy, not for spatial plans.

3.159 Despite the lengthy discussion on these and related subjects, we see little difference between the general aims of all those involved. The construction industry would benefit from the stimulus provided by greater engagement with the intermediate sector both in home construction and demand (through wider public and private subsidy of purchase) and local communities would benefit from increased output of “local family affordable” homes (at a purchase price or rent lower than “low cost/rent market homes”, with potential for additional occupier subsidy) through spatial policies in their DPDs. It is open to the Mayor and other funding agencies to determine the extent to which public grant and subsidy are directed to those Boroughs where the differentials between local incomes and local house prices are greatest, but the PPS3 intention is that “non-grant” or privately subsidised intermediate housing will be able to take up any slack, not only in areas where the differentials are least.

3.160 We make the following recommendations to address these points:

Recommendation 3.20: That the word “local” be inserted between “below” and “market” in the first sentence of the paragraph 3.55 explanation of intermediate housing and that the last three sentences of the explanation be deleted.

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114 GD100, paragraphs 93-101
Recommendation 3.21: That the last three sentences of paragraph 3.56 be deleted and replaced with the following: "Increased provision of intermediate housing is one of the ways in which the supply of affordable housing can be expanded. The Mayor will work with the Boroughs and other delivery and funding agencies to develop understanding and provision of a range of relevant products, and the priority will be to assist those most in need, including families, to gain access to better housing. For the purposes of the paragraph 3.55 definition, qualifying prices and rents should be set locally to recognise the individual characteristics of local housing markets. However, in order to recognise strategic housing needs, as a benchmark for judging conformity between plans and when determining “strategic” planning applications that come before him, the Mayor will seek to ensure that new intermediate homes are affordable to households whose annual income is in the range £18,100-£61,400. For family homes (see glossary) the upper end of this range will be extended to £74,000. These figures will be up-dated annually in the London Plan Annual Monitoring Report.”

Policy 3.12 Affordable Housing Targets

Issue: Is the evidence base sufficiently robust?

3.161 The evidence base for this policy was questioned by Dr Fordham, who pointed to difficulties in reconciling the outputs and methodology used in the London SHMA with on-going work on Borough level SHMA. We note that DCLG practice advice on SHMA affirms that a strategic housing market assessment should be considered robust and credible if, as a minimum, it provides all of the core outputs and meets the requirements of all of the requisite process criteria. We are content that the outputs set out in the guidance have been produced and the requirements of the process criteria have been met. The Practice Advice adds that, in such circumstances, there is no need for the approach used to be considered at the independent examination. More specifically we note that the March 2008 Statement from GLA, London Councils and former GOL on strategic housing market assessments in London recognised the risk that sub-regional studies could develop different methodologies and, in aggregate, not provide results comparable to the London-wide study. It says that London Councils will work with the GLA to reduce, where possible, the likelihood of this happening and records that the GLA have set up a steering group for the Regional SHMA involving key London stakeholders. In turn, London Councils have organised a Borough advisory group to consider the technical and strategic challenges associated with the twin-track approach (regional and sub-regional), including those arising from the London-wide study commissioned by the GLA. None of the participating Boroughs have indicated discontent with the London SHMA methodology or findings.

115 LD11
116 GD39
117 LD88
3.162 While we acknowledge Dr Fordham’s expertise in SHMA work across the country, our Examination and recommendations must focus on the DRLP itself and not on wider aspirations to improve the quality and understanding of the SHMA process. The outputs of the London SHMA are, in any event, only one of the considerations that must be taken into account in setting affordable housing targets. We are, for example, grateful to Dr Fordham for pointing out that it would not be expedient to seek to meet all housing need within particular areas (even if it was practicable to do so) because, among other things, that would simply attract additional unsatisfied need from neighbouring areas. Rather, as PPS3 advises, a balanced judgement on the extent to which need should be met has to be made embracing a range of social, economic and environmental considerations.

*Issue: Is the generic target for affordable housing sufficient?*

3.163 The London SHMA indicates a need for 18,200 affordable homes per year. This compares with the monitoring target for new housing completions in London Plan 2008 of 30,500 with 50% of those expected to be affordable. As a policy driven figure, that would equate to 15,250 affordable dwellings per year, well below the now identified SHMA level of need. However, delivery rates over the last 4 years average less than 10,000 per year (reaching only 37% in 2008/2009), which indicates that a performance-led target could fall even further short of meeting the identified need at times of constrained overall output. On that basis, it is the Mayor’s position that the DRLP proposed target of at least 13,200 per annum (without any stipulated percentage) is above past performance and is an ambitious (rather than just pragmatic) one, especially in the currently depressed state of the housing construction industry.

3.164 Nonetheless, among those criticising that contention, the NHF/G15 suggested that rises and falls in the delivery of affordable housing are driven more by grant availability than by planning policies. Its suggestion was that there should be a low target for “nil grant” schemes and a higher target for “grant funded” schemes (this is much the same point as raised in connection with Policy 3.11 but in a wider context than the definition of intermediate family housing alone). We note, however, that the 13,200 target takes at least some account of Mayoral expectations of future grant availability. We would not want to over-complicate matters by introducing funding issues directly into the target (since funding may vary over the life of the Plan), or speculate on what the levels might be beyond the period of the current Spending Review. The point led, however, to discussion on whether the strategic target should be more “aspirational” or whether it might usefully be expressed in other ways. We note in particular the argument put to us by LB Islington and LB Lambeth, that past performance is not necessarily a reliable indicator of future progress, given that the London Plan 2008 50% target is only now beginning to

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118 PPS3, paragraph 29
119 LD122
be reflected in DPDs and in actual delivery. Their view is that this is
the wrong time to be reducing the percentage sought (the DRLP
numerical figure equating to a percentage of about 40%).

3.165 Preference for a percentage rather than numerical target garnered a
wide measure of support for several reasons. London Councils and
the development sector, including the HBF, liked the simplicity and
familiarity of a percentage target. Other specialists in the field, such
as Pocket Homes Ltd, argued strongly against departing from the
London Plan 2008 percentage because of the importance attaching to
consistency and certainty when negotiating for site acquisition and
progressing schemes with Borough development managers over
relatively long time periods. The Boroughs themselves considered
that a numerical target would simply be regarded as a cap which, if
met, would not prompt the provision of more. The development
sector, also returning to the discussion, cautioned that if the trajectory
indicated that the numerical target was not being met in the early part
of the plan period, they could be faced with excessive demands on
sites coming forward in the later part of the plan period. Dr Fordham
pointed out that targets are used both for negotiating planning
obligations and for securing subsidy and that Boroughs would be
hamstrung in both respects once a numerical target had been met.

3.166 We note the Mayor’s counter argument that percentage targets would
only deliver a very small amount of affordable housing if overall
housing construction activity is very low. It was further suggested
that the London Plan 2008 percentage is not being applied by the
Boroughs in the manner the Mayor intended. Instead of being used to
increase supply in a balanced range of ways across London as a
whole, the percentage is being applied to all sites regardless of site-
specific constraints, to the extent that overall affordable housing
delivery, including affordable housing, is being dampened. This
alleged failure to recognise site-specific constraints surprises us given
the advice in PPS3 on the economics of development and the
widespread use in London of valuation tools such as the Three
Dragons Model to test viability. If the Mayor’s concerns are, however,
correct (and particularly in plan-led schemes initiated in site
allocations DPDs where above target provision risks being foregone), a
more appropriate approach would be to improve the understanding of
the target among those charged with applying it (through Mayoral
SPG), rather than to introduce a different target that might have other
potentially unforeseen and less satisfactory outcomes. It is also
apparent that the Mayor does not have an absolute aversion to
percentage targets given the advice in Policy 3.12D, and we share the
view of objectors that the sentiment expressed in the last sentence of
DRLP paragraph 3.57 is not sufficiently aspirational.

3.167 On the balance of all of these arguments, we consider that the most
robust approach would be to include the minimum numerical target
advanced by the Mayor, and include alongside it an “aspirational”
percentage target. In addition to meeting many of the foregoing
concerns, this would serve two important strategic purposes. Firstly,
it would give a clear strategic impetus to driving provision towards the
maximum that Boroughs consider they can reasonably provide following their own SHMA work. Secondly, by implicitly relating the percentage of affordable housing to the percentage of market housing, it would further advance the strategic objective of Policy 3.10 and Policy 3.12Cd, to promote mixed and balanced communities, in a way that a numerical target can only achieve serendipitously. It is for this latter reason that we refer to the percentage target as the “mix”. The HBF and the Consortium of London Developers expressed contentment with a percentage target provided it was flexible, suggesting that it might need to be set as low as 20% for zero grant schemes. We also note that the Mayor’s proposed numerical target would represent a mix of about 40%. However, given the scale of need identified in the London SHMA, the familiarity of the London Plan 2008 target, and provided it is expressed as an aspirational target across London as whole, we consider that the mix should be expressed as 50%. We therefore make Recommendation 3.22: That Policy 3.12Aa be amended by dividing it into two sentences, the first dealing with “mix” and the second with “split”, and that in the first sentence dealing with “mix” the words “and should aspire towards securing 50% of all new housing as affordable housing across London as a whole” be inserted between “maximise affordable housing provision” and “and seek an average of at least 13,200 more affordable homes per year over the term of this Plan”.

**Issue: Is the proposed “split” of affordable housing between social rented and intermediate housing appropriate?**

Whereas London Plan 2008 seeks a 70:30 split (social rented:intermediate) the proposed DRLP split in Policy 3.12 is 60:40. This is not in line with the finding of London SHMA\(^{120}\) that after taking account of backlog, the overall housing requirement has become far more polarised towards social rented housing, as the level of existing need has escalated by over 30%. Although Shelter, like many others from the community and academic sectors, pointed out that a full response to the SHMA findings (scenario 1) would be to seek an 80:20 split, it used the opportunity to introduce this part of the Examination session to highlight “forgotten households”, meaning those who are unable to access social rented housing and unable to afford market housing. The point is a significant one because of the numbers of households at issue. As Shelter advised, lack of access to suitable housing has wide ranging social, economic and physical impacts and bears adversely on children and their parents living in cramped and unsatisfactory homes as much as it does (for example) on newly forming households seeking a first rung on the housing ladder, or those who, faced with low and reducing incomes, are unable to afford to remain in their existing homes. While an increased supply of social rented housing might be one answer, Shelter’s somewhat reluctant

\(^{120}\) LD11, page 52
view was that a more diverse range of affordable housing products might be of benefit to a greater number of households in need.

3.169 In vociferous opposition to that view, those from the academic sector, such as Drew Stephenson, suggested that an 80:20 split based on the SHMA would send a strong message to Government that more funding was needed for social rented housing in London. Just Space Network regarded intermediate housing as largely an irrelevance and urged that all new affordable housing should be for social rent. Their experience is that tenants of social rented housing who can afford to exercise their “right to buy” have already done so, and that those who have not are either unable to afford intermediate housing or unwilling to move from their existing properties, often because of their age or length of ties to their neighbourhoods. As an example, the Strata Tower at Elephant and Castle was cited to us (among others), where it was claimed that only 5 of the original (social rent) tenants of the Heygate Estate had taken up (intermediate) residency. In addition to part mortgage/part rent payments, intermediate occupancy brings with it high on-going maintenance charges, which those in greatest housing need cannot afford. Planning Aid for London was among those adding that impending changes to the Housing Benefits system would increase rather than decrease the need for social rented housing. Pocket Living Ltd, however, supported the proposed 60:40 split on the basis that there was a demonstrable need for intermediate housing products. Its view is that this provides a bridge between social rented and market housing, its accessibility to young people effectively makes it part of the “glue” that binds communities together and, because it is less exposed to the regular boom and bust cycles of the general housing market, the potential deterrent of “negative equity” is avoided, thus making the stock more flexible. In answer to the Panel’s question, however, Pocket Living Ltd affirmed that while its model worked well for small units, it could not be extended to family accommodation, primarily because reduced density would militate against profitability.

3.170 We acknowledge that “split” is a complex issue. As with the Mayor’s overall affordable housing target, factors other than the SHMA have to be taken into account. These include similar difficulties in extrapolating from past rates of delivery in changing policy and economic environments, and the relative costs of provision. We further note that 60% of the DRLP proposed total of affordable provision of 13,200 would represent 8,000 new social rented units. This is higher than the 2008/2009 figure under the 70:30 split\textsuperscript{121} and, we were told, also significantly higher than the long term average. To that extent, it could be said that the precise split is immaterial, especially given the affirmation in Policy 3.12B that targets are for the Boroughs to set having regard to the strategic considerations listed in Policy 3.12C.

3.171 However, the importance of the strategic expression of “split” is, in our view, evidenced primarily by the last sentence of paragraph 3.58.

\textsuperscript{121} LD122
This is a positive response to the Annexe B PPS3 definition of intermediate affordable housing, which recognises the role for a wide range of both rented and “for sale” products (and variations between the two) not all of which will be funded wholly or even partly from the public purse\textsuperscript{122}. Whatever may have been the case with the Strata Tower and other intermediate homes to date, it does not follow that the whole of any cost arising from reduced public funding will fall on the tenant or purchaser. Rather, the skill will be to secure investment support in this sector of the construction and delivery industries from a wider range of sources than previously, perhaps attracted by long term capital growth and revenue income opportunities that intermediate products might offer\textsuperscript{123}. London is uniquely placed to take a lead on this given the size and diversity of its housing market and of its financial and construction services industries. Understanding of and innovation in this sector (to which the academic sector might usefully contribute) is, in our view, an important priority that should be promoted at strategic level rather than pursuing financially unrealistic local aspirations to return to patterns of provision that characterised the middle years of the last century. It is on this basis that we support the Mayor’s proposed strategic 60:40 split and have made our recommendation on the definition of intermediate housing in Policy 3.11, above. \textbf{We make further Recommendation 3.23: That Policy 3.12 be amended, having divided it into two sentences in accordance with recommendation 3.22, the second sentence dealing with “split” to read: “In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social rent and 40% for intermediate rent or sale”.

\textbf{Policy 3.13 Negotiating Affordable Housing}

\textit{Issue: Is it appropriate to make provision for “overage” in Policy 3.13B?}

3.172 ESC 3.25 translates “overage” into “contingent obligations” with further explanation in paragraph 3.68 added by ESC 3.26. In order to avoid criticism from the HBF and others in the development sector that the process could be open to abuse by enabling Local Planning Authorities to retrieve the benefit of any uplift in development value, FSC G.3 has also been advanced. This would add a glossary definition which makes clear that such obligations are directed at cases where development is likely to spread over many years (as may be the case in some Opportunity Areas, for example), during which the viability of affordable housing provision may vary upwards or downwards. The scale of the projects thus involved would, it seems to us, lend a strategic dimension to the subject and signal that such obligations would apply in “exceptional” circumstances rather than more routinely in small scale schemes. In particular, we observe that the obligations process is one that relies either on a Unilateral Undertaking proffered

\textsuperscript{122} PPS3 paragraph 27 and GD100
\textsuperscript{123} CD100, paragraphs 93-101
by the developer concerned, or an Agreement with the developer, and cannot therefore simply be “imposed” either by the Mayor or individual Boroughs. In effect, they offer a reciprocal guarantee to developers and communities alike that affordable housing provision will be neither diminished nor excessively demanded, but optimised having regard to viability at the time of construction rather than permission. We were told that some developers of major projects are content with such obligations. On that basis, we do not support the text change to paragraph 3.68 advanced by the HBF\textsuperscript{124} and we find no reason to criticise the Mayor’s intended approach, subject to ESCs 3.25 and 3.26 and FSC G.3 being made. \textbf{We accordingly endorse ESCs 3.25 and 3.26 and FSC G.3.}

**Issue:** Should scope for affordable housing contributions from a wider range of sources be recognised?

3.173 NHF suggested that when negotiating affordable housing, contributions should be sought as widely as possible, embracing for example any sector of the economy (such as commercial developments for offices and shops) that rely on homes being provided for their workers. In support of this point, the HBF remarked that house building is not as profitable as many may think and that the need for affordable housing should not be subsidised only by those that build or occupy new homes. The effect of so doing is to drive prices up, increase unaffordability and thus further elevate the number of households in need.

3.174 We note the commentary made by the Panel that conducted the EiP into London Plan 2008\textsuperscript{125} concluded that seeking an element of affordable housing from non-residential developments is an approach that would be “clearly out of step with Circular 05/2005”. National planning guidance likewise implicitly recognises affordable housing only as an element of overall housing provision. Nevertheless, in the context of Annexe B to PPS3, we were told by the NHF that LB Camden has successfully negotiated an element of off-site affordable housing on a retail scheme and it seems to us that there may potentially be similar synergies that could usefully be exploited elsewhere, for example between national retail chains and provision of small-scale community homes for young people in housing need who are seeking entry into the employment market. Given our finding on Policy 3.12 concerning expansion of the range of affordable housing provision, opportunities to increase the sources of willing affordable/intermediate housing providers may be a further area in which the academic sector could usefully contribute research for the future, perhaps in collaboration with the Development Trusts Association\textsuperscript{126}. We therefore remark only that the DRLP wording does not follow London Plan 2008 wording (by excluding reference to residential as a component of qualifying mixed use schemes). The

\textsuperscript{124} ED224
\textsuperscript{125} RD15, paragraphs 6.78 and 6.79
\textsuperscript{126} GD100, paragraphs 51 and 52
DRLP does not, however, positively advance an approach contrary to Circular 05/2005, so we find no reason to recommend any modification in this respect.

3.175 To the extent that others seek exemptions from the provision of affordable housing, the HBF’s point nonetheless reflects submissions made to us by the University Sector in relation to student accommodation and by the social housing sector in relation to elderly persons accommodation, which we have considered in connection with Policy 3.8 above. In theory, even if not in practice, the presumption is that the cost of affordable housing provision will derive from land value rather than from those who may only just be able to afford accommodation of their own. We consider that a cross-reference should be made in the supporting text for Policy 3.14 to paragraphs 3.43 and 3.45 where affordable requirements for such accommodation are set out. **We make Recommendation 3.24: That a sentence be added to the end of paragraph 3.71 reading “Guidance on affordable housing requirements in connection with provision for older Londoners and student accommodation is included in paragraphs 3.43 and 3.45” (as we have recommended it be modified).**

**Policy 3.14 Affordable Housing Thresholds**

**Issue: Is the proposed site size threshold appropriate?**

3.176 The London Affordable housing threshold of 10 dwellings or more was considered at great length by the London Plan 2008 EiP Panel and we see no reason to reprise the substance of that debate. The threshold has since become widely accepted by the Borough and development sectors across London, but it would seem that some variations have begun to be initiated through LDF work. In this respect, we note the previous Panel’s view that a multitude of different targets (specifically thresholds) across London puts the development of affordable housing across London at risk\(^{127}\).

3.177 The key strategic issue in this respect is for the Mayor to ensure that opportunities to secure affordable housing are not lost by setting local thresholds so high that only few sites qualify, or so low that small site development becomes unviable. Much will depend on local development economics and we are content that Boroughs adopting a figure lower than 10 dwellings would not be compromising strategic objectives if justified for such reasons, as specifically acknowledged in the DRLP paragraph 3.70. This is for the Mayor to consider when making judgements about general conformity between Plans.

3.178 The main concern has now shifted to so-called “threshold abuse”, whereby schemes are advanced with numbers just below the policy threshold in order to avoid having to include any element of affordable housing at all. As the Mayor pointed out, this could happen at almost any level that the threshold is set, and analysis had shown that potential criticism could be levelled at only a relatively small proportion of schemes permitted below the 10 dwellings threshold.

\(^{127}\) RD15, paragraph 6.61
London Forum, supported by others, nonetheless referred to the use of floorspace thresholds by (we were told) LB Westminster, LB Camden and RB Kensington and Chelsea specifically to avoid such problems arising. The Mayor does not however support that approach and the development sector cautioned that it might militate against the provision of needed larger units (for example for families).

3.179 Mindful of the previous Panel’s call for consistency (at least at strategic level) and the need to ensure dwelling mix, we prefer the stance of the DRLP. This requires (in Policy 3.14A) site capacity to be determined in accordance with Policy 3.4, which recognises local housing characteristics and the suitability of different sites for different types of housing. Notwithstanding the development sector’s dislike for the use of “nominal” site thresholds rather than acceptance of proposals at face value, we consider this to be the most suitably refined of the approaches before us to deliver the Mayor’s strategic aim to optimise the number, sizes and mix and split of new affordable homes. We accordingly support the policy as drafted.

Policy 3.15 Existing housing

Issue: Is the policy likely to deliver the intended outcome of improving the existing housing stock?

3.180 DRLP Policy 3.15 presages a broader approach to the subject of London’s existing housing stock than the London Plan 2008, in which the comparable policies 3A.15 and 3A.16 are simply concerned with preventing the loss of particular elements. The Mayor’s now expressed aim in Policy 3.15A, to maintain and enhance the stock, was generally regarded as important and widely welcomed. However, some unease prevailed among participants about how this may be reconciled with making more efficient use of the stock and what the spatial delivery mechanisms might be.

3.181 In particular, it was explained to us that Policy 3.15B provides for redevelopment of the existing stock to create a better mix of dwellings (in support of Policies 3.8, 3.10 and 3.13). However, that is to be without loss of either existing floorspace or numbers of units, and our attention was drawn by London Tenants Federation to the absence of affirmation specifically that existing social rented housing would be either retained or replaced on site. We have considered London Tenants Federation’s concerns about the impacts of regeneration under Polices 2.14 and 3.10, and their concerns to achieve a higher proportion of social rented housing are considered under Policy 3.13. In the specific context of Policy 3.15, however, as London Councils advised it must be the case that the quantity and proportions of affordable housing (of either or both types) cannot after redevelopment always be expected to replicate what was there before. Not only may the need to attract private sector inward investment influence the future mix and split, it will generally be appropriate for new development to be planned to meet a wider range of objectives drawn from the statutory development plan as a whole. In effect, the “backstop” is that Policy 3.12 promotes net numerical increases (that
is, after taking account of losses through factors such as estate renewal projects) in both affordable housing and social rented housing, irrespective of how Policy 3.15B might be reflected in implementation on a case-by-case basis.

3.182 **Care and Repair England** (and others) were at pains to point out to us that much of the most sub-standard housing in both the public and private sectors is occupied by the elderly. Sensitive housing management at local level will be necessary to ensure that any decanting process from the public or private stock minimises the numbers permanently displaced, but that is not something which the London Plan can directly influence. We consider that Policy 3.15 goes as far as may reasonably be expected on this subject in a spatial sense and should assist the needs of older Londoners as it should other occupiers of unsatisfactory dwellings.

3.183 Indeed, the main focus of implementation is likely to lie outside the process of planning regulation, not least because the simple repair and refurbishment of existing houses rarely involves the requirement for planning permission. The strategic spatial thrust of Policy 3.15 is, in essence, to clearly signal the importance of the quantum of London’s existing housing stock relative to new development and focus attention of the Boroughs, the construction industry, housing providers and owners on the need to make more efficient and effective use of it, through both physical improvement and better management. In that context, it is also our view that the simple expression of the broad aim of Policy 3.15 should not be cluttered with detail concerning optimisation of housing land for all tenures, design, quality of public realm, specific measures to address climate change or other subjects advanced by **London Forum**. Such requirements, to the extent that they do fall within the ambit of planning control, are important but suitably expressed in other policies of the London Plan and, in accordance with the strategic guidance of Policy 3.15, will be further enlarged upon in future DPDs and SPDs produced at Borough level.

3.184 For all of these reasons, we are content that the policy will assist in delivering the desired outcomes.

**Social Infrastructure**

3.185 It was explained to us that the suite of policies dealing with social infrastructure (Policies 3.17 - 3.20) have been formulated to advance the Mayor’s strategic objective of community development alongside housing provision. As such, the policies may also be expected to represent an aspect of the necessary strategic framework to guide future approaches at Borough level to the introduction and operation of the Community Infrastructure Levy. The Mayor expects the Boroughs to engage with their communities in setting local standards for infrastructure provision. He has also responded positively to points raised in the deposit stage representations and in the examination statements by advancing a wide range of suggested changes (ESCs 3.28-3.40 and FSCs 3.49–3.67). **We endorse ESCs 3.28-3.40 and FSCs 3.49–3.67.**
3.186 The intended operation of the proposed CIL and its relationship to planning obligations has been further clarified by the Coalition Government since the Examination session was held on these policies\textsuperscript{128}. We consider the relationship between these two mechanisms for funding infrastructure in Chapter 8. We have therefore formulated our recommendations on these policies only in response to particular points raised in the representations. Different concerns were raised in the representations under each policy and we therefore consider the individual policies in turn.

**Policy 3.17 Protection and Enhancement of Social Infrastructure**

*Issue: Does the policy suitably address the social infrastructure needs of local communities?*

3.187 There are sufficient safeguards in the three now statutory tests for planning obligations to allay the development sector’s concern that developer contributions might be sought for an excessive range of infrastructure. Developers will not, however, be unable to avoid engaging in the assessment of infrastructure requirements at planning applications stage, because it is inherent that needs (in the now statutory sense) cannot be established with any certainty until the potential impacts of a particular proposal have been identified.

3.188 Conversely, it is also now clear that CIL contributions will be plan-led and thus established separately from the timescale associated with the consideration of individual planning applications. The development sector will also be involved alongside local communities during tariff setting. As DRLP paragraphs 3.79 and 3.80 observe, infrastructure may cover a very wide range of facilities. Some types of facilities will be more important to some areas and communities than others, and the scale of facilities required will similarly vary. Range and capacity of existing facilities will also need to be taken into account. Social care for the elderly and support for the voluntary sector will be picked up at Borough level in the same way.

3.189 We do not therefore support the position of Just Space Network and others who consider that the Mayor should formulate a “matrix” to establish the facilities necessary to represent a “lifetime neighbourhood” or other such expression of a community. In addition to the reasons we have provided earlier, this is not least because of the problem of defining catchments for particular facilities. For similar reasons, we are content with the use, in paragraph 3.81 of the injunction that Boroughs “may wish” rather than “should” adopt the particular process that the Mayor suggests. This paragraph simply advances a general methodology that might be appropriate to follow at Borough level, knowing that if relying on CIL it will be for the Boroughs and communities themselves to formulate their own infrastructure needs assessments and local priorities. There is no need for detailed cross-referencing to other policies suggested by

\textsuperscript{128} CD94, CD 95 and CD 96
HUDU\textsuperscript{129}, because the Plan must be read as whole as we have already indicated.

\textit{Issue: Should there be specific recognition of the needs of faith communities?}

3.190 A point strongly urged upon us by representatives of faith communities was that that specific strategic policy provision (beyond that already in paragraph 3.79) should be made for the places of worship. We understand that many faith groups are experiencing serious difficulties in finding suitable land and buildings for their particular needs in the face of competition from the house-building industry and opposition from neighbouring occupiers. In particular, it was put to us that policy should promote positive engagement with the faith community and allow for use of industrial land and buildings, which are often in Strategic Industrial Locations, for new places of worship.

3.191 While we acknowledge that faith communities often draw their congregations from more than one Borough, Strategic Industrial Locations are often not well served by public transport, which is the key reason why places of worship with large numbers of worshippers are regarded as inappropriate in many such areas, quite apart from the policy to safeguard industrial land that has strategic significance. Although paragraph 3.84 (with FSC 3.56 amending ESC 3.33) advances re-use or shared use of existing places of worship as a possible solution (the particular wording of which did not find wholehearted support at the Examination), we would not foresee that wording (or a minor variation of it) as limiting the range of existing buildings potentially suitable as new places of worship, whether for use as places of worship or wider faith community activities. In addition to industrial premises that are not protected under SIL or LSIS policies in areas with appropriate PTALs, buildings such as former clubs, halls, schools and cinemas might, subject to site specific considerations, equally be called into use for various of the purposes described to us. Such adaptation and re-use is recognised by Policy 3.17B, which seeks to avoid net loss of buildings suitable for social infrastructure provision where a strategic or local deficit has been identified. We also support ESC 3.31 to paragraph 3.81 in this respect, inasmuch as it relates to securing sites (rather than just buildings) for infrastructure provision. \textbf{We specifically endorse ESC 3.31 and FSC 3.56.}

3.192 The large number of enforcement cases to which we were referred does not, in itself, indicate that this is a strategic issue, although we note that proposed Mayoral SPG\textsuperscript{130} includes some analysis of the subject to assist the Boroughs. As Policies 3.17D (with ESC 3.29) and E, with paragraph 3.81 imply, the most appropriate approach for faith groups is to refine that analysis and engage fully and at an early stage with the LDF process to ensure that suitable policy provision is made.

\textsuperscript{129} ED228
\textsuperscript{130} LD123
at Borough level. From all that we have seen and heard on the subject, we are not convinced that the subject warrants specific policy treatment at strategic level and do not therefore recommend modification to insert a specific policy on places of worship. **We specifically endorse ESC 3.29,**

3.193 However, we consider that further amendments should be made to address certain of the particular concerns expressed at the Examination. The first, over which **Just Space Network** supported faith representatives, would be to recognise that the greatest potential for improved facilities for both faith and community use would often arise from additional uses and not just re-use and that there is a greater likelihood of achieving successful schemes amongst different traditions of a particular faith rather than necessarily on an inter-faith basis as the wording appears to imply. The latter represents a very particular view of multi-culturalism. The second would address the widespread concern that the wording of the protection element of Policy 3.17B, would not necessarily protect buildings suitable for other needed social infrastructure if there were no defined needs for that particular type of infrastructure in the area concerned although other needs for which the building might be suitable might be apparent. Without such protection higher value uses would be likely to acquire the premises for redevelopment. To address these concerns, **we endorse ESC 3.33 as amended by FSC 3.56 subject to Recommendation 3.25: Insert “the additional use or” before “re-use” and “other traditions or” before “other faiths” and “/or” after “and” before “wider community functions” in the final sentence of paragraph 3.84. We also endorse ESC 3.28 and FSC 3.49 subject to Recommendation 3.26: Insert at the end of Policy 3.17B “and the suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.”**

**Issue: Is the relationship of the policy to open space sufficiently clear?**

3.194 A further subject raised during the discussion was the extent to which Policy 3.17 is intended to apply to the protection and expansion of existing open space provision. It is certainly not apparent from the policy or supporting text that these are key thrusts here, and we note that other policies such as 2.18, 3.20, 7.16, 7.17 and 7.18 all include references to aspects of open space. We consider that there is a need for clarification of the role of Policy 3.17 in these respects and accordingly recommend additional wording at the end of paragraph 3.81. **We therefore make Recommendation 3.27: That the following sentence be added to the end of paragraph 3.81:**

“Open space in all its forms represents an important component of social infrastructure and its protection and enhancement is an integral part of Policy 3.17. The methodology of Policy 3.17 applies to open space, but proposals must also accord other more specific DRLP policies, namely 2.18 (green infrastructure), 3.20 (sports facilities..."
including playing fields), 7.16 (Green Belt), 7.17 (MOL) and 7.18 (local open space). Policies in Chapter 7 relating to the Blue Ribbon Network may also be relevant.”

Policy 3.18 Healthcare Facilities

Issue: Is the policy sufficiently clear?

3.195 Few criticisms were made of this Policy. The HBF seeks greater flexibility in Policy 3.18B to recognise that measures such as temporary provision of healthcare facilities may be a more appropriate approach than prior replacement provision when redevelopment is taking place. We do not, however, find that Policy 3.18B would prevent that alternative and “other material considerations” will always allow site specific circumstances to be taken into account. We are therefore content with the Mayor’s general policy approach in that respect. Reference to accessibility in the same Policy is also sufficiently flexible to accommodate London Forum’s point that “easily accessible” should be sought. Policies 3.18D and E sufficiently acknowledge the role of healthcare provision in meeting community needs without warranting further repetition in Policy 3.18F as suggested by Just Space Network. We therefore find no reason to modify the policy in response to these particular criticisms.

Policy 3.19 Education Facilities

Issue: Does the policy sufficiently recognise the utility of school sites and buildings to the community?

3.196 Consortium of London Developers sought stronger strategic support for use of school facilities by the wider community. This, it was submitted, would acknowledge that Education Authorities themselves have a role to play in providing community facilities even when development is not taking place, and assist negotiations between developers and education authorities when dealing with planning obligations relating to enhancement of facilities. We observe that the wording of the salient Policy 3.19C does not facilitate clear interpretation, but are content that paragraph 3.97 suitably expresses the point. We find no reason to modify the DRLP in this particular respect.

3.197 FSC 3.64 recognises the main thrusts of the Coalition Government’s Academies Bill. We specifically endorse FSC 3.64. It would, however, be appropriate for Policy 3.19 to respond to the thrust of the statement of the Secretary of State for Communities and Local Government on 26 July 2010 underlining support for the creation of free schools through the spatial planning system. We accordingly make Recommendation 3.28: That a further clause be added to the Planning Decisions section of Policy 3.19 to read: “Very significant weight will be attached by the Mayor to the

131 GD84
**desirability of establishing new schools and enabling local people to do so. The Boroughs should adopt a positive and constructive approach towards applications to create new schools and seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations, as appropriate. Planning permission for a new school should only be refused if the adverse planning impacts on the local area outweigh the desirability of establishing a school in the area concerned.**

3.198 We also make Recommendation 3.29: That additional text be added after paragraph 3.91 to state "*The Mayor’s approach to new schools reflects the statement of the Secretary of State for Communities and Local Government on 26 July 2010.*"

**Policy 3.20 Sports Facilities**

*Issue: Should built development needs be recognised?*

3.199 We were told on behalf of the Mayor that the focus of this policy is on land and buildings that are for sports use, which requires a different thrust to policies seeking to protect open spaces (and stadia) for other multi-functional purposes (such as Policies 2.18, 3.17, 4.6, 7.16, 7.17 and 7.18).

3.200 Representations were made to us that Policy 3.20 and its supporting text (notably the last sentence of Paragraph 3.104) establish an excessively restrictive stance towards use of open land for built facilities needed to support existing sports clubs and stadia. However, we consider that Policy 3.20C suitably responds to needs for such buildings that are to be used for sports purposes, at least pending the additional work identified in the earlier sentences of paragraph 3.104.

3.201 As the other policies to which we have referred also make clear, open space fulfils a wide range of functions. All of those functions must be weighed in the balance, together with policies relating for example to tourism, the economy, access and the wider environment and any other material considerations when coming to a decision on any particular application. It would be entirely inappropriate in our view to express general support across London for potentially highly contentious "enabling development" such as hotels, housing or retail development on open land, even with the caveat "in appropriate circumstances". If such proposals are to be initiated as enabling development they should be carefully considered and justified through a plan-led process of identifying local needs and deficiencies as outlined in paragraph 3.81. No modification should be made in this respect.
Chapter 4: London’s Economy

Chapter Headlines

- We generally support the office and retail provisions in the Plan.
- We support the Mayor’s approach to the managed release of surplus industrial land and premises, but do recommend that sub-regional benchmarks be inserted in the Plan and not left to SPG as these benchmarks determine the policy approach.
- We broadly endorse, with modifications, the Mayor’s approach to supporting local shops and enhancing the attractiveness and competitiveness of town centres, but we take suggested Mayoral changes further to broaden the way in which support might be given and to give greater emphasis on localism.
- We endorse provision made for small businesses, especially for research and innovation, with minor amendments.

Issue: Is the Plan’s economic development strategy appropriate?

Introduction

4.1 This Chapter of the DRLP attracted a relatively limited volume of representations. Discussion at the Examination was focussed on a small number of issues where there was some controversy. Some such as the Just Space Network, the EEDA and the Workspace Group argued against assuming that past trends would be resumed after the recession. Having considered the presentations by the GLA at the first Technical Seminar and studied the various iterations of the GLA Economic Evidence Base, we were not persuaded that this possibility was sufficiently strong as to warrant any fundamental review of the economic development strategy of the Plan. The long-term trends are very robust and have subsisted across several recessions, with the GLA conclusion being endorsed by London First, the City of London Corporation and others such as the Crown Estate.

4.2 Conversely, South London Partnership argued that trends among employment in Outer London locations, particularly in South London, are insufficiently recognised. These would imply a lesser reduction in manufacturing jobs and the policies to encourage the green economy would reinforce the possibility that greater provision might be required to accommodate such growth. The GLA countered by again highlighting the long-term nature of the underlying trends and that it had already been necessary to limit forecast growth in business services employment against the overall growth in employment so that the latter could be realistically projected. In such a context

132 CD06 and RD117
prospective growth in business services has to be artificially constrained since otherwise its projection would subsume the whole of the workforce, but it is in this sector that the GLA would anticipate much of “green growth” being focussed rather than in traditional manufacturing. The sector includes technical consultancy and design services. Such arguments appear persuasive to us but we return to this issue in relation to Policy 4.4.

Policy 4.1 Developing London’s Economy

4.3 In common with other thematic Chapters, the opening policy sets the over-arching strategy for the consideration of economic development issues that have a spatial dimension and which have not been addressed in Chapter 2 where the overall spatial strategy for London is set out. A number of participants, including Friends of the Earth and Just Space Network argued that there is insufficient emphasis on the need to ensure that economic development is undertaken in a sustainable manner and green production encouraged. It was also suggested with further support, including from the University of London and the Workspace Group, that the role of social enterprises and the importance of SMEs, particularly in the creative sector, should be more fully recognised. The University put forward the text of an additional policy that would direct attention to securing workspaces for micro firms and innovation, especially in relation to clusters in particular sub-markets and locations. More generally it was argued that there should be more explicit alignment with the Mayor’s Economic Development Strategy. Amongst those advocating the last approach were London First and the Crown Estate who were particularly concerned over what they perceived to be a reduced emphasis on office development in the CAZ. We address that particular concern in relation to Policies 4.2 and 4.3.

4.4 The Mayor responded with a number of early suggested changes that address the first two points by insertions into Policy 4.1Aa and introduce a new paragraph 4.4A that sets the role of social enterprises and SMEs in context (ESCs 4.1 and 4.3). ESC 4.2 highlights the link to the spatial strategy in terms of where the majority of new employment growth is anticipated which addresses in some measure concerns from London Forum that new economic development might be ill-located. ESCs 4.4 and 4.5 align paragraphs 4.6 and 4.8 more closely with the Mayor’s Economic Development Strategy. All these changes help improve the consistency of the DRLP with other Mayoral Strategies and the internal consistency and coherence of the Plan. We therefore endorse ESCs 4.1-4.5.

4.5 In relation to SMEs, by no means all participants were convinced of the particular need for securing more accommodation for such enterprises with particular concern over suggestions for planning agreements in respect of mixed use developments in central London. The commercial sector as represented by Legal & General Property (L&GP), the Crown Estate, LondonNewcastle, Ristoia and London First were almost universally hostile. However, in addition to
the support from the academic sector and providers of workspaces already referred to, North London Strategic Alliance and the London Forum argued the justification for such measures. As the text of paragraph 4.7 includes the preface “In some circumstances, such as around Central London...” before referring to the possible need for such measures, we can see no need to suggest any amendment. The DRLP clearly recognises a need for a selective approach as opposed to implying a universal requirement. In our view retention of the textual references sufficiently flag up the potential need so as to cover, albeit implicitly, the particular additional policy emphasis sought by the University.

4.6 A significant group of those making representations flagged-up a perceived need for higher housing provision in order that economic development may not be inhibited or to prevent unsustainable gross commuting levels, even if net in-commuting levels can be held or even reduced as forecast. These include the Consortium of London Developers, Strategic Land Planning Trust, HBF, the Crown Estate and EEDA, though the City of London Corporation have a greater concern that seeking higher housing provision might curtail office provision in the CAZ. While London First and L&GP share this latter concern, they also endorse the need for sufficiently high housing provision to avoid constraints upon economic development. As indicated, we address the office issues below and we have set out our conclusions on housing requirement and provision in Chapter 3.

4.7 All in all we are satisfied that there is no need for any changes to this section of the Plan beyond those suggested by the Mayor, though, as noted at the end of Chapter 1 of this report, the citation of Objective 1 at the outset of this Chapter will need to be in the terms finally adopted for that objective. Provided that our recommendations are accepted, the revised wording will go some way to addressing concerns of Just Space Network and the London Forum over deprivation (which we have also considered in Chapter 2) and the concerns referred to in the preceding paragraph over the need to provide sufficient housing to support economic development.

Policies 4.2 Offices and 4.3 Mixed Use Developments and Offices

Issue: Are the provisions for office development reasonable and sufficiently spatially focussed?

4.8 The Mayor presented substantial evidence to support the office development policies, particularly the London Office Policy Review (LOPR) 2009133 by Ramidus Consulting and Roger Tym & Partners. This assesses monitored trends and indicates that overall there is likely to be a capacity for office development some 44% higher than they would currently predict as likely to be required. Thus, although there are localised prospective shortfalls against demand, for example...

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in the West End and adjoining Boroughs, the study raises doubts over the ability to bring to fruition all of the Outer London office potential identified. More generally, it highlights the weakness of the Outer London office market. However, it does not attribute this to competition from centres in the Outer Metropolitan Area. Rather it suggests that trends in office requirements are changing. Reasons may include separation of “back office” functions to other regions or even overseas. In some cases, there is also the ability of the City to find overflow accommodation in emerging CAZ fringe areas or to overflow to Canary Wharf including its extension onto Wood Wharf. Stratford and possibly North Greenwich are perceived as continuing the latter trend if they can be delivered in the longer term. For the most part office development in Outer London is perceived as non-viable (a finding with which the Mayor’s Outer London Development Commission does not disagree\(^{134}\)). This then is the context for the policies and their concepts of swaps and credits that might in particular see consolidation at most Outer London Office centres so that new provision may either be only for local needs or concentrated exceptionally in a few favoured centres such as in West London, and at Croydon and Stratford in the longer term.

4.9 Perhaps unsurprisingly in the recessionary context, there was little dissent from the view that the revised Table 4.1, which the Mayor put forward based on corrected output from the LOPR 2009 as Further Suggested Changes 4.1 and 4.2, would make sufficient provision for growth in office employment. The revised table indicates an overall benchmark monitoring requirement of some 3.93 million square metres net which equates to between 4.62 million and 5.24 million square metres gross (the form of expression sought by the City of London Corporation as a basis for development management), depending on whether 75% or 85% ratios of net to gross are assumed, the appropriate ratio in different localities being the subject of comment at the Examination. The London Forum suggested that the projections should assume a declining ratio of floorspace per worker rather than a constant ratio of 12 square metres net per worker (13.8 metres gross) because increases in floorspace efficiency must be anticipated. However, the converse view was expressed by the City of London Corporation because on a gross basis the current average achieved in the City is 16 square metres per worker. It is our understanding that the projections taken from LOPR 2009 do take account of realistic assumptions concerning employment density over the plan period in different localities and that this is one of the factors involved in the scaling back of the overall requirement from the 4.2 million square metres net in the Submission DRLP to the lower figure now suggested.

4.10 What was disputed more sharply is whether simply to disaggregate between the policy areas shown on Map 2.2 will provide a sufficient spatial steer. Those seeking a greater spatial steer included both LB Hammersmith & Fulham and the Earls Court & Olympia Group so as to have a strategic direction on the quantum of office development

\(^{134}\) LD19a, paragraph 3.10
that might be appropriate in the Earls Court & West Kensington Opportunity Area. **LB Camden** supported this approach, with the **ALBPO** suggesting that more guidance was required over and above Table 4.1 and the strategic directions for Opportunity Areas in Annexe 1. **Strategic Land Planning Trust** and the **London Forum** wish to see 5 and 10 yearly bands for each sub-region for both office and retail development in order to follow the guidance of PPS4 more closely. Conversely, **LB Hillingdon, London First, L&GP**, the **British Property Federation** and the majority of other respondents consider that the extent of sub-division is wholly appropriate in giving a sufficient degree of flexibility. Given that office development is essentially market-driven, we were not persuaded that attempts to be more specific would be justified in a London-wide context. Artificially setting high aspirational figures for some Boroughs or sub-regions hoping to develop office centres where no viable market currently exists may not serve any useful purpose. Conversely, seeking to restrain development in localities where there is market demand such as in West London would not automatically see that demand displaced to Croydon or Stratford, still less to other less likely centres. Demand is evident in both the West End and in West London. Nevertheless, we consider that the relevant extent of office development that may be appropriate at Earls Court or indeed at White City should be determined by the local transport capacity that can be made available and local environmental and townscape considerations rather than any imposed strategic direction. We also believe that such an approach is consistent with the Coalition Government and Mayoral ‘localism’ agendas. **We therefore endorse FSCs 4.1 and 4.2** and do not consider that further changes are necessary.

4.11 There is general support for the distinctive policies for offices and industrial development, notwithstanding use class categorisations that imply an overlap. There is also a lack of enthusiasm for additional guidance on mechanisms for dealing with surplus sub-standard office accommodation. We see no need to comment further on such matters.

**Issue:** Whether the concept of swaps and credits is appropriate in providing sufficient flexibility or conversely would provide excessive flexibility in the operation of the mixed use policy in all areas of London

4.12 While the principle of securing mixed use developments is generally not opposed (and indeed is Government policy), there is much more controversy over the degree of flexibility in the particular wording of Policy 4.3 and its supporting text and over whether swaps and credits are appropriate in both the CAZ/northern Isle of Dogs and in Outer London.

4.13 The **City of London Corporation** supports the flexibility provided by Policy 4.3A to facilitate swaps and credits and it was pointed out that this policy has been practiced in LB Westminster as well over a number of years. Most participants supported this approach. However, a number of commercial developers such as **Ristoia** and
supporting umbrella bodies such as the BPF and London First feel that there is too much emphasis on securing housing in the CAZ and argued that this can inhibit redevelopment, particularly in the West End with its many heritage constraints. Most commercial interests favour mixed use areas rather than mixed use developments, though community interests have concern over potential dilution of residential neighbourhoods through excessive use of swaps and credits. The BT Group take a slightly different approach in suggesting that the heritage constraints of the West End can help secure residential developments on appropriate sites and that the caveat in Policy 4.3, which allows mixed use requirements to be set aside where such a mix would demonstrably conflict with other policies, is unnecessary and could be omitted. The Canary Wharf Group (CWG) take a wholly contrary view that the requirement for mixed use developments including housing should be completely dropped from Canary Wharf, suggesting that a mix including retail and perhaps some leisure is all that should be required there. In contrast the Spitalfields Community Association seek a greater constraint on office developments to secure affordable housing and retail units suitable for local people plus smaller office units and start-up accommodation, this last point also being advocated by the South London Partnership.

4.14 For our part, we consider that the caveats in Policies 4.3Aa and 4.3Bb ought to provide sufficient flexibility to ensure that the strategic office development needs of the CAZ and the northern Isle of Dogs are not prejudiced. We have no sympathy with the argument of the CWG for additional special treatment. In relation to other policies, for example in seeking immediate Metropolitan town centre status, because of the extent of the mix of uses now apparent, there is an implication that the northern Isle of Dogs is already functioning as an outlier of the CAZ. As we have indicated in Chapter 2, from our site visits and assessment of the data provided by both the GLA and CWG we find much strength in this argument whether or not Metropolitan town centre status is afforded now or in the future. But if the area is to be seen as an outlier of the CAZ it ought to have comparable policies and this includes acceptance of a general assumption that there will be a residential element wherever it can reasonably be provided or failing that secured nearby. For this reason we support the general policy requirement for mixed use development of office accommodation. Without such a policy it would be very easy for the much supported mixed use areas to slip over into being monochrome single use areas as it would always be on another site that the residential, retail or other use should be provided.

4.15 In Outer London, the development sector almost universally argued that mixed use ought not to require replacement or new office development where it is not viable. Thus, a mixed use policy should not be applied. For that reason swaps and credits are considered unnecessary. The strongest opponent is perhaps Quintain Estates, with experience at both Wembley and North Greenwich, but generally little enthusiasm was shown for Outer London swaps and credits. It is suggested that developers might not have holdings both at declining
office centres where old stock ought to be redeveloped for housing or other uses and at the prospective Strategic Outer London Development Centres or similar locations where there might be greater potential for new office floorspace. However, we were not persuaded that the difficulties would be as significant as feared. In our judgement the policy and its supporting text in paragraphs 4.14 and 4.15 are intended to facilitate rationalisation of office accommodation in Outer London which would be likely to see much unsuitable floorspace replaced by residential accommodation or other uses and little if any re-provision of office development save for local use unless the location is one where major new office development might become viable. In such a context the concept of swaps and credits seems both clear and wholly justifiable, given the encouragement of a wide range of uses at centres in Government guidance such as PPS1 and PPS4.

4.16 The London Forum advocates identification of preferred office locations. However, for the reasons previously given we consider that the DRLP contains an appropriate balance between providing general flexibility and a limited amount of spatial direction. Paragraph 4.11 indicates the likely locations for significant office development outside the CAZ and northern Isle of Dogs and there is policy direction both in the strategic functions listed under Policy 2.16 for Outer London Development Centres and in the strategic policy directions in Annexe 1 concerning individual Opportunity and Intensification Areas. We are not convinced that anything further is required and see no need to make any recommendations of our own concerning these general policies. Our conclusions concerning the policy directions for individual Opportunity and Intensification Areas are set out in Chapter 2.

Policy 4.4 Managing Industrial Land and Premises

Issue: Whether the policy provides sufficient clarity over the managed release of surplus industrial land and premises

4.17 It is clear from statements to the Examination that many participants do not understand the operation of the current policy on the release of industrial land as many commercial respondents argue that Boroughs should be able to operate release of land flexibly on the basis of up to date evidence, which is the essential thrust of both this policy and the related Policy 2.17 concerning Strategic Industrial Locations (SILs). Monitoring shows that release has been taking place well in excess of the specified monitoring benchmarks (approximately double the benchmark rate over the years 2006-10). The Mayor pointed out that this meant that the level of vacancies of industrial premises had been successfully managed down. But even some Boroughs appeared not to understand that the policy places the onus upon them to define the boundaries of SILs, whether or not they should have additional Locally Significant Industrial Sites (LSIS) and other designated industrial sites and therefore it is very much for them to apply the appropriate degree of safeguarding for their areas.
Much of the background for this policy is contained in the Industrial Capacity SPG of March 2008\(^\text{135}\) that accompanies the existing Consolidated London Plan. This drew on a strategic evidence base report of 2007\(^\text{136}\), following on from earlier reviews in 2004 and 1999. A new version of the SPG is promised to accompany the Replacement London Plan with a new review of supply and demand for industrial land and related uses anticipated in 2011/12. As Early Suggested Changes 4.11 and 4.13, the Mayor has added stress on the need to provide for SMEs and new and emerging sectors to Policy 4.4Bd and an explanatory key to Map 4.1 in order to explain the meaning of ‘Restricted’, ‘Limited’ and ‘Managed’ transfer of industrial land to other uses. In our view these changes are necessary to direct attention to needs discerned by participants such as the South London Partnership and to improve clarity in relation to the Borough Groupings for Industrial Land Release as sought by the London Forum. Consequently, we endorse ESC 4.11 and 4.13.

Nevertheless, the recurrent theme of presentations to the EiP was that the nature and responsibility for reviews should be made clearer and more explicit. For example, London First and L&GP argue for a specific responsibility on London Boroughs to review site designations. This is echoed by the Consortium of London Developers who suggest that this can only be done at Borough level. The London Forum helpfully acknowledges that the review process is necessary at both strategic and local levels. In our view the wording is quite clear under both policies that the onus for review on a site specific basis lies with the Boroughs as part of their preparation of DPDs, though with the added need in relation to SILs for that process to be strategically coordinated with the Mayor and may also be taken forward in the production of Opportunity Area Planning Frameworks produced jointly between the Mayor and Boroughs. L&GP accepts the difficulty of making specific provision now for anticipated release between 2026 and 2031 but wish to see a requirement for a strategic review to roll forward provision to 2031 made explicit. The process concerns of Ballymore appear to stem from experience or expectation of delays in securing adoption of guidance for riverside Opportunity Areas. In our view the GLA and Boroughs should prioritise necessary work to ensure that development that is ready to proceed without need for public infrastructure is not held back by process delays. However, this does not mean that there is any need for substantive change to the DRLP.

From the Mayoral statement on this policy, it seems clear to us that there is really no substantive disagreement on these matters and that very slight adjustments to the wordings of the policy and supporting text would make clear the intended and desired approach. We are concerned, nevertheless, at the current relationship between the DRLP and SPG particularly as that currently extant relates to the 2008 London Plan. Moreover, it includes a table of sub-regional monitoring benchmarks that would help apply Map 4.1 based on sub-regions that

\(^{135}\) LD28
\(^{136}\) LD29
are not used in the DRLP and not in relation to those shown on Map 4.1. At our request the Mayor produced a revised table that translates the indicative industrial land release benchmarks, 2006-26 that are contained in Table 1 in the current SPG into the DRLP sub-regions. This is set out in ED92, but this table has not been included in the Further Suggested Changes and remains therefore of uncertain status. Even if regarded as part of the current SPG, it would not directly relate to the DRLP and could give rise to further confusion since it refers to the DRLP sub-regions.

4.21 Government guidance in relation to development plans, whether nationally in PPS or specifically relating to London in GOL Circular 1/2008 is that policy should not be delegated to SPG/SPD that do not have to pass through as rigorous consultation and Examination processes as the London Plan or other Development Plan Documents. In our view the Indicative Industrial Land Release Benchmarks are part of the policy on the managed release or protection of industrial land and Table 1 ought therefore to be part of the London Plan. This ought to reduce the possibility of either confusion over the nature of the operative policies and responsibilities and give rise to a greater likelihood that releases will be governed in line with the benchmarks. It may well be that the benchmarks could be reviewed and updated through SPG, though if fundamental changes were to be required to the quantum of acceptable land release then an Alteration would seem to us to be required, as it would for the Plan as it stands in relation to changes in the Borough groupings shown on Map 4.1. We accept that although the 2010 industrial land baseline supply study could have implied a need to move Brent, Ealing, Harrow and Hillingdon into the ‘Restricted’ category as West London has exceeded its sub-regional release benchmark for 2006-26, any such changes should be made on a comprehensive basis following the intended 2011/12 review of supply and demand.

4.22 Land Securities argue that the groupings do not reflect the approach of the DRLP to sub-regions and that Harrow’s categorisation within the West London Group is not correct. They advocate release being determined either through SPG outside the Plan itself or through OAPFs. LB Hammersmith & Fulham suggests that their categorisation as a Borough for ‘Restricted’ release is not correct given the characteristics of their industrial land. L&GP and London First suggest that review might be appropriate via SPG with the Consortium of London Developers expressly arguing for deletion rather than amendment of Map 4.1. Use of SPG for review is flagged up as a possibility by the GLA. Conversely, the South London Partnership indicates their satisfaction with inclusion of their area in the ‘Restricted’ category as they do not think that there is strategic justification for a more relaxed approach to land release. As indicated above, we do not consider that it is appropriate for groupings to be reviewed through SPG as that would be to give the SPG a policy role. We accept the point made by Land Securities that the groupings do
not match the sub-regions but if the revised Table 1 is included within
the DRLP we do not think that the extent of divergence from the sub-
regional boundaries need cause too much difficulty as the intended
import of the policies would be clear.

4.23 That leaves the issue of the categorisation of LB Harrow and LB
Hammersmith & Fulham. The plea for change at Harrow comes not
from the Borough itself, but from a developer with aspirations in
relation to the use of land at the Kodak site within the Harrow &
Wealdstone Intensification Area. The strategic policy directions set
out in Annexe 1 encourages intensification of industrial and other
business use within the Wealdstone Industrial Area and an uplift in
retail, office and hotel development within the town centres and
comments that there is also scope to accommodate a substantial
portion of the Borough’s future housing need through higher density
residential and mixed use development on key strategic sites and
renewal areas. As the Indicative grouping for Harrow is currently only
the intermediate ‘Limited’ category, we cannot see any reason why
the DRLP should need amendment. Borough DPD preparation and/or
Development Management ought to be capable of providing
appropriate solutions within such guidelines and in the interests of
‘localism’ we do not consider that we have any grounds to intervene.

4.24 The position in Hammersmith & Fulham is rather different. The
Borough argues that apart from part of the Park Royal SIL, it has
neither SILs nor LSILs but only small scale ‘other’ industrial sites that
in many cases are unsuitable for new industrial activity because they
are tightly confined non-conforming uses unsuitable, for example, for
waste management facilities. The Borough therefore wishes to be
taken out of the ‘Restricted’ grouping and instead be included within
the ‘Limited’ grouping otherwise applicable in the West London sub-
region apart from Hounslow. While having sympathy with aspects of
the case advanced by Hammersmith & Fulham, the limited extent of
industrial land outside Park Royal as compared to demand would
appear to justify the grouping for the Borough. Moreover, the policy
on ‘Restricted’ transfer inserted through ESC 4.13 does not say all
transfers to other uses should be rejected, simply that a restrictive
approach to transfer should be followed. This would not seem to
preclude redevelopment of problem sites for more neighbourly uses.
Consequently, we agree with the Mayor that there are no grounds at
present for changing the Borough groupings shown in the submission
DRLP.

4.25 We therefore endorse ESC 4.14, which indicates that borough
level groupings will be kept under review, and make the
following recommendations:

Recommendation 4.1: In Policy 4.4Bc, replace “Supplementary
Planning Guidance” by “Table 4.2”, this table of “Indicative
Industrial Land release Benchmarks (by RLP) sub-regions” to
be inserted following Map 4.1 from ED92 (page 6).

Recommendation 4.2: In paragraph 4.21 insert after
“updated”, “to roll the benchmarks forward to cover the period
“up to 2031” and after “guidance”, “or if necessary an Alteration to the Plan”.

**Issue: Whether the description of appropriate uses for industrial land are sufficiently comprehensive**

4.26 **The South London Partnership** are the leading advocate of rephrasing the policy to address the concept of ‘non-town centre employment’ to encourage new forms of economic activity and enterprise including introducing the term “innovation business parks” while wanting an end to the distinction between Preferred Industrial Locations and Industrial Business Parks so that the use of land can be more flexible, a matter addressed in Chapter 2. An expectation of such an approach would be to see more office-type accommodation in such locations, and various development interests also sought identification of mixed development as appropriate generally and not just in town centre locations. A number commended the alternative phraseology as more consistent with the intent of PPS4 but did not cite a particular policy basis, but rather the wide concept of economic development embodied in the guidance. Conversely, the **London Forum** argued that the alternative wording would encourage the wider distribution of uses that ought to be located at town centres, echoing the concern of the Mayor.

4.27 In the absence of any specific reference to relevant wording in PPS4 that might justify change, we can but agree with the London Forum and the Mayor that the current wording of the DRLP as amended by ESC 4.11 appropriately reflects Government guidance and we can see no need for further change to facilitate innovation and encourage new forms of economic activity beyond that embodied in ESC 4.11. There is, however, a specific point raised by the **University of London** concerning the scale of accommodation that may be required to foster innovation. This concerns workspaces for micro-firms. They offered wording for an additional policy. The Mayor considers that this is primarily a matter for the Economic Development Strategy as it would have very limited spatial implications, particularly at strategic level. We are inclined to agree with this stance, but feel that it is important that the needs of micro-firms are recognised. Accordingly we make Recommendation 4.3: Add at the end of paragraph 4.17 “including for the needs of micro-firms”.

4.28 While there is general acceptance that waste management facilities are adequately referenced, there are suggestions that this is not the case with renewable energy schemes. As far as we can ascertain the appropriate locations for off-site renewable or low-carbon energy generation schemes are not cited anywhere in the Plan although use of industrial land for waste management (which in many cases may be associated with renewable energy generation) is referred to in Chapters 2, 4 and 5 and utilities are cited as potential users of SILs under Policy 2.17. All that is specifically included is a reference in paragraph 5.42 to forthcoming Mayoral SPG aiming to set out broad guidelines to assist Boroughs to define locations where stand-alone
renewable energy schemes would be appropriate. It seems to us that there would be more coherence to the DRLP and greater consistency with Government policy if, irrespective of what may be included in future SPG as trailed in Chapter 5, Policy 4.4 were also to make reference to renewable energy generation. It is difficult to think of more suitable sites for renewable energy generation in London for much of the Capital’s decentralised energy capacity than existing industrial areas. **We make the following Recommendation 4.4:**

**That the words “including the need to identify sufficient capacity for renewable energy generation” be added at the end of Policy 4.4Bd after “emerging industrial sectors”**.

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**Tourism, Arts and Creative Industries**

**Policies 4.5 London’s Visitor Infrastructure and 4.6 Provision for Arts, Culture and Entertainment**

4.29 These policies replace a broadly comparable group of policies in the extant London Plan 2008 save to the extent that those formerly addressing casinos have been replaced by a broader policy relating to the night time economy. A wide range of representations were made particularly addressed to aspects of Policy 4.5 relating to appropriate locations for and the impact of visitor accommodation while others sought clarification of the role of Map 4.2: London’s Strategic Cultural Areas, in policy terms. The Mayor put forward a number of ESCs to respond to these representations and provide greater clarity. **We expressly endorse ESC 4.15 to Policy 4.5Af amended by FSC 4.4 as this provides the necessary policy link to Map 4.2; ESC 4.16 to Policy 4.5Cd as this corrects a significant omission; ESC 4.17 to paragraph 4.27 as amended by FSC 4.5 and ESC 4.23 to paragraph 4.31 as amended by FSC 4.8 as these provide necessary supporting text to the Map 4.2 policy insertion and respond to legitimate concerns of English Heritage and FSC 4.9 that corrects Map 4.2.**

4.30 The Mayor put forward a significant number of other textual changes but we see no need for explicit comment on these as they are simply improvements endorsed in general terms in Chapter 1. There was some comment on the appropriateness of the proposed requirements for 10% wheelchair accessible hotel bedrooms, some suggesting that this matter should be left to the Building Regulations and others advocating a still higher figure given the 2009 British Standard and potential demand. However, on the balance of the evidence before us we consider that what is set out in the DRLP on this issue is appropriate, pending an anticipated review of the Building Regulations, as the evidence from hotel operators of apparent lack of demand in newly built hotels does not seem conclusive, given the modest level of overall provision in London. There remained, however, a small number of contentious issues, to which we now turn.
**Issue: Is the guidance on scale and location for visitor accommodation appropriate and should apart-hotels be given any encouragement?**

4.31 The target of 40,000 net additional hotel bedrooms set in Policy 4.5 is considered by London Development Agency to be useful in supporting the sector. London First and Crown Estate see the target as helpful in establishing the importance of increasing capacity and to monitor delivery. The Waterloo Community Development Group, however, questions the evidence for this level of need and points to the adverse effects on availability of employment development land already being felt in Waterloo. There is also considerable diversity of views about how the proposed hotel development should be distributed, particularly in relation to Central London. London First regards tourism as one of the key CAZ functions and is concerned that the policy as drafted could result in hotel development being opposed in key parts of the West End. Crown Estates has a similar view and notes that although Circular 1/2008 (para 2.27) requires that the London Plan identifies the broad extent of the CAZ, it does not support a differentiated policy approach within it.

4.32 Arguments then broadened out to Opportunity Areas, some of which are in Central London and some not. London First does not see any evidence to justify a restriction of strategic hotel accommodation to Opportunity Areas or to suggest that over-concentration is an issue in the CAZ or what the feared consequences might be. London Forum is concerned that many of the Opportunity Areas, other than those in the CAZ, do not have good public transport links to Central London.

4.33 Beyond CAZ and the Opportunity Areas, South London Partnership observes that the visitor economy is important for all parts of London, and would not want to see a number of successful visitor attractions disadvantaged by lack of nearby hotel accommodation. Lee Valley Regional Park Authority wishes to see the policy redrafted to account for the range of locations where types of accommodation other than conventional hotels could be provided; and also to make reference to the existing and potential role of the Regional Park as a "Visitor Destination". The Olympic Delivery Authority considers that the 2012 Games and its legacy influence on visitor infrastructure should be recognised in the Policy and/or supporting text, and suggests appropriate text.

4.34 Merlin Entertainments Group Ltd suggests that the opportunities offered at theme parks and visitor attractions in relation to visitor accommodation are not sufficiently recognised in Policy 4.5, and requests flexibility for visitor accommodation at such attractions. It points to hotels becoming an increasingly important component of European theme parks, and notes that the South East RSS sets overarching guidance in relation to the location of hotels and the relationship between hotels and visitor attractions.

4.35 With regard to differentiation within the CAZ, paragraph 2.27 of GOL Circular 1/2008 indicates that protecting and enhancing economic well being, amenity and environmental quality is essential to the
maintenance of London’s capital and world city roles. Consequently, while it does not explicitly refer to differentiation within the CAZ but only to defining its extent and the national and strategic functions it serves together with policies for protecting and enhancing those functions, we cannot see that a degree of policy differentiation within it to safeguard residential amenity in particular localities is in any way contrary to the spirit of that guidance.

4.36 Some also express reservations about the guidance the Plan provides regarding apart-hotels. **LB Lambeth** is unclear what is meant by the policy and considers apart-hotels to be problematic, pointing out that (among other things) they do not bring the employment or service benefits that hotels do and can displace housing opportunities for permanent residents. It offers additional policy wording. On the other hand, **London Development Agency** and **London First** consider them a valuable addition to the mix of available accommodation and note the growing demand. **London First** and **Crown Estates** do not consider apart-hotel development leads to the loss of housing any more then any other type of development and do not favour the Mayor’s early suggested change to paragraph 4.28 because it could constrain supply of this important type of visitor accommodation. **London Forum** holds an opposing stance and considers the need for apart-hotels is in conflict with legislation to regulate short-lets to prevent the loss of housing to tourist accommodation. **Waterloo Community Development Group** is also strongly opposed to such provision, questioning the need for this type of accommodation.

4.37 The GLA do not see any inherent conflict between the provision of apart-hotels and control of short-lets in existing residential accommodation that are regulated under local legislation in London. However, we do see the need for the insertion into paragraph 4.28 of cautionary words through ESC 4.19 concerning the possible impact on housing capacity from this kind of development, which has characteristics closer to those of conventional housing than would be anticipated with conventional hotels. This would go some way to addressing the concerns of **LB Lambeth** and the **Waterloo Community Development Group** over the operation of Policy 4.5Ae. It would not preclude more detailed policy specification in DPDs. In a situation of scarce land resources it must be appropriate to indicate relative priorities. **We therefore endorse ESC 4.19.**

4.38 With regard to the concern of **London Forum** that simple endorsement of Opportunity Areas as suitable locations for hotels might lead to provision at unsustainable locations has been addressed by the Mayor in FSC 4.3. This corrects the punctuation of the Policy to make clear that suitable locations are those at town centres and within Opportunity Areas that have good public transport access to both central London and international and national transport termini. While this is a very small change it is nonetheless important in the interests of sustainability and **we therefore endorse FSC 4.3.**

4.39 Conversely, despite reservations from **London Forum** and the Mayor at any dilution of the policy of seeking to focus new provision at existing and prospective centres, we consider that there is some
strength in the concerns of the **Lee Valley Regional Park Authority**, the **South London Partnership** and **Merlin Entertainments Group Ltd** that the policy as it stands might preclude provision of accommodation at or in close proximity to visitor attractions where it might actually minimise the need to travel if its primary use would be serving those attractions. Moreover, many such attractions elsewhere in the UK or Europe have accommodation available.

4.40 There is no doubt that Government policy as expressed in PPS4 does regard visitor accommodation as a town centre use and that town centres should therefore be regarded as the norm for provision, as is made clear in Policy 4.5 with FSC 4.3. Some attractions or destinations are also in the Green Belt (or MOL) and in accordance with the guidance of PPG2, policies cannot make express provision for what would be defined as ‘inappropriate’ development within the meaning of that guidance within Green Belt areas. Such development can only be justified on the basis of very special circumstances. However, **PPS4 Planning for Town Centres – Practice Guidance on need, impact and the sequential approach** which was published by DCLG in December 2009 does indicate at Annexe C paragraph 49 that planning authorities “should consider whether there is an absence or paucity of hotel or serviced accommodation, catering to different market segments within reasonable proximity to serve a town centre or a **major visitor attractor**” [our emphasis]. Similarly, the Good Practice Guide on Planning for Tourism which was published by DCLG in May 2006\(^{139}\) indicates town centre preference in paragraph 3, but continues in paragraph 4 by stating that “planning authorities need to recognise that the particular market being met by the accommodation may influence the nature of the location chosen.”

4.41 Consequently, we consider that a caveat ought to be included in the policy so as not to rule out the possible justification for visitor accommodation related to major attractions. We do not consider that there need be greater reference to camping and caravan sites as these are already referred to in paragraph 4.28 and we agree with the Mayor that such visitor accommodation will normally be a matter for local rather than strategic consideration. We also doubt the necessity for express reference to addressing the Olympic legacy because location of visitor accommodation related to the main Olympic Park ought to fit within the general locational policy. However, our suggested insertion could mention the Olympic legacy as an example of seeking to serve major attractions. **We make the following Recommendation 4.5: Addition to Policy 4.5A “g recognise that there may be justification for visitor accommodation related to major visitor attractions including supporting the Olympic legacy to recognise the influence on location of the particular market that would be served.”**

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**Issue:** Whether there should there be reference to the role of sporting facilities in Policy 4.6 in relation to cultural clusters

\(^{139}\) GD93
4.42 This particular issue was flagged up specifically by Tottenham Hotspur Football Club but it was taken up by others including some Boroughs. The Olympic Development Authority and the Lee Valley Regional Park Authority also sought particular recognition of their roles in creating a sport-based cultural cluster. The Mayor responded with FSC 4.6 and FSC 4.7 to add professional sporting in the content of the policy and FSC 4.8 to add the Lee Valley Regional Park to the Olympic Park that had been included in the supporting text of paragraph 4.31 through ESC 4.23. Given that Wembley and the Greenwich Peninsula are identified on Map 4.2, and these locations serve professional sport as well as entertainment, it seems wholly appropriate for sport to be explicitly recognised within the policy, particularly as there are a number of aspirations for new or redeveloped stadia. And while there could be argument as to whether the Olympic Park legacy relates primarily to amateur or professional sports, the scale of facilities that should remain in the Lee Valley Regional Park combined with the Olympic Park for both professional and amateur sport also clearly warrant reference. We therefore endorse FSC 4.6-8 and ESC 4.23 for these reasons. If left at that there would, however be an inconsistency in the Plan as Map 4.2 does not show the Lee Valley Regional Park/Olympic Park although these are referred to in the amended paragraph 4.31 as a strategic cluster of visitor attractions. The title of the policy would also be misleading as it does not mention sport. We make the following Recommendation 4.6: That Map 4.2 be amended by addition of “8 Olympic Park/Lee Valley Regional Park” and the title of Policy 4.6 be amended by inserting “, sport” before “and entertainment”.

Issue: Whether the Plan provides sufficient protection for theatres and other venues for the performing arts

4.43 The Theatres Trust made a very specific point that although the text of the Plan highlights the value of Theatreland as a Strategic Cultural Area, the Plan does not actually protect performance venues directly as the reference to protection is only under Part C of Policy 4.6 on LDF preparation. While the introductory comments in paragraph 0.21 which have already been referred to argue for applicability of any policy content in whatever context they may be needed, participants did highlight instances of significant losses arising from consideration of development proposals. The wording suggested as an addition to the Planning decisions section, therefore appears justified. Recommendation 4.7: Add the following to Policy 4.6B – “e .not result in a net loss of cultural infrastructure in areas of defined need”.
Retail and Town Centre Development

Policies 4.7 Retail and Town Centre Development and 4.8 Supporting a Successful and Diverse Retail Sector

**Issue:** Whether Policy 4.7 is sufficiently aligned with national policy

4.44 Although there were quite a number of representations on these general retail policies, the most specific related to the assessments of the roles of particular centres in the retail hierarchy and whether the hierarchy identified in Policy 2.15 is sufficiently flexible. The policy balance between flexibility and prescription is considered appropriate by **London First** and **L&GP**; while **TfL** considers Annexe 2 to give clear indication of broad future direction of town centres without being overly prescriptive. **Covent Garden Market Authority (CGMA)** considers Annexe 2 to be overly prescriptive in identifying where growth should be located; while **Sainsbury's** believe the policy directions of individual centres in Annexe 2 to be premature. **Earls Court & Olympia Group** considers that the policy lacks flexibility as Annexe 2 does not identify the potential for Opportunity Areas to deliver new centres. **London Forum** suggests that Policy 4.7 and Annexe 2 together still do not convey a clear strategy for London’s Town Centre Network. The Mayor notes that paragraph A2.6 of the Plan states that the categorisations are indicative and should be refined by boroughs through LDFs in collaboration with the Mayor.

4.45 While there is a read across to Policy 4.7Ba, we see no reason to comment further here on the identification of centres and their characteristics since we addressed those matters in Chapter 2. If centres are correctly identified then this policy seems entirely reasonable and generally consistent with PPS4. We cannot comment further on the potential for a new centre within the Earls Court & West Kensington OA as the overall content for that development has yet to be established through the OAPF process.

4.46 A number of participants, such as **Sainsbury’s**, suggested that the sequential approach in Policy 4.7 does not fully accord with the guidance of PPS4 in so far as the potential of out-of-centre development is not explicitly endorsed as a final option and impact assessments are referred to in relation to edge of centre as well as out-of-centre locations. **London First** and **John Lewis Partnership** would also seek to limit the circumstances in which retail assessment might be warranted. Conversely, others such as **LB Hammersmith & Fulham** suggested that there is no need for the policy because it duplicates Government guidance, but **London Forum** would prefer a strengthening of the policy.

4.47 **London First** and **L&GP** consider there may be instances where development is appropriate at existing out-of-centre developments to provide greater diversity of uses, and that this should be recognised in the Plan. **Just Space Network** and **London Forum** recommend that local and neighbourhood centres be better recognised, protected and supported. In addition **London Forum** consider that to flag up the “potential” of existing out-of-centre developments as locations for
further floorspace would be in direct conflict with national planning policy. **Wards Corner Community Coalition** suggest that the wording of Policy 4.7A must specifically reference the local community as an integral partner and that any policy on town centre developments must identify, recognise and respect social capital as a first priority. The ESCs put forward by the Mayor align the policy and text more closely with PPS4 but are essentially only improvements and clarifications that do not generally warrant explicit endorsement. References to community involvement have been inserted earlier in the Plan and in Chapter 8 as general requirements. In our view Policy 4.7 is a useful summary of the approach advocated in PPS4 and certainly not inconsistent with its general thrust whether or not it slavishly follows the wording of that guidance. We do not consider that the London Plan would be complete without a general retail policy and see no reason to make any recommendations concerning that included in the DRLP beyond changes that have been suggested by the Mayor.

4.48 Regarding the Plan’s approach to street markets, **Just Space Network** welcomes an explicit policy on street markets and questions whether the Plan is suggesting that markets are to be favoured only where they attract customers to fixed shops. **London Food Link** supports the proposal that Boroughs should have a policy on street markets. They suggest it would be helpful if the LDF guidance could more explicitly support preservation and enhancement of existing street markets, creation of new street markets/farmers markets and make it easier for such markets to be established. **Wards Corner Community Coalition** add that any specific policy for the protection and encouragement of markets should not be confined just to street markets, but should include covered markets, farmers markets and others. **London First** do not consider that a separate policy is necessary, a view that is shared by **John Lewis Partnership**. **TfL** supports the provision of street markets, but recognises that any street market must be balanced against their potential local transport impacts. The Mayor put forward FSC 4.10 and 4.11 to clarify the inclusiveness of markets that should be protected and the distinction of street markets that are regarded as being of strategic significance. In the context of recent litigation and the controversial nature of the following small shops policy, these suggestions add important elements of clarity and would help ensure that the value of markets to deprived communities is recognised. **We therefore endorse FSC 4.10 and FSC 4.11.**

4.49 With regard to the retail forecasts, **London Forum** suggest that as they are based on past experience they may be seen as generous in today’s economic climate and **London Sustainable Development Commission** suggests that there should not be a presumption of growth of 1.8 to 2.9 million sq m in comparison goods floorspace by 2031. The basis of the forecasts is set out in *Consumer Expenditure and Comparison Goods Retail Floorspace Need in London*. This study was produced by Experian and published by the GLA in March 2009.\(^{140}\)
The work involved elements of sensitivity testing of variation assumptions made and we can see no reason to question the validity of the range of projected requirements. Although these forecasts, which are included in paragraph 4.38, may indeed be generous in the current economic climate, we accept that as the DRLP is a long-term plan its forecasts should not be adjusted to take account of short-term fluctuations in economic circumstances.

4.50 There are mixed views as to whether the Plan should provide disaggregated figures. The Earls Court & Olympia Group, L&GP and others do not consider this would be appropriate and consider capacity should be assessed within the context of the overall study, taking account of local demographics and shopping habits. On the other hand CGMA considers that forecast requirements should be broken down into sub-regions as this would help justify provision of new centres within Opportunity Areas. Conversely, the London Forum advocates following the PPS4 guidance to assist in controlling developer aspirations for greater retail provision within Opportunity Areas than could be justified by their accessibility. The breakdown of the forecasts into 5-yearly bands and by local authorities is advised in PPS4. However, given the current uncertainties as to the timing and strength of recovery and the complex overlapping patterns of the catchments within Greater London, we accept the conclusions of Experian and the GLA that any more detailed breakdown would not be justified at the strategic level.

4.51 The reference in Policy 4.8 to identifying areas which are currently underserved in convenience retailing is supported by John Lewis Partnership and London First, as they believe this will ensure local communities will be better served socially and environmentally, as well as providing employment opportunities. Sainsbury’s suggest expansion of paragraph 4.46 to recognise the role of convenience retailing at all levels of the retail hierarchy more fully, while Just Space Network call for emphasis on the importance of retail and other services upon which people depend for frequent and local support – as a central feature of the “Lifetime neighbourhoods” concept, a point supported by the London Forum. Real Estate Opportunities consider that convenience retailing needs are dictated by local factors and appropriate planning policy should be formulated at the Borough level. We agree with the Mayor over this last point and consequently do not consider that any further change is warranted to Policy 4.8 or its supporting text over and above those suggested by the Mayor.

Policy 4.9 Small Shops

Issues: Is such a policy of sufficient strategic significance to warrant inclusion in the DRLP and is its phraseology compatible with Government and EU requirements concerning the use of obligations and state aid? Should specific reference be made to “off-site” provision?
4.52 This policy attracted the greatest degree of controversy of all aspects of retailing contained in the DRLP. The GLA sought to defend the policy by referring to the inclusion of a manifesto commitment in the Mayoral elections and indeed the cross-party support for action. Having regard to the new “localism” agenda we are reluctant to intervene, but the strength of opposition is substantial involving a wide cross-section of participants who advanced substantive evidence for their opposition. The comments in statements and at the Examination also flag up potential for conflict with statutory requirements.

4.53 The Crown Estates question the evidence base for Policy 4.9 and are concerned that the policy will add to the cost and complexity of development, and undermine the ability to provide the floorspace retailers and shoppers want. John Lewis Partnership proposes the deletion of clause A of Policy 4.9 as it is considered contrary to Government policy and the Crown Estates and the CWG consider that the requirement to provide small scale affordable shop units does not meet the tests set out in Circular 05/2005. There are also concerns that the policy would distort the market and result in unfair competitive advantage for some retailers in subsidised units contrary to EU requirements concerning State Aid. London First, the Crown Estates, Quintain Estates and L&GP note that independent retailers are currently out-performing multiples and that there is not currently a lack of affordable units for small retailers, citing evidence from the Local Data Company in February 2010. L&GP also considers that a blanket imposition of a requirement to provide for small shops fails to consider local context and particular initiatives, for example in the West End, which explicitly seek new “flagship” stores. Land Securities pointed out that even close to the key West End shopping streets small units can be found in locations like Carnaby Street, Soho and Covent Garden.

4.54 LB Harrow are concerned that the policy remains unclear as to the circumstances in which it might apply and consider its application is very dependent on the local circumstance which would determine the mitigation required and the outcome sought. They request that the supporting text makes clear that any financial contribution will be towards general town centre improvements and not to a binding obligation on the Council to make provision for affordable shop units either within the town centre of the proposed development or elsewhere. There are also similar concerns from development sector participants (e.g. Crown Estates, L&GP) that a requirement to include small shops and affordable retail floorspace would further undermine development viability, and could place an undue burden on developers (e.g. the CWG). The Crown Estates consider that the provision of affordable retail units should not be considered a priority ahead of transport and public realm improvements, with London First considering that improving the public realm would be of greater benefit to all retailers and shoppers. Finally, the Crown Estates, London First and L&GP suggest that Policy 4.9 could favour retailers in new units over those in existing premises, undermining the viability of nearby existing parades and centres.
4.55 However, **London Forum** is of the view that the policy can be reconciled with Government guidance and EU rules, though this would seem to be by operation in a somewhat different manner from face value reading of the Consultation DRLP. They support the policy but consider it too narrowly conceived and too mechanistic in its approach; amendments to the policy are suggested including a reduction in the threshold for the operation of the policy to 1,000 m². They suggest that the policy would, where appropriate secure on-site small units, but if not, could accept financial contributions to strengthen local centres. The **London Assembly**, basing comments on their report *Cornered shops – London’s small shops and the planning system* which was finalised in July 2010, also suggests that the Mayor explore the potential for the policy to apply to new retail, or mixed use development proposals that are smaller than 2,500 m² if Boroughs consider that to be appropriate. They also believe that the Plan should encourage Boroughs to stipulate that there should be policies to protect retail uses in neighbourhood parades within walking distance and suggest there is merit in debating how the objectives of Policy 4.9 can be linked with the concept of “lifetime neighbourhoods” (Policy 7.1). In short they support a small shops policy though one with a wider focus than that included in the Consultation DRLP.

4.56 **Just Space Network** argues that the policy is justified on the grounds of sustainability, environmental soundness, diversity, tackling inequality, and providing access to employment. They consider that support for small shops through planning obligations does not need to be solely reliant on their inclusion within large retail developments, as obligations could seek to support existing retailers who do not face direct threats from displacement but whose viability may suffer from decreased rental affordability or increased competition. They also suggest that the policy should apply not only to new retail developments, but also to large housing developments where local provision is inadequate and they also consider it to be desirable that the policy should include small office space for local SMEs.

4.57 **London Sustainable Development Commission** suggests strengthening the policy to address opportunities for more local shops, relating them directly to local community enterprises. **London Food Link** believes that neighbourhood and small shops are essential and can help promote not only healthier eating, but healthier lifetime places to live in.

4.58 With regards to implementation of Policy 4.9, the **Crown Estates** and **L&GP** question how “small” and “affordable” will be defined (*Just Space Network* suggest “small shops” could be defined as being those with a net ground floor space of less than 80 square metres as in the Roger Tym report), and also caution that it would be difficult to manage the use of units being provided as affordable for small retailers, as it may then penalise retailers for being successful. It is also argued (by **Quintain Estates** among others) that consideration would be needed as to whether to take into account internet sales. **Sainsbury’s** question the use of Supplementary Planning Guidance in relation to this policy, suggesting that this does not provide a
background of certainty and clarity. They are concerned that important aspects of interpreting the policy approach would be left to a later date, outside the EiP scrutiny.

4.59 Having read and heard the breadth of both opposition and constructive comment on the policy, the Mayor reiterated that the policy would be implemented through planning obligations mechanisms, but has suggested very extensive changes both to the policy itself and the supporting text in paragraphs 4.49 and 4.50 to address concerns.

4.60 For our part we have considered the evidence base for a comprehensive strategic policy. This is primarily found in the report by Roger Tym & Partners for the GLA *London small shops study 2010* which was published in June 2010\(^\text{141}\). While this is a thorough study, it is also almost wholly a theoretical study. The analysis relies on study of four key indicators: the proportion of multiples; average unit sizes; occupancy rates; and rental levels to determine a ‘z-score’ for individual centres, the higher the score, the greater difficulty likely for small independent retailers to find suitable accommodation. Unsurprisingly, this generally shows that the higher order the centre is, the higher the score as a result of larger unit sizes, high multiple representation and high Zone A rent levels in prime frontages. Thus, difficulties for small independent traders are generally not foreseen at local centres nor at many district centres, but potentially at higher order centres. As centres of all kinds, save the International Centres, exist across London, again unsurprisingly it suggests on this theoretical basis that problems of securing affordable small shop units could arise in many parts of London.

4.61 It does not seem to us, however, that this means that the problem is a strategic matter rather than a local issue, particularly when one of the four case studies at Knightsbridge, where problems might have been anticipated, had a distinct area off the main shopping street where small shops of character can provide specialist services. Or again at Bromley, although the secondary area where small shops are located is described as providing a relatively poor retailing environment, availability is indicated, as it is at the West Hampstead and Edmonton District Centres. On our own travels around London, what we saw tended to bear out the arguments of the development sector that there is no general shortage of small affordable shop units, but on the contrary we saw many local centres and parades where there seems insufficient demand to sustain anything but the most fringe retail services and in some cases extensive vacancies, use as charity shops, and changes of use away from retail however widely defined. Obviously, our perceptions derive from what is still a recessionary situation as does the February 2010 evidence from the Local Data Company, circumstances that we were generally urged to discount given the long-term nature of the Plan. Nevertheless, the trends in vacancies and changes of use at lower order centres appear long-established.

\(^{141}\) LD49
4.62 Our conclusion is that the problem seems to be a localised one where there is retail demand for small scale units at centres with particular character whatever their scale, including those that in floorspace terms would be of lower order, but where there may be a strategic role, Portobello Road being an example cited in paragraph 4.47 in the context of markets. While such examples are unlikely to be exclusively found in inner western London, it is perhaps significant that LB Kensington & Chelsea has instigated a local policy ahead of the RLP and included it within its Core Strategy DPD. This has been found to be sound with amendments to make it more flexible and consistent with Circular 05/05 following Examination\textsuperscript{142}. There is a separate more general issue concerning the replacement of local independent convenience stores by small format units of the major retail chains, but that is not one that is generally related to a shortage of affordable retail units in the locality. And it is one that is not particularly well able to be addressed through the planning system and, moreover, one which from the evidence put before us has both potentially positive as well as negative aspects.

4.63 It is in this context that we consider the policy both as included in the submission DRLP and as now suggested following FSC 4.9-12. We do not consider that a blanket strategic policy can be justified as analogous to provision of ‘affordable housing’ as seeking to secure such housing is based on clear Government guidance and definitions to help meet a nationally acknowledged need. Rather, the situation appears to us very akin to that concerning the need for protection of garden land. There are perceived to be problems in particular localities as a consequence of past planning decisions, but in the case of the protection of garden land, in Policy 3.5 and paragraph 3.28, the DRDP specifies a permissive policy that enables action where it is locally justified. In contrast, even after the extensive changes suggested by the Mayor, there is an apparently mandatory London-wide policy, albeit that alternative options have been partially introduced through the suggested changes.

4.64 As submitted we have no doubt that the policy would have been in conflict with Circular 05/05 concerning the use of obligations as it is very difficult to see that the test of necessity could be met in many circumstances where the policy would have been applicable, nor probably that of proportionality. And moreover, as the tests have been statutory since 6 April 2010 this could have rendered attempted application unlawful on a blanket basis. As suggested with inclusion of the FSC, the policy and its supporting text still indicates a blanket intention to seek contributions though the use of such contributions is widened substantially to include public realm contributions that the development sector, with some local planning authority and wider support, consider should be the general priority for action. The inclusion of the word “local” is also somewhat incongruous where referring to direct Mayoral action since local centres are by definition matters for the Boroughs both in terms of Policy 2.15 and Annexe 2 quite apart from any greater emphasis on ‘localism’. It would thus

\textsuperscript{142} RD455
seem likely to be very rare that the Mayor would become directly involved in relevant development management decisions at or related to such centres. Further, where a development proposal directly involves loss of existing or potential small units it would normally be possible to secure provision, re-provision and physical retention of small units by planning conditions without need for planning obligations.

4.65 If provision at anything other than market rents is envisaged, clearly an obligation would be required and this is where further legal complications could arise. There is the issue of whether such obligations might breach the preclusion established through the CIL Regulations against pooling of contributions from more than five developments, even where public realm enhancement is the preferred solution. However, this could probably be resolved through localised schemes. More fundamentally, the rules against unlawful state aid would appear to preclude financial support passing direct to an individual retailer through rental payments being set at a subsidised level. However, this problem appears to have been circumvented in Kensington & Chelsea through use of a Community Development Trust as an intermediary so that the argument by the Mayor and the London Forum that such policies need not necessarily breach EU rules appears to be correct. However, it seems difficult to contemplate successful operation of a London-wide Community Development Trust with the kind of local objectives envisaged. Nevertheless, it would seem likely that this kind of approach would be possible in the localised areas where there is actually perceived by the local community to be a problem of small affordable shop units needing to be addressed.

4.66 In short, basing the policy upon FSCs 4.12-4.14 and making modest further changes would produce a policy approach that could be lawful, practical and able to be applied to address particular local problems over the availability of affordable small shop units and necessary enhancement of the public realm at centres and other focal points. The further changes that we recommend will essentially provide a ‘localist’ focus for the policy. As a consequence we do not consider that it is necessary to address the particular definitional problems highlighted in the development sector submissions noted above. Neither do we consider that the over-arching permissive policy that would remain in the RLP should extend into the detail suggested by the London Sustainable Development Commission and the London Food Link as such matters would be issues in working up any Borough schemes in a local context. We do not recommend any change in the size limit for the Mayoral policy as 2,500 m² is the consultation/direction level specified in the Mayor of London Order 2008 SI 2008/580, though Borough policies might well wish to set lower thresholds to address the situation in which the main food retailers seek to establish their small format stores in local centres. Neither do we recommend extension of the policy to housing developments nor to secure workshop space for SMEs, important as these issues raised by the Just Space Network are. The former ought to be covered by Policies 3.7 and 4.8 and the latter through the
operation of Policy 4.1. Consequently, we endorse FSC 4.12-4.14, subject to the following amendments:

Recommendation 4.8: In Policy 4.9A in line 2 replace “seek” by “consider imposing conditions or seeking...” and in line 6 delete “local”;

Recommendation 4.9: In paragraph 4.49 in lines 6-7 replace “will...encouraged to” by “and boroughs may impose planning conditions or seek to” and in the antepenultimate line delete “local”, adding at the end “In relation to district and local centres, boroughs may wish to use a lower threshold recognising the scale of developments that may be likely at such centres.”

Recommendation 4.10: In paragraph 4.50 amend the start of the antepenultimate sentence to read “Where relevant the number...”

4.67 We make a corresponding recommendation in Chapter 8 in relation to Policy 8.2 to replace priority for provision of small shops by enhancement of public realm as the latter appears to us to be a near universal requirement whereas the former is a policy that may be appropriate in particular localised circumstances.

New and Emerging Economic Sectors

Policies 4.10 New and Emerging Economic Sectors, 4.11 Encouraging a Connected Economy and 4.12 Improving Opportunities for All

4.68 These policies attracted widespread support, albeit with many suggested additions to both the policies and the supporting text. The London Assembly put forward an extensive raft of suggested additions as did the Just Space Network and London Councils. The Mayor only includes selected points in suggested changes both before and during the Examination, which although arising out of representations and discussion, do not generally warrant explicit endorsement as they are essentially simply textual improvements to the Plan that we have generally endorsed earlier in this report. While there is merit in all the suggestions for additional text over and above the changes put forward by the Mayor from these and other participants as they would for example include greater detail on the green economy, high technology possibilities and justification for measures to assist BAME communities, for the most part they would not actually change the thrust of these policies. Moreover, we agree with the Mayor that the majority of the points pressed are essentially for the Economic Development Strategy or are covered elsewhere in the Plan. Consequently, we endorse ESC
4.36-4.38 primarily as aligning wordings more closely with the Mayor’s Economic Development Strategy. Two additional changes warrant more explicit reference. ESC 4.30 clarifies that there may be a number of Green Enterprise Districts under Policy 4.10Ad and not only that identified in the Thames Gateway. FSC 4.15 broadens the scope of Policy 4.10A overall and the agencies expected to act upon it. We endorse ESC 4.30 and FSC 4.15 as important clarifications of the intent of Policy 4.10.

4.69 Beyond these changes, the University of London reinforced a suggestion by the Just Space Network that there ought to be explicit recognition of support for developing clusters of innovation linked to Higher Educational Institutions (HEIs). The Just Space Network policy wording would have directed attention to areas with immigrant concentrations with mention at the Examination of possible links to South Bank or London Metropolitan Universities. However, the University of London suggestion is in more general terms, and such wording would also be able to address similar endorsement of links to HEIs advocated by the South London Partnership and Imperial College (who have in mind potential at White City which is referred to in Annexe 1). The University of London suggestion also includes a specific reference to a proposed Science and Creativity Park in the King’s Cross Area. The Mayor indicated that he was willing to consider such a suggestion. As the Spending Review has made provision of £220 million in funding to ensure that the UK Centre for Medical Research and Innovation can go ahead in the St Pancras/Kings Cross area as planned, it would seem that at least elements of this specific aspiration have endorsement in national policy terms. Consequently, we consider that Policy 4.10 should be strengthened and given greater spatial focus to highlight this important driver for the London economy, though we consider that the supporting text is already sufficiently comprehensive to cover the expansion of the policy. Thus, we make the following Recommendation 4.11: Amend Policy 4.10Ac to read – “c will work with HEIs and businesses to ensure availability of sufficient workspaces appropriate to the needs of emerging sectors and multi-disciplinary collaboration in research and innovation”; and add to Policy 4.10A “e promote with London’s HEIs clusters of research and innovation, including a London Science and Creativity Park in the Kings Cross area, as focal points for research and collaboration between HEIs and industry”.

CHAPTER 5: LONDON’S RESPONSE TO CLIMATE CHANGE

Chapter Headlines

- We endorse the Mayor’s proposals for a steeper trajectory leading to zero carbon development, but only for developments of strategic scale.
- We also endorse the Mayor’s general approach to decentralised energy and renewables, to risk management and to provision for waste and aggregates.

Introduction

5.1 In March 2010 the former Government published a consultation draft PPS Planning for a Low Carbon Future in a Changing Climate\textsuperscript{146} to simplify and conjoin advice on climate change and renewable energy. In particular, it advises that changes to the Building Regulations and the move to zero carbon buildings will push the boundaries of current energy efficiency and encourage decentralised and renewable energy. An aim is to emphasise the importance of local energy planning to support new development in meeting these progressively more demanding standards of emissions. The draft PPS is referred to in various representations made to us. However, the Coalition Government has since announced its intention to further consolidate PPS into a new National Policy Framework and the implications of this for the policy thrusts of the draft PPS are thus unknown. We have accordingly taken the consultation draft as a material consideration but not as necessarily the final word in terms of national planning policy.

5.2 The representations made to us include comments that the title of this particular Chapter is inappropriate because not all of the policies here have a main focus on climate change. In London Plan 2008, for example, some of the policies (such as those dealing with water quality, waste management and the supply of aggregates) are referred to generically as dealing with London’s “metabolism”, while in paragraph 5.2 of DRLP itself, they are referred to as policies dealing with “the underlying issue of resource management”. Paragraph 5.6 further lists a full range of Mayoral Strategies that Chapter 5 policies (and those in other Chapters of DRLP) seek to address.

5.3 \textbf{London Forum} has suggested that the various policy strands be brought together by proposing restructuring under a revised Policy 5.1\textsuperscript{147}. This would recognise 20 actions to tackle climate change and thus provide an over-arching framework for ensuing policies.

\textsuperscript{146} GD48
\textsuperscript{147} ED210
covering, for example, procuring materials sustainably, controlling dust and emissions during demolition and construction, and recycling of construction materials. However, not all of these individual actions have either strategic or spatial dimensions, whereas salient spatial policies in DRLP have been arranged to facilitate correlations between existing carbon emissions identified in the London Energy and Greenhouse Gas Emissions Inventory (LEGGI) and the key spatial planning actions necessary to reduce them. In essence, LEGGI quantifies existing emissions in three distinct spatial categories – homes (36%), workplaces (42%) and transport (22%). The DRLP then translates this into a spatial strategy - Policy 5.1 establishes the overall target for reduction, Policies 5.2-5.4 set out the required approach to built development, and Policies 5.5-5.8 promote low carbon and sustainable energy supplies. Policies in Chapter 4 support “green” industries and policies in Chapter 6 cover sustainable travel and transport.

5.4 These DRLP policies may be further refined in LDFs produced at Borough level and in non-spatial programmes outside the planning process. Neither the title of Chapter 5 nor the structure of the DRLP affect the individual spatial policy thrusts and we can find no substantive reason to impose any particular formulation in preference to the Mayor’s.

**Climate Change Mitigation and Adaptation**

*Issue: Is the overall Carbon reduction target in Policy 5.1 realistic?*

5.5 The Climate Change Act 2008 places a duty upon the Government to reduce the net UK carbon account for the year 2050 to at least 80% below the level of net UK emissions of targeted greenhouse gases in 1990. This includes an interim target of 34% by 2020. The Mayor’s *draft Climate Change Mitigation and Energy Strategy*\(^\text{[148]}\) (CCMES) sets out the Mayor’s vision of making London one of the world’s leading low carbon cities by 2025 and sets a steeper trajectory for reducing London’s CO\(_2\) emissions by:

- 22% of 1990 levels by 2015
- 38% of 1990 levels by 2020
- 60% of 1990 levels by 2025

5.6 **HBF** and others questioned the evidence base for these figures in the context of paragraph 17 of the Climate Change Supplement to PPS1 (PPS1S). The figures are not, however, solely reliant on spatial planning measures and it is only the 60% target for 2025 that finds expression in Policy 5.1. The Mayor responded that there are committed programmes for its achievement in place. It is anticipated that some 49% of savings will be attributable to a combination of the Government funded Low Carbon Transition Plan, a pro-rata proportion of the expected national shift from high carbon to low carbon manufacturing in London and the GLA’s proposals for retrofitting carbon reduction measures in its own

\(^\text{[148]}\) LD13
buildings and with its own increased use of electric vehicles. The remaining 11% is expected to be delivered by acceleration in decarbonising the energy grid, faster roll-out of electric vehicles nationally, and future changes to Building Regulations. We were assured that the CCAMES, after consultation, will include all necessary measures, and performance will be monitored annually through the LEGGI process. However, the target itself and the contributions to it from non-spatial actions are largely matters for the CCAMES.

5.7 From a spatial perspective, Friends of the Earth criticised the measures proposed for meeting the target because of their extensive reliance on Governmental rather than Mayoral action. London Forum pointed out that any contribution from retrofitting (which we consider under Policy 5.4) beyond the Mayor’s own estate will be influenced by economic conditions rather than by spatial planning targets. Campaign for Better Transport cautioned that reduced emissions from vehicles could not be assumed without a clear policy commitment to traffic reduction.

5.8 Despite the range of views expressed, the importance of meeting the target was widely recognised. In that respect, amenity interests, led by Friends of the Earth and London Forum variously united behind the 60% figure and their reservations were only to ensure that it, or some higher figure, would actually be met. The Energy Savings Trust highlighted the economic advantages of securing a share of an estimated £21 billion market for “green” goods and services. HBF were comforted by recognition that only about 1% of the required savings is expected to come from the Mayor’s intention to push ahead of national changes to the Building Regulations. London Councils were also supportive of being able to deliver at Borough level.

5.9 It seems to us that the Mayor’s proposed target in Policy 5.1 is an ambitious one and that there are considerable uncertainties surrounding it. However, we find London to be generally better placed than most parts of the UK (in terms of public transport availability, its dynamic economy and the nature of its urban environment) to out-perform the Government’s statutory target for the UK as a whole. On the basis of the figures given to us and in the light of the representations made, we thus consider that it should prove to be attainable and thus appropriate for expression in Policy 5.1. Whether the spatial measures proposed for meeting it will prove realistic and sufficient is the subject matter of our consideration of the ensuing policies.

5.10 We heard further debate on whether there should also be annual targets and/or sector targets to ensure suitably robust and refined monitoring. In that regard, we are convinced by the contention put to us on behalf of the Mayor and reinforced by TCPA that annual targets would be impractical because of the inherent delay between initiating measures to address climate change and identifying their effect. Sector targets would be inappropriate because their achievement would be dependent on a range of programmes that
lie in varying measure outside the spatial planning process. Such targets would thus confuse rather than clarify the effective monitoring of planning policy performance. We are therefore content with the Policy 5.1 target as proposed by the Mayor.

**Issue: Is the proposed approach to minimising carbon dioxide emissions in Policy 5.2 satisfactory?**

5.11 There can be no question that the aspiration of Policy 5.2 to ensure zero carbon residential buildings from 2016 and zero carbon non-domestic buildings from 2019 is anything other than appropriate, because those are targets set by Government. Rather, the issue that most exercised the minds of those contributing to the debate on this subject, like that on Policy 5.1, was the justification for progressing towards those targets at a faster rate than advanced by Part L of the Building Regulations. In this respect, the Mayor has helpfully made clear in FSC 5.1 that performance is to be judged in comparison with the now current 2010 Regulations rather than the 2006 Regulations, with consequent reductions in the relative percentage improvements sought. We consider that change will go at least some way to allaying concerns of the construction sector. **We therefore endorse FSC 5.1.**

5.12 However, most from the development sector, while fully supportive of making progress towards zero carbon development as quickly as possible, considered that the Government’s own timetable was already setting very demanding targets. Effectively, their argument is that climate change is a national (if not global) problem and it should be tackled nationally, not unilaterally by the Mayor. We particularly note that some of the measures required to deliver zero carbon development are still at developmental stage and that, because of the various combinations and permutations that can be put together on individual sites, the economies of best practice solutions have yet to be fully realised. Indeed, concerns about accelerated development and implementation costs and the potential implications for quantitative delivery, particularly of housing at affordable prices, are rightly a serious consideration for all those involved, whether as developers, local planning authorities or potential occupiers. Similar concerns were considered at some length during the London Plan 2008 EiP, but the targets are now more demanding and the target dates are closer.

5.13 Evidence on the subject is found in a range of documents. In essence, studies produced for the Mayor by London South Bank University in 2007\(^{149}\) and 2009\(^{150}\) examine, over time, the practicality of accelerated progress. They affirm that the development sector is shown to be performing suitably in response to policies with similar thrust in London Plan 2008 and its predecessor. We note the critique submitted by Barton Willmore for the Consortium of London Developers suggesting that this work cannot be regarded as definitive, primarily because of its

\(^{149}\) LD71
\(^{150}\) LD70
reliance on energy statements that accompany a relatively small sample of planning applications rather than measurements of actual performance and, more plainly, because it does not address the energy performance of future development proposals constructed under the now proposed more stringent policy regime. Only schemes large enough to benefit from renewable energy or CHP were considered and, even so, the critique concludes that only 23% of schemes achieved 40% savings and above, while 33% achieved less than 25% savings.\footnote{LD70, page 15}

5.14 The costs implications with specific regard to residential development have also been considered by DCLG in reports dated 2008 and 2010.\footnote{GD54 and GD55} The latter seeks to identify the “extra-over” costs of meeting various levels of the 2010 Code for Sustainable Homes (which largely carry through into the 2010 Building Regulations and the Code for Sustainable Homes: Technical Guide, published November 2010) relative to compliance with the 2006 Building Regulations. Relevant comparators for Policy 5.2 are Code levels 3-6. The study found significant variation in the extra-over costs at each Code level between the dwelling types and across the development scenarios. Typically, however, the extra-over costs expressed as a percentage of base build cost are 3–4% at level 3, 6–8% at level 4, 25–30% at level 5 and anything from 30 to 40% at level 6.\footnote{GD55, page 11} We observe that the significant cost increases above Code level 4 are largely attributed to the likelihood of having to rely on clean energy sources to secure the carbon emission standards required, and thus nationally affect the period post 2013.

5.15 HBF further referred us to the April 2010 report commissioned by DCLG from Professor Ball and published in April 2010 under the title The Housebuilding Industry - Promoting recovery in housing supply.\footnote{RD02} Among other things, this advises that the impact of changes in Building Regulations on overall housing supply should be monitored and analysed, so that supply side impacts are better understood. It suggests that standards should be set uniformly across all local authorities, rather than being subject to local discretion and adds that despite apparently high house prices, new build margins are often insufficient to absorb rising costs and risk. A further point made in the report is that higher standards could be counter-productive inasmuch as suppressed rates of development caused by increased costs would lead to a less environmentally sustainable overall housing stock persisting for longer.\footnote{RD02, paragraphs 26-33}. This counter-balances the Mayor’s argument that with over 25,000 new homes being constructed in London per annum there is no reason to delay forging ahead. Nonetheless, given a choice between caution in the light of current economic circumstances and moving forwards for the future, the efforts being made by the Mayor and the Boroughs with regard to the latter (for example through the
use of heat mapping to stimulate district heating projects in support of Policy 5.5) are, we consider, likely to be more enduring. We also see from the draft PPS that a more flexible approach has been advanced by Government in response to Professor Ball’s report, for example through the concept of “allowable solutions” in the case of zero carbon development.

5.16 Whatever the case may be, none of the studies before us can be held to present a robust case for adopting policy targets for London that are more demanding than those set nationally. We are nonetheless aware that, with large scale projects, combined heat and power and renewable energy deployment can make a significant and economic contribution to low or zero carbon development. Some smaller schemes might, however, also be suitable candidates, for example where connections to district heating networks can easily be made.

5.17 In that context, we observe that the glossary definition of “major development” for the purposes of Policy 5.2B would embrace applications decided by the London Boroughs for as few as 10 dwellings or non-residential buildings of more than 1,000 sq m. Given that the Mayor has no powers to enforce limits at these levels, we consider that the scale of development to which the Policy 5.2 targets are directed should be those which qualify for strategic referral and are actually determined by the Mayor. This would include, for example, many proposals within Opportunity Areas and Intensification Areas and development initiated by the London Development Agency. Paragraph 5.26 effectively adds publicly funded housing developments. Beyond such schemes, Building Regulations will take the lead and the higher figures (other than those for zero carbon) should be expressed only as aspirational trajectories and as monitoring targets, with those relating to residential buildings accompanied by the relevant Code levels as required by Policy LCF.9 of the draft PPS Planning for a Low Carbon Future in a Changing Climate. We accordingly make Recommendation 5.1: That Policy 5.2B be modified by replacing the introductory words “All major developments should” with “The Mayor will seek to ensure that developments of strategic scale”, that the words “Boroughs and developers should also strive to achieve the steeper trajectories that the targets represent” be inserted after the words “and zero carbon non-domestic buildings from 2019” and that relevant Code levels in the Code for Sustainable Homes be set alongside the residential buildings targets in clause B.

We further make Recommendation 5.2: That paragraph 5.20 be modified by adding “The targets will be used by the Mayor in the consideration of proposals that come before him for determination and to guide the development of proposals within Opportunity and Intensification Areas as well as for monitoring purposes. They may also influence proposals falling within the ambit of the wider GLA family
including, for example those of the London Development Agency. At Borough level, the steeper trajectory towards meeting the Government’s target of zero carbon residential development by 2016 and non-domestic buildings by 2019 should be regarded as aspirational, with the contribution from individual residential developments taking account of such factors as ease and practicability of connection to existing networks, context, size, nature, location, accessibility and expected operation.”

5.18 There is, however, an important distinction between the Code levels and the Building Regulations inasmuch as the latter establishes the emissions that are “regulated” in the context of the Target Emissions Rate (TER), whereas the former provide for a potentially wider range of “unregulated” measures. In the light of the representations made to us and the difficulties of monitoring unregulated emissions over the life-time of development, we consider that “regulated” emissions are the appropriate measure for planning and monitoring purposes. The reference to Code levels and unregulated emissions should therefore be further explained in an amended paragraph 5.20. It follows that further wording is necessary in Policy 5.2Da and paragraph 5.22 to make clear that coverage of unregulated emissions in energy assessments submitted with planning applications are for the purposes of encouraging energy efficient fittings and management practices rather than for the purposes of judging the energy efficiency of buildings. We therefore make Recommendation 5.3: That Policy 5.2Da be modified to read “Calculation of the energy demand and carbon dioxide emissions covered by the Building Regulations and, separately, the energy demand and carbon dioxide emissions from any other part of the development, including plant or equipment, that are not covered by the Building Regulations (see paragraph 5.22) at each stage of the energy hierarchy.”

And Recommendation 5.4: That paragraph 5.22 be modified by adding “The strategic aim is to reduce carbon emissions overall, so that while planning decisions and monitoring will be underpinned by the targets expressed in Policy 5.2B, the requirement in Policy 5.2Da for energy assessments to include separate details of unregulated emissions is to explicitly recognise the additional contribution that can be made though use of efficient equipment and controls and good management practices.”

Issue: Is the approach to Sustainable Design and Construction in Policy 5.3 acceptable?

5.19 ESC 5.17 suitably responds to concerns that Policy 5.3 should address adaptation to the effects of climate change over the lifetime of new development. In the representations, most of the criticism was directed at Policy 5.3B (planning decisions) which, the
Mayor explained, seeks to establish a set of over-arching principles which are to be further developed in SPG. Amenity interests, such as Just Space Network, sought greater detail in policy while London Councils welcomed the framework provided for Boroughs to produce their own policies. However, the development sector, including London First and HBF, took an opposite stance and criticised Policy 5.3B for having too much detail. HBF in particular drew our attention to policy LCF.9 in the draft PPS Planning for a Low Carbon Future in a Changing Climate. This advises (among other things) that any local requirement for a building’s sustainability should not be applicable across a whole local authority area unless the justification for the requirement can be clearly shown to apply across the whole area, and should not require local standards for a building’s performance on matters relating to construction techniques, building fabrics, products, fittings or finishes or for measuring a building’s performance. The Panel’s view is that promoting sustainable design and construction in all of its various facets is clearly a matter of strategic, if not national, importance. Moreover, Policy 5.3D effectively only signals the principles of sustainable design and construction, and does not set any particular standards.

5.20 We do, however, find it wrong to implicitly lend the statutory force of the London Plan to any standards included in extant or proposed Mayoral SPG. While such SPG might assist in ensuring a consistent approach across London, our opposition is based on the premise that (in addition to potential non-compliance with the draft PPS) such SPG is not subject to independent examination. It is also otiose for clause C to suggest that Mayoral SPG includes measures to achieve other policies in the Plan, because reference to those that are relevant is already suitably covered by more specific references in paragraphs 5.24-5.28. In response to these points, Policy 5.3C should be redrafted to avoid reference to SPG. We make Recommendation 5.5: That Policy 5.3C be modified to read: “Design and Access Statements that accompany major development proposals (as defined in the glossary) should clearly demonstrate how the proposed scheme incorporates sustainable design and construction principles including:....”

Issue: Is the importance of Retrofitting in Policy 5.4 sufficiently well recognised?

5.21 In response to arguments over the spatial provenance of policy for retrofitting the existing building stock raised by London First and London Councils, our attention was drawn by the Mayor’s representatives to paragraphs 2.1 and 2.2 of Circular 1/2008. For the avoidance of any doubt on the subject, we note that these paragraphs affirm that the London Plan should provide a common spatial framework for all of the Mayor’s strategies and policies.

5.22 That said, there can be no reasonable doubt that retrofitting London’s existing building stock is a matter of strategic importance,
not least because of the quantitative amount of existing stock relative to “new build”, its poorer thermal performance and the consequent scale of difference that can be made to addressing climate change. Retrofitting also has spatial planning dimensions, for example in the context of mapping Low Carbon Zones which, through the RENEW programme operated by LDA and its “green fund” for energy efficiency and waste treatment facilities, will identify locations where action is likely to be concentrated. We would further expect there to be some correlation with the areas for regeneration (Policy 2.14) where fuel poverty is most likely to bear down on local populations. Thus, and with further funding and priorities identified through the REFIT programme, we find little justification for Camden Forum of Residents Association’s concern that targets and funding streams have yet to be sufficiently identified or the concern of Hammerson Plc that the “potential synergies” referred to in clause B might require developers to subsidise from their own schemes new energy plant to serve existing development or localities. The subject is not one that is directly circumscribed by Circular 05/2005 as HBF intimated.

5.23 Additional guidance on the subject for householders (strongly urged by Just Space Network and London Forum) and owners of historic assets (requested by English Heritage) is essentially a matter for dissemination at local level or by the organisations concerned. Although the Mayor may have a co-ordinating role in this, it is not a matter on which strategic spatial policy can enforce progress. Whether policy compliance is secured on- or off-site is a matter to be determined on a case-by-case basis and we find no reason to clutter strategic policy with such prescriptive detail. We are therefore content with the Mayor’s proposed approach.

Policy 5.5 Decentralised Energy Networks, and Policy 5.6 Decentralised Energy in Development Proposals

Issue: Is the approach to decentralised energy in Policies 5.5 and 5.6 sufficiently well developed?

5.24 The 25% target in Policy 5.5, for generation of heat and power through the use of localised decentralised energy systems by 2025, derives from the Mayor’s Climate Change Action Plan, February 2007. It was debated at some length during the EiP for London Plan 2008, when the Panel observed that the UK is near the bottom of the league for installing CHP/CCHP and that this was a situation in which they could take little pride. Parties to that EiP voiced no real objection to the principle of decentralised energy and the main concerns were about speed of implementation and technical feasibility of the processes involved. We are pleased to see that London First has since taken a strong lead in bringing together commercial expertise and interest in the subject, which has

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156 LD67
157 RD70
addressed those concerns. We further heard that the **London Development Agency** is now also fully involved with the Boroughs, the private sector and the Department of Energy and Climate Change in securing the development and implementation of actual projects. Across London some 13 feasibility studies have been undertaken\(^{158}\) and we were told that 10 schemes are to be taken to market, an example being the London Thames Gateway Heat Network.

### 5.25 HBF expressed some scepticism, saying that the number of schemes so far identified falls well below what would be required by 2025. However, the London Heat Map (which is central to the identification of broad opportunities for the deployment of decentralised networks across London) is being up-dated. Detailed “heat mapping” at Borough level (in accordance with London Plan 2008 Policy 4A.5) is already under way and would be given more impetus by Policies 5.5Ba and Bb. Policy 5.5Bc refers to the essential steps to be covered by energy master plans through which Boroughs will be expected to identify and, ideally, bring forward projects of sufficient scale and commercial structure to attract private sector investment and involvement. From all that we have seen and heard it is apparent that momentum is building quickly.

### 5.26 Paragraph 14 of the draft PPS *Planning for a Low Carbon Future in a Changing Climate*\(^{159}\) however advises that, as a result of changes to the Building Regulations and the move to zero carbon buildings, authority-wide targets to secure decentralised energy supply to development will, post 2013, become unnecessary, so such targets will only be supported in the interim period. The Mayor has indicated an express wish to retain the 25% target to 2025 and it is clear to us that it is an important factor in driving forward progress on decentralised energy schemes across London. We find no reason to question the ambition or realism of the target or, given the present status of the draft PPS, its strategic spatial policy expression in Policy 5.5A.

### 5.27 Most of the concerns expressed in the representations focus on the interface between the roll-out of decentralised energy networks and existing and future development, to which Policy 5.5Bd and Policy 5.6 are particularly relevant. The **Consortium of London Developers**, for example, referred to development at Woolwich Arsenal where the developer had been encouraged to install plant with sufficient capacity to serve 1,500 units when only 450 were being built, resulting in a capital cost of some £7,500 per unit. Although largely because of modern construction methods heating bills there were inherently very low (“to the point of being almost non-existent”), purchasers were faced not only with the cost of installation but also with annual charges of £550 pa to keep the system operational, for little purpose. For the affordable housing sector, **NHF/G15** also referred us to research undertaken for or on

\(^{158}\) LD77  
\(^{159}\) GD48
behalf of their members\textsuperscript{160} showing that the combined costs of installation, maintenance, administration and replacement amount to about £480 per annum per unit, which the Housing Associations themselves have to bear because rents are capped by the National rent regime.

5.28 It would clearly be a very unsatisfactory outcome if London households or providers of housing (whether in market or social rented sectors) were as a matter of course burdened with additional costs of that order, especially if this was to bear heavily on those in fuel poverty and in areas of deprivation.

5.29 HBF further put to us that heating and cooling networks are of greatest benefit when supplying thermally inefficient existing buildings rather than thermally efficient new ones. Its argument was that the cost of installing area-wide networks serving existing homes could not reasonably or realistically be served or financed by new house-building. Reinforcing the point made by Friends of the Earth about the cost of digging up existing streets to install services, this would, in any event, quickly drain developer funding from planning obligations or CIL, which might be needed for other infrastructure. HBF’s view is that the energy suppliers (who, unlike home builders, would benefit from energy sales) should finance schemes, as is the case with the national energy grid.

5.30 In response to these points, London First (as authors of RD70) accepted that a network would typically have to serve about 1,500 homes to be viable and affirmed that only about a fifth of the 25% target could be expected to come from permissions for homes and commercial development. It envisaged that the public sector would therefore need to take a strong lead by identifying large heat users (such as schools, hospitals and offices) as anchor points, identifying opportunities for linking schemes together, and offering technical and financial support. We were told that the Mayor fully appreciated this need for a strong lead and that this was why the process of heat mapping, for example, had been developed and projects within Opportunity Areas and in the Olympic village are being prioritised by LDA and others.

5.31 We heard further discussion over a range of other points which flowed largely from the wide variation in the scale of schemes that might be needed to be developed in order to meet the Policy 5.5 target. Combined heat and power plant for large district-wide generation would, for example, require large amounts of low cost energy (such as surplus heat from large scale industry, biomass or waste incineration) giving rise to problems of site identification, access and technology. It would also require retrofitting of the networks themselves. Medium and small scale schemes may, at least initially, rely on gas-fired boilers at least until plant using more sustainable fuel sources becomes economic or available. These smaller schemes are likely to be generally much less efficient than large scale schemes and a large number would therefore need

\textsuperscript{160} RD222 and RD223
to be developed to have similar effect, but they can be rolled out more quickly. Relating levels of investment to future development of local networks and links to neighbouring networks would also need careful consideration at planning stage. London Forum, for example, referred to competition from “stand alone” renewable sources (such as photovoltaics supported by Government sponsored feed-in tariffs) which might discourage householders and businesses from connecting into local heat and power networks.

5.32 We consider renewable energy in subsequent paragraphs, as well as the subject of waste treatment, which includes incineration. Implications for London’s air quality fall to be considered under Policy 7.14. The Mayor also intends to give further advice in his CCMES, which more suitably deals with financial considerations than would be appropriate in a spatial plan, and Policy 5.5B signals future SPD at Borough level. The latter might, for example, include commentary on the relative merits of decentralised networks and stand-alone renewables from an environmental standpoint, although relative funding levels are essentially a matter for Governmental decision.

5.33 While much implementational detail still remains to be resolved, especially for development at community level, it seems to us that all of the parties concerned are aware of the difficulties faced in London and are seeking positive ways to address them. We do not consider that it would be helpful to include prescriptive detail, covering matters such as site size thresholds and distance from existing networks, in strategic policy because the principal requirement at this formative stage is for flexibility in approach. As matters currently stand, we therefore consider that our attention should focus only on the clarity of the policy and ensuring that implementation does not place unfair burdens on those involved.

5.34 In this connection, we are content that Policy 5.5Bd is a necessary prompt to developers to connect to existing or planned decentralised energy networks given that the caveat “where feasible” is included. In Policy 5.6A we consider that “evaluation of the feasibility” should include reference both to the cost to the developer and the cost to the user, and that the words “where feasible” should be introduced in Policy 5.6C. We make Recommendation 5.6: That Policy 5.6A be modified by inserting the words “including their cost to the developer and end-user” after “systems” and at the end of clause C adding “where feasible”.

We further make Recommendation 5.7: That paragraph 5.38 be modified by the addition as a second sentence “Feasibility includes not just technical practicality but also recognises the need to avoid supply of new homes being suppressed by uneconomic requirements and to avoid uneconomic energy costs over the lifetime of new homes.”
Issue: Is the proposed approach to renewable energy in Policy 5.7 appropriate?

5.35 Policy 5.7A refers to minimum targets for renewable energy outlined in Table 5.1. The Mayor advised that it had originally been intended to up-date the figures but it is now intended to delete the Table from the London Plan as it is no longer consistent with latest Government guidance. Instead, the Mayor would rely on his *Climate Change Mitigation and Energy Strategy* and publication of the figures in revised form in SPG, with Borough-level detail to assist LDF preparation\textsuperscript{161}. These changes are contained in FSCs 5.3-5.7.

5.36 HBF questioned the need for the policy if renewable energy development is simply to be left to the Boroughs to take forward. In this connection, we note that both PPS22 and draft PPS *Planning for a Low Carbon Future in a Changing Climate*\textsuperscript{162} urge identification of regional capacity/potential to generate renewable energy, derived from assessment of resource potential and environmental, economic and social impacts that may result from exploitation of those resources. Thus, although referred to as targets in PPS22 (primarily because there is an expectation that efforts will be made to exploit the identified capacity/potential to the full), the process actually amounts to an assessment which, with the evidence base that supports it, then contributes to the development of local planning strategies for moving to a low carbon economy. Indeed, PPS22 cautions against fixed targets for specific technologies, and although Draft PPS\textsuperscript{163} presses for “ambitious targets”, we consider in such a context that it is acceptable for the Table to be transferred to SPG as the Mayor proposes. This, in our estimation, will not dilute its importance to subsequent stages of the planning process nor relegate policy to SPG. The strategy establishes the policy imperative so the whereabouts of the subsidiary targets or indicators for individual sources is not material.

5.37 The overall target of 5% of energy generation from renewable resources by 2020 in paragraph 5.40 (rather than in policy) falls well below the UK target of 15% (of electricity generation) and was criticised by *Friends of the Earth* for being unambitious. However, the nature and strength of resources vary widely across the UK (the wind resource being higher in hilly areas and the tidal resource being higher in coastal areas, for example), so it does not follow that every part of the UK will be able to deliver equally at the 15% level. Its expression in DRLP as a 5% (of energy needs) target is, however a different target inasmuch as energy needs are wider than simply electricity generation.

5.38 The separate 20% target in paragraph 5.43 relates to on-site renewable energy generation serving new development and thus relates to the Mayor’s 60% carbon reduction target voiced in Policy

\textsuperscript{161} ED64  
\textsuperscript{162} GD48  
\textsuperscript{163} Policy LCF2.2
5.1 and the aspiration to develop decentralised energy networks in Policies 5.5 and 5.6. As such, the 20% target is intended to drive the use of renewable energy plant for these networks instead of fossil-fuelled plant. As the Mayor indicated, it should be regarded as a signpost for the direction of travel rather than a target that should necessarily be met, and we accept that it does not warrant strategic policy expression in that respect.

5.39 We heard representations from Viridor and others that certain renewable technologies should not be favoured. In the specific context of Policy 5.43, references to individual technologies are for a different purpose than those that were included in the deleted Table 5.1. In particular, we were told that the Mayor’s overriding priority is to establish decentralised energy networks. Paragraph 5.43 simply highlights those renewable technologies which (of varying scale and whatever their respective merits), are most ready and able to be used for the energy networks now being developed. We support the Mayor’s approach and therefore we endorse FSC 5.3-5.7.

**Issue: Is the approach to innovative energy technologies in Policy 5.8 acceptable?**

5.40 The main concern among participants with regard to Policy 5.8 focussed on the technologies specifically identified in Policies 5.8Aa, Ab and Ac. We were told that the Mayor generally wishes to be technology neutral and was simply endeavouring in these policies to highlight cutting edge technologies. Electric vehicles, for example represented a promising way of reducing CO₂, noise and air pollution. Compressed hydrogen represents a potential fuel for such vehicles without reliance on fossil fuels to generate their electrical energy. Waste treatment should likewise rely on lowest CO₂ and most energy efficient technologies. Those identified had provenance in the Government’s *Renewable Energy Strategy* as being the most cost effective.

5.41 Nevertheless, we find some substance in London Council’s caution that being selective might stifle rather than stimulate innovation and Friends of the Earth’s suggestion that a more technology neutral approach would be to use generic terminology such as “most carbon efficient” or “most sustainable”. In the context of the policy thrust of “maximisation” we also observe that treatment of hospital waste and some plastics might require technologies other than those identified in Policy 5.8Ac. Concerns about site identification raised by Viridor are largely covered by the supportive stance of Policy 5.8A and the Energy Savings Trust support for the Mayor “picking winners” needs to be counterbalanced against other emerging technologies and the risk of selecting losers. For all of these reasons, we consider that Policies 5.8Aa, Ab and Ac should be translated into examples, with the word “maximised” deleted. **We make Recommendation 5.8:** That Policy 5.8A be modified by deletion of the words “In

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164 GD63
particular” in the second sentence of the introductory paragraph and replacing “to” at the end of that sentence with “in this respect, for example by promoting:” and by the deletion of the words “maximise”, “plan” and “maximise” from the beginnings of Policies 5.8Aa, b and c respectively.

Policies 5.9 Overheating and Cooling, 5.10 Urban Greening, and 5.11 Green Roofs and Development Site Environs

Issue: Does the suite of policies represent a sufficiently strategic spatial approach to addressing the effects of climate change?

5.42 These three policies are among a suite included in the DRLP under the heading “climate change adaptation”. A main aspect of adaptation that links these particular three policies (but not the only aspect) is the need to reduce the inherent effect of London as an urban “heat island”. In essence, this heat island effect is the result of London’s significant built fabric acting as a giant “storage radiator” absorbing heat from the sun during the day and releasing it during the night. Thus, during the heat wave events experienced across southeast England in August 2003 and July 2006 night-time temperatures in London were 6-9°C higher than those recorded for rural locations south of London. Climate change over the next few decades and beyond is likely to increase the frequency of occurrence and magnitude of such “over-heating”, a consequence of which would be increased mortality rates among vulnerable groups of the population, as DRLP paragraph 5.52 indicates. The proposed policies therefore seek to reduce both the absorption and output of heat from London’s built fabric through specific design measures. Materials, design, layout and fittings used in buildings are the subject matter of Policy 5.9, and increased greenery in the environment, which among other things reduces exposure of buildings to solar energy, is a complementary measure and the subject of Policy 5.10. Given that London is a densely urban area, green roofs represent a specific opportunity to contribute to urban greenery and is the subject of Policy 5.11.

5.43 The need for London to adapt to climate change (and extreme weather events such as those mentioned by the Environment Agency) in these and other ways is compelling and one which we consider warrants a concerted and strategic approach across the built-up area. It also has clear spatial dimensions. We do not therefore question the general thrust of the policies and note that this reflects the view of most of those making representations, including the Consortium of London Developers. Policies 5.9A and 5.10A do, however, inappropriately refer to “mitigation” rather than “adaptation” (or, in the particular context concerned, “reduction”), which ESCs 5.43 and 5.45 have been formulated to rectify. We endorse ESCs 5.43 and 5.45.

165 LD84
5.44 Most of the criticism is directed at the level of detail the policies contain and also raises concerns that they are duplicative of others in the DRLP dealing with building design issues and green infrastructure in general. The **Consortium of London Developers** argued, for example, that excessive prescription of detail in policy can stifle innovation and alternative approaches. In response from the Mayor with regard to Policy 5.9, we were told that the six subjects listed under Policy 5.9B are intended to amount to no more than a checklist for building designers to work through in sequence, with a key purpose of promoting passive (unpowered) rather than active (mechanically powered) measures to control heat and ventilation. The sequence is not expressed elsewhere in DRLP and nor does it contain any prescriptive methodology to indicate how designers have to consider it in accordance with Policy 5.9C. In most cases, we would expect such consideration to be easily absorbed into design and access statements that accompany many planning applications (in accordance with amended General Development Procedure Order requirements). That is an approach that the draft PPS Planning for a Low Carbon Future in a Changing Climate recognises as acceptable in its policy LCF12. Although we acknowledge that an alternative approach might be to set the hierarchy out in Mayoral SPG, as suggested by **London First**, we consider the subject matter sufficiently important to merit policy expression in the manner the Mayor proposes. **LB Islington**, for example has produced its own guidance on the subject but nonetheless argued the need for strategic policy impetus, while **Natural England** cautioned that excessive flexibility can lead to inaction. We support those views and thus Policy 5.9 with ESC 5.43 already referred to and ESC 5.44 which adds an important consideration. **We therefore also endorse ESC 5.44.**

5.45 Turning to Policy 5.10, we acknowledge that the DRLP includes a wide range of policies aimed at protecting and expanding open space in London. Indeed, as we have already observed in Chapter 2, Policy 2.18 recognises the multi-functionality of such spaces, which specifically includes the contribution to adapting to climate change. The subject is also cross-referenced, such as in paragraph 7.53 in support of the Policy 7.21 objectives of protecting, maintaining and enhancing trees and woodlands. However, neither open space nor trees and woodlands in themselves cover the entire assemblage of plants and greenery that together have potential to contribute to adapting to the effects of climate change. The Mayor’s research advice\(^{166}\), for example, states that trees and other vegetation are good modifiers of climate, because they provide shade and act as natural cooling systems by absorbing large amounts of available energy in the atmosphere through the process of evapo-transpiration. Given that both the purpose and thrust of the policy differs from others in the DRLP, we find criticisms of its level of detail and duplication of coverage to be unfounded.

\(^{166}\) LD84
Policies 5.11Aa-Ag list a range of objectives covered by other policies, but they are not ones that would automatically be recognised as potential climate change adaptation measures associated with roofs and walls of buildings. To the extent that they are objectives and not additional requirements, we do not find them unduly onerous or inappropriate for strategic policy expression.

**Issue:** Is the proposed 5% increase in greening in Policy 5.10 a sufficiently demanding target?

5.47 The Mayor’s *Leading to a greener London – An environment programme for the capital* (published in July 2009)\(^{167}\) indicates that, by increasing tree cover alone by 10%, the surface temperature of a city can be reduced by between three and four degrees centigrade. It is this finding that leads to an aim of increasing tree cover across London by 5% by 2025 (the two million additional trees referred to in DRLP paragraph 5.51). This is an ambitious aim, but a different one from the 5% minimum target in Policy 5.10B, which refers only to the CAZ. This more singular focus is because it is in the CAZ that the urban heat island effect is greatest. In response to queries over how the baseline was measured, we were told that this relies in large measure upon sources such as aerial photographs. Limited accuracy can therefore be attached to it and for this reason we also see little purpose in arbitrarily doubling the figure to 10% as London Forum suggested.

5.48 A more measurable concern arises in relation to implementation, in Policy 5.10C. The Mayor advised that under this clause the target was to be regarded as a strategic one across CAZ and was not intended to be applied directly to individual developments. Indeed it was likely that the bulk of new urban greening would come from public projects and major developments such as Opportunity Areas. However, the glossary definition of major development extends much more widely across the whole of London and to projects as small as 10 dwellings. In this respect we can see some reason for those representing the development industry to view the target (or more precisely, the development cost implications of meeting it) with some circumspection.

5.49 In effect, the first two sentences of Policy 5.10C require all developments to integrate green infrastructure and Policy 5.10D invites Boroughs to identify particular urban areas of their own where urban greening might be prioritised for climate change reasons. Taken together, these could lead Boroughs to require developers to indicate how their proposals would contribute to the much larger 2 million tree target in paragraph 5.51. However, for most developer initiated proposals, urban greening will be a normal outcome of on-site landscaping (albeit utilising a wider palette of techniques and potentially in different arrangements).

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\(^{167}\) LD69
Nonetheless, to avoid any risk that the strategic 5% target might be inappropriately applied to individual projects, we consider that instead of requiring developments to demonstrate how they are contributing to it, the requirement should be for developers only to demonstrate how their proposals have taken account of the first two sentences of Policy 5.10C. **We accordingly make Recommendation 5.9:** That the words “also demonstrate how they are contributing to the target outlined above” in the third sentence of clause C of Policy 5.10 be replaced by the words “demonstrate how green infrastructure has been incorporated”.

**Issue: Have potentially adverse impacts of urban greening been sufficiently recognised?**

5.50 A detailed appraisal of the cost implications of green roofs relative to traditional roofs, including structural matters, was considered in a Technical Report on *Living Roofs and Walls* commissioned by the GLA and published in February 2008. This found such projects feasible and, over the lifetime of a building, economic. We therefore have no reason to believe that Policy 5.11 would necessarily constrain development activity. **London Forum** was particularly concerned about the effects that green roofs and walls might have on the visual appearance of parts of London, especially if used in Conservation Areas or if installed retrospectively in or around heritage assets including Listed Buildings. In response, we were advised on behalf of the Mayor that it had been estimated that there was potential for about 140 ha of green roofs across London but that it expected only about 1.5 ha of green roofs to be constructed per annum, so there would be ample scope to avoid buildings or locations that might be unsuited. **LB Islington** added that in its experience most such roofs were not highly visible features even on Listed Buildings, with **Just Space Network** suggesting this might be because many of the most suitable roofs were “inverted” so that the slopes are largely concealed from street view. The **Environment Agency** referred to potential impact on water resources in order to irrigate the roofs but suggested that green roofs could often be complementary to rainwater recycling and sustainable drainage systems. From all that we heard on the subject, we find no evidential basis for any specific caveat in Policies 5.9, 5.10 or 5.11 that would not already be covered by DRLP design policies in general. No modifications are required in this respect.

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168 LD81, section 4.5
Policies 5.12-5.15 Flooding and Water Issues

Issue: Does Policy 5.12 suitably address London’s flood risks?

5.51 As DRLP paragraph 5.55 recognises, London faces two main flood risks, one being from tidal inundation and the other from fluvial causes. Both risks (and others including from surface-, sewer- and ground-water) are increasing as a consequence of climate change and the latter also from a wider range of social, economic and environmental factors. Responsibilities for action are dispersed but nevertheless structured. Overall responsibility for physical defence works and project investment rests with the Environment Agency which, recognising that flooding does not respect political or administrative divisions, works in London on a catchment area basis. As a spatial strategy for London, the London Plan reflects rather than initiates the Environment Agency’s proposals, and seeks to manage new development in ways that do not interfere with the efficacy of existing flood protection, add to existing flood risks, or place buildings and land uses where they will be exposed to unacceptable flood risk. The Boroughs deal with similar considerations at local and site specific level. Others, such as Thames Water, have specific responsibilities in the context of water supply and drainage management. These statutory responsibilities are set out in EU Directives and, more particularly, the Flood and Water Management Act 2010. Key related documents include the Environment Agency’s Flood Risk Management Plan for the Thames Estuary (TE2100)\(^{169}\), The Mayor’s Regional Flood Risk Appraisal\(^{170}\) and Thames Water’s Revised Draft Water Resources Management Plan\(^{171}\). National planning advice on the subject is included in PPS25.

5.52 Strong concerns were voiced by CPA (through its links with the Association of British Insurers, London First and the City of London Corporation) about London’s resilience to flood risk. In its view, flood risk is (because of climate change) an increasing and very serious danger to London, its population and its business interests. Protection against tidal inundation relies heavily on the defence provided by the Thames Barrier. Although the Regional Flood Risk Appraisal indicates that the City may not itself be at serious risk of inundation, it was put to us that a considerable swathe of South London is. To the west of London, the greatest risk is fluvial affecting a wide area around Teddington. Together, the areas shown to be at flood risk include seven London Termini and major accident hospitals. London Forum added that, as the lowest point, London Underground is also exposed and not necessarily just at locations alongside the River Thames. CPA pointed out that there is only a voluntary agreement with insurance providers to cover London’s flood risk until 2013, whereafter insurance costs could rise significantly or cover might be withdrawn altogether. Given the scale of flood risk, even if not an actual event, we were

\(^{169}\) GD34  
\(^{170}\) CD05  
\(^{171}\) RD397
told that the consequences for London of not having a
demonstrably robust system of defence could be economically
disastrous. Indeed CPA’s view was, given that the Environment
Agency’s responsibilities were nationwide, as are its budgetary
expenditure priorities, the Mayor should take a much stronger lead
in pressing for increased physical protection of London.

5.53 In response, the Environment Agency stated that it considered
the risk of inundation to be very small, even though the
consequences of such an event would be considerable. TE2100\(^\text{172}\)
(which, at the time of the Examination session had been approved
in principle by the former Government, with a business case being
in preparation for submission to the new Coalition Government)
indicates that there would be a need to invest only in general
maintenance of London’s existing flood defences to 2035 with more
investment in upgrading thereafter. There would be no need for
any significant changes to defences until 2070 after which it might
be expedient to construct a second barrier further downstream at
Long Reach. However, with some modification, the present
Thames Barrier could be expected to remain fit for purpose for the
rest of this century. Ground water flood risk is suitably considered
in a strategic context in paragraph 5.65. With regard to fluvial
flooding, the avoidance of flood risk in London is largely dependent
upon increased storage of floodwaters upstream, often outside
London, which is why a regional approach is necessary. This latter
submission found resonance with Surrey County Council, who
requested closer working with Authorities outside London. This is a
matter, however, which we consider to be suitably met by Policy
2.2 with our recommended modifications. Within London, the
Environment Agency advised that in particular surface water
flood risks are being identified and addressed through “Drain
London”\(^\text{173}\) involving a wide range of stakeholders in more local
approaches, including the Mayor who acts as convenor. Regents
Network reinforced the need for such local approaches to both
identifying and addressing flooding problems, such as in the Upper
Lea Valley.

5.54 The Consortium of London Developers intimated that Policy
5.12 adds little to the functions being undertaken more properly by
the Environment Agency and the actions required by PPS25.
However, the Panel’s view is that there can be little doubt that
flood risk is a subject that should be highlighted by specific
strategic spatial policy because of the importance attaching to it in
a spatial sense. It is a theme that permeates other Mayoral
strategies (such as the Mayor’s Climate Change Mitigation and
Energy Strategy) and which also influences other DRLP policies
including those concerned with both the location and design of
development. This is particularly so with regard to the major
strategic development areas including London Thames Gateway,
the Lea Valley and many Opportunity Areas. We find Policy 5.12B

\(^{172}\) GD34
\(^{173}\) See RD265 for Drain London Forum profile
of particular significance in that respect inasmuch as it aligns the PPS25 procedural advice with TE2100 actions, and Policy 5.12E (with ESC 5.49) inasmuch as it addresses a point made by Thamesbank and the Environmental Law Association by ensuring strategic input (via strategic flood risk appraisals) into the process of identifying, protecting and creating needed flood plains through the LDF process. Strategic and spatial implications are evident. **We endorse ESC 5.49.**

5.55 We do not, however, consider that it would be helpful to clutter the policy with references to other subjects such as wildlife habitats and dual use of open spaces, as urged by the Lea Valley Regional Park Authority, or to refer to specific measures such as the design of floating homes. Reference in Policy 5.12E to a "sequential approach" advanced by London Forum is, in our view, sufficiently embraced by the existing words "develop actions and policy approaches". While the Environment Agency is content with the policy, we note its request that "flood defences" in the first line of Policy 5.12D be replaced with "water courses", which among other things would make the purpose clearer. With that minor modification, we are content that the policy would suitably address London’s flood risks in a strategic spatial sense. **We make Recommendation 5.10: That the word “flood defences” in the first line of clause D of Policy 5.12 be replaced with “water courses”**.

Issue: Are the proposed requirements for sustainable drainage systems (Policy 5.13) in connection with development practicable?

5.56 The Consortium of London Developers, HBF and London First united behind the contention that SUDS will be difficult to introduce in much of London, where some 96% of development takes place on previously developed land. That may well be the case, but Policy 5.13 does not make SUDS mandatory in all cases and invites instead consideration of SUDS as part of a seven stage hierarchy ending with the least satisfactory option of discharge to the combined sewerage system. As advanced on behalf of the Mayor, the policy represents a signpost towards the most desirable options rather than a prescriptive requirement for SUDS in all cases.

5.57 Concern expressed by London Councils and HBF about co-ordination of off-site drainage schemes among numbers of small developments has, we consider, been largely addressed by changes to the planning obligations regime and the arrangements made for the CIL. Thus, in the case of schemes involving up to five developers, SUDS will have to be shown to be necessary for the developments to go ahead before developer contributions can be sought, while any proposals for expenditure raised by Borough CILs will be determined separately outside the remit of individual development proposals.

5.58 Both the Environment Agency and LB Islington support the aim of achieving greenfield run-off rates. Although opposed by the
development sector, it is expressed in Policy 5.13A as an aspiration rather than a requirement and has, we understand, been helpful to the Boroughs without there being evidence of it being problematic to developers since its introduction in London Plan 2008. The aim should therefore be left unaltered, despite representations to the contrary from the home building sector.

5.59 We find no reason to include green roofs within the Policy 5.13A drainage hierarchy, as urged by Arup. It is referenced in the last sentence of paragraph 5.58 and Policy 5.11 more suitably highlights sustainable drainage as one of the many objectives that green roofs can secure. Nor is it appropriate to make reference to storage of “grey water” as suggested by London Forum, because Policy 5.13 is concerned with surface water drainage, not waste water usage (which is embraced by Policy 5.15).

5.60 A number of ESCs and FSCs have been advanced by the Mayor to both policy and text. Among other things, these make clear the statutory basis for surface water management plans in LDF preparation, give helpful clarification of the drainage hierarchy and introduce reference to relevant provisions of the General Permitted Development Order 2008. We endorse ESCs 5.51, 5.52 and 5.53, and FSC 5.12 (to paragraph 5.58). With those modifications, we consider the proposed requirements for sustainable drainage systems in connection with development to be both practicable and reasonable.

**Issue:** Is the strategy for protecting and enhancing water quality and ensuring adequate sewerage infrastructure sufficiently clearly expressed in Policy 5.14?

5.61 Primary responsibility for maintaining and improving water quality in London rests with Thames Water. DRLP Policy 5.14 has its focus on sewerage, a concern that arises mainly from surcharging of London’s combined drains (foul and surface water) during storm conditions. The Environment Agency pointed out that “sewerage” might be taken to mean only the network of drains and not the treatment plant that the network feeds into. Both drains and treatment plant would be more suitably embraced by changing the policy title to “water quality and waste water infrastructure”. This is proposed by FSC 5.13 with further related changes in the Policy through FSC 5.14, 5.15 and 5.17 and 5.18 and 5.22 to supporting text. We endorse FSC 5.13-15, 5.17-18 and 5.22. We also invite the Mayor to give consideration to including a definition of “waste water infrastructure” in the glossary, to make the scope of the term clear.

5.62 ESC 5.54 would further recognise that contamination of water courses caused by sewers operating above their capacity would contravene the EU Water Framework Directive, thus giving additional statutory underpinning to the force of Policy 5.14 and avoiding the need urged by London Forum for the Plan to include water quality standards. We therefore also endorse ESC 5.54.
5.63 The approach to dealing with the risk of contamination of water courses has several stands. The first is to relieve pressure from storm water drainage, which is the thrust of the drainage hierarchy in Policy 5.13. A second is to ensure that the capacity of the sewerage infrastructure (the sewers themselves, whether as a part of a combined, separate or independent system) have sufficient capacity. This is generally dealt with by developers “requisitioning” sewers (or sewer connections) from the drainage authorities when development is proposed and by the ability of drainage authorities to impose “embargoes” where existing infrastructure is insufficient. In that context, we find no significant substance in the concern of HBF that Policy 5.14B would invite additional or excessive demands for developer contributions to network renewal. As with Policy 5.13, the now statutory tests for planning obligations and the associated limit on the pooling of contributions from not more than five developments provide suitable safeguards.

5.64 Policy 5.14C is directed towards treatment plant. Thames Water advised that significant improvements are proposed at Beckton, Crossness and Deephams sewage treatment works. These schemes are of much different scale and far more site specific than the Thames Tideway Sewer Tunnels project. We consider it both unnecessary and inappropriate to refer to them individually in Policy 5.14C as Thames Water has requested, the Deephams works in particular being a matter for Government under the draft National Policy Statement for Waste Water. We accept, however, that Thames Water must operate within limits set by the public water industry regulator (Ofwat) and would not therefore be permitted to implement schemes using the best available technology, if more economic technology would be sufficient either to achieve the desired water quality or to secure energy capture. In answer to the Panel’s question, Thames Water affirmed that, for this reason, it would be content with use of the word “technique” rather than “technology” in Policy 5.14C, the former also being the word used in the relevant IPPC Directive and related UK legislation. FSC 5.16 reflects this. We endorse FSC 5.16.

5.65 We fully understand the concerns expressed by Just Space Network, Regents Network and London Forum about the visible manifestations of sewer surcharging in watercourses. The main purpose of the Thames Tideway Sewer Tunnels project is to tackle the cause of such problems. From the perspective of the Plan’s clarity, we do not consider that there would be any particular merit in including Policies 5.14B-E under a combined heading of “planning decisions and LDF preparation”. FSC 5.14 would, however, suitably recognise the need for London’s wastewater infrastructure to respond to population growth and climate change and FSC 5.18 would acknowledge the deficiencies of the existing system and avoid any contradiction between paragraphs 5.59 and 5.60. We have already endorsed FSCs 5.14 and 5.18 and conclude that, modified accordingly, the strategy for protecting and

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174 GD99
enhancing water quality and wastewater infrastructure would be sufficiently clearly expressed in Policy 5.14 and its supporting text.

**Issue: Is it appropriate for the Thames Tideway Sewer Tunnels project to be “supported in principle” by Policy 5.14?**

**5.66** The Thames Tideway Sewer Tunnels project is a major infrastructure project advanced by Thames Water to ensure that the EU Water Framework Directive is met. Construction is expected to extend from 2013 until 2020 with the creation of some 4,000 new jobs during that period. Consultation by Thames Water on three alternative route alignments began after the Examination session. When a final scheme has been selected, the Secretary of State for the Environment\(^\text{175}\) has indicated that it will be designated as a nationally significant infrastructure project for determination under the provisions of the 2008 Planning Act, with its importance highlighted in the draft National Policy Statement for Waste Water\(^\text{176}\). As such, the only issue for the London Plan is whether Mayoral support should be indicated for the project.

**5.67** Most of those making representations recognise the need for a large scale reconfiguration of outfalls along the River Thames and concerns focussed mainly on disruption and cost. LB Hammersmith and Fulham acknowledged that its original stance of objection needed to be re-assessed. London Forum suggested that it was not necessary to produce drinking water quality in the River Thames and concern was expressed about the implications for certain Opportunity Areas in terms of homes and jobs if the tunnels project delayed their development. Those expressing a preference for allegedly less disruptive options for connecting outfalls were responded to by Thames Water’s advice that the relative costs and benefits of alternatives would be adverse.

**5.68** Most of these points are matters of programming and detail that do not affect the principle of what is being proposed. Moreover, the requirements of the European Directive cannot be ignored. As the project has been highlighted as of national importance, we can see every reason for Mayoral support being expressed in the terms set out in Policy 5.14D.

**Issue: Is it appropriate for a water consumption target to be included in Policy 5.15?**

**5.69** The **Consortium of London Developers** and **HBF** both pointed out that water consumption is one of the factors included in the Code for Sustainable Homes. Duplication of such standards in planning policies is advised against by paragraph 11 of the Climate Change Supplement to PPS1. The Consortium argued that not only was a dwelling-level target far too detailed for strategic policy, its

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\(^{175}\) RD406  
\(^{176}\) GD99
enforcement would bear upon the occupiers of a dwelling after it had been constructed, rather than its initial design. For the Mayor, it was contended that achieving a certain Code level is not mandatory and its standards for water consumption limitation are among a wider menu of options for developers to select from when designing dwellings. As clause B intimates, the aim is to promote consideration of water saving measures and equipment such as efficient baths/showers and wc's when planning applications are drawn-up, and their installation at the time of construction would avoid any need for occupiers to modify their behaviour. Moreover, analysis of the Code for Sustainable Homes by DCLG\(^{177}\) indicated that the additional cost of installing the necessary “furniture” would amount to only about £240 per dwelling and would not therefore be excessive. The Environment Agency supported inclusion of the target to recognise that London is an area of water stress with low rainfall and a large population, and Thames Water advised that it had its own water usage reduction target to 2035, to which the Policy 5.15 target would make a useful contribution. Nonetheless, it cautioned that the target would be difficult to monitor, given that Thames Water would not divulge water metering figures for individual properties.

5.70 Given the strategic importance attached by the Mayor in Policy 5.15A to water conservation, the Panel is of the view that there should be a strand of policy that relates this objective directly to planning decisions. However, we consider that a specific target should be expressed clearly in the terms of design rather than behavioural measures and to avoid any implication that intrusive and inappropriate monitoring of individual properties would follow. FSC 5.20 is not adequate in that respect. We therefore make Recommendation 5.11: Combine Policies 5.15Ba and Bb to read “designing dwellings with the aim that, through the use of water saving measures and equipment, treated water consumption would typically equate to about 105 litres or less per head per day.”

**Issue:** Is the concept of water neutrality suitably advanced by paragraph 5.63?

5.71 Water neutrality is suitably defined in paragraph 5.63 but amenity interests including Just Space Network and Friends of the Earth are frustrated by lack of progress towards implementation of the concept since its introduction in London Plan 2008. Indeed, Thames Water are themselves also eager to advance the concept into practice alongside other measures aimed at managing London’s water demands. However, unlike water saving “furnishings” within individual dwellings, progress towards water neutrality is likely to involve much more significant investment from dwelling to city level. We were told, for example, that

\(^{177}\) GD55
facilities for rainwater and grey water recycling might add about £3,000 - £4,000 to the cost of a new dwelling, while desalination or purification plant necessary to recycle water within the Thames catchment area would require advanced technology and be a much more ambitious project. It would be more appropriate, in our view, for the subject to be developed initially through the Mayor’s draft strategy for water\textsuperscript{178}, the spatial expression of which can than be carried forward in a future review of the London Plan, as paragraphs 5.63 and 5.64 already imply. Although some suggested that greater priority should be attached to reducing leakage within the existing system (referred to in paragraph 5.61), that is an existing network management issue over which progress would be driven by Ofwat and not a suitable subject for spatial policy. We find no reason for modification in any of these respects.

Policies 5.16, 5.17, 5.18 and 5.19 Waste Issues

Introduction

5.72 On 7 December 2009 the Mayor published a Minor Alteration dealing with Borough-level waste arisings and apportionments. This fulfilled the commitment given in the submission DRLP (paragraph 5.77). It includes two tables. The first is Table 5.2 which gives projected Municipal Solid Waste (MSW) and Commercial and Industrial Waste (C&I) arisings from each Borough. The second is Table 5.3 which apportions the management of that waste to each Borough. The Minor Alteration also includes mainly consequential corrections and clarifications to the text of the submission DRLP. We note that there are two separate and different definitions of MSW in DRLP, one in paragraph 5.66 (the second paragraph with that particular number) and the other in the glossary. It would be desirable for these to be reconciled in the final published version.

Issue: Are the aims of waste self sufficiency and zero waste to landfill by 2031 realistic and achievable?

5.73 The Mayor’s draft Municipal Waste Management Strategy\textsuperscript{179} notes, among other things, that in 2008/09 London sent 49 per cent of its municipal waste to landfill, and a further 23 per cent (914,000 tonnes) to incineration, adding that London currently relies heavily on the southeast regions for the majority of its landfill needs, with only 20 per cent going to London’s own landfill sites in Rainham and Beddington. The draft Strategy further advises that the Mayor has no desire to continue sending municipal waste to landfill outside London and will work with neighbouring counties to agree a roadmap for reducing London’s exported municipal waste, aiming to achieve zero municipal waste to landfill by 2025.

\textsuperscript{178} LD66
\textsuperscript{179} LD97
5.74 Policies 5.16Aa and Ac reflect these components of the strategy, with the figures in Tables 5.2 and 5.3 in the December 2009 Minor Alteration proposing convergence between waste arisings in, and the amount of waste managed by, the Boroughs over 5 year periods to 2031. There are two main reasons for advancing the proposed convergence trajectory, the first being declining landfill capacity both inside and outside London and the second being progressive increases in landfill tax. It also reflects key planning objectives in PPS10, which include driving waste management up the waste hierarchy, not least by addressing waste as a resource with disposal as the last option (albeit one that must be adequately catered for) and to provide a framework within which communities take more responsibility for their own waste. Together, these amount to very strong imperatives for the Mayor’s proposed Policy 5.16 approach.

5.75 Nevertheless, caution is needed in the use of the term “self-sufficiency”, because there are, and are likely to continue to be, two-way flows across London’s boundary, for example in support of the further PPS10 principle of enabling waste to be disposed of in one of the nearest appropriate installations. Indeed, as the Environment Agency advised, London manages some 1.4 million tons of waste each year from outside London, which is not an insignificant amount. In essence, the likely outcome is “net self-sufficiency” in which waste exports are more or less balanced by waste imports. However, we do not find the title of Policy 5.16 unacceptable in this respect, because (like PPS10) it refers to self-sufficiency as a generic concept rather than as a specific target. Much the same applies to the reference to self-sufficiency in paragraph 5.71. Nevertheless, while ESC 5.57 indicates self-sufficiency only in terms of managing London’s own waste, that clouds rather than clarifies the position regarding two-way flows especially in the context Policy 5.16Bf and also imparts less flexibility than the text in paragraphs 5.71 and 5.72. **We therefore specifically do not endorse ESC 5.57 in the words proposed but we make Recommendation 5.12: ESC 5.57 be only endorsed subject to the inclusion of “the equivalent of” before “100%”**.

5.76 **Friends of the Earth** further questioned whether the parallel aim (in Policy 5.16Ac and paragraph 5.70) should be to achieve zero waste rather than zero waste to landfill. However, as PPS10 recognises, there will inevitably be some forms of waste that will have to be disposed of and, among those, there may also be some for which the only option (within present technologies) is landfill. This may include, for example, residues from treated waste including incineration. We further acknowledge the Mayor’s view that avoiding waste is often as much a matter of changing behaviours as it is of managing the waste itself, with only the latter being responsive to strategic spatial policy provision. A further alternative put to us, “zero waste direct to landfill” was also opposed on behalf of the Mayor as this would imply that the waste could still go for landfill whatever the earlier treatment process
might have been. However, Policy 5.16Ac and paragraph 5.70 both refer to zero waste to landfill only as a target to be "worked towards" rather than as an absolute requirement, and we are content with the Mayor’s DRLP phraseology on that basis, noting also that FSCs 5.25 and 5.32 include helpful clarification of the intended approach to landfill. **We endorse FSC 5.25 and 5.32.**

**Issue: Are the waste reduction targets in Policies 5.16Bc, Bd and Be reasonable and achievable?**

5.77 A number of those making representations, such as Western Riverside Waste Authority suggested that the targets should be expressed in ways that prioritise avoidance of landfill and give greater emphasis to waste prevention, re-use and reduction than to individual recycling targets for different waste streams. FSC 5.24 would suitably address this point. **We endorse FSC 5.24.**

5.78 Particular criticism was attracted by Policy 5.16Bc, in which the 45% increase in MSW recycling/composting levels by 2015 would represent a 20% increase over 6 years from the present level of 25%. Inner London has particular difficulties with this target because garden waste for composting is almost entirely absent here. London Councils supported the view that the 45% target was unrealistic, further pointing to the compelling statutory180 and economic pressures to avoid landfill, and suggested that Waste Management Authorities were better placed than the Mayor to decide the best way in which to manage their own waste. Just Space Network recognised these concerns and joined in the call for only an overall waste reduction target, but considered that there should be a specific target for re-use and reduction (Policy 5.16Bb). With London Forum, it urged prioritisation of waste streams that can be most quickly reduced, notably those from flats and from food waste. The Mayor responded that he wishes to maintain the relevant targets on the basis that they represent an important driver for Waste DPDs, there being a need to ensure that the various policies all fit together with a coherent timeline. We further note that the Policy 5.16Bc targets in particular have origins in the Government’s Waste Strategy 2007 as well as in policy four of the Mayor’s Draft Municipal Waste Management Strategy181. While noting the challenges they present, we therefore find no reason to exclude them, or to include more detailed targets for flats and food waste which, although recognised by the Mayor as clear priorities, are patently matters for local decision at Waste Authority level (the first in terms of collection and the second in terms of treatment).

**Issue: Is the definition of “waste managed in London” in paragraph 5.73 acceptable?**

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180 EU Landfill Directive 1999
181 LD97
5.79 It was put to us that paragraph 5.73 effectively amounts to an incentive to incinerate waste rather than consider alternatives higher up the waste hierarchy. We have already endorsed FSC 5.24 which deals with that criticism in a general sense, but it leaves some unease with paragraph 5.73 which makes reference to waste minimisation or re-use\footnote{LD97, page 42}. In the context of the waste management definition, we consider that some explanation of this is necessary, in order to give context to the priorities expressed in paragraph 5.73. **We accordingly make Recommendation 5.13:** That paragraph 5.73 be introduced with the words “The Mayor wants to make the most of London’s waste to harness its energy and employment benefits.” And that the following words be inserted between “self-sufficiency” and “waste” in the DRLP introductory sentence “in addition to prevention, reduction and re-use...”.

5.80 Nevertheless, we do not regard the technologies in paragraph 5.73 to be indicative of a sequential or hierarchical approach, but simply as a list of technologies currently or potentially available that might contribute to “self-sufficiency”. For that reason we find little substance in concerns that gasification and pyrolosis might, for example, displace other more proven technologies or, as voiced by Friends of the Earth, that anaerobic digestion might be prioritised above composting. We hold much the same view with regard to solid recoverable fuel (SRF), inasmuch as the Mayor affirmed that there could be other acceptable uses for biomass in London and that reference to the Renewable Obligation Order meant only that if waste is used to manufacture solid recoverable fuel in London, the product would need to meet a particular quality threshold based upon biomass content. This is to avoid household waste simply being shredded and called SRF. We note the reservations expressed by the North London Waste Authority and supported by the West London Waste Authority in this respect, that if the biomass content is set too high, material might be diverted from recycling and composting into SRF production and that the cost of production might make the SRF uneconomic to prospective users. However, whether a 50% or 90% biomass content should be the standard is, in our view, a level of detail inappropriate for a spatial plan and more suitably expressed in the Mayor’s emerging Waste Strategy and exemplified in Action 5.22 of the Mayor’s draft Climate Change Mitigation and Energy Strategy\footnote{LD13, page 70}. The Waste Authorities further want provision to be made in the definition for the manufacture and usage of SRF to include export from London, not least because the market for SRF within London is not yet sufficiently well developed. In response, the Mayor advised that manufacture and use of SRF in London was regarded as being of economic importance, as well as contributing to waste management and climate change mitigation objectives. While we acknowledge that there is a spatial dimension to that approach, we doubt that such requirements would prove to be enforceable through the

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\footnote{LD97, page 42}
\footnote{LD13, page 70}
planning process. In particular, either or both of them would place a very considerable burden on the Boroughs to monitor and investigate and to compile sufficient evidence to prosecute. It is for these reasons that we consider that there needs to be greater flexibility for definitions outside a statutory development plan and therefore **we make Recommendation 5.14: That the third bullet point in paragraph 5.73 be modified to read “it is solid recoverable fuel (SRF) as defined in the Mayor’s Municipal Waste Management Strategy.”**

**Issue: Is the approach to apportioning waste suitable?**

5.81 The Mayor advised that the arisings and apportionments tabulations in the December 2009 Minor Alteration are to be overtaken by new audited data to be published by the Environment Agency[184]. This, the Mayor suggested, would provide an opportunity for further discussions with the Boroughs on their outstanding issues. We observe that representations made to us indicate that the tabulations currently proposed in the 2009 Minor Alteration remain subject of objections but we are encouraged by those (especially from outside London) arguing that delay in the identification of sites for managing waste would not be helpful. We further understand that the new audited figures are likely to indicate less arisings and thus lower apportionments, but it is not possible for us to anticipate whether this will result in fewer objections or simply a different range of objections. Unless the Mayor is sure that any such representations can be handled by negotiation and agreement with the parties concerned, it seems to the Panel that it is likely to be necessary for the Alterations route to be pursued in the interests of evidence being tested through public examination. It is, however, for the Mayor and not the Panel to decide how best to take the new figures forward.

5.82 The Mayor also produced for the Examination a new table (Table 5.1A, introduced by FSC 5.27) to complement Tables 5.2 and 5.3 in the Minor Alteration. This draws on the data in those two Tables and on the most recent data from the Environment Agency (2008) to indicate possible destinations for waste that would need to handled outside London outside (by region) in 5 year periods to 2031. The Mayor acknowledged that the evidence base for the Table was “fuzzy” and although those representing the East and South East Regional Technical Advisory Boards (including Deborah Sacks Consulting) advised that the new Table was a helpful start, they were firmly of the view that more consultation was needed on it. For example, there was no quantification of the various waste streams or which part of London waste for treatment or disposal would be coming from. Counties bordering London would not in any event be bound by the London Plan, so could effectively choose to ignore it.

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[184] Mayor’s written statement on Matter 5E, paragraph i3.
5.83 In view of these uncertainties, we come to the view that it would be inappropriate to include the new tabulation in the London Plan. In particular, it would be wrong to give statutory development plan status to “possible” figures, and for the Mayor to seek to advance apportionments in areas outside London. That might be seen by the recipient regions as prejudicial to the spirit of co-operation (between the Mayor and the regions, and between the regions themselves) necessary to secure satisfactory outcomes. We therefore specifically do not endorse FSC 5.27.

5.84 Turning to the proposed apportionments within London, concern was expressed that these might be based on under representation of arisings as a consequence of the economic downturn over the last 3 years and, thus, not sufficiently reflect the economic growth strategy of DRLP. This, in effect, is the opposite argument to those who argue that continuation of past patterns of economic growth do not provide a sound basis for projecting future patterns, given the current economic downturn. Whatever the case may be, until the latest audited data can be assimilated in either of the ways the Mayor has intimated, there is no more robust evidence on which to base apportionments than that already to hand. The City of London Corporation acknowledged that concerns about its apportionment would be more appropriately addressed through whichever forum the latest audited data proceeds and that, we consider, holds good for all the Boroughs. However on the assumption that the Environment Agency’s revised data will not be available before the Plan is published, as an interim measure we consider that the amended Tables 5.2 and 5.3 should be inserted in the Plan. This is because they include the only evidence based figures before us on which to initiate LDF work at Borough level. To that extent we endorse the December 2009 Minor Alteration and ESCs 5.60, 5.61, 5.62 and 5.63.

5.85 A more particular criticism is raised by City of London Corporation with regard to transport and collaborative working. In the absence of treatment sites of its own, the City’s waste is removed by barge for treatment elsewhere. A similar point concerns RB Kensington and Chelsea, which considers that there will inevitably be competition for potential waste treatment sites from development needed to support other planning objectives, such as economic growth and housing provision. It cites the Kensal Opportunity Area as an example. In effect, both of these Boroughs’ concerns are calls for a sub-regional approach rather than a Borough-by-Borough approach, but with flexibility to enable individual Boroughs or groups of Boroughs to contract out their waste treatment requirements commercially if sub-regional partnerships are unwelcoming. In that context, we found little appetite among those involved for sub-regional apportionments or for the complexities of strategic level requirements for joint Waste DPD preparation. There is, nevertheless, a considerable degree of willingness for Boroughs to work together where the opportunity arises, as commended by the North London Waste Authority. It might be expected that as waste becomes increasingly treasured as
a resource, problems at Borough level of finding treatment sites and/or developing suitable partnerships will reduce. Our view is that Borough level apportionments should be retained as the most flexible building blocks, as well as for sub-regional partnerships and for inter-Borough relationships to develop for Waste Planning purposes in accordance with the Circular on the EU Waste Framework Directive issued by DCLG in January 2011. This, in effect, is the Mayor’s proposed approach recognised in FSCs 5.28, 5.29, 5.30, and 5.31. **We accordingly endorse FSCs 5.28, 5.29, 5.30, and 5.31.**

**Issue: Is the approach to site provision sufficient to meet the requirements of PPS10?**

5.86 A number of participants considered that there is insufficient guidance in DRLP on the number and types of waste treatment sites that need to be planned for. The Environmental Services Association, Viridor and Covanta all made comparison with the more detailed advice in London Plan 2008, particularly Table 4A.7, in support of their contention that sites for large-scale treatment plant necessary for handling the considerable volumes of London’s municipal waste are very difficult to find. Given that they may have to assemble a number of contiguous plots of land on an industrial site for example, their view was that there should be zoning of land specifically for waste treatment. They pointed to the high energy recovery rates achieved in Europe using modern clean-burn incineration techniques. Biffa, in particular, expressed concern that the approach was not “technology neutral”. At the other end of the spectrum, RB Kensington and Chelsea argued that combined heat and power plant at neighbourhood or community level might require a network of small sites. This was a view strongly supported by amenity groups including Friends of the Earth and Just Space Network, who contended that London Plan 2008 Table 4A.7 effectively provided only for large scale treatment plant reliant upon procurement and collection, with associated environmental pollution risks and traffic/transportation problems. They felt there should be greater emphasis on local solutions such as community-based composting schemes and promotion of the canal network for transportation. The North London Waste Authority was more ambivalent, suggesting that a range of different types and sizes of sites would be needed.

5.87 These are all matters touched upon in discursive style in paragraphs 5.78A (introduced by ESC 5.63) to 5.82, but the principal policy requirements are those in PPS10. This advises that the broad locations where the pattern of waste management facilities should be accommodated is to be established at regional spatial strategy level, but that sites and areas suitable for new and enhanced waste management facilities are for the waste planning

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185 Paragraph 12
authorities themselves to identify. In that context, Policy 5.17 effectively advises that the Mayor will work with the London Waste Authorities to identify the range of distribution of facilities needed to deal with the Borough level apportionments and establishes relevant site search criteria. Unlike Table 4A.7 in London Plan 2008, it cannot be said that the criteria promote particular sizes of plant or types of technology, and nor does Policy 5.17A in particular stray from the Mayor’s Draft Municipal Waste Management Strategy Hierarchy (in which energy recovery, for example, falls below prevention, reduction, re-use, recycling and composting). Policies 5.17Bf and Gd, for example, also refer to sustainable transport and safeguarded wharves. Suggestions that DRLP should include a map indicating railheads and wharves suitable for transporting waste is a matter that we return to in a more general context in Chapter 7. Although having little content (beyond the apportionments) on the pattern of site distribution and the numbers of treatment facilities required, it would plainly be inappropriate for the London Plan to engage with site specificity contrary to GOL Circular 1/2008. From all that we have seen and heard on the subject, we are satisfied that there is a good measure of commonality of purpose among all the parties involved and that Policy 5.17 as drafted represents a satisfactory framework within which to advance site provision at LDF level.

Issue: Should there be strategic provision for business waste?

5.88 The Federation of Small Businesses highlighted the difficulties that many businesses in London face in disposing of their waste sustainably. It advised that often the amounts, individually, are small, and not dissimilar in nature from domestic waste, but Boroughs will not collect it. The Environment Agency contradicted this, advising that some two thirds of Boroughs do collect business waste (although that still leaves one third that do not). For the Mayor, we were told that MSW arisings and apportionments include waste that is collected and recycled from small business. It would seem, however, that there is a certain amount of “cherry picking” of business among commercial collectors and a shortage of service providers and reception facilities. These, we were advised, are matters that the Mayor’s draft Business Waste Management Strategy would deal with and which would then be for the Boroughs to handle as appropriate. The Mayor’s draft Business Waste Management Strategy is not before us for examination, but consultation processes during its formulation will provide a more appropriate forum for the Federation of Small Businesses concerns to be considered. We therefore do not recommend any modification of DRLP in this respect.

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186 Paragraph 17
187 LD97, page 99
Issue: Are the proposed arrangements for handling construction excavation and demolition (CE&D) waste satisfactory?

5.89 This particular waste stream is likely to attract considerable significance during the Plan period as a result of the large amounts of spoil deriving from major construction projects which include the Olympic Park, Crossrail and the Thames Tideway Tunnels. The Mayor puts the figure at about 11 million tonnes by 2030. We were told that about 92% of construction excavation & demolition (CE&D) waste from the Olympic Park is currently being recycled, mostly on site. Crossrail will produce 7 million cubic metres of excavated spoil, of which 4 million cubic metres is expected to be transported along the River Thames to create a sizeable new nature reserve (beyond the London boundary). Destinations for about 5 million tonnes of spoil from the Thames Tideway Tunnels have yet to be determined. Policy 5.18Ab would be the first consideration and it may be further implied from ESC 5.66 that some may be used in conjunction with land reclamation or coastal defences. Thames Water affirmed the likelihood that most would be transported by barge. The Port of London Authority (PLA) advised that this might be to various places in Europe and affirmed that no lack of transhipment facilities existed. In effect, Policy 5.18Ab would cover the practicability of on-site recycling and Policy 5.18B would cover transportation aspects. Ensuring value for money in respect of either when letting contracts for treatment or disposal is a management matter for Thames Water, not a spatial planning issue.

5.90 More generally, we were told that CE&D waste is well managed within London, although some referred to a shortage of off-site storage for holding waste while redevelopments are taking place. This, however, is not likely to be problematic on sites of strategic scale such as the Opportunity Areas and is more appropriately dealt with locally in relation to smaller sites on a case-by-case basis in accordance with Policies 5.18B and C. London Forum promoted the concept of “deconstruction” rather than demolition, but we understand that about 80% of London’s CE&D waste is currently recycled and most of what remains for landfill is mainly soil and stone. While we heard submissions on problems of fly-tipping, (particularly but not solely in connection with CE&D waste), we regard this too as a matter for local waste management and enforcement, rather than spatial planning at strategic level. We again reserve further consideration of the use of the canal network (raised by the Regents Network) for Chapter 7.

5.91 The Mayor’s representatives expressed a willingness to review the wording of Policy 5.18C to make clear that site management plans would be dealt with by planning conditions rather than LDF policy formulation, and also undertook to review certain waste streams when updated data becomes available from the Environment Agency. This would mean that the figures in DRLP could be revised before publication. With those caveats we are content that Policy 5.19 would provide a satisfactory strategic basis for the Boroughs
to progress the appropriate handling of construction excavation and demolition (CE&D) waste through their LDF and Development Management work. In the absence of suggested changes, we invite the Mayor to review the wording of Policy 5.18C to make clear that site management plans would be dealt with by planning conditions rather than LDF policy formulation, and also to review the C&D waste stream when updated data becomes available from the Environment Agency.

Issue: Are the proposed arrangements for handling Hazardous Waste satisfactory?

5.92 The Environmental Services Association advised that London currently produces about ½ million tonnes of hazardous waste per year and DEFRA’s hazardous waste strategy\(^{188}\) has an expectation that this should be handled within London. Most of this waste stream is contaminated soil, asbestos and oil and water mixtures, as referred to in paragraph 5.84. The North London Waste Authority submitted that the treatment of hazardous waste is a highly specialised field with few sites available for handling it and there was broad consensus that it is a subject that cannot be handled suitably at Borough level. Rather, a strategic pan-London approach is necessary to ensure suitably co-ordinated spatial provision. The main obstacles to this are a lack of raw data to indicate what needs treating and where, in order that shortfalls in treatment provision can be identified and suitable provision made. Both the South East and East of England RSSs had said little more on the subject than that hazardous waste plans should be produced. For the Mayor, it was pointed out that land resources are not limitless, in response to which the Environment Agency stated that it would assist from the standpoint of a national rather than London-only role. This, in essence, is the thrust of Policy 5.19, with the added strengthening lent by FSC 5.33. We accordingly endorse FSC 5.33.

5.93 Even so, we can do little more than express our concern that there are no more positive measures proposed in the Plan to address this environmentally important aspect of strategic spatial provision. There can be little doubt however, that a starting point should be to protect the facilities that exist, as the North London Waste Authority suggested, pending realisation of the proposed strategy. We make Recommendation 5.15: That an additional Policy 5.19C be added, under the heading “Planning decisions” to read “Pending the outcome of the work proposed in clause A of the policy, development proposals that would result in the loss of existing sites used for the treatment and/or disposal of hazardous wastes should not be permitted unless adequate capacity or suitable equivalent replacement facilities have first been identified, evaluated and, if needed

\(^{188}\) GD107
to treat or dispose of London’s hazardous waste arisings, secured.”

Policies 5.21 Contaminated Land and 5.22 Hazardous Substances

Issue: Should there be reference in Policy 5.21 to the need to balance the cost of remediation with the benefits of development?

5.94 Processes and procedures for the identification and remediation of contaminated land prior to development are largely enshrined in the Environmental Protection Act 1990, the Contaminated Land Regulations 2006, DEFRA Circular 1/2006 and PPS23, and there was no dissent from the general thrust of Policy 5.21 to support the decontamination of development sites in order to prepare them for redevelopment. We consider these two policies ahead of that dealing with aggregates because of their affinity to the preceding waste policies. FSC 5.34 addresses concerns that the underlying objective should be to prevent harm to human health and the environment, not simply to ensure that sites are suitable for development.

5.95 It was put to us by National Grid Property Holdings, however, that the costs of remediation can be very high, on some sites running into millions of pounds, and that unless effects on the viability of development is explicitly recognised in Policy 5.21, schemes that might contribute to meeting targets for accommodating new development on brownfield land could be prejudiced. That stance was supported by London First, who pointed out that if development was at the margin of viability to begin with, there would be no finance available for remediation. Response on behalf of the Mayor was to the effect that the Policy (including Policy 5.21B) did not impose any particular type of remediation requirements.

5.96 We have looked at the Dudley appeal decision referred to us in the representations and see in that particular case the Inspector’s conclusion on viability was promulgated on the basis of the costs of voluntary remediation. It seems to us that this is a key point. In essence, the definition of “contaminated land” in Annexe 1 to Circular 1/2006 includes the notion of “significant harm” and the “significant possibility” of such harm being caused. Thus, if remediation is necessary prior to development in order to avoid significant harm to human health or the environment, a suitable remediation scheme will have to be designed, not simply “volunteered” (although it is open to the developer to suggest the design of the particular remediation scheme). Importantly, it is for the developer to decide whether the development scheme is then viable. There may well be circumstances in which unforeseen contamination is identified after the developer has purchased a site, but that is effectively a development risk and not one that the

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189 APP/C4615/A/08/2066072
community should be expected, as a matter of strategic policy, to underwrite. In either case, it is for the developer to suggest a particular approach and the wording “appropriate measures” in Policy 5.21B is sufficient to enable all relevant factors to be taken into account when development schemes are under consideration. However, in order to conform to the Circular 1/2006 definition of contaminated land, we make Recommendation 5.16: That the word “significant” be included between “in” and “harm” in FSC 5.34, which we otherwise endorse.

Issue: Does Policy 5.22 represent a suitable strategic response to planning and risk from hazardous substances and installations?

5.97 Planning controls over the location of hazardous substances have been consolidated into the Planning (Hazardous Substances) Act 1990 (as amended) and further provisions under the Planning (Hazardous Substances) Regulations 1992, amended from 1 October 2009 by the Planning (Hazardous Substances) (Amendment) (England) Regulations 2009, which updates the scope and controlled quantities. DETR Circular 04/2000 of 8 May 2000 on Planning Controls for Hazardous Substances provides further guidance. Briefly, consent must be obtained from the relevant hazardous substances authority for the presence on, over or under land of a hazardous substance in an amount at or above a specified controlled quantity. That control (separate from planning control) gives the opportunity to consider whether the proposed storage or use of the proposed quantity of a hazardous substance is appropriate in a particular location, having regard to the risks arising to persons in the surrounding area and to the environment. The requirement for hazardous substances consent does not override the need for planning permission where development of land is also involved. Two applications would be necessary, one for hazardous substances consent and one for planning permission, and it would be possible for conflicting decisions to be made.

5.98 Turning to hazardous installations, HSE gives advice to planning authorities in response to consultation on relevant planning applications. HSE’s approach (the PADHI methodology referred to in Policy 5.22Aa) is generally to give cautious best estimates as to the level of risk, taking account of factors such as the inherent vulnerability of the exposed population, the proportion of time spent by an individual in the development and the number of people who might be present. It is then for the Local Planning Authority to consider that advice when determining planning applications in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, as clause Ab of the Policy indicates.

5.99 HSE indicated that it was broadly content with the phraseology of Policy 5.22, but observed that it lacked a “strategic” section and questioned whether this met the requirements of Regulation 6.1(c)(ii) of the London Spatial Development Strategy Regulations.
2000\textsuperscript{190}. We note that reference to the Regulations is included in paragraph 4.95 of London Plan 2008, but excluded from DRLP paragraph 5.91 in favour of a reference to Circular 04/2000. We find no reason to clutter Policy 5.22 with legislative detail and consider Circular 04/2000 to be more appropriately referenced to the subject matter of Policy 5.22 than the Spatial Development Strategy Regulations. ESC 5.70 is acceptable in that respect, but its reference to Circular 04/00 being a GOL Circular (rather than a DETR Circular) is incorrect. This can be simply rectified by excluding the letters “GOL”. ESC 5.69 also lends necessary clarity to the inclusion of the reference to pipelines in Policy 5.22Ba and to the importance of the role of HSE in Policy 5.22Bb. On that basis, we endorse ESC 5.69 and make Recommendation 5.17: ESC 5.70 be endorsed subject to the exclusion of the letters “GOL”.

5.100 In remarking on ESC 5.68, which links Hazardous Installations with Hazardous Substances in the policy title, London Forum however took up the point on the lack of a strategic dimension to the Policy, and suggested possible wording. This would provide useful explanation of the Mayor’s approach to planning and risk in the context of the two different regulatory frameworks. It would also go some way towards addressing the concern expressed by London First that there needs to be a balance between critical risk and the benefits of development, as was the case in the Secretary of State’s decision on proposals for development at the Kennington Oval in 2009. While London First urges greater recognition of this balance, it is our view that Policy 5.22Ab together with the addition of a strategic dimension to the policy, drawn largely from London Forum’s wording, would be sufficient. We make that judgement notwithstanding London First’s observation that there can be no guarantee that the Boroughs will implement the policy correctly. It must, however, be assumed that the spatial planning process will be administered properly at all levels in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. We therefore endorse ESC 5.68 and make Recommendation 5.18: That a new Strategic Clause be added at the beginning of the policy to read: “The Mayor will work with all relevant partners to ensure that hazardous substances, installations and materials are managed in ways that limit risks to London’s people and environment.”

Policy 5.20 Aggregates

\textit{Issues: (1) Whether the Plan’s approach, as amended by the September 2010 Minor Alteration, is consistent with Government policy and (2) How London’s needs would be met.}

\textit{Introduction}

\textsuperscript{190} GD04
The submission DRLP contained a policy in terms of apportionment that set a requirement to provide for an annual output of 1 m tonnes per year split equally between East and West London, with two Boroughs named in East London and four in West London, but no actual figures for Boroughs specified. However, after the Secretary of State’s statement to the Examination on 9 July 2010 that the Mayor was not required to have regard to guidance on regional planning in national planning statements, the Mayor indicated that he would look again at the apportionments for aggregates and this led to the publication of the Aggregates Minor Alteration in September 2010. This reduces the apportionment to 0.7 million tonnes per year (tpa) for Greater London as a whole, but specifies individual figures for four Boroughs (LB Havering 250,000 tpa; LB Redbridge 100,000 tpa; LB Hillingdon 250,000 tpa and LB Hounslow 100,000 tpa).

There were only limited representations on the submission DRLP and as the parties concerned and others have addressed the Minor Alteration and this was the focus of discussion at the Examination session, we have taken the Minor Alteration as the starting point for considering our response to the policy framework that the Mayor now proposes. The context for consideration of aggregates policies is set by Minerals Policy Statement 1: Planning & Minerals; and Planning and Minerals: Practice Guide both November 2006 together with the National and regional guidelines for aggregates provision in England 2005-2020 June 2009, all published by DCLG. Locally, the London Aggregates Working Party (LAWP) Aggregates Monitoring 2008 Report sets the scene.

In essence the guidance indicates that Minerals Planning Authorities (MPAs) have responsibility for planning for a steady and adequate supply of aggregate minerals to support economic growth. Longstanding arrangements for minerals planning provide for technical advice to be given by the Regional Aggregate Working Parties who are expected to sub-apportion the DCLG guidelines for 2005-2020 to planning authority level. It has always been possible for MPAs to choose to use alternative figures for their planning purposes if they have new or different information and a robust evidence base. The Mayor and the GLA are not a MPA but take a leading role in the LAWP and, as the strategic planning authority for London under the GLA Acts and related guidance, should ensure that in the absence of evidence to the contrary, sub-apportionment does take place amongst the borough MPAs on the basis of the Regional guidelines.

Prior to the re-scheduled Examination session, industry representatives objected to the reduction of the land won
aggregates provision figure from 1.1 million tpa to 0.7 million tpa as it would no longer accord with the National and Regional Guidelines for Aggregates Provision in England 2005-2020\textsuperscript{197}. Sita, Hanson UK and the Mineral Products Association considered that the departure from the Guideline figure could not be substantiated by a robust evidence base. The Brett Group considered that the CLG apportionment should not be reduced before sound and robust evidence is tested at the LDF/DPD level with the relevant Boroughs.

5.105 Conversely, the LBs of Havering, Hillingdon, Hounslow, and Redbridge supported the reduced targets, as they considered that the previous target was unrealistic. Moreover, they agreed that it was appropriate for specific apportionments to be given to individual boroughs. The LAWP considered that the case for departing from the Guideline figure is even stronger than that accepted by the SoS and the Mayor in 2004 which led to a reduced provision target of only 1 million tonnes per annum which is contained in the Consolidated London Plan 2008, although the industry representatives pointed out that the reduced figures in the Minor Alteration had not been accepted by them at the February 2010 meeting of the LAWP.

5.106 LAWP suggested that the policy figure should not be regarded as a cap on production, and that aggregate operators should be able to respond to the market and extract more than the annual total or annual Borough figures, if they are able. The key is the restoration of an adequate landbank of permitted reserves as this has diminished so markedly over recent years when very few new planning permissions had been granted. Since 2000, production had been at a rate of 3 times new permissions so that the landbank had reduced from 6.8 million tonnes to only 1.5 million tonnes at the end of 2009. Boroughs need to define areas of search and operators to submit applications. From this starting point it is inevitable that output will be under 1 million tonnes per annum in the short-term.

5.107 The Mayor noted that London will never be self-sufficient in aggregates and the contribution of land-won sand and gravel from within London will not be a major contributor to consumption in the GLA area. He does not believe that providing for 5\% of total anticipated consumption over the proposed plan period is significantly different from providing for 7\% under the Consolidated London Plan 2008, or that the impact on other sources would be so dramatic, as the difference between recent annual production of around 850,000 tonnes and the anticipated average annual output of 700,000 tonnes is only 150,000 tonnes. However, Denys Franzini was concerned that the lower provision was based on output during a recession and this is not an appropriate guide for a 20 year plan period.

\textsuperscript{197} GD86
5.108 With regard to the potential need for greater imports from other regions, the LAWPs suggested that land-won sand and gravel imports into London are surprisingly small, with the total net imports from the South East, Eastern and South West regions only 0.9 million tonnes in 2008. This figure is in contrast with the marine dredged landings which have increased from 3.9 million tonnes in 2005 to 4.4 mt in 2008. In the latter year there were also 3.8 million tonnes of crushed rock imports and around 5 million tonnes use of secondary recycled aggregates. The Mineral Products Association question whether the prospect of resource availability in the wider South East and imports from other regions had been properly tested. They raised concern that the planned provision in the South East region will also be lower than assumed in the DCLG Regional Guidelines, in view of DCLG suggestions that the figure contained in the proposed changes to the South East Plan should be used as guidance for Mineral DPDs in the South East. This reduction, even if it is in line with the regional working party’s views, has potential implications for London’s supply. Several neighbouring bodies raised concerns over the reduced apportionment target and the implications for those areas, including Essex CC, Kent CC, Surrey CC, Northamptonshire CC and the East Midlands Working Party on Aggregates. Not only are greater demands anticipated on their resources but counties such as Surrey, Essex and Kent suggested that it is likely to increase road haulage in to London contrary to the transport policies of the DRLP as sources of supply were by no means all located where rail or water transport could be used.

5.109 There was some concern from Surrey CC and Kent CC that the target of 80% recycling of CE&D waste as aggregates by 2020 might be unrealistic leading to further calls on their resources. However, the Mayor noted that the recycling level for CE&D waste is already at 82%, and the Mayor wishes to see higher levels of recycling/reuse for all waste streams, not just this one. The recycling/re-use targets are welcomed by TfL as they reduce the demand for new resources in general and reduce the transport impact of construction. They also noted that where London cannot meet its own needs, it is important to use sustainable transport modes to mitigate the freight impacts from supplier to client. They point to MTS proposals 38, 39 and 117 which propose measures to reduce the impact of the construction supply chain, and include the use of Construction Logistics Plans to help encourage sustainable delivery modes at the most appropriate times.

5.110 In the light of the Mayor’s evidence and our acceptance of the waste policies earlier in this Chapter, we see no reason to doubt the targets for re-use of aggregates in construction proposed in Policy 5.20B. The London Forum drew attention to potential sourcing from the huge amount of material that will have to be excavated from tunnelling under London over the next decade (Crossrail and the Thames Tideway Tunnel). While an estuarine destination has been suggested for some of this material and its quality for anything other than inert fill was questioned, it would seem that it
may offer some comfort should there be any shortfall against the expectation from secondary sources.

5.111 The **LAWP** and the **Mineral Products Association** did not think that the risk of requiring increased supply of land-won aggregates from adjoining and nearby regions would be very likely. While much would depend on competition in the market-place, they would expect any shortfall resulting from lower output in London to be made up from marine dredged aggregates following the trend for increased use of that source in recent years. At the Examination we probed whether there might be any environmental barriers to such an expectation as the Marine Management Organisation takes up its role. The response was that although there are marine conservation area issues, there are large reserves already identified by the Crown Estate (100 mt in 2008) and also very large resources beyond those assumed to be available (500 mt), particularly bearing in mind the extent of dredging that is necessary to keep open navigation channels. In the circumstances we accept that the most likely source to make up any shortfall in output of land-won aggregates in London will be marine dredged aggregates.

5.112 There remained the policy issue of the departure from the Regional Aggregate Guidelines as this is contrary to the guidance of MPS1. We queried as to why the 2009 Guidelines had repeated an equivalent of a figure of 1.1 million tpa, the same as that in the 2003 Guidelines, when it had been accepted by the Mayor and Secretary of State in 2004 that 1 million tpa was the appropriate figure for London, as currently embodied in the Consolidated London Plan 2008. We were advised by the **LAWP** that the model whereby the Regional Guidelines are produced is not sensitive to the supply constraints in a largely built-up region like London and it was for this reason that the same figure had been thrown-up. This seems to us very unsatisfactory, as it is inevitable that in due course the production of land-won aggregates in London will decline to zero with the exhaustion of all resources that are beneath substantially undeveloped areas and not wholly constrained. From what we heard even in such a future scenario, it seemed that the same figure could still arise and we would trust that a review of the mechanism for setting Regional Guidelines would ensure that future iterations do take the special nature of London into account. In short it seemed to us that the same pragmatic process should be applied, as was undertaken for the extant London Plan, to establish a realistic and deliverable figure of what output might be achievable towards the Regional Guideline. We noted the comments of the **Brett Group** in drawing attention to the provisions of S41(9) of the GLA Act 1999 that requires the Mayor to set no less demanding targets than any related targets set nationally. However, we do not see this as precluding the establishment of targets based on local evidence that are as close as possible to published national Guidelines.
Issue: Whether there should be a widening the search for extraction sites and wider safeguarding of potential minerals resources

5.113 We explored at the Examination whether there were realistic prospects for extraction outside the four boroughs named in the Minor Alteration. The view of the LAWP was that an unallocated provision would not be appropriate as opportunities are limited. Thus, a realistic figure is not known and uncertainty would be created between Boroughs. They considered that the setting of specific figures for the four Boroughs will overcome uncertainty between Boroughs that had existed with sub-regional apportionments. Their chief concern was however that in translating the total anticipated output figures from the Regional Guidelines into annualised figures and then specifying lower annual figures, both overall and for the four named Boroughs, these figures might be perceived as ceilings. Consequently, they tabled a revised form of the apportionments, translating them into landbank provision figures which should prevent any artificial constraints being placed on the granting of permissions when output might be at a high level.

5.114 The Mayor suggested that the aggregates working in LB Barking and Dagenham is coming to the end of its life. We established at the Examination that this also applied to the soft sand quarry in LB Bromley. In most other Boroughs where there are some resources, such as Richmond and Ealing, sites have little prospect of coming forward because of a variety of constraints. The supporting text in paragraph 5.88 provides guidance to encourage production should sites be advanced in unidentified boroughs, particularly highlighting the potential of the Lee Valley. At the Examination it was established that this is a reference to the potential for extraction within Thames Water reservoirs. Although the Mineral Products Association initially considered that it might have been appropriate to include an unallocated provision over and above the specified Borough figures, the key reason was to facilitate output as near to the Regional Guideline figure as possible. The LAWP suggested that addition of the words “at least” before all the proposed landbank figures would cover the point. After an adjournment, the re-casting of these elements of the Minor Alteration was agreed by both the Mayor and the Mineral Products Association and accepted with greater or lesser enthusiasm by other participants. These changes now comprise further suggested changes FSC 5.33A to Policy 5.20C, FSC 5.33B to Policy 5.20D together with FSC 5.33C and FSC 5.33G, consequential changes to Policy 5.20E and paragraph 5.87 of the supporting text. We accept that amending the apportionments into minimum landbank figures would be consistent with national guidance and that this would be appropriate to the circumstances of London. There remains the question of whether the particular Borough figures (and their sum rounded to a slightly higher figure) suggested in the Minor Alteration are both realistic and as close to the Regional Guideline as possible.
Issue: Whether there are appropriate and deliverable Borough targets

5.115 As noted above, there is general support for the reduction in the target for land-won aggregates from the London Boroughs identified in Policy 5.20, although there is still some concern over their deliverability. **LB Hillingdon** is concerned that their Borough target has not been reduced. They argued that, if their Borough target is not further reduced, there should be an understanding that the target figure may have to be subject to reconsideration and reduction in the longer term. We accept that amending the apportionments into minimum landbank figures would be consistent with national guidance and appropriate to the circumstances of London. Conversely, **Kent CC** suggested that alternative figures should be set for the four Boroughs, arguing that the total known reserves are over 26 million tonnes in these Boroughs alone.

5.116 With regard to the individual Borough targets, the situation is as follows:

- **LB Redbridge** – the Borough has established all potential aggregate resources. Meeting the current Plan implied target of 5 mt over the plan period would be difficult without extraction invading areas with constraints that would be difficult to overcome. The Borough is likely to be able to make a landbank provision for 1.7 mt – 2.0 mt, including the site of the former runway at Fairlop, thereby being able to sustain extraction of 100,000 tpa for most of the plan period. The **Brett Group**, the operator of the current workings and controlling most of the relatively unconstrained sites in the borough (and also the operator in Barking & Dagenham) did not challenge this appreciation by the Council, the LAWP and the Mayor, notwithstanding their argument that there will have to be greater output in East London than in West London to maintain even the reduced level of apportionments. They do not believe that the reserves in West London will be able to meet even the Mayor’s reduced apportionment figures listed until 2031. They suggest resources in East London can be brought forward to meet more than the 50% sub-regional apportionment in the original submission DRLP and that same balance which fortuitously remains in the Minor Alteration as the sum of the Borough figures. Notwithstanding these arguments, as no higher figures for Redbridge were suggested we are content to endorse the provision suggested by the Mayor translated into minimum landbank terms.

- **LB Havering** – have identified resource of some 5.5 mt in three areas which would enable provision extraction at 250,000 tpa for the plan period to 2031 with two sites operating at any one time. Raising the production levels to 500,000 tpa would require three sites to be operating at the same time in an area with constraints from poor road access. We explored whether...
the identified resource might sustain an average output at a slightly higher level, but given the uncertainties surrounding the local highway network and the ability to share plant between nearby sites, it did not seem wise to seek a marginal upward adjustment as that would in any event be permitted under the “at least” approach.

- **LB Hillingdon** – three potential sites in the Harmondsworth-Sipson area with a potential aggregate resource of up to 6 mt have been identified, enabling provision for 250,000 tpa extraction up to 2031. 300,000 tpa was not considered achievable by the Council. All three sites are likely to come forward in the plan period, with permission having recently been granted for a portion of one of them. **Henry Streeter**, the current operator believed to control all three sites chose not to come to the Examination, but had expressed a desire to expand output in Hillingdon. We sought to probe why the higher annualised output was considered unattainable and why LB Hillingdon was concerned as to whether output would be able to be maintained long-term. LAWP explained that the 6 mt figure for resource identified is a gross tonnage and does not take account of loss of output that is necessitated to provide appropriate buffer zones and mitigate other environmental constraints. The recent permission for 600,000 tonnes extraction covered over half an area estimated to contain 1.8 mt of resource, indicating that the net production to gross resource might be no more than around two-thirds of the latter. On this basis, maintaining output in the longer-term might only be possible if more significant constraints in the Colne Valley area could be overcome. We were therefore satisfied that it would not be prudent to seek to increase the apportionment for Hillingdon, though equally we did not consider that a reduction would be warranted.

- **LB Hounslow** – has currently only one active working which is likely to be exhausted within 2 years. Two sites have been identified by the Borough with a potential for around 2 mt of extraction, although no applications have been made on these sites for the last 10 years. We explored the ownership situation regarding these two sites with the Council at the Examination. One is again in the ownership of Thames Water. The other is partially owned by the Council and there are suggestions for a waste use involving this area. Other opportunities in the Borough are limited because of constraints. Nevertheless, despite the poor past record of taking-up resource potential, we were not convinced that the identified apportionment would be unattainable as mineral working and waste treatment ought to be compatible. However, again it does not seem realistic to suggest any increase.
Overall, therefore, we accept the apportionments suggested for each of the 4 named Boroughs as translated into minimum landbank terms through the suggestions put forward and subsequently amended by LAWp, and then endorsed for the Mayor and agreed by other parties.

**Issue: Whether there is a need for any greater safeguarding of wharves and railheads or alternatively whether the safeguarding is already greater than warranted by need**

5.117 The **LAWp** noted that in 2008 wharves and rail depots each handled 4.9 mt of primary aggregates (there is some transhipment so these figures are higher than the consumption figures given for the relevant sources), accounting for around 90% of London supplies. Therefore the safeguarding of these wharves and depots is crucial to the supply of aggregates to the capital, and from what we heard this importance is likely to increase as indigenous land-won production declines in London. The **Mayor** and **TfL** note that in addition to Policy 5.20Fb, DRLP Policy 6.14 provides support for the safeguarding of wharves and railheads. **TfL** suggest that facilitating a modal shift from road to water and rail freight will help mitigate any congestion, greenhouse gas emissions, noise and air quality impacts that could arise from a slight proportionate increase in the use of imported aggregates. Besides Policy 5.20F, Policies 6.14, 6.15, 7.26 and 7.30 also support the implementation of more sustainable aggregates supply chains.

5.118 Conversely, the **Comer Homes Group** noted that clause Fb of Policy 5.20 seeks to “safeguard wharves/or railheads with existing or potential capacity for aggregate distribution” and expressed concern that there is no guidance on how this potential should be established with the possible consequence that more beneficial alternative uses may be lost. This point was not pressed at the Examination and it was suggested by the **PLA** and **TfL** representatives that the holding concerned was one of four wharves that are currently inactive and in the hands of housing developers, but for at least some of which there are potential aggregates users. The review of wharves would take place over the next year or so and it was not currently anticipated that there would be any wholesale revocation of safeguarding policies. On the contrary in the upstream part of the Thames west of the City Centre there was a shortage of wharves and relatively few potential sites for additional facilities. Both the Mayor and the PLA indicated that CPO powers were under active consideration to ensure that suitable wharves could be used for their intended purpose.

5.119 In the light of the Mayor’s evidence and that from related bodies, we are satisfied that the policies of the DRLP rightly safeguard wharves and railheads, existing and potential, amongst other reasons, to help secure sufficient aggregate supplies for London and the most sustainable forms of transport for such supplies. From what we heard the importance of wharves could increase in future not just to handle marine dredged aggregates but because in
the longer term crushed hard rock might have to be brought from more distant sources in larger amounts.

**Issue: Whether there are any other matters warranting changes to the aggregates policies in the DRLP**

5.120 **BNP Paribas** suggested that the supporting text (paragraph 5.89) should make specific reference to builders’ merchants to meet the objective of achieving an essential level of supply in the most sustainable way. **TfL**, the **Mayor** and **LB Hillingdon** consider the location of builders’ merchants to be a local matter to be addressed at the LDF plan making level. We accept that this is rightly a matter to be determined locally, but also note that when supply is not handled directly from wharves or railheads, the DRLP identifies the designated industrial sites as appropriate locations for this kind of activity even if such uses may be *sui generis* not always falling clearly within a defined use class.

5.121 **English Heritage** supported the additional criterion introduced by FSC 5.33D to Policy 5.20F on reducing the environmental impact of aggregates by appropriate restoration and aftercare, an addition also supported by the **London Forum**. However, **English Heritage** also requested a further reference to on-site assessment so that the impact of works upon the historic environment would also be considered as part of planning conditions. The **Mayor** and **TfL** noted that Policy 7.8 makes a number of provisions to identify and protect historic artefacts and other assets which may be discovered as part of aggregates excavation processes. We were not convinced that additional provision is necessary in this policy as heritage objective are covered elsewhere in the Plan and as it has to be read as a whole.

5.122 Overall, after exhaustive testing of the revised policy relating to aggregates that is contained within the Minor Alteration, we are satisfied that regard has been had to Government policy and that the amended Plan is soundly based on such evidence as is currently available, including that leading to the preparation of relevant Borough DPDs, in connection with which further local testing will take place. As further suggested changes were put forward at the EiP and agreed by all parties present, we are content to endorse the DRLP as amended by the Minor Alteration in relation aggregates with these additional changes. We trust that the revised policies will soon result in the establishment of appropriate landbanks in all Boroughs containing workable resources. **We therefore endorse FSC 5.33A – 5.33I.**
Chapter 6: London’s Transport

Chapter Headlines

- We endorse the overall transport strategy subject to reinstatement of a hierarchy of road use and insertion of specific emphasis on the need for access to public transport for those with disabilities.
- We endorse the revised package of transport proposals put forward by the Mayor in the replacement Table 6.3, subject to minor amendments and updating, particularly in relation to HS2.
- We make a correction not carried forward from the Crossrail Alteration on the use of planning obligations.
- We accept the changes put forward by the Mayor to aviation Policy 6.6 subject to modest further amendments primarily to align the policy stance more closely with that of the MTS and government policy.
- We endorse the policies regarding buses, trams, cycling and walking with only minor amendment.
- In relation to Policies 6.11 and 6.12 on congestion and the road network, while broadly endorsing the policies, we recommend making the reference to the possibility of road user charges more positive and reinstating a caveat that seeks to avoid overall traffic growth in the vicinity of network improvements. We also recommend amendment of the relevant KPI on traffic growth.
- In relation to car parking Policy 6.13 we endorse the approach of the Mayor subject to the suggested changes, which include defined parking standards for those with disabilities and minor amendments to explanatory text.
- We endorse the policies for freight transport subject to inclusion of a reference to a potential location for a SRFI.

Introduction

This Chapter of the DRLP attracted considerable controversy both in terms of principle and detail. As with other chapters, having an overarching strategic policy ahead of subsequent policies that fill out the detail led to some overlap between discussions during Examination sessions. However, in this chapter of our report we seek to follow the order of the Plan for ease of reference.

Policy 6.1 Strategic Approach to Integrating Transport & Development; Policy 6.2 Providing Transport Capacity and Safeguarding Land for Transport (Including Table 6.3); Policy 6.3 Assessing Effects of Development on Transport Capacity; Policy 6.4 Enhancing London’s Transport Connectivity
Issue: Is the Plan’s overall transport strategy appropriate?

6.1 In May 2010 the Mayor published his Mayoral Transport Strategy (MTS)\(^{198}\) and following consideration of representations on the submission DRLP sought to ensure consistency between the DRLP and the MTS including by substituting a revised Table 6.3 - the “Indicative List of Transport Schemes” and proposals to be implemented in the plan period through early suggested changes (ESC). A number of participants’ statements still pressed for greater consistency between the DRLP and the MTS including those from London Councils and LB Bexley, though both the GLA and TfL stressed that the DRLP and MTS are now wholly aligned and that any differences in phraseology are simply a reflection of the different purposes of the two documents. The latter is a statement of how the Mayor in conjunction with partner bodies would seek to exercise his Transport responsibilities whereas the DRLP is a document to influence and manage developmental activity and related spatial matters. In the light of discussion we are satisfied that there is fundamental consistency between the two strategies following the ESC and therefore we expressly endorse ESC 6.2, 6.3, 6.4, 6.5, 6.10 and 6.65 which substitutes the revised Table 6.3.

Hierarchy of road use

6.2 A significant number of respondents, such as London Councils and RB Kingston, point out that DfT recommend road user hierarchies. With London Sustainable Development Commission, Campaign for Better Transport, London Travelwatch and Labour Members of the Assembly they favour the re-introduction of the hierarchy of road use that is currently set out as policy 3C.18 of the Consolidated London Plan 2008. Only a minority including LB Hillingdon and London First accept that it is appropriate to omit this approach in the interests of localism or other arguments advanced on behalf of the Mayor. We understand the desire of the Mayor to provide flexibility for the Boroughs to apply local solutions to address local conditions and arguments that priority for sustainable modes of transport is covered in many of the transport policies, including in some of the sub-clauses in the strategic clause A of Policy 6.1 and in Policies 6.7 and 6.12. However, it seems to us that there is clear Government guidance encouraging a hierarchy in road use in order to give priority for the more sustainable forms of transport whether in PPG13 or more recent statements including publications since the formation of the Coalition Government, such as the endorsement of the Manual for Streets 2 in September 2010\(^{199}\) and publication of the Local Transport White Paper - Creating Growth, Cutting Carbon: Making Sustainable Local Transport Happen by the DfT on 19 January 2011. As the Mayor does have strategic responsibility for Transport both in spatial planning terms and through the operation of TfL, we consider that there should be a place for explicitly recognising a hierarchy of road-users in the over-arching transport policy in order to guide formulation of public realm as well as transport schemes. We do not consider that

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such a policy need inhibit adoption of appropriate localist solutions and with this insertion we consider that the transport strategy would be generally consistent with national policy. The **Freight Transport Association** are concerned that the needs of servicing are recognised in this process. Our recommendation, picking up wording from the London Plan 2008, takes this into account. **We therefore make Recommendation 6.1:** Insert a “**LDF Preparation**” section broadly in the terms of Policy 3C.18 of the London Plan 2008, namely, “**B In balancing the use of streetspace, DPDs should include policies that reflect the Mayor’s Transport Strategy and the London road hierarchy. In particular, boroughs should:**

- favour movement of people and goods to support commerce, business and bus movements on the Transport for London Road Network (TLRN) and most other A roads;
- favour local access and amenity on other London Roads, particularly for residents, buses, pedestrians and cyclists, and where necessary, businesses and servicing;
- where appropriate re-allocate road space and land to bus priority, bus or tram (light transit) schemes, cyclists and pedestrians to support sustainable transport;
- apply corridor management to ensure that the needs of street users and improvements to the public realm are coordinated.”

**Congestion charging, road schemes and parking policy**

6.3 There was also a strong body of opinion that there ought to be stronger references to influencing behaviour through mechanisms such as congestion charging, road pricing or other more effective means than reliance on travel plans related to new development. **London Travelwatch, South London Partnership** and **Campaign for Better Transport** are amongst those advocating such an approach, as are **London First**. We consider that these are detailed issues more properly addressed under Policy 6.11 “Smoothing traffic flow and tackling congestion” where the supporting text does contain a reference to road-user charging.

6.4 Similarly, while concerns over East London River crossing proposals are addressed in relation to Policy 6.4 “Enhancing London’s connectivity” the particular concerns over road-based possibilities are considered in relation to Policy 6.12 “Road Network capacity” and those over the parking policies in relation to Policy 6.13 “Parking”. We consider that FSC 2.11 which inserts additional text in Policy 2.8Ac on Outer London transport, and which we have already endorsed, adequately addresses concerns of **RB Kingston, South London Partnership** and **West London Partnership** who sought strengthened references to improvement of public transport and orbital links and interchanges in Outer London.
**Developer funding and transport requirements of Opportunity Areas**

6.5 Development interests such as the Canary Wharf Group and the Consortium of London Developers and some other respondents such as LB Hillingdon and RB Kingston favoured greater flexibility in terms of ability to fund transport projects that would bring accessibility up to appropriate levels commensurate with the nature of development sought. LB Lambeth argued that transport needs of Opportunity Areas should be more fully recognised. The Labour Members of the London Assembly sought greater recognition of the role of public transport projects to support regeneration. The Mayor responded explicitly to the development concern with FSC 6.1 which would also authorise developer funding of transport schemes. This would cover situations like that in the VNEB Opportunity Area and, as we share the concern that there would otherwise be a gap in the policy framework, we expressly endorse FSC 6.1.

6.6 The wider concerns over public transport needs in relation to Opportunity and Regeneration Areas are in part addressed by ESC 2.38 and ESC 2.46 which we have endorsed earlier. We address references to specific schemes in relation to Table 6.3. There was little opposition to the broad sweep of Policy 6.2 that underpins Table 6.3 or to Policy 6.3 that would govern circumstances in which developer contributions might be sought, with general acceptance that there needs to be a strategic underpinning of major transport provision and that the assessment measures are reasonable.

**Inter-authority liaison and highway safety**

6.7 Before turning to the particular proposals included within the revised Table 6.3 and Policy 6.4, we note on more general matters that there is support for example from Essex County Council and London Councils for explicit reference to cross-boundary working in the Transport Chapter rather than relying on agreed references in Chapter 2 and that the Highways Agency considered that there is insufficient emphasis on safety aspects in relation to development. We consider that as the Plan has to be read as a whole, the Chapter 2 Policy references on cross-boundary working ought to suffice but we also note that the issue is referred to in paragraphs 6.16 and 6.17 and do not consider further change to be warranted. The Mayor put forward FSC 6.4 to introduce a specific reference to avoid development adversely affecting safety in Policy 6.3A in response to the Highways Agency concern. This is an important point of consistency with national policy. Consequently we endorse FSC 6.4.

**Access to public transport**

6.8 A remaining issue is the treatment of accessibility of public transport. Statements on behalf of groups representing those with disabilities such as Hammersmith & Fulham Disability Forum, Action Disability Kensington & Chelsea and Inclusion London argued that the DRLP needs not only to be as specific as the MTS as developmental issues are involved but also that an apparent downplaying of this issue by TFL should be reversed and emphasis placed on creating step-free access to a much greater proportion of
underground stations and bus stops, some even seeking a completion of a programme relating to bus stops over the next 5 years. South Kensington and Ladbroke Park were two underground stations singled out as urgently needing step-free access. The London Forum also advocated an insertion regarding step-free access to public transport. The MTS does indicate that this is a priority for the Mayor, as one would expect given his equalities responsibilities. However, it is an issue that involves more than operational activity. While physical works may often be permitted development, in order to secure step-free access at stations and interchanges may involve major works. We could address this simply by recommending references in Table 6.3, but it seems to us that there should be an overall strategic backing for localised action whether by TfL, Network Rail or the Boroughs as this would be in line with equalities legislation. We make Recommendation 6.2: Add a new section to Policy 6.1 “j. seeking to secure step-free access to public transport wherever feasible”; insert in item in Table 6.3 Rail termini enhancement “and stations” before “enhancement” and add at the end of the description “including step free access”; in item in Table 6.3 Tube Station refurbishment/modernisation programme add at the end of the description “including step-free access”; and add a further bullet point to the recommended LDF section for Policy 6.1 “Wherever practical provide step-free bus access”.

Issue: Are the schemes included in revised Table 6.3 and Policy 6.4 appropriate in terms of the relationship between land-use and transport and realistic having regard to likely funding levels?

6.9 The responses in statements were divided. Some saw a need for flexibility and accept that the listed schemes and proposals are purely indicative and thus without need for prioritization and preparation of a detailed Infrastructure Implementation Plan within or to accompany the Spatial Development Strategy, as argued by the GLA/TfL. Others, such Campaign for Better Transport and a number of Boroughs including LB Bexley and LB Greenwich see prioritization as essential, for example to enable choices in a context of scarce financial resources, to avoid unnecessary blight and to ensure that public transport can precede rather than follow development in the Opportunity Areas. A number of others sought explicit recognition of additional projects that are either only included in very general terms or are omitted as they would not fit within any of the broader categories identified. By inference these seek a more definitive list while others, such as Ealing Civic Society, argue for explicit criteria against which schemes could be added or deleted over time.

6.10 Given the long-term nature of the London Plan and the much shorter timescales over which funding is allocated, we agree with the Mayor that the list of schemes in Table 6.3 can only be indicative rather than definitive beyond the early years. We address the issue of an Implementation Plan in Chapter 8, but would otherwise expect Table 6.3 to be updated whenever the Plan is reviewed as we would expect
this to be at least every five years. That timescale would allow for
strategic alignment with spending reviews with interim updates
through the Implementation Plan process. The three time bands give
sufficient indication of relative priorities or intended ongoing action.

6.11 Among the first category of respondents are London Councils and
Essex County Council while London Travelwatch and TCPA
strongly advocate prioritization and preparation of an Implementation
Plan because of likely constraints on public expenditure. LB Barking
& Dagenham seek greater commitment to the DLR extension to
Dagenham Dock as well as insertion of references to Phases 2 and 3
of East London Bus Transit and a grade-separated junction on the A13
at the Renwick Road junction to avoid deterring freight handling
developments in the Thames Gateway. LB Waltham Forest seeks
insertion of reference to a new station at Lea Bridge and
reinstatement of track at Coppermill Junction to enable interlinking
between the Chingford-Liverpool Street line and the Tottenham Hale-
Stratford line that would facilitate rail travel between Chingford and
Stratford. LB Bexley and LB Greenwich seek more explicit
reference to DLR extensions while the South London Partnership,
RB Kingston, London Councils, GlaxoSmithKline, Campaign for
a Better Harrow Environment and Ealing Civic Society amongst
others seek more explicit reference to Tramlink extensions and rail
and bus measures to cater for orbital movements in Outer (and Inner)
London. Greater emphasis on support for the South-eastwards
Crossrail extension is sought by LB Bexley, LB Greenwich and
others but TCPA are concerned at references to unfunded western
extensions for Crossrail proposals. London Travelwatch is
particularly concerned at the underplaying of bus-based schemes.

6.12 The approach to the Chelsea-Hackney line concept shows particularly
strong divisions of approach between those who suggest deletion
because it is extremely unlikely to be wholly fundable in the plan
period and thus is causing unnecessary blight and those who regard it
as essential to serve areas currently ill-served by public transport
including some very deprived areas. London Councils seek a clear
timetable for its implementation. The majority clearly favour retention
of reference to the scheme but there are uncertainties over its nature
given MTS and ESC references to a review being underway. LB
Tower Hamlets for example refer to it as a RER-type heavy rail
cross-London scheme like Crossrail and Thameslink and seek an
alignment interchanging with a particular station to serve the Lower
Lea Valley.

6.13 There are also divergent views over the prematurity or otherwise of
including explicit references to the HS2 terminus and interchange
possibilities. Some like LB Hammersmith & Fulham and TCPA seek
to be explicit in support of the Old Oak Common Interchange proposal
from HS2 Ltd, whereas others like BAA and BA point out that such an
interchange would not provide genuine rail access to Heathrow and
favour a station in the immediate vicinity of the airport. The inclusion
of a proposal to divert Overground services from Watford Junction to
Stratford to free-up space for HS2 at a Euston terminus is regarded as
premature by Essex County Council amongst others, as the implications for passengers with Central London destinations travelling to Euston have not been considered nor the implication on Underground or Network Rail services at Stratford. London Councils also suggest that there is an inconsistency of approach and London First do not consider firming-up to be appropriate at this stage.

6.14 The final detailed matter over which there are significant representations concerns references to additional river crossings in East London. Friends of the Earth and the Campaign for Better Transport argue against any new road-based crossings on the basis of arguments advanced in relation to the general strategy, suggesting that regeneration benefits are not proven and would not outweigh detriment from additional traffic and CO2 whereas most other statements such as that from LB Greenwich advocate crossings to support a variety of objectives. Again London Councils seek a clear timetable for implementation. Most wish to see explicit justification for proposals in the DRLP.

6.15 This leads back to a more conceptual issue of whether the justification for proposals in Table 6.3 can be left to the MTS as TfL and GLA generally argued. The Mayor did, however, suggest revised text in paragraph 6.18 to provide up to date justification for continuing to safeguard a Chelsea Hackney line and additional text at paragraphs 6.18A and 6.18B to provide justification for references to HS2 and additional East London River Crossings as ESC 6.18, 6.19 and FSC 6.6. A number argued that the DRLP is meant to be the over-arching spatial strategy that would undergird LDF preparation and planning decisions and consents that may be required under the Transport & Works Act. The issue is flagged up particularly sharply as to whether all proposals that are included in Table 6.3 have a reasoned justification in the Plan and conversely whether there are proposals that warrant explicit recognition in the MTS that have not been carried through in a recognisable form into Table 6.3. We sympathise with the concern that all proposals in the DRLP should be justified within the Plan as it sets the spatial strategy to support other strategies. However, with the insertions put forward as suggested changes added to the general supporting text we consider that there would be sufficient explanation of why the particular schemes are advanced in Policy 6.4 and Table 6.3. While we do have some detailed recommendations that will affect the texts, we endorse the generality of ESC 6.18 and 6.19 and FSC 6.6.

6.16 With regard to the desirability of inclusion or omission of particular schemes, we set out our conclusions in the light of the Comprehensive Spending Review200 which safeguarded the generality of schemes proposed as firm priority projects by the Mayor. We explored the funding situation with regard the DLR extension from Gallions Reach to Dagenham Dock, but although there was a common desire to progress this scheme at the earliest opportunity, we can see no possibility of bringing completion forward from the post 2020

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completion category in the current public expenditure climate. It is listed within that time-frame as the first of future DLR extension possibilities. The housing provision for Barking & Dagenham has been scaled back accordingly, recognising that until the scheme is funded there will be constraints on the scale of housing development that will be feasible. Given the present position on various extension possibilities, we do not consider that we could draft additional general supporting text on DLR extensions over and above that which is already included on this particular scheme in Annexe 1/19.

6.17 The position is a little different with regard to later phases of East London Transit. These are lower cost schemes than a DLR extension, but Table 6.3 is totally silent as to their consideration. In recognition of the concerns both north and south of the river that these high quality bus-based schemes may be lost sight of, we recommend an insertion into the text regarding bus network development in Table 6.3. Finally, in recognition of the importance of the Renwick Road junction to the development of strategic rail freight facilities and other transport or industrial activities in the Barking and Dagenham riverside area, a matter to which we will return under Policy 6.15, the Mayor put forward FSC 6.3 to record this proposal as a strategic intention, though yet to be funded. We noted the unsatisfactory nature of the present junction on a Panel tour and therefore endorse FSC 6.3. We also make Recommendation 6.3: Add in Table 6.3 at the end of the description of Buses and Bus Transit/Bus network development “This would include possibilities for further East London Transit schemes”.

6.18 With regard to the wishes of LB Waltham Forest, these were again regarded as wholly appropriate aspirations, but TfL indicated that they may well be the responsibility of Network Rail and given the heavy calls upon its funding streams it was not certain that these particular schemes would gain sufficient priority to warrant explicit reference. We are content that the items in Table 6.3 concerning either West Anglia Lea Valley services or that concerning further DLR network enhancements could cover the works sought. No further explicit reference can be justified. The same applies to the DLR aspirations of LB Greenwich and LB Bexley. While the DLR enhancements text does not mention a possible extension to Thamesmead from Woolwich or other possibilities raised by the Boroughs, TfL indicated that a Thamesmead extension would not be technically impossible but that they were very doubtful that a cost-benefit case could be made for such works given the layout of the track at Woolwich. The text does include ‘such as’ before the examples that are cited so that Thamesmead or other extensions are not ruled out. In the circumstances, we do not consider that additional explicit references are justified. We also consider that more explicit references to Tramlink extension possibilities are not justified as all those under investigation would be covered by the general entry in the table, as would any orbital bus measures. We accept the TfL argument that in general bus measures are relatively low cost and short-term and therefore are inappropriate for detailing in a strategic table. Orbital rail projects are extensively covered in the table under the various
London Overground headings, as is the Croxley Rail link, and we do not consider that further additions would be realistic in this iteration of the London Plan.

6.19 This brings us to the Chelsea-Hackney line. The argument for omission is strong, given that it has been safeguarded already for so many years and the public expenditure outlook must raise doubt as to whether completion will be achieved within the plan period. Nevertheless, the need appears proven both in terms of connectivity and to support regeneration at the north-eastern end and if safeguarding were removed reinstatement of the project at a later date would clearly be more difficult. As a start would still seem to be achievable within the plan period we are therefore content to accept the inclusion of the reference in Table 6.3 and consider that the revised supporting text put forward as ESC 6.18 should generally be endorsed though we consider that sequentially, this reference should follow on at the end of paragraph 6.18 after the description of Thameslink as that is a current proposal, the completion date of which should be amended to 2018 in accordance with the statement by the Secretary of State for Transport on 25 November 2010\(^2\), which confirmed full funding for the Thameslink scheme. There is one further change that would help dispel some of the existing and potential confusion about the concept. This would be to remove all references to the scheme as Crossrail 2. This confuses as there are special development obligations under Policy 6.5 that apply to Crossrail which do not cover the Chelsea-Hackney line. Moreover, at the Examination TFL indicated that the current scheme under evaluation is for a tube line rather than a heavy rail linking route like Crossrail or the Overground. We therefore reiterate our endorsement of ESC 6.18 and make Recommendation 6.4: Relocate the text of ESC 6.18 to the end as opposed to the start of paragraph 6.18; amend “2015” to “2018” in paragraph 6.18; delete “(often referred to as Crossrail 2)” from the text of ESC 6.18, “(Crossrail 2)” from the reference to Chelsea-Hackney line on the key to Map 6.1 and “(Crossrail 2)” from the reference to Chelsea-Hackney line in Table 6.3. Subject to confirmation at the conclusion of the review referred to in ESC 6.18, consideration should also be given to relocation of the Chelsea-Hackney line item in Table 6.3 from the Rail section to the Tube section.

6.20 With regard to HS2, given the publication of the DfT report _High Speed Rail_ in March 2010\(^2\) and the subsequent ministerial directions to High Speed Two Ltd\(^3\) on the overall strategy for High Speed Rail from both the previous government and the present Coalition, the Government’s position is now clear on most aspects of this scheme. Lord Mawhinney submitted his report on _High Speed Rail Access to Heathrow_ in July 2010\(^4\) which included the views amongst others of

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\(^{2}\) GD101  
\(^{3}\) GD33  
\(^{4}\) GD75, GD76 and GD104  
\(^{5}\) RD287
BAA and BA. The Government statement on 20 December 2010, after the Examination had closed, makes clear that there will be an interchange with Crossrail at Old Oak Common where there can also be links to Great Western Mainline and Overground services. To this extent and in respect of a clear intention to serve Manchester and Leeds as well as Birmingham, the text in ESC 6.19 should be updated. We do not see this as incompatible with whatever may be decided as the most appropriate long-term means to serve Heathrow, be it confined to a spur or ultimately via a loop, and it would also be unaffected by the desire of RB Kensington & Chelsea for an additional Crossrail Station at Kensal Canalside as referred to in Annexe 1/15 as this will only come to fruition if it is operationally and financially feasible. We do agree, however, with Essex County Council that it seems premature to predicate switching Watford junction Overground services from Euston to Stratford in Table 6.3 before the consequential adjustments to services from adoption of a Euston Terminus have been confirmed. What is referred to may be appropriate, but it may depend on a range of considerations including, for example, the pattern of services adopted for the link between HS1 and HS2 and the outcome of suggestions for a western extension of Crossrail to Watford Junction. Clearly the position may have moved on further prior to the publication of the final text of the RLP and the Mayor will need to reflect any changed circumstances in the Plan. We therefore reiterate endorsement of ESC 6.19 and make Recommendation 6.5: Delete “possible” from line two of paragraph 6.18A; delete “Were the line to be” from the start of the sentence that would then commence “Extended north from...” in paragraph 6.18A; insert at “Old Oak Common” before “in West London” in paragraph 6.18A and replace “though further thorough research is required in order to determine the optimum location for such an interchange.” by “pending longer term construction of a spur or loop to serve Heathrow directly.” at the end of paragraph 6.18A. Delete the London Overground item from Table 6.3 referring to diversion of services from Euston to Stratford consequential upon HS2. We further recommend that the Mayor has regard to any changes in circumstances in respect of HS2 that may arise prior to publication of the RLP.

6.21 Finally, with regard to East London River crossings, we do not see anything in FSC 6.6/new paragraph 6.18B that would be contrary to the position reached after the Public Inquiry into the Thames Gateway Bridge proposal. The text does not commit the Mayor to pursuing a road link at Gallions Reach and we address the issues in relation to road network capacity under Policy 6.12. Rather the additional text in new paragraph 6.18B would provide the supporting background to references in Table 6.3. We note, however, that those references appear to omit the explicit proposal for a link between the Greenwich Peninsula and the Royal Docks. We reiterate our endorsement of FSC 6.6 and make Recommendation 6.6: Add at the end of the
item in revised Table 6.3 New walk/cycle Thames crossings “and access between Greenwich Penninsula and Royal Docks” together with an extension of the time frame if appropriate.

Policy 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure

Issue: Whether this DRLP Policy is consistent with the position reached after the Crossrail Alteration to the Consolidated London Plan 2008 and the introduction of CIL

There were some comments on this policy which sought to go back over debates that took place over the Crossrail Alteration in December 2009 or to comment on the way in which the outcomes of that process have been embodied in Policy 6.5 as compared to the related policy on CIL in Chapter 8. The latter included comment from London Councils. We see no reason to go over what we have already concluded upon or generally from the way in which our previous recommendations have been embodied in the DRLP with the early suggested changes that the Mayor put forward to ensure that key points were picked up from the earlier consideration and decisions or from the related SPG, though these changes do appear to have an important omission that we refer to in the following paragraph. The early suggested changes that have been made are important changes to ensure consistency with Government guidance over the use of obligations in Circular 05/2005 and the now statutory tests in the CIL Regulations and provide greater clarity over intentions. We therefore endorse ESC 6.20-6.27.

The main point that remained at issue is whether in the context of the CIL Regulations, Policy 6.5E is tenable. This issue was debated at the Crossrail Alteration Examination and the conclusion was that it would be better to direct efforts in the VNEB Opportunity Area to secure funding of a Northern Line Extension via Vauxhall to Battersea rather than for Crossrail as the mitigation provided by the former would be far greater. The 2010 CIL Regulations will continue to authorise pooled tariff-style obligations until 6 April 2014 or until the operative date for a Mayoral CIL if earlier and thereafter will still authorise pooling of contributions from up to five developments for infrastructure not funded via the CIL. Given the urgent desire of developers to get on with schemes within the VNEB Opportunity Area and probably the limited number of large projects that may be involved, either approach might enable this clause to be effective. We recognise, however, that the longevity of the clause might be affected by what the Mayor includes to be funded via any CIL charging schedule that may be introduced, but the five developments caveat might also still enable applicability more generally in appropriate circumstances into the longer term. We see therefore no reason to recommend any changes to this Policy or its supporting text beyond the ESC already endorsed, other than to correct the omission referred to above and update the now anticipated completion date. The omission needing to be rectified is to include reference to retail and hotel development in paragraph 6.22 as set out in the adopted SPG.
which will need to be re-issued founded off this policy in the DRLP in
due course. **We make Recommendation 6.7: Amend “2017” to
“2018” in the final line of paragraph 6.22 and insert “retail and
hotel” between “office” and “floorspace” in line 5 of paragraph
6.22.**

**Policy 6.6 Aviation**

**Issue: Whether the overall strategy with regard to airport capacity is
coherent and consistent with Government policy**

6.24 In the run-up to the Examination it appeared that airport capacity and
particularly provision of additional runway capacity was going to be a
particularly fraught issue as Mayoral policy in relation to Heathrow as
embodied in the submission DRLP and the policy of the previous
government were in direct conflict. However, the Secretary of State
for Transport announced on 15 June 2010 that the Coalition
Government opposed adding more runways at Heathrow, Stansted or
Gatwick\(^\text{206}\), thereby aligning Mayoral and Government policy more
closely. There remained, however, inconsistencies in the policy as it
still appeared to support the principle of providing additional capacity
(supported by business interests such as **London First** as well as
**BAA** and **BA**, though opposed by environmental groups such as
**Friends of the Earth**), but opposed any improvement in capacity at
London’s existing airports. The Mayor therefore brought forward an
early suggested change to clarify the intended operation of
development management in relation to airports. This change is
important as it both improves consistency with the MTS and clarifies
that the intent is related to “town and country planning” proposals
rather than matters that might only be the province of airport
operators, airlines and Government. **We endorse ESC 6.28.**

6.25 This change on its own did not satisfy participants, whether on the
business or environmental side of the divide over aviation policy.
Quite a large number of participants or respondents question the
meaning of the term ‘adequate capacity’ that would remain in Policy
6.6A including **Essex and Hertfordshire CCs**, **HACAN ClearSkies**, **West London Friends of the Earth** and **Ealing Civic Society**.
Some such as the **Aviation Environment Federation, Friends of
the Earth, London Sustainable Development Commission** and
**HACAN ClearSkies** argue against increases in capacity, however
derived, on grounds of the need to curtail CO\(_2\) emissions and to
ensure that the noise and air quality environment meets appropriate
standards in the vicinity of Heathrow or elsewhere in London.
Conversely, there are some who seek still to advocate provision of
additional runway capacity at Heathrow or elsewhere in the South-
East such as the **London Chamber of Commerce and Industry**
and, in terms of replacing Heathrow, **TCPA**. **BA** and **BAA** prefer to
reserve their position on how to make the most of infrastructure
pending the outcome of the Task Force deliberations and do not

\(^{206}\) GD74
favour any reference to operational management issues that are not within the control of the Mayor. However, **London Councils** do advocate the Mayor taking a stance against ‘mixed-mode’ runway use, as this would also be consistent with that of both the previous and new governments and the Mayor’s expressed view in his Climate Change Strategy. They also advocate addressing other operational matters. **LB Hillingdon, LB Hounslow, Friends of the Earth and Aviation Environment Federation** take a similar line against ‘mixed-mode’ and ending of the Cranford Agreement. Views on operational management issues, such as the Cranford Agreement, appear at least in part coloured by the fact that it is seen as a bulwark against ending runway alternation and night-time rotation which are universally seen as beneficial to the quality of life of residents near Heathrow.

6.26 In the light of positions taken at the Examination, the Mayor brought forward further changes that clarify that he is not opposed to improvements of the airports that would assist throughput of passengers and encourage access by sustainable transport modes. These are FSC 6.7 to Policy 6.6B, FSC 6.8 to Policy 6.6D and FSC 6.9 to paragraph 6.24. The changes recognise the importance of air connectivity and focus opposition purely on avoiding increases in aircraft movements over and above the limits currently set at Heathrow and other London airports (London City and Biggin Hill). Those favouring greater support for Heathrow, if not enthusiastic over the revised policy, appeared reconciled that this is the most that would be likely to be acceptable and consistent with what is now Government policy.

6.27 Discussion on the issue of the Mayor’s approach to night operations, mixed-mode, westerly preference, runway alternation and other related operational measures was assisted by a further Government statement from the Minister of State for Transport on 7 September 2010. This endorsed the decisions of the previous government to retain runway alternation and oppose mixed mode operations as potential benefits of the latter would be outweighed by negative impacts on local communities. The statement included retention of westerly preference, early morning runway alternation and night-time rotation of easterly/westerly preference as these procedures bring noise mitigation benefits to local communities. The ending of the Cranford Agreement was also endorsed in order to extend benefits of runway alternation to communities during periods of easterly winds. While this latter point was a concern to LB Hounslow, in whose area Cranford is situated, it was accepted that, with the improvement in aircraft take-off performance, although there might still be a net detriment to that immediate locality there would be more widespread net benefits. There was consequently a general welcome from Councils and environmental groups over the current position and a suggestion that support for the Government position on runway alternation and westerly preference should be endorsed in the Plan.
together with support for a phasing out of scheduled aircraft movements during the night time quota period.

6.28 We sought to clarify at the Examination whether this would leave any scope to raise the ceiling of aircraft movements at Heathrow such as might be used to secure earlier implementation of the Airtrack proposals to facilitate direct rail access into Heathrow from the south. This would assist in improving air quality near the airport, given that the greater part of the problem arises from surface transport and this scheme is currently indicated as only part-funded. BAA indicated, however, that without mixed-mode operation the parameters now set by Government meant that the 480,000 air transport movements ceiling set in the T5 permission is effectively the practical capacity of Heathrow as a two runway airport. The authorised number of Air Transport Movements (ATMs) was almost reached at 471,000\(^{208}\) in 2006 and at that time the airport was regarded as operating at 99\% of its runway capacity, though there has been some fall off during the recession. The limit would be expected to be reached very shortly with total air traffic movements, including those outside the ATM definition, again already very close to that figure. Any greater capacity that might be derived from improved air traffic control procedures would be likely to be offset by greater separation distances required as a consequence of increasing use of larger aircraft to utilise the authorised increased throughput capacity of 95 million passengers per annum with T5 as compared to the 2006 actual throughput of 67 million passengers per annum, so no variation in the Heathrow cap is likely to be sought in currently foreseeable circumstances.

6.29 With regard to the other two airports referred to in the Plan and which have limits on aircraft movements, the limit at Biggin Hill was indicated to be very much above the current level of movements so that there would be no currently foreseeable issue over the policy incorporating the FSC. In relation to London City Airport, Friends of the Earth argued that the correct limit is not the 120,000 air traffic movements set in response to planning application 07/01510/VAR, but rather the lower limit previously applicable bearing in mind the judicial review that they had brought against Newham Council and that the number of aircraft movements in 2006 was only 81,000. The Mayor’s position was that London City Airport contributes to London’s world city status and 120,000 flights per year would mean that the airport would be reaching its natural limit and any expansion beyond that would be difficult to justify. Friends of the Earth argued that the extended public safety zone would inhibit some employment development near the airport and so reduce the net economic benefit that was argued to offset any environmental disbenefits. Although LB Tower Hamlets expressed concern over the environmental impact of London City Airport, LB Newham indicated that they stood by their decision. As it happens, the decision of the judicial review on 20 January 2011 was to uphold the planning approval so confirming the 120,000 aircraft movements pa limit. In the circumstances we see no

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208 The total number of movements was 477,000 but the balance fell outside the definition of ATMs.
reason to take the limit on London City Airport as meaning anything other than that granted by LB Newham after consultation with the Mayor and this would be the plain reading of the policy incorporating the FSC.

6.30 We note the request of the London Forum to make absolute the wording of paragraph 6.24 by removal of the word “necessarily” but in our view that could lead to false expectations as none of the airports are currently operating up to imposed limits on either air traffic or air transport movements as the case may be, even though close to the latter limit at Heathrow. The greater recognition of Heathrow’s hub role has already been included in paragraph 2.9 and we see no need for repetition in Chapter 6 as the Plan has to be read as a whole. There is general support, again including London Councils, for cross-references to Policy 7.15 and paragraph 7.44 but a number of participants including Aviation Environment Federation, HACAN ClearSkies, Friends of the Earth and Ealing Civic Society argue that the reference to Noise Action Plans should be strengthened with tightened limitations and reference to securing a reduction and ideally a phasing out of night-time scheduled movements, particularly those before 06:00 or even 07:00 as these are regarded as most harmful to children. We accept the Mayoral opposition to additional cross-references, as the Plan has to be read as a whole, but we do agree that it would be appropriate for the Plan to indicate a stance on night time noise reduction, though in our view it would not be realistic at this stage to extend aspiration for a complete moratorium on scheduled movements wider than the current night-time quota period (23:30-06:00). We therefore endorse FSC 6.7, FSC 6.8 and FSC 6.9. We also make Recommendation 6.8: Add to paragraph 6.24 after “untenable” in line 8, “. He supports the government statement of 7 September 2010 opposing mixed-mode operations and supporting runway alternation, westerly preference and related measures to mitigate noise effects on local communities. He also supports phasing out of scheduled ATMs during the night-time quota period.” (continuing) “Thus, there is a need for…”

6.31 There remains one anomaly in the alignment of the DRLP and Government policy. This is the part of the second sentence in paragraph 6.24 that states “and he does recognise the need for additional runway capacity [our emphasis] in the south-east of England.” This caused objections from Kent County Council and groups with interests in the estuarine area including the RSPB, as the Mayor has been sponsoring studies into a Kent Estuary Airport following the publication of a feasibility review in October 2009\(^\text{209}\). Boroughs near Heathrow indicated that they did not seek closure of Heathrow, as argued in initial studies for a Thames Estuary Airport, but rather its operation in an environmentally sustainable manner. However, given the June 2010 Government statement opposing adding more runways at Gatwick and Stansted as well as at

\(^{209}\) RD185
Heathrow\textsuperscript{210}, the implication is that a Thames Estuary scheme may have been alluded to by the comment in the DRLP. In order to clarify the Government position on a Thames Estuary Airport, the Prime Minister is recorded in Hansard as stating at Prime Minister’s Questions on 27 October 2010 that “The Department of Transport has no plans for a new airport in the Thames Estuary or in any other part of Medway or Kent.”\textsuperscript{211}. The statement in paragraph 6.24 is therefore either contrary to Government policy or of unknown import.

6.32 While there were references in 2003 White Paper \textit{The Future of Air Transport}\textsuperscript{212} and its 2006 update \textit{The Future of Air Transport Progress Report}\textsuperscript{213} to other new runway proposals within the South-East or which could serve the South-East, no indication has been given of current local authority or operator support for any such proposals which would seem a pre-requisite of localism. The statement therefore sits unhappily with the FSC 6.10 which flags up co-operation with the Government’s South East Airports Task Force and partners in neighbouring regions. It is not clear whether the South East Airports Task Force will reach any conclusions in advance of the intended National Policy Statement on Airports or a new White Paper that will replace the White Papers of the previous government.

6.33 We are aware of two publications by the Mayor since the close of the Examination that have a bearing on this issue, namely that on 4 January 2011 calling for an integrated approach to development in the Thames Estuary, which does not major on provision of a new airport, and that advocating additional runway capacity to create a second “hub” airport to serve London on 18 January 2011, which could be in the Thames Estuary or elsewhere. While as these documents were not available for consideration at the Examination we do not give them weight in our deliberations, they nevertheless clarify the Mayor’s thinking. They provide an explanation for the inclusion of “currently” in FSC 2.2 to paragraph 2.10, which we have earlier recommended for deletion as it would raise expectations that may not be deliverable. A paradox may be that if the air quality problems around Heathrow are resolved through the electrification of all services on the Great Western Mainline, action currently being taken in relation to ground handling at the airport and potential for other traffic restraint measures, it may be difficult to find a more sustainable solution for increased capacity to serve London and the South East than making provision for further capacity increases at that location, which remains opposed by the Mayor.

6.34 We would caution on the extent to which HS2 would enable rail substitution for air transport movements as argued by the \textit{London Sustainable Development Commission}, \textit{HACAN ClearSkies}, \textit{Friends of the Earth} and \textit{TCPA}. Only Manchester of English cities that would be directly served by HS2 has current air services to Heathrow and any link to HS1 for through services to the Continent.

\textsuperscript{210} GD74
\textsuperscript{211} ED259
\textsuperscript{212} GD105
\textsuperscript{213} RD79
would only be likely to provide limited relief to some regional airports. In addition, the majority of major European cities that will be accessible by high speed rail from London are likely to be served by direct intercontinental flights. BAA points out that only 2% of ATMs at Heathrow are generated by domestic air services and services to near continental destinations that might be diverted to rail and that the slots released, even if and when HS2 is extended beyond Manchester and Leeds, would readily be needed for suppressed long-haul demand to emerging markets.

6.35 Notwithstanding arguments over such matters, if Airtrack and HS2 are authorised in due course in ways that enable more English localities to have direct or effective rail access to Heathrow, and these schemes are funded and constructed, then there will be little doubt that it will be the most sustainable airport in the United Kingdom in terms of surface access. The FSCs are clearly significant and important updates that go a long way towards clarifying the Mayor’s intentions and bringing them largely into line with current Government policy. However, notwithstanding the Mayor’s subsequent policy statements, in our view the DRLP does need further adjustment in this one respect in order to reserve the position pending the working through of national airport policy. The Mayor is of course fully entitled to lobby the Task Force for particular approaches to the provision of airport capacity to serve London but it cannot be appropriate to include in London’s statutory Development Plan implied support for proposals outside its area that are not current Government policy. We endorse FSC 6.10, but make Recommendation 6.9: Delete “and he does recognise the need for additional runway capacity in the south-east of England.“ from paragraph 6.24.

6.36 Two further changes were advocated with regard to aviation policies. Biggin Hill Airport Limited, wanted positive encouragement of General Aviation (which includes business aviation as well as flying training and private flying) written into the Plan, although London Wildlife Trust sought to restrain growth in use of Biggin Hill. The Mayor saw no need for such a policy because the references to connectivity would cover general aviation and because there is ample capacity for such activity within the aircraft movement limit at Biggin Hill (where an aviation-related Outer London Growth Centre is recognised in Chapter 2) and also within the 120,000 air traffic movement ceiling at London City Airport. Luton and Farnborough (and other airports) also serve London business aviation needs. Environmental groups opposed encouragement of such forms of travel arguing that they are unsustainable. We did enquire whether there should be any explicit reference to Northolt, but there was little enthusiasm. Some were concerned that there could be pressure for its increased use for civilian aircraft movements and wanted explicit restriction, but we understand that the proximity to Heathrow imposes air traffic limitations which would significantly constrain increased use. Ealing Civic Society reported that there is a voluntary limit of 28 flights per day. Given the available capacity at the four main business airports serving London we can see no reason to make any recommendations for additional policy references.
Finally, there is the matter of policy for heliports. There was almost universal opposition to development of new heliports other than for emergency use. Only Regional Airports Ltd, London First and London Chamber of Commerce and Industry favoured an amended more relaxed policy stance. They suggested such would be more consistent with the supporting text and the apparent wish of LB Wandsworth to restrain use of Battersea Heliport. The more permissive policy advocated by supporters would be one similar to that in the extant London Plan 2008 and might facilitate provision to serve the City and Docklands. We invited representatives from LB Wandsworth and residents around Battersea Heliport to the Examination so that we could gain an understanding of the current situation. It would appear that although on certain days when there are events taking place, the heliport operates at or close to its permitted maximum limit of 160 air traffic movements (10 per hour), over the year as a whole it operates well within the annual limit set in a S106 agreement. The fact that as many as 2,000 flats have been developed in close proximity means that noise is a serious issue. Thus, both the Council and the residents are concerned that London Plan policy implies that all non-emergency service or military helicopter movements would have to be accommodated at Battersea. However, the airport operators represented confirmed that airport use and the limitations on air traffic movements imposed through conditions on London’s airports would not normally prevent helicopter use at the licensed airports within whatever ceilings for air traffic movements have been imposed. It is not true therefore that all non-emergency service or military helicopter movements have to take place at Battersea. Even at Heathrow, BAA confirmed that there is provision for helicopter movements although they are not encouraged as they impose limitations on air transport operations when they take place.

For the Mayor it was argued that the reality is that the adverse noise characteristics of helicopters make it extremely unlikely that an acceptable site could be found for a new civilian heliport in London. This may well be a correct appreciation of the position, given potential inhibition of riverside regeneration if a new site were to be established in the docklands areas. LB Tower Hamlets supports Policy 6.6E as submitted. However, that Policy 6.6E and the final sentence paragraph 6.26 have been inserted into the Plan, and expressly rule out consideration of any possibilities, appears to reinforce the fears of Battersea residents and Wandsworth Council that they will inevitably be forced to experience increased noise impact from helicopter operations in the future. Given the general approach of Policy 6.6D, it would seem that there would still be a very high hurdle for any heliport proposal to climb even if the absolute preclusion were to be removed. Conversely, there seems no justification for introducing a positive policy to encourage provision, given the general ability to use airports and the scale of potential environmental detriment from new sites. Consequently, we make Recommendation 6.10: Amend Policy 6.6E to read “...heliports, other than for emergency services, should be given particularly rigorous assessment in
view of the noise characteristics of helicopters.” and delete the final sentence from paragraph 6.49.

Policy 6.7 Buses, Bus transits, Trams, and Policy 6.8 Coaches

Issues: Whether separate policies are required to distinguish bus and tram requirement, and whether greater precision is required in relation to coach station proposals.

6.39 This group of policies attracted relatively modest comment to which the Mayor responded with early suggested changes, which apart from proposing altering the title of Policy 6.7 to “Better Streets and Surface Transport”, added into paragraph 6.27 through ESC 6.32 an important commitment to 5 yearly reviews of the bus network.

6.40 London TravelWatch and Campaign for a Better Harrow Environment consider that trams warrant distinct strategic policy treatment because (relative to buses and bus transit), the routes and service infrastructure are more difficult to procure and their development extends over long time periods (requiring land to be safeguarded). South London Partnership makes much the same points, referring additionally to the need for permanent track, overhead cables, lengthy rolling stock and impacts on streetscape. It is also suggested that trams, as a form of mass transit, meet a different demand and passenger base than conventional bus services. LB Hillingdon took an opposite view inasmuch as it regards the role of trams as limited and seeks separate policy for buses. Ealing Civic Society added that trams should be referred to as “light rail” and suggested that the priority should be to develop modes of transport that increase capacity so that vehicle traffic can be segregated from pedestrian movements, with derelict or under-used rail tracks being used where possible. London Forum cautioned that past proposals for trams have incurred large costs in planning new routes that would be harmful to the street environment, loss making, and inconvenient to those making deliveries to local businesses. It added that proposed bus and bus transit improvements seem inadequate for the plan period given that in Transport 2025214 it is stated that a 40% increase in bus services would be necessary to meet travel demand prior to the opening of Crossrail. They also sought an addition to the policy to promote interchanges.

6.41 A number of other respondents seek to promote tram and bus transit schemes. LB Bexley, for example, wants reinstatement of the Greenwich Waterfront Transit. GLA and TfL advise that fragmentation of the policy approach to trams, buses and bus transits would result in unnecessary duplication. It would not accord with PPS12 to include commitment to future phases of the East London Bus Transit because these are not funded in the MTS and thus cannot be guaranteed.

6.42 We pressed parties on the differences that would exist between policies for trams and buses if these were separately specified, but we

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214 RD 410
were not offered distinctive policies. Consequently, we see no reason to disagree with the wording of the DRLP as we agree with the Mayor that separation would be likely to cause unnecessary duplication. We agree that the reference to the importance of trams in South London, which is also included in ESC 6.32, is an important clarification and we have recommended addition of references to consideration of further phases of East London Transit to Table 6.3.

6.43 Many of those making representations on Outer London bus services (including LB Bexley) consider that the early suggested textual change to paragraph 6.27 (five yearly reviews of bus routes) is insufficient and seek a strategic review of how the bus network operates together with a firm commitment to an orbital network of buses in Outer London. London Councils drew attention to the emphasis in the MTS on better journey planner information and improved integration of services rather than provision of new infrastructure and services. It proposed “express buses” and dedicated commuter buses, noting that orbital routes would require additional fixed river crossings in East London. London TravelWatch advised that lack of bus priority and congestion along existing routes are more pressing issues and argued that improvement of bus services is the most important issue for London’s transport. West London Friends of the Earth argued that action on orbital routes is long overdue given the benefits in terms of accessibility throughout London and reduced journey times. Campaign for a Better Harrow Environment commented that orbital routes have previously been incorrectly only considered in relation to town centre-to-town centre journeys whereas trips in Outer London are much more diverse. South London Partnership advised that explicit reference to orbital bus services would encourage developers to consider how such services could be supported. The Mayor’s response is that Outer London transport is considered more fully in Chapter 2 and that ESC 6.31 introduces a rare instance of where a cross-reference is justified into paragraph 6.27 in addition to the reference to regular reviews that we have already referred to. We cannot see justification for any wider amendment apart from that concerning interchanges raised by the London Forum, as most of the concerns would be addressed by operational action through the MTS. We do not consider that Policy 6.1Ad or references to Outer London in Chapter 2 adequately cover the interchange issue. We endorse ESC 6.31 and 6.32 and make Recommendation 6.11: Add to Policy 6.7B “If making provision for retaining or creating new interchanges where appropriate.”

6.44 With regard to coaches Westminster City Council indicated that it has opposed Victoria Coach Station as the Capital’s main express coach station for many years because of its inherent locational shortcomings. Instead it supports the development of a number of separate coach hubs as referred to in Policy 6.8. London TravelWatch is, however, supportive of a single coach station at Victoria as none of the alternatives considered in past years have been found acceptable. Hammersmith and Fulham Disability Forum adds that whether coach hubs or coach stations, all should be accessible and inclusive for wheelchair users and Policy 6.8 should be
amended to stipulate this. The London Forum seeks to distinguish between the spatial policy needs of passenger coaches and tourist coaches.

6.45 For the Mayor, it was argued that Policy 6.8 provides adequate strategic support for coach station, coach hub, coach parking and pick-up/set-down facilities. Although coach travel is likely to grow, a non-statutory London Coach Strategy is under development through the London Coach Forum and will help inform future provision for on-street and off-street facilities. While we have sympathy with the point raised by Hammersmith and Fulham Disability Forum, we have already recommended an addition to the over-arching Policy 6.1 that would encourage provision of step-free access to all forms of public transport and do not see that repetition in this specific policy should be necessary. Again while the London Forum point is valid, we do not see that the policy and its supporting text preclude such distinction being made. Overall, therefore we see no reason to make any recommendation in respect of this policy.

Policy 6.9 Cycling, and Policy 6.10 Walking

Issue: Whether these policies are sufficiently ambitious

Cycling

6.46 Although these policies were relatively uncontroversial, many felt that they were not very stretching. Most of those responding or participating in relation to the cycling policy (including Campaign for Better Transport, Friends of the Earth, London Forum, Campaign for a Better Harrow Environment, CTC and Just Space Network) take the view that the Policy 6.9A target of securing a 5% modal share for cycling by 2026 is inadequate and some argued for this to be increased to 20%, given successes in increasing cycle use in inner areas over recent years. Campaign to Protect Rural England says the target should be more ambitious particularly to increase cycling in Outer London and to and from surrounding rural areas. London Councils is however content with the target but, like others (including London TravelWatch), urges that it be kept under review to ensure that it remains stretching while also pointing out that it is a pan-London target which will be subject to varying levels of cycling in the individual Boroughs. The latter point is also made by LB Bexley and LB Hillingdon. Ealing Civic Society points out that cycling is inherently a fair weather activity and reliance on it for commuting journeys might result in extreme overcrowding of public transport in inclement conditions.

6.47 It is widely held that there should be more encouragement of cycling in Outer London (where increase on the current 1% of trips made by cycle would have particular potential for relieving traffic congestion), but many participants felt that there is too much emphasis on Cycle Hire and on Cycle Super Highways, all of which are currently radial rather than orbital routes. Campaign for Better Transport suggests a range of measures to increase cycling, including spatial policies that
reduce the need to travel, traffic speed reduction, road charges to reduce traffic and re-allocation of road space in favour of cycling, the last being a point that we have already recommended. Further measures are suggested by London TravelWatch, some of which were acknowledged not to be spatial. They include cycle training, enforcement, tackling problematic junctions and improving cycling permeability. West London Friends of the Earth also argued for increased cycle parking at offices and significant route improvements. Campaign to Protect Rural England expressed the view that the most important among these (both for cycling and walking) is reducing traffic speeds. Ealing Civic Society sought addition to Policy 6.9 to say that cycle routes should wherever possible be physically separated from other road vehicles as well as from pedestrians and the addition of a superhighway alongside A40 as an extension to route 10 on Map 6.2. Hammersmith and Fulham Disability Forum suggest an addition to paragraph 6.32 to affirm that policy should not discriminate against disabled people who also need to park near building entrances.

6.48 Most consider that the design of cycle routes and establishment of cycle facilities and parking standards are matters for local rather than strategic consideration. LB Bexley, while content with the standards included in the London Plan, suggested that these should distinguish between likely different levels of cycle usage between Inner and Outer London. Royal London Society for the Blind is particularly concerned to separate cycle traffic from areas used by pedestrians. It advised that a lack of awareness of approaching cycle traffic will prevent many blind and partially sighted people from using areas where they will feel intimidated by a perceived or actual threat of collisions, anti-social behaviour and inconsiderate space usage. London Forum seeks policy reference to monitoring and acting upon issues for traffic flow, walking and safety arising from extra cycling. West London Friends of the Earth considered that the cycle parking standards are out of date and should be increased for office staff and students riding to work.

6.49 In response, the GLA argued that the 5% target for mode share by 2026 in Policy 6.9 represents a 400% increase over 2000 levels and is thus an ambitious target. The Plan sets minimum standards for cycling provision and identifies strategic routes, but detail is appropriately left for the Boroughs to determine without any constraint on exceeding the minimum strategic requirement. TfL advised that it may propose higher levels of cycle parking at stations and offices in a future review as noted in ESC 6.64. A correction to Map 6.2 of Cycle Super Highways is made in ESC 6.35. In our judgement, the outstanding points are primarily for the Boroughs to address in the context of localism and we accept that the cycling target is indeed ambitious. We therefore merely endorse ESC 6.35 and ESC 6.64.

Walking

6.50 Again the majority view of respondents on the walking policy, including West London Friends of the Earth, is that there needs to
be more positive measures to increase walking. They see competition for pavement space, inherent vehicular priority at junctions and traffic speeds as significant problems. London TravelWatch, for example, suggested continuous and level footways, slower traffic speeds and more opportunities to sit and linger. London Councils urged a hierarchy of travel modes putting walking above cycling, cycling above public transport and public transport above car usage, to ensure that walking is given greater priority. Royal Parks sought inclusion of the Royal Parks walking routes on Map 6.3. Campaign for Better Transport argued that walking is not sufficiently supported by Policy 6.10 and suggested similar measures to those advocated to increase cycling should be promoted. Just Space Network held a similar view. Campaign for a Better Harrow Environment argued that the seven strategic walking routes on Map 6.3 are all leisure related whereas the need is to provide for walking trips that can replace short car journeys. Living Streets sought amendment to Policy 6.10 to ensure sufficient time at light controlled crossings for people (including the elderly and disabled) to cross. London Forum raised traffic safety concerns about pedestrian railings at crossing points.

6.51 For the Mayor, it was argued that walking is adequately covered by Policy 6.10 in combination with other London Plan policies, including Policies 7.1, 7.2, 7.4-7.6 in Chapter 7. We can readily agree that a number of the points raised by respondents, while valid, are of an operational nature more appropriate to the MTS or for action in a localism context at Borough level. In addition, as in relation to cycling, we have already recommended that a hierarchy of use for road space should be re-introduced as advocated by London Councils. We see no reason therefore for making any recommendations on the general approach of Policy 6.10, but note that the Mayor has put forward as ESC 6.37, an amended Map 6.3 of Strategic Walking Routes. We endorse ESC 6.37.

Issue: Should there be a specific policy for Motorcycling?

6.52 There remain two specific areas of concern. The first concerns motorcycling. The Motorcycle Industry Association put forward a series of policy measures to maximise the potential of “powered two wheelers” (PTWs), noting that reference to this mode of transport is entirely absent from the Plan. It referred to a number of initiatives that London already engages in (Bike Safe and eSUM, for example) which represent best practice among European Cities, but acknowledged that motorcyclist safety remains a matter of great concern. The submissions argued that motorcycles can help address climate change (through producing less emissions than private cars and supporting developments in electric and alternative fuels), support economic development (through increased accessibility), enhance quality of life (by widening transport choice and reducing congestion), complement traffic safety measures for cyclists, as well as providing cheap transport for those on low incomes or who work unsocial hours and for young people. The measures proposed include suitable parking policies, bus lane access, advanced stop-line access, other
low-budget infrastructure provision and specific encouragement of alternative fuelled PTWs. The London Forum and South London Partnership both support inclusion of policy provision for motorcycle parking.

6.53 For the Mayor, it was argued that there would be no justification for specific policy relating to motorcycles on either safety or congestion grounds. It was argued that there are safety considerations for excluding motor-cycles from bus lanes and from specific provision that is made for cyclists, such as advanced stop lines. We found their arguments convincing and make no recommendations for change, either for PTWs or other types of powered vehicles that are not expressly referred to. However, we address the parking point in relation to Policy 6.13.

**Shared surfaces and 20 mph zones**

**Issue:** Is the plan sufficiently clear over the intent with regard to shared surfaces?

6.54 London Forum recommended inclusion of a glossary definition of shared space based on the MTS definition and an addition to Policy 6.11 to promote 20 mph zones. West London Friends of the Earth considered that 20 mph zones should be introduced progressively across London. The Guide Dogs for the Blind Association strongly supported such zones but pointed to the need to distinguish between shared space (the concept and design principle) and shared streets or surfaces (which is one means of delivering the principle). The former means reduced clutter, reduced traffic, reduced speeds, quality streetscape and pedestrian friendliness, but the latter (shared surfaces) can result in difficult streetscapes impossible for blind and partially sighted people to navigate or use safely. Amendments to Policy 6.10 were suggested in order to address these points. Ealing Civic Society likewise observed that shared surfaces can be very dangerous if not properly designed. Hammersmith and Fulham Disability Forum wanted Policy 6.10 to require effective physical delineation for blind and visually impaired people. Just Space Network called for a halt to shared surface and shared space initiatives that exclude many disabled people until a more inclusive approach to such proposals is developed. Careful monitoring of outcomes was widely called for. Action Disability Kensington and Chelsea pointed out that people with visual impairments and guide dogs navigate streets using kerbs and that to remove kerbs may thus exclude many with disabilities. Eye contact is also important in shared streets, so such streets may discriminate unfairly against those with visual impairments. Policy 6.10 should therefore be amended to ensure appropriate physical delineation. However, London TravelWatch did not want the London Plan to be too prescriptive regarding street design, but Campaign for Better Transport, among others, argued for 20 mph speed limits to be the norm in all residential and shopping streets, with default speeds for other roads.
Living Streets added that pavements should be uncluttered and all development “walkable”.

6.55 For the Mayor, it was pointed out that Policy 6.10 does not refer to shared surfaces but to “shared space principles”. They intend to provide further guidance in forthcoming SPG on characterisation and the intended update of Accessible London: Achieving an Inclusive Environment. They regard shared surfaces and 20 mph zones as essentially matters for local, not strategic, determination and design and this is the approach of DfT Circular 01/2006 Setting Local Speed Limits. While the Government has endorsed new guidance from the IHT in the Manual for Streets 2215, this does not provide definitive design guidance on the issues involved in pursuing shared surfaces or shared streets. It would seem that discussions need continue and we commend this to the Mayor while also acceptable that design in particular localities should be for local decision. Consequently, we do not consider that change to the London Plan is warranted as we agree with the Mayor that the majority of the issues raised are matters for local resolution at Borough level. Such would be consistent with the principle of localism.

6.56 Nevertheless, Glossary definition of “shared space” is appropriate, including the mechanism for taking forward design solutions at local level, in the light of the many representations on this point. The Mayor put forward FSC G.8 to cover this matter. We endorse FSC G.8.


Issue: Whether the need to curtail road traffic is given sufficient emphasis

6.57 A substantial number of participants and respondents, for example from Campaign for Better Transport, the London Forum and Friends of the Earth wished to see reinstatement of more traffic reduction targets, and the bringing forward of additional key performance indicators from Table 6B.1 of the 2008 London Plan, as also advocated by the London Forum. A key reason for pressing this concern is to seek to ensure compliance with EU mandatory air quality targets as road traffic is the main contributory factor in poor air quality in London.

6.58 On the issue of traffic reduction targets, Policy 3C.17 of the consolidated London Plan 2008 sets a strategic aim of a 15% reduction in traffic in Central London where congestion charging applies between 2001-2011, zero growth over this period in the rest of Inner London and a reduction in growth in Outer London by one third with zero growth in Outer London Town Centres. The first two elements are repeated in Table 6B.1, with the third consolidated as a reduction in growth in Outer London to no more than 5%. The DRLP does not contain any policy targets for traffic reduction but does

215 RD456
include KPIs in Table 8.1 comparable to those in Table 6B.1, with the exception that those for Central and Inner London are combined at zero growth.

6.59 Participants from the environmental groups such as Friends of the Earth and the Campaign for Better Transport were suspicious that the reason for this amalgamation was to obscure an increase in traffic that they anticipate as a consequence of the Mayor’s electoral pledge to rescind the Congestion Charge Western Extension Zone. Some went further to suggest that any such revocation might be unlawful if it resulted in a worsening of air quality in areas that already fail EU standards. It is not our role either to review specific actions that the Mayor may or may not take nor to comment on the lawfulness or otherwise of any such action, as that would be a matter for the Courts. However, we sought to understand the position in respect of the different time periods involved between the policy and KPIs of the 2008 Plan and those of the DRLP. At our request the Mayor provided us with a note on Congestion Charge Western Extension Zone216 and we were also provided with a copy of the Central London Congestion Charging Sixth Annual Report - Impacts Monitoring of July 2008217, the latest available. From these documents it is clear that the congestion charging zones have resulted in lower traffic flows since their introduction, though there have been annual variations, particularly in relation to levels of congestion. The documentation is not explicit as to whether the full extent of the target reduction of the 2008 London Plan policy has been achieved and maintained across the totality of the Central Congestion Charging Zone and its Western Extension. We sought clarification from the Mayor of the period over which the new KPIs were meant to operate as most of the KPIs, including KPI.15 on this matter, do not include dates, unlike KPI.13 in the 2008 Plan. The answer received was that they applied either forward from the present time or over the period 2011-2031 unless otherwise specified.

6.60 We found this re-assuring in so far as the extended congestion charging zone remained in operation at the time of the Examination and we assume that this will be the case early in 2011 when our report should be received. Thus, any future monitoring whether from the 2009 submission of the Plan, the Examination in 2010 or over the plan period would have to have regard to whatever implications might arise from any alterations in the operation of the congestion charging zone.

6.61 We agree with the logic of the Mayor’s stance that having traffic reduction targets as policy is not necessary as they are not ends in themselves, but means to achieve objectives in relation to air quality, climate change and congestion. However, we would comment that such targets are amongst the most measurable indicators available on the success or otherwise of the strategy. Nevertheless, our conclusion is that whether the targets for traffic reduction are explicit in policy or only in KPI is immaterial provided that they appear explicitly in the

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216 ED124  
217 RD416
Plan and are clearly identified as the test by which the effectiveness of the transport policies will be judged. A Lifetime Neighbourhood approach might reduce the need to travel as championed by the London Forum, but the focus of this particular argument is over the need to reduce motorised traffic.

6.62 The question remained whether the targets or indicators could or should be made more stringent given the need, amongst other matters, to secure improvements in air quality to comply with EU Directives and to reduce carbon dioxide emissions to combat climate change. Some feared that the combined impact of all the transport policies and the related KPIs (KPI.14 -KPI.18) would still leave motorised traffic volumes higher in 2031 than at the start of the plan period. A percentage reduction in trips by car was suggested as being insufficient to offset the anticipated rise in the total number of trips as a result of higher population and employment growth.

6.63 At our request, TfL produced a note for the Examination on the trend in car trips. This highlighted that in the MTS, the stated outcome of the strategy should be a reduction in the percentage of private motorised transport trips from around 43% to around 36% delivering economic, social and environmental benefits in relation to congestion, air quality and greenhouse gas emissions while population grows by 1.25 million and jobs by 0.75 million with a consequential growth in the total number of trips from 23.7 million to 27.7 million.

6.64 The full breakdown forecast is shown in the following table:

<table>
<thead>
<tr>
<th>Mode</th>
<th>2006 daily trips (million)</th>
<th>2006 mode share %</th>
<th>2031 daily trips (million)</th>
<th>2031 mode share %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycling</td>
<td>0.4</td>
<td>2%</td>
<td>1.4</td>
<td>5%</td>
</tr>
<tr>
<td>Walking</td>
<td>5.7</td>
<td>24%</td>
<td>6.8</td>
<td>25%</td>
</tr>
<tr>
<td>Public Transport</td>
<td>7.3</td>
<td>31%</td>
<td>9.3</td>
<td>34%</td>
</tr>
<tr>
<td>Car</td>
<td>10.0</td>
<td>42%</td>
<td>9.9</td>
<td>36%</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>0.2</td>
<td>1%</td>
<td>0.2</td>
<td>1%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>23.7</td>
<td>100%</td>
<td>27.7</td>
<td>100%</td>
</tr>
</tbody>
</table>

6.65 The fears that the strategy would still result in an actual rise in motorised trips over the plan period does not appear justified and the KPI would enable monitoring to show that these predictions are being born out. However, the same note also quoted the fact as reported in

218 ED108
Travel in London Report 2\textsuperscript{219} that the total amount of traffic in London had reduced by 3\% between 2000 and 2008, with the decline particularly in Inner and Central London partly reflecting policy initiatives such as congestion charging but also better public transport and the re-allocation of road capacity which have constrained demand. We have already recommended in line with the majority view of participants that a hierarchy of road users should be re-instated to ensure that this effective action continues. The reduction in London traffic over this period is in stark contrast with the trend in Britain as a whole which saw an increase of 10\% between 2000-2007, though no doubt there would have been some decline in 2008, as in London, because of the recession.

6.66 Given the London success in achieving traffic reduction over the last few years, the question is still unanswered as to whether, with additional measures, the downward trend could be continued and particularly whether it might be appropriate to include a target or KPI for London as a whole as well as for the two sub-areas. No party offered us an evidence based suggestion of what such an overall figure might be, but we would suggest that, if historic trends for the whole of London can be identified, then it ought to be possible to forecast a figure for the plan period. Logically, if the figures provided in the table quoted above are to be achieved, the overall target or KPI would need to be zero or even a negative figure and that would seem to call into question the percentage growth in traffic that would be allowed in Outer London, as there is no offsetting reduction indicated. We will return to this point in our recommendations on these policies and in Chapter 8.

6.67 There is considerable support for more positive and specific references to road pricing and congestion charging, a matter clearly related to the widespread concern that the need to control traffic levels is not sufficiently emphasised. TfL refers to MTS proposal 130, but many, such as London Councils, Just Space Network, Friends of the Earth and London TravelWatch, who commented on the effectiveness of the current congestion charging regime, wished to see the DRLP policy go further so that traffic reduction will actually be achieved to assist in CO\textsubscript{2} reduction and realise wider transport objectives. However, Ealing Civic Society pointed to the difficulty of using such approaches in Outer London and Campaign for a Better Harrow Environment suggested that more sophisticated approaches will be necessary. Arguments were advanced by the London Forum for not rescinding the western extension of the central congestion charging zone, albeit that this would be contrary to the MTS, and for support for some form of congestion charging around Heathrow, though on a different basis than that operating in the centre to avoid harm to residents, for example via an exit toll.

6.68 For the Mayor sympathy towards the establishment of some form of congestion charging around Heathrow was indicated as part of the approach to solving the air quality issues in the vicinity of the airport

\textsuperscript{219} LD129
that arise from surface transport. It is not our role to involve ourselves in detailed operational issues, but we do share the view of the majority of participants that the wording of the supporting text in paragraph 6.35 is insufficiently positive over the possible need or desirability for introducing radical measures. If left as measures of last resort, it may well be too late for any adverse trends in traffic growth to be corrected or for stronger action to be taken to address air quality or green house gas emissions should that be required. The ESCs advanced prior to the Examination, ESC 6.39 and ESC 6.41, provide important clarifications in respect of Policy 6.11B and its supporting text but do not rectify the concern over the phraseology of the final sentence of the latter or indicate the possibility of direct use of the Mayor’s powers where appropriate. On the issue of traffic restraint we therefore endorse ESC 6.39 and 6.41 and make Recommendation 6.12: Add to Policy 6.11A “The Mayor will use his powers where appropriate.” and replace the final sentence of paragraph 6.35 by “The Mayor will consider introducing tailored forms of road-user charging where appropriate. A possibility under consideration is for the area in the vicinity of Heathrow Airport.”

We further recommend that consideration be given to introducing a KPI relating to traffic growth for London as a whole and that the figures quoted for the sub-areas of London in KPI.15 should be reviewed as they do not appear consistent with the MTS expectation of zero or marginally negative traffic growth for London as a whole over the plan period.

6.69 There were also calls for a more explicit statement of the Mayor’s actions in smoothing traffic flow and easing congestion on the lines of those already contained in the MTS. The Canary Wharf Group advocated two insertions that would flag up intended action by the Mayor. The first sought systematic criteria to identify priorities for tackling congestion and the second coordinated responses to planned works and unplanned disruptions. The London Forum argued for the substance of MTS Proposal 30 to be incorporated in Policy 6.11. However, many of these detailed points and those put forward by Ealing Civic Society would be largely matters for Borough action whether through LDF preparation, planning decisions or in their roles as local highway authorities and more generally the matters referred to are operational and therefore rightly for the MTS. We therefore make no further recommendations in relation to Policy 6.11.

Issue: Whether there is sufficient guidance on the circumstances in which additional road network capacity might be warranted

6.70 On the road network capacity Policy 6.12, arguments were advanced that the 2008 Policy 3C.16, which governs acceptable schemes, should be brought forward and incorporated into this Policy. This is very much the background to concern over the East London River Crossing proposals. Those opposed to general road crossings, such as Campaign for Better Transport, Friends of the Earth and the
**London Forum**, sought to maintain an open stance rather than the degree of precision introduced in new paragraph 6.37 by ESC 6.37. They do not wish to see the Thames Gateway Bridge proposal re-introduced through a more loosely defined policy framework that would enable the conclusions of the bridge Inquiry Inspector’s Report\textsuperscript{220} to be circumvented. On the other hand, **London Councils** seek more rather than less detail to ensure that the crossings are not only about increasing road capacity, the policy to which the supporting text is attached. **LB Bexley** had a broadly similar concern in order to avoid environmental harm from a crossing at Gallions Reach. The **London Forum** was also concerned over this issue. **Labour Members of the Assembly** accept that road connectivity needs to be an element in an overall package and the **HBF** also see a need for a package of infrastructure to support the Thames Gateway development.

6.71 The key concern is the omission of the second criterion of Policy 3C.16, namely “not to increase the net traffic capacity of the corridor unless essential to regeneration” as the other criteria, albeit with some re-wording, are brought forward into policy 6.12. It was in relation to this particular criterion that the Inspector considering the Thames Gateway Bridge scheme found a clear conflict with the development plan and in relation to which the then Secretary of State offered the Mayor opportunity to bring forward more regeneration evidence to see whether the regeneration caveat could be demonstrably fulfilled. The scheme was however withdrawn before any such further evaluation could take place.

6.72 We can fully understand the concerns of the environmental groups, **London Councils** and **LB Bexley** that removing this criterion in its entirety appears to open the way for a simple re-submission of the scheme without any longer having an apparent conflict with the development plan and thus less obvious need for mitigation, should it be endorsed. Conversely, we can understand the problem facing the Mayor over the previous wording of the policy. As any new river crossing would create a new corridor where none previously existed, any such proposal would automatically conflict with this criterion and as regeneration typically involves a complexity of interrelated factors, it will be difficult to demonstrate that any one is essential. Even where there is an existing corridor, an improvement, which may be demonstrably beneficial in terms of removing a bottleneck and thereby enabling environmental enhancement to preclude rat-running which is taking place to avoid existing congestion, may fall foul of the criterion as worded in the existing policy. Consequently, while we agree that there ought to be a criterion that would discourage provision of increased road capacity (which would be inconsistent with the general approach of the transport strategy), it should be phrased more flexibly than in the existing plan. For example, if there is a current problem of long east-west detours north and south of the Thames in East London in the absence of additional river crossings or if one has to be closed or curtailed for maintenance, an additional crossing might be able to

\textsuperscript{220} RD362
reduce the overall traffic in the areas affected, depending on its characteristics, although obviously increasing the net traffic capacity in the new corridor.

6.73 We note that the Mayor has put forward ESC 6.42 to clarify the intent of Policy 6.12B as well as ESC 6.45 to provide the replacement text of paragraph 6.37 already referred to. These provide important clarifications and improve the internal consistency of the DRLP as well as consistency with the MTS on which there has been IIA of the package of river crossing proposals. **We therefore endorse ESC 6.42 and ESC 6.45.** However, on their own these do not address the concerns raised by environmental groups nor the specific concern of **London Councils** and LB Bexley. **Consequently we make Recommendation 6.13: Add an additional criterion to Policy 6.12B “if avoidance of net additional traffic in the general locality or localities affected by the proposal.” and add at the end of paragraph 6.37 as amended by ESC 6.45 “that would avoid net additional traffic growth in the general localities affected by the proposals and safeguard the environment of those areas.”**

6.74 In relation to Policy 6.12, **London Councils** also wanted the supporting text to indicate how the Transport for London Road Network (TLRN) will operate where it has a significant ‘place’ function. This is an issue that is addressed in the newly published **Manual for Streets** and is addressed at least in part in paragraphs 6.33 and 6.34 of the DRLP. It is nevertheless, an important consideration which bears on the localism agenda as well as consistency with national policy and we recommend that in this instance an additional sentence with a cross-reference be added to paragraph 6.36. **We make Recommendation 6.14: Add an additional sentence to paragraph 6.36 “Where roads forming part of the TLRN have a significant ‘place function’ the principles embodied in Manual for Streets 2 will be applied (see also paragraphs 6.33 and 6.34).”**

**Policy 6.13 Parking**

6.75 The parking policies and related standards were amongst the most controversial of elements in the DRLP. For example the **Campaign for Better Transport** are concerned that instead of tightening up parking standards to address climate change and London’s traffic problems, Policy 6.13 would either leave parking standards as they are or make them more lax. Others sought greater clarity, particularly in relation to the meaning of paragraph 6.38 on consistency with authorities in adjoining regions. Generally there were widely divergent views on the extent of appropriate flexibility in application of standards at a local level.

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**Issue:** Whether there should be London-wide parking standards in the DRLP and, if so, is the extent of flexibility appropriate, particularly in Outer London and having regard to the guidance of PPS3 on local circumstances and the Coalition Government’s localism agenda?

6.76 There are differing views as to how much flexibility Policy 6.13 should allow in relation to the setting of parking standards. A number of Boroughs argued that as a matter of principle under the localism agenda London-wide parking standards are now inappropriate and that Boroughs should be free to set their own standards. Conversely, several participants (LB Tower Hamlets, Campaign for Better Transport, London Travelwatch and West London Friends of the Earth) argued that generous parking conditions can encourage increased car ownership, and in turn generate additional journeys by car and that Borough boundaries are not barriers to movement. Any impact occurs across London, increasing traffic and impacting on the Mayor’s air quality and climate change targets. Thus, they favoured retention of London-wide parking standards. Indeed LB Tower Hamlets argued more flexibility should be given to Boroughs to set stricter parking standards than those in Table 6.1 as these are “London-wide” maximum standards.

6.77 Others called for more flexibility in the opposite direction for different reasons. In terms of standards for commercial development, LB Bexley, pointed to the considerable challenge that the Borough faces from developments outside London where restraint-based parking standards have not applied to date. They would like to see more flexibility in the London Plan’s parking policy, with the standards incorporating an element of variation for Outer London locations. This view was supported by LB Bromley who questioned whether the parking standards are flexible enough to support the economic vitality of Outer London town centres. London Councils called for greater flexibility for Outer London Boroughs wishing to promote a more generous standard for office developments and other land uses and GlaxoSmithKline sought clarity that the new relaxed standards would not only apply to new developments on sites identified in DPDs, but also to existing sites where full occupation has not been possible because of the limited public transport in their catchment area. Canary Wharf Group also called for flexibility to allow for higher levels of car parking where necessary to ensure the economic viability of a development scheme.

6.78 The London Forum considered that more generous parking provision in Outer London should only be allowed for office uses and only where PTAL figures are low. Friends of the Earth saw danger in an area getting locked into a cycle of failure and car dependency if low PTAL scores mean car parking is more generous which then builds in more car dependence and this may make the case for improved public transport weaker.

6.79 With regard to residential parking standards, several participants (including NHF, LB Bexley and LB Bromley) argued that the policy should reflect paragraph 51 of PPS3 on local circumstances for residential parking standards. LB Bromley suggested that attempting
to limit residential parking in Outer London below expected levels of car ownership could be counter-productive, with the result being more on-street parking or conversion of front gardens. The Highways Agency saw no strong transport need to restrict residential parking below a “natural demand”, as mode choice to/from residential development is often dictated by availability of parking at the other end of the trip. LB Tower Hamlets suggested that any revision of parking standards for Outer London should reflect densities and not be a uniform standard.

6.80 For the Mayor, it was pointed out that the transport system of London is interconnected and does not stop at Borough boundaries whether roads, public transport or other sustainable modes are concerned. That is why TfL exists as a functional body and why London-wide standards for both commercial and residential development are necessary. It was argued that car parking standards for some commercial uses do vary according to PTAL levels, so there is already some flexibility in the approach and in respect of some other uses variation between Central, Inner and Outer London. The forthcoming SPG on Housing will include a table setting out a matrix of residential parking standards that reflect PTAL levels, and it was suggested that a reference to this should be included in Chapter 6 of the Plan, though no text has been offered. TfL noted that the Mayor’s objective to allow flexibility for town centres in need of regeneration and office uses in Outer London is supported by evidence from the Outer London Commission222. In their view it could help reduce cross-boundary car trips and thus result in reduced vehicle kilometres overall.

6.81 Having heard all these arguments we were not convinced that there is any fundamental problem with the approach to setting maximum parking standards in the DRLP. It is undoubtedly true that Greater London has an integrated transport system that crosses Borough boundaries. Consequently, there should be a coherent set of maximum standards across London. The amendments to PPG13 made by the Coalition Government in January 2011, weaken though do not remove national policy backing for such an approach. The amendments remove the guidance in PPG13 that dated from 2001 which required Councils to set maximum standards for parking spaces allowed in new residential developments (and also to set high parking charges in town centres to stimulate growth in more sustainable modes of transport). The Mayor’s approach does not preclude Boroughs from setting variant standards provided that they have had regard to the standards set within the Addendum to Policy 6.13 and can justify any variation on the basis of local evidence. Such evidence may point to a need for particular consideration to be given to an individual neighbourhood rather than for the whole of a Borough. We therefore do not see any conflict with the principles of localism. Consequently, we make no recommendation on the generality of the policy, though we note that ESC 6.47, 6.48, 6.58, 6.59 and 6.61 provide important clarifications in linking the Parking Addendum to the policy and stressing that almost all of the standards are maximum

222 LD19a
parking standards. **We endorse ESC 6.47, 6.48, 6.58, 6.59 and 6.61.** We comment expressly on the commercial parking standards under the next issue and make our recommendations after addressing all parking related issues.

**Issue: Is there sufficient reflection of PPS4 guidance and is the role of PTALs appropriate in determining parking standards**

6.82 **Canary Wharf Group** noted that Policy EC8 of PPS4 recognises the importance of parking to support the vitality and viability of town centres but does not make an exception for centres with high public transport accessibility. They suggest that Table 6.1 standards omit the footnote that precludes non-operational parking (except for persons with disabilities) for PTAL 6 Central. They also pointed to the recognition in EC8 of the specific needs of small businesses and major employers, and consider that the B1 parking standards are too restrictive where developments are capable of being sub-divided into multiple tenancies and so suggested amendments to Policy 6.13C.

6.83 There are differing views as to the appropriateness of the use of PTAL in the setting of parking standards. The **Highways Agency** notes that the PTALs are not a perfect measure, but as a quantitative test are very effective in practice in comparison to the lack of any comparative analysis in districts outside London. **TfL** sees PTALs as a good comparative measure of a location’s accessibility by public transport and a good PTAL will also reflect good access to local services. They note that PTALs are regularly reviewed in collaboration with the Boroughs, with the next review due in mid September. **West London Friends of the Earth** suggest a danger in low PTAL values being used as an excuse for high levels of parking, which could encourage higher car ownership and lead to less demand for and use of sustainable transport. **LB Bexley** consider applying PTALs to non-residential uses, such as retail, is less appropriate than their use as a tool for assessing residential densities, as in their view the origins/destinations of public transport routes are unlikely to correlate well with retail catchments, particularly in areas with lower PTALs. **LB Bromley** agreed, suggesting the flaw with PTAL is that it measures the density of public transport provision close to a site, rather than the utility of services or connectivity to destinations of interest. Although they welcome the paragraph 6.39 statement that “how PTALs operate” may be refined following consultation, they consider this statement to be vague and that it does not offer a guarantee that a review will address their concerns. **LB Tower Hamlets** also called for a stronger commitment to review the PTAL methodology as concerns were raised over its robustness. They are concerned that more generous parking standards in lower PTAL areas may influence some retailer’s decisions as to where to locate.

6.84 The **London Forum** argued that Policy 6.13C has no criteria for considering the amount and benefit of job creation, which is recommended in PPS4 Policy EC11 for assessing planning applications that are not in accordance with the development plan. **West London**
Friends of the Earth were concerned that all the tests of Policy 6.13E appear to be excuses to increase the provision of car parking. On the other hand London Councils do not believe that it is appropriate for all the tests in Policy 6.13Ed to be met before more generous standards can be provided for office developments, a point also held by others.

6.85 Having read and listened to the arguments concerning standards related to PTALs, we are convinced that whatever shortcomings there may be in the methodology for calculating PTALs, and which TfL are willing to review, they provide a rational and consistent basis for determining appropriate parking standards and this use should be supported. We were not convinced that there is need for greater flexibility in terms of retail standards than is provided for by the regeneration caveat. It needs to be remembered that the standards are those applicable in relation to individual developments and do not preclude provision of public parking to support town centres where appropriate, as is made clear in Policy 6.13Ec. Conversely, we do not think that the ability to increase provision where PTALs are low would encourage out of centre development because the town centre policies of Chapters 2 and 4 would also be applicable, the Plan needing to be read as a whole. Overall, we do not consider that there is any need for a more nuanced approach to parking standards for commercial development.

6.86 With regard to the particular issue of standards for office development in Outer London, we were not convinced that there is a case for any further relaxation in standards than that contained in Policy 6.13Ed. This sets six criteria to be met before adopting more relaxed maximum standards. We have commented earlier in Chapter 2, that there should not be an unrealistic aspirational attempt to attract office occupiers to all centres in Outer London irrespective of market realities. The London Office Policy Review 2009 makes clear that there is in fact little direct competition between town centres in Outer London and those in surrounding counties and that the reason for declining attraction of most Outer London town centres as office locations is much more related to fundamental changes in the office market such that back-up office functions can now be re-located to far-flung regions or indeed to locations outside the UK. We do not favour therefore any further relaxation to enable only selective application of these criteria. However, as meeting all of these tests is a high hurdle, we do not consider that the concerns of the Campaign for Better Transport warrant rejection of the policy as set out in the DRLP.

6.87 With regards to the guidance in Policy 6.13Eb on car-free development LB Tower Hamlets suggest that a more robust statement is required than simply “promoting”; with the Policy amended to state “in locations with high public transport accessibility, developments should be car-free unless there are exceptional circumstances.” Conversely, the NHF noted that many of their members have experienced
difficulties in managing car-free developments or those with limited car parking. They are also concerned that lower levels of car parking provision in new developments may be demanded by Boroughs without sufficient investment in public transport. Canary Wharf Group suggested there is no universal meaning to "car-free developments". We take the view that the references to consideration of car-free developments in Policy 6.13Eb when taken with the first footnote below the maximum residential parking standards matrix in the Parking Addendum provide reasonable flexibility for boroughs to apply solutions appropriate to localism. For this reason an attempt to provide a precise strategic level definition of "car-free developments" would be unhelpful.

**Issue: Whether there should be more explicit provision of parking standards for those with disabilities**

6.88 LB Ealing raised concerns over the guidance on disabled parking requirements and the suggestion that it should be determined on a case-by-case basis. Minimum standards for different use classes in this regard would be welcomed. They also noted that there is a specific problem relating to provision of disabled parking spaces in developments with a low ratio of spaces to dwellings, and suggested an alternative approach to calculating the required spaces in any given scheme. We expressed our surprise that the need to make parking provision for those with disabilities was not more explicitly addressed in the standards, given the Mayor’s equalities responsibilities. The Mayor accepted these concerns and put forward FSC 6.12 to introduce additional supporting text and a table of recommended provision for the main non-residential uses. These changes meet our concerns, so we endorse FSC 6.12.

**Provision for electric cars**

6.89 LB Tower Hamlets considered the 20% provision for electric vehicles to be at the right level, and that the provision demonstrates commitment to encourage early take up of this form of traction; they see this as a minimum requirement and suggest an amendment to the policy wording to clarify. West London Friends of the Earth does not consider the 20% provision to be excessive, although they warn against relying on electric cars to overcome environmental problems.

6.90 Participants who considered the provision for electric cars inappropriate include the NHF who believe the provision of 20% to be too generous, noting that electric car ownership is low and that there is no evidence to suggest that it will increase to any substantial degree; and Canary Wharf Group who believe that no more than the 20% allowance should be made, and all of this should be passive, with demand monitored through the Travel Plan and provision to install charging units on demand. LB Bexley considers a uniform rate across London does not reflect the likely variety of use of such vehicles between areas. They consider that local circumstances must
dictate the number of bays reserved for electric vehicles and the number of shared use bays.

6.91 For the Mayor, it was acknowledged that the standard is stretching but it was stressed that the Mayor is keen to incentivise the take-up of electric vehicles to help tackle climate change. TfL noted that since the DRLP was published they have commissioned research to review the draft standards (London’s Electric Vehicle Infrastructure Strategy). This concluded that the DRLP standards for the provision of electric vehicle charging infrastructure are generally aligned with the Mayor’s estimates of uptake in 2025. However, they consider that passive provision in residential developments should be set at 80% and the London Plan could be updated to reflect this. However, no suggested change was put forward to give effect to this suggestion. Our concern was that there was no definition of the meaning of active and passive provision in the Plan. The Mayor put forward FSC G.1 and FSC G.5 to rectify this omission by two new entries in the Glossary. He also put forward ESC 6.51 that provides additional supporting text in paragraph 6.42. Having regard to all these points and the continuing encouragement of use of electric vehicles by the DfT, including in the January 2011 White Paper, we consider that what is included in the DRLP with regard to charging provision for electric vehicles strikes a reasonable balance between providing a stretching target to encourage take-up but not going so far that there would be inevitably high short-term costs built into developments that would be likely create provision that would run well ahead of take-up. We therefore endorse ESC 6.51, FSC G.1 and FSC G.5.

Concluding detailed points concerning the standards

6.92 The Mayor put forward FSC 6.13 to respond to our concern that paragraph 6A.6 on parking for commercial vehicles at B2 and B8 uses in the Parking Addendum is misplaced in the DRLP through separation from other references to B Use Classes. In our view this paragraph remains misplaced because the other explicit reference to B2 and B8 uses is contained in a footnote to the B1 parking matrix that has been introduced through ESC 6.60. In our judgement, the two comments on provision for these two uses should be together and thus consider that paragraph 6A.6 should be relocated to become an additional footnote following ESC 6.60. With regard to the suggested additional comment concerning SPG reference to PTAL use in relation to residential development, we agree that this would be helpful. We also consider that it would be helpful to include a note concerning parking for motor-cycles as it would be inefficient for the whole of a car parking bay to be taken up by a motor-cycle. We therefore endorse ESC 6.60 and make Recommendation 6.15: Paragraph 6A.6 be relocated to follow ESC 6.60 and not as proposed in FSC 6.13; A replacement paragraph 6A.3A be added “An appropriate proportion of car parking spaces in commercial developments should be marked out for motor-cycle use.” and the following be added beneath the Notes to the Maximum Residential Parking Standards matrix “The forthcoming SPG on Housing
will include a table setting out a matrix of residential parking standards that reflect PTAL levels.”

Park and Ride

6.93 The Highways Agency strongly supported Policy 6.13B on the basis that it is a good interpretation of key features of paragraphs 59-61 of PPG13 guidance. Friends of the Earth noted that with Park and Ride there is a danger of journeys that could have been made entirely by public transport, or without a car, are made partly with a car. West London Friends of the Earth would like to see “overall” added before “air quality” in paragraph 6.43 to clarify that improvements must not be limited to the vicinity of the Park and Ride car park.

6.94 London Forum were concerned with the potential land take for new car parks to serve Park and Ride schemes, stating that this should not occur unless road congestion near to the key destination is severe and there is unacceptable air pollution as a result. They do not consider Park and Ride schemes appropriate in Outer London. LB Hillingdon note that a wide range of policy considerations will be taken into account to determine their acceptability and argued that support for this type of facilities should not be limited to where they lead to reductions in congestion, journey times and vehicle kilometres.

6.95 There are clearly conflicting views as to whether the policy strikes the right balance in giving qualified support for park and ride schemes. However, we share the judgement of the Highways Agency that it is an accurate reflection of the guidance of PPG13 and see no reason to make any recommendations on this issue.

Policy 6.14 Freight, and Policy 6.15 Strategic Rail Freight Interchanges (SRFIs)

Issue: Whether there should be more explicit locational guidance as to appropriate locations for SRFIs and more spatial guidance on a wider range of potential interchange requirements

6.96 There is widespread support for seeking to prioritize rail and water freight. Freight on Rail and others support greater locational specificity in the main body of the DRLP for possible locations for Strategic Rail Freight Interchanges within the built-up area in order to help justify any further necessary use of Green Belt land, should that prove necessary. Barking and Dagenham and Cricklewood were mentioned. The London Forum also makes some specific suggestions for amendment, including safeguarding potential container depot sites as well as potential aggregates railheads together with greater detail over the issue of transhipment more generally.

6.97 For the Mayor, it was argued that the London Plan is required not to include site specific references. However, the arguments for including a reference to the general locality of Barking and Dagenham appear compelling and would not seem to conflict with that particular
guidance in GOL Circular 1/2008. **Freight on Rail** pointed to the suitability of this location and this was reinforced by a submission from Mr J D I Baker. Here a new Interchange could get direct access to HS1, a route capable of handling European trains without gauge clearance works being necessary and continental services are already operated from the Ford Rail depot nearby. Moreover, use of land in the Renwick Road/Ripple Road area was highlighted in the 2007 TfL Rail Freight Strategy as the only suitable location in the London area for this purpose. Moreover, the Mayor has agreed to the inclusion of the proposed grade-separated junction on the A13 at Renwick Road in Table 6.3 in order to serve economic development proposals in that locality that have been included in LB Barking & Dagenham’s Core Strategy DPD that has been found sound after Examination. In contrast, the difficulty in securing a gauge-cleared path to the approved Howbury Park SRFI on the borders of LB Bexley and Dartford was referred to. As this latter proposal has already secured planning permission from the Secretary of State, the acceptability of that site with current W8 gauge clearance has already been considered though we note that the site of this proposal is relatively close to the Ebbsfleet interchange between HS1 and the domestic rail network. However, it would serve a different quadrant of London in any event as it is south of the Thames.

6.98 While there is an intention for there to be a new railhead in the Cricklewood area, this was not regarded as being on the scale of a SRFI. We were presented with a copy of the Secretary of State’s decision letter rejecting the Helioslough SRFI proposal at Radlett as this included general comments on the need and potential for SRFIs to serve London and adjoining areas of the South East. This comment suggested that a renewed proposal at Colnbrook of a more modest nature might be preferable to Radlett to serve the north-west sector, notwithstanding the 2002 decision on the ‘LIFE’ proposal. If a Colnbrook proposal were ultimately to be approved, again it would serve a different quadrant of London and the Radlett decision indicates that the Secretary of State still accepts that a network around London is appropriate, the extant guidance being that a network of 3-4 sites are required. Consequently, we consider that a reference to potential in Barking & Dagenham for some form of SRFI should be included in the DRLP in the supporting text to Policy 6.15.

6.99 With regard to the other detailed textual changes suggested by Mr Baker, **Freight on Rail** and the **London Forum** to Policy 6.14 and its supporting text, we consider that the generality of these points are already implicit either in this section of the Plan or others. The Mayor also put forward ESC 6.52-6.55 which seek to promote rail and water transport. We support these suggested changes and consider that these and the references elsewhere to safeguarding wharves and railheads are sufficient to address these issues. **We endorse ESC 6.52-6.55 and make Recommendation 6.16: Add at the end of paragraph 6.46 “However, planning permission has already**
been granted for a SRFI at Howbury Park on the edge of Bexley in South East London and an opportunity exists in the Renwick Road/Ripple Road area of Barking & Dagenham to make provision for North East London without need to utilise Green Belt land.”
CHAPTER 7: LONDON’S LIVING PLACES AND SPACES

Chapter Headlines

- We generally support the Mayor’s approach to communities and design issues.
- With minor amendments by way of clarification, we are content with the Mayor’s proposed approach to air quality.
- The Mayor’s intended plan-led approach to the distribution of both large and tall buildings (including view management) is generally supported.
- We agree with the Mayor’s intended approach to the protection of open space and to remedying deficiencies (with some strengthening).
- We are content with Mayor’s general approach to the Blue Ribbon Network, but recommend clarification of the processes and terminology involved.

Introduction

7.1 The policies in this Chapter are generically, among all of those in DRLP, the ones most likely to be developed in greatest detail at community level in support of the Coalition Government’s localism agenda. That does not diminish the importance of strategic direction on matters which are of London-wide importance in terms of environmental quality for those who live in, work in, or visit the capital. National and international obligations concerning the environment must also be recognised. However, some of the representations made to us were engendered by dissatisfaction among various interest groups with the outcomes of policy formulation and application at local level. In some measure, those representations sought to establish a strategic policy framework of such specific detail that it would restrain rather than promote the ability of localism to flourish. Our approach in this Chapter adopts an opposite stance in identifying only issues of strategic significance and focussing on the broad thrusts of policy necessary to secure suitable London-wide outcomes that would guide and complement, rather than dictate, local aspirations and decision-making.

Policy 7.1 Building London’s Neighbourhoods and Communities and Policy 7.2 An Inclusive Environment

Issue: Does Policy 7.1 add value to the London Plan?

7.2 We found general support for the Mayor’s aim, expressed in paragraph 7.1, of promoting London as a city of diverse, secure and accessible neighbourhoods. However, those representing the development industry suggested that Policy 7.1 was duplicative of other DRLP policies and were unclear about what developers would
be expected to do, or might be expected to fund. Policies 3.1 and 3.17, for example, already deal with social infrastructure provision and accessibility in the context of housing, Policies 3.2 and 3.18 have a particular focus on health inequalities, Policy 3.10 covers housing mix and Policy 7.5 includes design requirements for the public realm. For the Mayor, the response was given that Policy 7.1 draws together the outcomes of these and other policies distributed throughout the Plan. That could be said to be an argument for policy repetition rather than a justification for Policy 7.1. Nevertheless, we do acknowledge that the Mayor’s ambition to create neighbourhoods and communities (in all senses of the word) rather than just regulate the distribution of buildings and spaces resonates strongly with the Coalition Government’s localism agenda and is an objective that has both strategic and spatial dimensions. It is also an objective that, in the absence of Policy 7.1, might otherwise be expressed only in the context of Chapter 3, which focuses on meeting the needs of people rather than, as is appropriate for Chapter 7, on the physical design and layout of places. In this latter context, the various components of Policy 7.1 (with the possible exception of Policy 7.1E, which takes the form of explanation rather than exhortation) provide suitable reminders and explicit guidance to developers and Boroughs on how the Mayor would like to see the needs of communities reflected specifically in the physical design aspect of spatial planning. We are therefore content that Policy 7.1 adds value to the London Plan.

**Issue: Should Policy 7.1 be more clearly focussed on the establishment of “Lifetime Neighbourhoods”?**

7.3 Among others from the community and housing association sectors, London Tenants Federation pressed for Policy 7.1 to be more specifically targeted on the development of "lifetime neighbourhoods", a term that those from the home building sector indicated they were not entirely familiar with. The concept finds national policy provenance in the 2008 DCLG publication *Lifetime Homes Lifetime Neighbourhoods: A National Strategy for Housing in an Ageing Society* and it is defined for the purposes of the London Plan in the DRLP glossary, but we detect some ambiguity in the Mayor’s stance in this respect. Both Policy 7.1 A and 7.1C refer to “character” and “sense of place”, which might be interpreted as wishing to recognise London’s communities and neighbourhoods for their individuality and distinctiveness. However, Policy 7.1C and paragraph 7.5 relate also to the more targeted objective of ensuring that people have safe and easy access to the facilities they need at all stages of the human life-cycle (which might be regarded as the main objective of “lifetime neighbourhoods”). These are two different objectives.

7.4 In effect, the latter is a component of the former, rather than the reverse, and could also be regarded as a subject more appropriately
expanded upon in Chapter 3 (London’s People) than in Chapter 7 (Places and Spaces). Indeed, we have commented in Chapter 3 (regarding Policies 3.1 and 3.17) on the suggestion, made again here by the community sector interests, that some form of matrix, similar to that for Public Transport Accessibility Levels, should be formulated to indicate the range of facilities to which a neighbourhood or community should have access (and, in the alternative raised by London Forum, “accessibility”).

7.5 We do not question the importance that the community interests attach to the subject and are grateful for the illustrative and documentary material that was supplied to inform us more fully of what is in mind, including explanation of Habinteg’s proposed Foundation for Lifetime Homes and Neighbourhoods. However, as those advancing the cause acknowledged, and Policy 7.1G recognises, the fine details of neighbourhood design are more properly a matter for the communities concerned (which, as we were reminded by the South Bank Employers Group, include businesses, tourists and others, as well as residents) rather than for strategic prescription. We find this all the more so in the light of the Coalition Government’s proposals devolving an element of the CIL through its proposals in the Localism Bill. Policy 7.1F suitably raises the need for planning of more major infrastructure (requiring investment by utility companies, for example), which, as ESC 7.4 recognises, might need co-ordination across neighbourhood boundaries.

7.6 Because of the need for these wider perspectives, we do not support the suggestion that Policy 7.1 should have a single or more precise focus on Lifetime Neighbourhoods. Rather, we prefer the wording introduced by FSC 7.1 which urges consideration of the “principles” of lifetime neighbourhoods rather than requiring compliance with criteria for their establishment. Among the various ESCs and FSCs advanced on behalf of the Mayor, we accordingly explicitly endorse ESC 7.4 and FSC 7.1.

Issue: Does Policy 7.2 suitably recognise the needs of all Londoners in environmental design?

7.7 We heard a measured submission from the Royal London Society for the Blind identifying the problems faced by vulnerable people in their interactions with the community at large and highlighting the consequent importance of care in the design of local environments. All acknowledged that statutory force had been lent to the subject by the Disability Discrimination Act 1995, and by Building Codes and Regulations, and that a wealth of advice had also been published to guide good design (from, among others, CABE). Indeed, HBF argued that the subject was already sufficiently well regulated, not least through the requirement (as

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228 ED98-The SIAL (social infrastructure accessibility level) matrix
229 ED110
230 CABE Principles of Inclusive Design 2006
modified by the *Town and Country Planning (Development Management Procedure) (England) Order 2010*) to produce design and access statements to accompany most planning applications. Nevertheless, given that inclusive environments extend beyond individual development sites and into the wider public realm (including for example, squares, parks, roads and paths), and that policy compliance will bear on all those undertaking works in public areas, we consider strategic spatial policy coverage to be appropriate. There is, however, no need to refer to cultural assets in this part of the Plan, as suggested by *English Heritage* and *London Forum*, because any balance that might have to be struck at strategic level between community needs and protection of cultural assets will derive from the operation of Policy 7.8.

**7.8** The main focus of remaining debate was on Policies 7.2Cc and 7.2Cd, and how “needs”, “wants” and usages could be identified and translated into planning decisions. These terms have been drawn from the CABE guidance and found a wide measure of support among the community groups who pointed to the need to secure very specific outcomes (such as the detailed design of a hoist in a local swimming pool) from a potentially wide range of more general demands. Nonetheless, we share the concern of the development sector over the inherent vagueness that such terminology conveys, which we find incompatible with the consistency and clarity that strategic policy is intended to bring to the spatial planning decisions process, as well as for the purposes of monitoring.

**7.9** The principles of inclusive design are referred to in Policies 7.2D and E and we accept that they therefore need definition, but the appropriate place for that, and for expression of the Mayor’s desire to promulgate them more widely, is in Policy 7.2A (strategy) not Policy 7.2C. In that context, we note in particular the view expressed most strongly by the *Royal London Society for the Blind* and supported by others, that the key factor in achieving inclusive environments is early consultation with appropriate representative organisations at national and local level. The Mayor regards that as a procedural rather than a spatial issue but in line with the advice in paragraphs 40-44 of PPS1 we consider that engagement with stakeholders in environmental design may be expected to affect spatial outcomes and inform Mayoral SPG. It is also the subject matter of ESC 7.8, which cites, as exemplars, the Olympic Delivery Authority’s *Inclusive Design Strategy and Standards*, and the Stratford City Consultative Access Group. We conclude that strategic significance attaches to suitable consultation and warrants spatial policy expression. Accordingly, **we endorse ESC 7.8 but also make Recommendation 7.1:** That Policy 7.2 be modified by adding Policy 7.2C to the end of Policy 7.2A, replacing the first sentence of Policy 7.2C with “*and supports the principles of inclusive design which seek to ensure that:*”, that Policy 7.2D be modified by the insertion of the words “*following engagement with relevant user groups*” between “*how*” and “*the principles of inclusive*
design”, and that Policy 7.2E be modified by insertion of the words “in consultation with user groups” between the words “proposals” and “that ensure”.

Policy 7.3 Crime

Issue: Is the strategic aim of Policy 7.3 sufficiently clearly expressed and are suitable criteria proposed?

7.10 **HBF** suggested that Policy 5.3A might encourage proposals for “gated communities” in the interests of security and safety, which would be in conflict with the parallel aim of ensuring accessible environments, while the level of detail in Policies 7.3Ba-d was too detailed and would be more suited for inclusion in Borough-level LDFs. This stimulated debate among those representing the social housing sector (including the National Housing Federation and community interests (such as Care and Repair England) who observed that failures of security mechanisms, for example those controlling access to residential car parks, were among the largest causes for complaint by occupiers. Moreover, there was a tendency for the costs of maintaining these and other public open space around developments to be passed on to local residents, with adverse consequences for housing affordability and leading also to potential conflicts over accessibility. **CABE** affirmed that it had contributed substantially to the Mayor’s proposed changes to Policy 7.3 and its associated text, with the aim of ensuring that crime avoidance measures would be integrated into the design of developments from the outset. The aims should include avoidance of “hardening” the public realm (for example by the erection of fencing) and for spaces to be designed to minimise maintenance and to be well used.

7.11 The Mayor has responded constructively to these points in advancing FSCs 7.5-7.8, which (in addition to suitably adjusting the policy title) shift the thrust of Policies 7.3Ba-d from detailed mechanisms to general principles and objectives, with emphasis on the latter two being considered from the formative stage of the design process. These changes, in our view, sufficiently elaborate upon the Mayor’s intended approach to safety and security to avoid any risk of conflict with “community cohesion” in Policy 7.3A. **We endorse FSCs 7.5-7.8.** However, in view of the importance attached to management and maintenance costs by the social housing sector which, we have no doubt, applies with equal importance also to the private housing sector and to subjects such as lighting, we also make Recommendation 7.2: That a new Policy 7.3Bg be added “Schemes should be designed with on-going management and future maintenance costs of the particular safety and security measures proposed in mind”.

**Issue:** Should there be specific arrangements for monitoring?
7.12 This particular issue was raised by Care and Repair England, who advised that security was a key issue among its members who would be comforted by knowing that safety and security was being successfully addressed. It was suggested that usage and operation of controlled entry systems might be one source of information for monitoring and the incorporation of relevant policies in LDFs might be another. The latter, in particular, is a factor that might lend itself to identification in the Annual Monitoring Report. However, for the Mayor, the response was that perceptions of personal safety and security are essentially subjective “quality of life” issues that might be more suitably identified by proxy surveys of the type periodically undertaken by Mori and others such as the London Sustainable Development Commission. We agree with that approach.

**Policies 7.4 Local Character, 7.5 Public Realm and 7.6 Architecture**

*Issue: Should the subject matter of this suite of policies be left to the LDF process and local communities?*

7.13 Among the Mayor’s vision and objectives in Chapter 1 (and repeated in paragraph 7.1) are that London should be a city of diverse neighbourhoods and a city that delights the senses. There was no dispute among the parties that the distinctive character of local environments (Policy 7.4), high quality public realm (Policy 7.5) and architecture (Policy 7.6) all contribute to those objectives and to making London an attractive place in which to work, live and invest, as well as to visit. Indeed, we found strong support for the suite of policies from a wide range of amenity interests, including London Forum and the Hammersmith and Fulham Historic Buildings Group, who regard their balanced approach to conservation and enhancement as a significant improvement on the equivalent London Plan 2008 policies.

7.14 HBF, however, expressed concern that high design quality can be a difficult concept to define and to secure agreement on, and Consortium of London Developers cautioned against inclusion of lists of prescriptive criteria that simply repeated DCLG advice. WPA/CPA suggested that a more visionary approach is needed to recognise that change in character can be desirable, and cautioned that over-emphasis on existing character might affect development capacity.

7.15 High standards of building and environmental design are urged by paragraphs 33-39 of PPS1, and we therefore recognise the risk of unnecessary repetition, and paragraph 38 in particular cautions against unnecessary prescription or detail, including at LDF level. However, we consider that there is a particular role for strategic policy guidance in London, to signal the national importance of London’s environmental quality and to ensure that this is fully recognised by the Boroughs in their detailed LDF work and in individual development management decisions. We further note
that the Mayor wishes to affirm his own approach to planning frameworks and decisions concerning, for example, Opportunity Areas, Intensification Areas and Areas for Regeneration. Policies 7.4, 7.5 and 7.6 each cover a separate aspect of urban design and although combining them into one (as HBF suggested) might make the Plan marginally shorter, this would be at the expense of clarity. In our view it is entirely appropriate for the Mayor, through this suite of strategic spatial policies, to indicate the quality standards that are both expected and necessary to ensure that London’s role and status as a world city is maintained and progressively enhanced.

7.16 A number of detailed concerns about the wording of individual policy clauses and supporting paragraphs were nevertheless raised and we consider these briefly in the following issues.

**Issue: Is there undue reliance in Policy 7.4 on characterisation studies?**

7.17 ESCs 7.13, 7.14, 7.15 introduce various explicit and implicit references to characterisation studies in Policy 7.4C and in paragraphs 7.12 and 7.13. HBF pointed out that characterisation studies can be time consuming to produce and have been undertaken only in parts of London. Their concern is that planning decisions might be delayed while such studies are undertaken. However, it is clear from Policy 7.4C that the intention is for such studies to be undertaken by Boroughs or local communities in connection with LDF preparation rather than as a requirement of developers or others at planning application stage. There is also nothing in the Mayor’s proposed changes to policy or text that indicates that such studies must be produced. Rather, one of the aims of importance to the Mayor in advancing such studies is to promote a visionary approach to the design of neighbourhoods (including those in suburban London), by protecting what is good, by identifying what needs changing and then by managing such change in ways that promote better development quality. That, it seems to the Panel, reflects good practice of the type recommended in the “By Design” companion guides to PPS1\(^{231}\). We therefore find no substance in HBF’s concern about undue reliance on characterisation studies and we endorse ESCs 7.13, 7.14 and 7.15.

**Other matters relating to Policy 7.4**

7.18 Among the Mayor’s suggested changes, those that we regard as substantive are FSC 7.9 which, in Policy 7.4B, would seek “high quality” design rather than “contemporary” design (the latter, unusually, being open to criticism for being both ambiguous and potentially unacceptably prescriptive) and which would also lend clarity to the interpretation of “human scale” in Policy 7.4Bc. **We endorse FSC 7.9.** In response to representations made by English Heritage, FSC 7.10 suitably recognises that local

\(^{231}\) Paragraph 37
character is not defined by Borough boundaries. **We endorse FSC 7.10.** However, we find no compelling reason to recommend inclusion of a reference to Lee Valley Regional Park in Policy 7.4 or supporting text (as requested by the Lee Valley Regional Park Authority), even as an exemplar of good practice, because neither this policy nor others in the suite have areas of strategic green infrastructure as a focus.

**Issue: Is it appropriate to refer to "gateways" in clause B of Policy 7.5?**

7.19 **Open Shoreditch** and others questioned the use of the word "gateways" because of its connotations with the segregation of public areas, the risk of conflict with the objective of legibility if gateways obstruct views, and the risk of labelling communities in ways that might not enjoy widespread local support. It was put to us that "gateways" might not necessarily take a prescribed form, such as a built arch, and alternatives such as "views", "view shafts" or "arrival points" were suggested instead, the latter having been advanced on behalf of the Mayor. In the Panel's view, however, it is rarely appropriate to include examples in policy because of the risk of clouding the distinction between suggestions and policy requirements for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Examples are more suitably referred to in supporting text (possibly as an addition to ESC 7.19) or in SPG. The policy should simply express what is required. This, from a strategic standpoint, is that the design and layout of development assists people to easily navigate their way around the public realm. We questioned the extent to which Policy 7.5 was aimed at spaces that were in public rather than private control, which prompted a question from **HBF** about who would pay for maintenance. However, the balance between public and private management of public space is not intrinsically either a strategic or a spatial issue, but we support a further point made by **Just Space Network** that a spatial aim (particularly in the context of tourism) should be to facilitate people meeting, congregating and socialising. **We therefore make Recommendation 7.3: That the words "gateways, focal points and landmarks" be deleted from Policy 7.5B and that the words "and to meet, congregate and socialise" be added to the end of the second sentence.**

**Other matters relating to Policy 7.5**

7.20 **ESC 7.16** would (among other things) make clear that "furniture" means "street furniture" and **ESC 7.17** would additionally include LDF preparation in the title for clauses B and C. **We endorse ESCs 7.16 and 7.17.**

7.21 ESCs 7.19, 7.20 and **FSC 7.16** would suitably address concerns expressed by **Campaign for Better Transport** and others about the impact of traffic on the quality of urban environments and would also return to concerns raised by the **Royal Institute for the Blind** in connection with Policy 7.2 (and Chapter 6 policies), by
inserting a textual reference to “shared spaces” and consultation with relevant stakeholders in a new paragraph 7.15C. In response to criticism made by English Heritage, we observe that this subject already finds suitable policy expression in Policy 6.10Ce, as affirmed in FSC7.16. We endorse ESCs 7.19 and 7.20, and FSCs 7.16 and 7.17 noting that the latter may also embrace the recently published Manual for Streets 2. We further endorse FSC 7.15 which would add an LDF preparation section to Policy 7.5, and is supported by amenity interests. However, we do not support the suggestion made by London Forum that a cross-reference to other policies is necessary, given DRLP paragraph 0.21 (which would become paragraph 1.54 if our recommendation is accepted).

Issue: Is the approach to architecture in Policy 7.6 sufficiently clear?

7.22 WPA/CPA compared Policy 7.6 with London Plan 2008 Policy 4B.1. The latter seeks to “maximise” the potential of sites whereas Policy 7.6 refers to neither “maximisation” nor “optimisation”. Although the response on behalf of the Mayor was to the effect that “optimisation” is the specific subject matter of Policy 3.4, that policy concerns only housing. CABE advised that even “maximisation” would not inherently compromise high quality architecture and both Historic Royal Palaces and English Heritage rallied behind this point cautioning only that architectural quality must be viewed in the context of surroundings, not in isolation. We acknowledge that a particular strategic imperative applies to housing, but given the scarcity of land for development in London, we consider that “optimisation” of the use of sites (which would acknowledge context) should be a factor weighed in the balance in all decisions on schemes, to avoid potential waste of valuable land resource.

We make Recommendation 7.4: That a new clause be added to Policy 7.6 as Policy 7.6Bi “optimise the potential of sites”.

7.23 Further criticism was levelled at Policy 7.6Bc and Bd for dealing with subjects more suitably left to LDF work at Borough or community level, and the words “not cause unacceptable harm” were regarded as an insufficiently demanding test in any event. We find some substance in the first of these criticisms but to the extent that Policy 7.6Bc might accommodate greater, rather than less flexibility in the choice of materials at local level (in support of the Mayor’s strategic desire to promote high quality architecture) we find it acceptable. Policy 7.6Bd is concerned with the impact on the occupants or usage of neighbouring buildings. Pre-existing levels of light, outlook and privacy cannot always be guaranteed when new development takes place and judgments inevitably have to be made as to whether the neighbours’ degree of loss of amenity, relative to the developer’s aspirations in terms of height and site coverage, are reasonable. We find the words “not cause unacceptable harm” appropriately pragmatic in that particular context. The last sentence of Policy 7.6Bd signals that such judgements are particularly important in relation to tall and large buildings covered by Policy 7.7, but not solely. To transfer the wording to, or retain it
only in Policy 7.7 would therefore diminish its coverage inappropriately. Neighbour impact of such development is, we consider, a suitable matter for strategic spatial policy.

Other matters overall

7.24 We lastly observe on this suite of policies that while it was suggested during the Examination\(^{232}\) that the Mayor would include in the glossary a definition of “development” to embrace, among other things, “redevelopment”, no such change has actually been advanced. We consider the Mayor’s definition to represent an important clarification of the intended scope of Policies 7.4, 7.5 and 7.6, and also of other DRLP policies in which the word is used, and would not in our view conflict with the statutory definition\(^{233}\) within which it would have to be interpreted. **We therefore make Recommendation 7.5: That the following definition of “development” be included in the glossary: “This refers to development in its widest sense, including buildings, and in streets, spaces and places. It also refers to both redevelopment, including refurbishment, as well as new development”**.

Policy 7.7 Location and Design of Tall and Large Buildings

**Issue:** Is Policy 7.7 necessary and, if so, should it include “tall” and “large” buildings in a single regime?

7.25 DRLP Policy 7.7 represents an amalgam of London Plan 2008 Policy 4B.9, which dealt with the location of tall buildings and Policy 4B.10, which dealt with the design and impact of large scale buildings (including tall buildings). The effect of this amalgamation is to attach some locational guidance to large buildings even if they are not distinguished by also being tall, albeit still retaining several criteria applicable only to “tall” buildings in clause D. We initiated discussion on whether it was appropriate for a single policy to cover both forms of development, given that their impacts were acknowledged to be different. **London First** and **City Property Association** furthered the discussion by arguing that Policy 7.7 did not add value to the DRLP’s other design policies. Ranged against that view are a number of community and amenity interests, including **Just Space Network**, **Hammersmith and Fulham Historic Buildings Group** and **London Tenants Federation** who variously raised concerns about scale, design issues and infrastructure demands. **English Heritage** and **CABE** are supportive of the proposed policy, highlighting the importance of urban design analysis to support proposed schemes, a requirement that **Consortium of London Developers** opposed.

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\(^{232}\) ED101

\(^{233}\) Town and Country Planning Act 1990, Section 55 (as amended).
7.26 In July 2007, English Heritage and CABE jointly produced guidance on tall buildings\(^\text{234}\). Among other things, this advises that, individually or in groups, tall buildings can affect the image and identity of a city as a whole and that, in the right place, they can make positive contributions to city life, serving for example as beacons of regeneration to stimulate further investment and to extend the frontiers of innovation in design, construction and environmental technology. Although the advice cautions that there have been too many examples of tall buildings that have been unsuitably sited, poorly designed and detailed, badly built or incompetently managed, it also observes that this has been equally true of many low-rise buildings and adds that while tall buildings with a large total floor area have a correspondingly large impact on their surroundings in terms of activity and use, this can be equally true of large and dense developments which are not so tall. The advice does not seek to define “tall” prescriptively, suggesting only that such buildings may be identified by being substantially taller than their neighbours and/or by significantly changing the skyline. This approach is broadly reflected in DRLP paragraph 7.20, which defines “tall” and “large” buildings both by reference to the surroundings and to threshold sizes in Schedule 1 to The Town and Country Planning (Mayor of London) Order 2008.

7.27 For the most part, both “tall” and “large” buildings represent a response to high density development necessary in any city to make efficient and effective use of land. A main distinctive quality of tall buildings is their greater likelihood to be conspicuous on London’s skyline. Policies 7.10, 7.11 and 7.12 are not sufficient in themselves to avoid all potentially harmful skyline impacts because, although protecting “wrong places” (locations within identified settings, panoramas, views and prospects of significance to London as a whole) those policies give no clear indication of the “right places” where positive contributions to city life can be made in location and design terms. Similarly, we do not favour re-focusing the policy onto density (as advocated by RB Kensington and Chelsea). The broad density pattern of all development in London would be largely regulated by other DRLP policies (such as Policy 3.4 and the PTAL matrix in the case of housing and, for commercial development, specific locational requirements such as those expressed in Policies 4.2 and 4.7 supported by sustainable travel and transport policies in Chapter 6). Nevertheless, those policies do not indicate where “tall” might be more appropriate than “large” or vice versa, or regulate the distribution of development that has specific functional and spatial requirements other than public transport accessibility. Such development might include some schools and hospitals, or buildings or structures needed for waste management or energy generation for example. In any context, urban design analysis as referred to in clause B of the policy is a measure likely to assist rather than hinder those promoting tall and/or large buildings where LDF work has not identified the

\(^{234}\) LD111
location as acceptable or (of particular concern to Ealing Civic Society) has not yet been undertaken.

7.28 It is for these reasons that we consider Policy 7.7 to be a necessary addition to the DRLP suite of proposed Chapter 7 policies and for the proposed approach to both “tall” and “large” buildings to be combined in a single set of criteria. It deals with buildings that are either or both “tall” and “large” in a manner that enables the criteria to be considered in a comparative way when evaluating the relative merits of each of these potential responses to optimising development density.

7.29 FSCs 7.21, 7.26, 7.27 and 7.28 would suitably reinforce this conjoined approach which also, in our view, suitably responds to the point made by London Forum and others that high density does not always have to mean high rise. We endorse FSCs 7.21, 7.26, 7.27 and 7.28.

**Issue: Is the proposed policy approach appropriate?**

7.30 A number of criticisms were made by London Forum, primarily on the basis that the policy lends undue encouragement to “tall” buildings and does not set sufficiently high standards for them. An opposite view has been put to us by South Bank Employers’ Group who consider that Policy 7.7C and D are too restrictive. In at least partial agreement with some of the points raised by London Forum, the Mayor has suggested a number of changes to both the policy and its supporting text. FSC 7.20 would thus specify in Policy 7.7A a plan-led approach to the identification of appropriate and inappropriate locations for such buildings. We were assured on behalf of the Mayor that the intention was to neither promote nor discourage tall buildings but to leave this for the Boroughs to decide. Nevertheless, the wording of Policy 7.7A still implies that tall or large buildings should be part of the approach and we do not see why this will necessarily always be the case. A plan-led approach is, however, in our view appropriate to ensure that cumulative impacts are suitably taken into account, this being a particular concern in the experience of Just Space Network.

7.31 Moreover we note concern, supported even if not initiated by English Heritage, about the ensuing requirement of Policy 7.7A that proposals “should not have an unacceptably harmful impact on their surroundings” on the basis that this does not represent a sufficiently demanding test. Securing high quality design is the subject matter of Policy 7.6 and aspects of particular relevance to tall and large buildings are enumerated in Policies 7.7C (with ESC 7.24 and FSC 7.22) and 7.7D (with FSC 7.23). We note similarity between the phraseology of the part of Policy 7.7A in question and that of Policy 7.6Bd, from which we infer that both cover much the same ground. As with Policy 7.6, we do not consider that the test

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235 ED214 and ED232
236 ED143
of harm to neighbouring property interests can reasonably be made more severe. However, while we perceive a need for particular resonance between tall buildings and their neighbours that does warrant reference in Policy 7.7, we consider that the need for care in this respect rests more comfortably in Policy 7.7Da, where it already finds suitable expression and where the purpose of the requirement and its focus on surrounding development and activities can be seen more clearly. Overall, therefore, while we are supportive of seeking a plan-led approach to tall and large buildings expressed in FSC 7.20, we do not consider that the way in which the opening words of Policy 7.7A could be read as a blanket encouragement is appropriate, nor do we support the reference to impact on surroundings at the end of Policy 7.7A as that would be open to a wide range of interpretation. We therefore make Recommendation 7.6: That Policy 7.7A be modified to read “A plan-led approach will be adopted to tall and large buildings, identifying appropriate, sensitive and inappropriate locations for them.”

7.32 In Policy 7.7Ca, it would not be appropriate to limit tall or large buildings (in the sense of the English Heritage/CABE definition) only to CAZ, Opportunity Areas, Areas of Intensification or Town Centres, because it cannot be assumed that the functional purpose of such buildings will always be capable of being met in those locations, or will axiomatically require high levels of public transport accessibility and capacity. The Policy as drafted, introduced by the word “generally”, is in our view sufficient to meet the needs of the South Bank Employers’ Group to facilitate development in the Waterloo Opportunity Area (and others areas including Isle of Dogs, which is a particular concern of the Canary Wharf Group). In response to HBF’s fear that other unidentified locations suitable for tall and large buildings might inherently be excluded we record only that the plan-led approach referred to in Policy 7.7A (as we recommend it be modified) should minimise the number of unidentified locations, and material considerations (such as the absence of a plan or the particular merits of a scheme) will always have to be weighed in the balance in the planning decisions process.

7.33 There was further debate over Policy 7.7Dc, which requires particular consideration to be given to the impact of “tall” buildings when proposed in the vicinity of “heritage assets”. The development sector is concerned that the density of heritage assets in London is such that this clause could represent a widespread obstacle to “tall” building proposals. This led to discussion as to whether the list of heritage assets was suitably expressed, with the Greenwich Society and Friends of Greenwich Park proposing that Royal Parks should specifically be included and English Heritage pointing out that there was no mention of the settings of Conservation Areas. They also suggested that the PPS5 term “heritage assets” would be more suitably all-embracing. We find, however, that the wording of Policy 7.7Dc cannot be held to preclude tall buildings and we consider it to be a necessary strategic
policy thrust (in addition to Policy 7.8) to ensure that the much accentuated scale and appearance of tall buildings is suitably reconciled with London’s historic heritage. That heritage extends, in all of its facets, more widely than statutory designations and protection. Moreover, with FSC 7.23, control would extend to other designated areas under Policy 7.7A and E which might not necessarily be heritage related. On that basis, we endorse FSC 7.23.

7.34 We do, however, concur with London Forum that, in Policy 7.7E, the approach should not be to identify locations suitable for tall buildings, but whether there are such locations. As with Policy 7.7A, the former would imply potentially inappropriate strategic imposition, while the latter would more appropriately respond to localism, which the RB Kensington and Chelsea, London Tenants Federation, Just Space Network and Hammersmith and Fulham Historic Buildings Group all urged. It would also enable the preference of Consortium of London Developers for a criteria based approach rather than one reliant solely on identification of specific locations to be met, if considered appropriate, at Borough level. We therefore make Recommendation 7.7: That Policy 7.7E be modified by the insertion of the words “...consider whether there are...” between “to” and “areas” in the first line.

Issue: Is housing a suitable use for “tall” buildings and should it be a requirement for “tall” and “large” buildings to include provision for small scale enterprises?

7.35 Submissions made to us by the London Tenants Federation indicate serious disquiet with high rise living. Concerns include fire safety, poor management of communal areas, security (deriving from an inherent lack of contact with a range of neighbours) and poor quality amenity space for play and recreation. Those from the development sector including HBF objected strongly to any implication that such concerns could not be suitably addressed by good design, and expressed the view that tall and large buildings would become increasingly necessary to accommodate London’s housing needs, often representing the most cost effective way of providing affordable housing. As CABE pointed out, there is nothing in Policy 7.7 (and with the modifications we have recommended) to impose tall or large residential buildings as a policy requirement and we accept that, in the right place, they may be an advantageous way of securing housing provision as well as complementing regeneration in the way that the joint CABE/English Heritage advice suggests. Nonetheless, given a note of caution expressed in that advice, we make Recommendation 7.8: That a new clause be added to Policy 7.7 as “Policy 7.7Cj be properly managed”.

7.36 Conversely, it would not be appropriate in every case to seek provision for small business in tall and/or large buildings because
this may not always be compatible with their function. The matter is more suitably dealt with by Chapter 4 policies such as Policy 4.1 and 4.2.

Policies 7.8, 7.9 and 7.10: Heritage Issues

7.37 PPS5 Planning for the Historic Environment was published on 23 March 2010, after DRLP, and replaced the previous PPG15 Planning and the Historic Environment and PPG16 Archaeology and Planning which dated from 1994 and 1990 respectively. While the statutory legal framework under which development proposals affecting registered historic assets or their settings is unchanged, the terminology and certain aspects of the approach differs from the previous guidance which was extant at the time that the DRLP was drafted. The Mayor put forward a number of ESCs and other suggested changes were advanced at the Examination session to assimilate PPS5 and to respond to various of the representations. These have since been formalised as FSCs. Except where we have indicated in the following issues, we consider those changes to be acceptable. We therefore endorse FSCs 7.30, 7.33, 7.34–7.37, 7.40 and 7.41 together with the surviving parts of ESCs 7.33-7.41 that have been transcribed with them in the Mayor’s schedule of Further Suggested Changes237.

Issue: Does Policy 7.8 suitably respond to PPS5?

7.38 English Heritage indicated that it was now broadly content with Policy 7.8 but sought some further refinements, and we note in particular that FSC 7.29 includes a requested reference to registered battlefields and a corrected reference to Scheduled Monuments. A range of views was, however, expressed over the introduction in Policy 7.8A of the words “where possible” in the context of securing enhancement. Amenity interests including Open Shoreditch and London Forum considered this expression diluted the policy, while developer interests including London First, HBF and WPA wanted to ensure that excessive requirements would not be imposed. We note that PPS5 urges Councils to “take account of the desirability” of securing positive enhancements and, in the interests of consistency with the guidance and conformity with statutory tests, consider that this would be more appropriate terminology. We accordingly endorse ESCs 7.31 and 7.32 with FSC 7.29 but subject to an exception that leads us to make Recommendation 7.9, that the last nine words of FSC 7.29 be replaced with “the desirability of sustaining and enhancing their significance and of utilising their positive role in place-shaping can be taken into account”.

237 CD19
238 PPS5, policies HE7.4 and HE 7.5 for example
7.39 A similar point was raised in connection with Policy 7.8C, D and E, where amenity interests sought introduction of requirements to enhance heritage assets, while development interests including Hammerson Plc contended that the PPS5 concept of “proportionality” should be specifically recognised and “significance” more clearly defined, the concern being that developments may be hampered where, for example, Conservation Area appraisals had not been produced or were out of date. Again, we caution against introducing policy requirements that may go beyond the statutory tests. Recommendation 7.9 above should, as an expression of the overall strategic approach, be sufficient to ensure that the desirability of enhancing is suitably considered in all of the ensuing clauses of Policy 7.8. We also observe that use of the word “conserve” rather than “preserve” in Policy 7.8C and D (with FSCs 7.31 and 7.32) implies provision for sensitive change, not prevention of change. PPS5 policy HE6.1 requires applicants to provide a description of the significance of the heritage assets affected by their development proposals and the contribution of their setting to that significance, adding that the level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. There is no need for the London Plan to repeat this, and it will then be for design and access statements to indicate the evolution of the developer’s intended design approach, in accordance with Policies 7.4 and 7.6. As such, we are content to endorse FSCs 7.31 and 7.32.

7.40 FSC 7.35 would insert a new paragraph 7.24A to emphasise specific assets of strategic importance that contribute to the economic and visual well-being of London. We specifically endorse FSC 7.35.

7.41 Further concern was raised over the intended approach to local assets, with Hammersmith and Fulham Historic Buildings Group making the case for specific strategic policy reference, London Forum wanting more detailed coverage of features such as hedgerows, trees and walls, and English Nature seeking reference to the importance of the natural landscape in general. Both London Forum and Regents Network also pressed the case for inclusion of canals and artefacts related to the Blue Ribbon Network, referring to paragraph 2.28 of Circular 1/2008 as justification. Development interests were not entirely averse to there being more detailed policy advice on such matters, but suggested that there should be two levels of policy, one for designated (strategic) assets and the other for undesignated (local) assets. This latter point largely mirrors arguments about proportionality.

7.42 However, Annexe 2 to PPS5 defines heritage assets very broadly to include both designated heritage assets and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing) and to embrace buildings, monuments, sites, places, areas or landscapes positively identified as having a degree of significance meriting
consideration in planning decisions. Significantly, the emphasis of PPS5 is on an integrated approach to all aspects of heritage and the contribution made to sustainable communities and place shaping. While recognising that different statutory tests apply to some and not to others (which national, strategic or local policy guidance does not change), the significance of both PPS5 and Policy 7.8 is thus to promote consideration of heritage in the round. We therefore see no reason to separate out specific aspects of heritage for individual policy treatment in the London Plan.

**Issue: Does Policy 7.9 establish an unduly onerous approach to heritage-led regeneration?**

7.43 Although FSC 7.38 has been advanced by the Mayor to introduce a specific reference to the Blue Ribbon Network in Policy 7.9A, we do not find that (or indeed the last sentence of Policy 7.9A in its entirety) to be in conflict with our conclusions on Policy 7.8. This is because Policy 7.9A does not seek to introduce a different definition of heritage assets from that in Annexe 2 to PPS5, but instead gives context to the potential range of environmental, economic and community regeneration sought by ESC 7.42. We accordingly endorse both ESC 7.42 and FSC 7.38.

7.44 The principal point of contention relates to Policy 7.9B which (with FSC 7.39) requires that developers repair, restore and re-use heritage buildings “as appropriate”. **HBF** and **Hammerson Plc** contend that, in order to avoid potential conflict with paragraph 26 of PPS1 and Circular 5/05, this should be subject to consideration of whether the proposed development has any impact on the buildings concerned and, if so, what it would be reasonable and viable for the developer to do. Although both indicated that “as appropriate” could be an acceptable caveat, **London Forum**, **Regents Network** and **Hammersmith and Fulham Historic Buildings Group** cautioned against these words which they considered would dilute the strength of the policy. **English Heritage** further argued that there should be clarity as to the meaning of “where appropriate”, a view with which we agree given that this part of the policy is specifically concerned with planning decisions. In effect, “where appropriate”, without further clarification, would make it almost impossible to judge (for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004) whether a proposal is policy compliant or not.

7.45 We have earlier recommended inclusion of a definition of “development” in the glossary and note that most applications coming before the Mayor for determination would be of such a scale that repair, restoration and re-use may often represent only relatively small components of a larger scheme. Nonetheless, we consider that a reversal of the two sentences of Policy 7.9B with some further modification would be more in line with the thrust of PPS5, to assess the significance of the asset first before considering whether a suitable response would be repair, restoration and re-use. In the specific context of heritage-led regeneration (which is
the aim of Policy 7.9), however, it must be assumed that repair, restoration and re-use will generally be the Mayor’s preferred approach, especially if the importance of London’s heritage assets is not to be understated. Drawing on PPS5, we accordingly make Recommendation 7.10: That Policy 7.9B be modified to read: “The significance of heritage assets should be assessed when development is proposed and schemes designed so that their significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.”

**Issue: Does Policy 7.10 adequately safeguard World Heritage Sites?**

7.46 ESCs 7.45–7.47 and FSCs 7.42-7.46 have been formulated principally to reflect more closely the wording of the relevant statutes and guidance. The FSCs, in particular, include some further minor adjustments to address points raised at the Examination session by English Heritage. These include FSC 7.44 which corrects “appropriate” to “available” in Policy 7.10C, and FSC 7.45 which inserts a commitment to the implementation of management plans in paragraph 7.28 together with a reference to Tentative List sites, of which there is at present only one. “Stakeholders” are, we consider, suitably dealt with in Policy 7.10A and do not warrant the further reference in Policy 7.10B sought by English Heritage.

7.47 Hammersmith and Fulham Historic Buildings Group and Regents Network both raised the subject of settings, and questioned whether adequate protection would be given to the approaches to World Heritage Sites (citing as an example the car parking that intervenes in the view of Kew Gardens along the Thames) and to views both out of and into World Heritage Sites. English Heritage advised us that the definition of “setting” now in Annexe 2 to PPS5 is sufficiently broad to encompass such considerations and that these matters should also be covered by Site Management Plans. Although these do not have the statutory force of development plan policy, we further record the Mayor’s advice that SPG will be produced to cover (among other things) views into and out of Sites, this already being the case for the Tower of London. In these circumstances, we are content that the proposed policy coverage (with SPG produced in the proper manner) will adequately safeguard World Heritage Sites. We endorse FSCs 7.42-7.46 and the surviving parts of ESCs 7.45-7.47 that have been transcribed with them in the Mayor’s schedule of Further Suggested Changes.

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239 CD19
Policies 7.11 and 7.12 View Management

Policies 7.11 and 7.12

7.48 Policy 7.11 is in effect the “parent” policy for Mayoral SPG setting out the Mayor’s intended approach to the protection of important views across London. In itself, the policy says little more than that the Mayor has identified certain important views (as listed in Table 7.1) and sets out the criteria for their selection and a broad outline of what is to be protected within those views and how. Further details of the mechanics are for the SPG. Policy 7.12 effectively provides the statutory development plan policy basis for decisions that flow from assessment of proposals under the SPG, giving also both a strategic context to those decisions and to relevant LDF policy formulation at local level.

7.49 View management is a long established and well accepted practice in London, and a broadly similar approach of policies and SPG is included in London Plan 2008. There was, however, confusion in the minds of some of those making representations to us, because SPG to support the London Plan 2008 policies was not produced until July 2010, giving rise to the impression that it had been published to support, and inform debate on, the DRLP policies (the relevant Examination session being held in September 2010). As a consequence, parties drew attention to inconsistencies in terminology and other details between the SPG and DRLP arguing that the former (which had been the subject of detailed consultation and broad agreement with those involved) should take precedence over the latter. In this respect we accept the Mayor’s response that it is necessary to establish policy first, so new SPG flowing from the DRLP will be progressed as quickly as possible with a draft version intended to be available in early 2011. Policy 7.11, in particular, uses selective terminology in expressing the approach to view management, and we find nothing in it (or, indeed, in Policy 7.12) to suggest that every aspect of a designated view is to be protected. FSCs 7.47-7.50 provide helpful clarification both to Policy 7.11 and its supporting text in response to detailed points raised by English Heritage and CPA. Noting also that in any interim period after adoption of DRLP the July 2010 SPG will remain a material consideration for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, we are content with Policy 7.11 and we endorse FSCs 7.47-7.50.

7.50 Several clauses of Policy 7.12 gave rise to representations. In clause A it was put to us by South Bank Employer’s Group that new and prominent development should be provided for if it is of
high architectural quality and does not harm the view\textsuperscript{241}. Such provision is, however, suitably made by the first sentence of Policy 7.12A, with cautions rather than specifying the outright prohibition voiced in the subsequent two sentences (with FSC 7.51) to ensure that Strategically Important Landmarks and the silhouettes of World Heritage Sites are not compromised. We consider that this represents a suitably balanced approach which accords with the Secretary of State’s 2009 Elizabeth House decision to which we were referred, and \textbf{we endorse FSC 7.51}. FSC 7.52 has been advanced by the Mayor to meet the CPA point that Policy 7.12B refers to the whole of designated views, so wording relating to only part of the view is superfluous. \textbf{We endorse FSC 7.52}. Criticism that Policy 7.12C would be unduly onerous is suitably met by FSC 7.53, which limits the focus of silhouette protection of World Heritage Sites to locations where clear sky is an integral component of the background view. It also avoids inconsistency with Policy 7.12A, a point highlighted by English Heritage. \textbf{We endorse FSC 7.53}. In clause Fa, CPA suggested that there should be more flexibility introduced, through insertion of the word “normally”. This was opposed both by London Forum and on behalf of the Mayor, a stance that we support because Section 38(6) of the Act already provides for exceptions to policy where other material considerations weigh more heavily in the balance. FSC 7.54 has, however, been advanced for technical clarification of terminology differentiating between wider consultation areas, protected vistas, and landmark viewing corridors. \textbf{We endorse FSC 7.54}.  

7.51 We raised the subject of demolitions. We note that the July 2010 View Management Framework SPG contains Management plans for each of the 26 views designated in London Plan 2008. These provide a description of the condition, attributes, composition and key features and landmarks of each view, together with Visual Management Guidance to draw attention to the general principles for managing development in the foreground, middle ground and background of the view and for managing the respective Viewing Locations. We assume that a broadly similar approach is intended for the views now included in Table 7.1 of DRLP. Our Panel tours took us to most of the identified viewing locations for the London Panoramas, which focussed our attention on a number of easily identifiable buildings (some of recent origin) which might be widely held to demonstrably harm certain views of particular landmarks. We would be disappointed if the proposed view management SPG does not include measures designed to facilitate prior objective assessment of the impact of new buildings (such as computer generated visual imaging) and to at least identify those buildings that, when the time comes for replacement, might beneficially be replaced in a different form or location. These are, however, matters for the Mayor’s SPG and we mention them here only because of the importance we attach to the view management process.

\textsuperscript{241} ED143
Table 7.1

7.52 The views listed are the same as those in the equivalent Table 4B.1 of London Plan 2008 (although some have amended titles), but with one proposed deletion and one proposed addition. Both of the latter and two others were questioned in the representations made to us, and we consider each of these views in turn.

Linear View 7: The Mall to Buckingham Palace

7.53 This view is effectively from the centre of Admiralty Arch, and it was put to us that this is a location from which it would normally be either hazardous or impractical to absorb the view. **English Heritage** pointed out, however, that the viewpoint highlights the symmetry of the linear view. We further note that The Mall is one of London’s main ceremonial routes, so it might be expected that traffic will be largely absent when state processions to and from Buckingham Palace along the Mall are televised to a world-wide audience. We are in no doubt that it should be protected as proposed.

Linear View 8: Westminster Pier to St Paul’s Cathedral

7.54 **Hammerson UK Plc** object to inclusion of this view, primarily because its protection might suppress development in parts of the City of London lying in the background of the view (London Wall, Broadgate and South Shoreditch areas), arguing that it only provides a narrow and fleeting view in any event. We note, however, that **Westminster City Council** supports protection of this view on the basis that it is the best location from which the relationship between the City of Westminster and the City of London can best be perceived and we further observe that it would complement height restrictions imposed by the City Corporation around St Paul’s itself. For the Mayor, we were told that there was concern also to regulate pressures for tall buildings within the Waterloo Opportunity Area that might adversely affect the view. Westminster Pier is a popular place for tourists to congregate and the view of St Paul’s from here is one that we consider should not be put at risk of being spoiled. As we have already indicated, the view management framework does not preclude development altogether, and the narrow arc of view involved would not, in our view, convey an undue measure of development restraint.

River Prospect 14: Blackfriars Bridge

7.55 This prospect is one that the Mayor excluded from DRLP, bringing forth objection from **English Heritage**. In the Mayor’s judgement, the downstream view from the bridge has been compromised by development (on-going at the time of the Examination) over part of the neighbouring railway bridge in conjunction with the construction
of Thameslink and the construction of a canopy over the more distant Cannon Street Station. Because St Paul’s stands on elevated Ludgate Hill a little way to the north of the River there would still be a part view of it above the railway bridge from the assessment point to the south. Otherwise, however, any significant river prospect would, as far as we could estimate with hoardings in place, effectively be obliterated. We see no ongoing reason to protect this as a river prospect. The Mayor has, however, acknowledged that the up-stream view from the centre of Blackfriars Bridge, which would embrace (among other attractive features) Temple Gardens and Somerset House, is in our consideration worthy of continued protection. FSC 7.56 has been proposed to affirm this. We endorse FSC 7.56.

Townscape View 27: Parliament Square to the Palace of Westminster

7.56 South Bank Employers’ Group strongly oppose protection of this view (which is an addition to those in London Plan 2008) because they perceive a potential threat to the acceptability of tall buildings within the Waterloo Opportunity Area, it being argued that such buildings are an essential component of the area’s regeneration. The Palace of Westminster is a World Heritage Site and is thus also covered by Policy 7.10, in addition to being protected as a Grade I Listed building, the latter extending to its setting. However, view management has a different objective to policies for the protection of historic assets and their settings, inasmuch as it has a focus only on particular directions of view and is concerned with the management of development away from any heritage asset concerned and not at the asset itself. For the latter reason, in particular, a separate and additional policy regime is necessary, where view protection is justified. From what we saw on our Panel tour, we do not question that this close-range view of the Palace of Westminster from an attractive open space warrants protection. The South Bank Employers’ Group’s particular concern is that the protected view might also include the view across Westminster Bridge between Big Ben and Portcullis House, this being the only segment of the view in which buildings in the Waterloo Opportunity Area would be likely to be visible. The Mayor’s response is that it will be for SPG to determine the precise extent of the protected view. Production of that SPG will inherently involve publicity and consultation. We agree that it is both premature and unnecessary to determine the outcome in the DRLP itself and further repeat that the view management regime does not proscribe tall buildings where they cause no harm to protected views. This effectively means informed assessment on a case-by-case basis which is, in essence, what the Employers’ Group seeks. We are therefore content with inclusion of this view in Table 7.1.

Other matters relating to view management
7.57 We note that the second sentence of ESC 7.51 to Policy 7.12E would invite Boroughs to use view management principles for the designation and management of local views, an approach that was welcomed by Hammersmith and Fulham Historic Buildings Group. This did not attract significant opposition and we acknowledge that it facilitates localism. Nonetheless, we caution against promoting a policy regime that might extend planning constraints across extensive areas (stopping arbitrarily at Borough boundaries) that have no obvious relationship to individual development sites, and do not involve features of such importance as those identified in DRLP, especially if not accompanied by advice in similar detail to that included in the Mayor’s SPG. It would remain open to the Boroughs to do so whether ESC 7.51 is made or not, if the necessary (and not inconsiderable) resources are available. We do not, however, support the Mayoral stimulus that would be lent by the second sentence of ESC 7.51 and we endorse only the first sentence of ESC 7.51.

Policy 7.13 Security

Issue: Is Policy 7.13 necessary in addition to Policy 7.3 (Crime), and should they be combined?

7.58 It was put to us by HBF that much of the detail in Policy 7.3 would be more appropriately covered at Borough level in LDFs and that requirements of Policy 7.13 were variously covered by other DRLP policies (such as Policy 5.12 in the case of flood risk) or by Building Regulations (such as fire risk), while the risk of terrorism is effectively paid for by taxation. Nevertheless, crime prevention is a subject that can be addressed in some measure by careful design (as witnessed by the Home Office’s publication Safer Places) and measures to counter terrorism might include ensuring the suitable layout of crowded places to ensure ease of evacuation and of access by emergency services. There can therefore be no doubt that all have spatial dimensions and, individually, are of strategic importance to the safety and security of Londoners. While there may be synergies between them, the approaches required to safeguard individuals from crime and those required to protect communities from the effects of emergencies are materially different, and different again from policies such as Policy 5.12 which seek to minimise the risks of emergencies arising rather than (as in the case of Policy 7.13) facilitate suitable response to the potential effects of emergencies.

7.59 For these reasons, we regard both Policies 7.3 and 7.13 as necessary and concur with the Mayor that a combined policy would not be either sufficient or appropriate to identify the range of necessary and distinctive requirements of each. We do not, however, support London Forum’s suggestion that “related hazards” in Policy 7.13A should be expanded to include loss of utility supplies, because dealing with any such emergency is likely...
to be a matter of procedure rather than spatial planning. ESCs 7.55—7.57 provide clarification of Policy 7.13 and its supporting text. **We endorse ESCs 7.55-7.57.** The Mayor may also wish to consider closer juxtaposition of Policies 7.3 and 7.13 in the Plan in order to emphasise the commonality of crime prevention as a component of both.

### Policies 7.14 Improving Air Quality and 7.15 Reducing Noise and Enhancing Soundscapes

**Policy 7.14**

7.60 The overall approach to improving air quality in London is set out in the Mayor’s Air Quality Strategy\(^{242}\). At the time of the Examination this was still in draft form and thus progressing in parallel with (but independently from) DRLP. Importantly, our examination is of the DRLP and not the draft Air Quality Strategy. The Air Quality Strategy will include a wide range of proposals to improve air quality, with a particular focus on meeting the Mayor’s statutory responsibilities for the subject. However, the London Plan (upon adoption) will give strategic spatial expression only to those aims of the Air Quality Strategy (whether still in draft form or not) that fall within the ambit of influence by the planning system. Such spatial planning measures are nevertheless in themselves wide-ranging, and are found not only in Policy 7.14. Rather, they either permeate or are complemented by other components of the DRLP spatial strategy. They include, for example, arranging the pattern of new development in ways that separate sources of pollution from recipients of pollution (Chapter 2 and Chapter 5 policies), reducing reliance on motorised travel and transport (Chapter 6 policies), supporting “clean” technologies for manufacturing, energy production and construction (Chapter 4 and Chapter 5 policies), and promoting urban greening (Chapter 2 and Chapter 7 policies). Other non-spatial components of the Mayor’s Air Quality Strategy are, however, beyond the scope of the London Plan and must be pursued separately. In particular, it is for the Air Quality Strategy rather than the London Plan to indicate precisely how it is expected that statutory air quality standards will be met, drawing together the various expected contributions from all of the spatial and non-spatial measures that the Mayor proposes.

7.61 It is for those reasons that we find little of substance in objections that Policy 7.14 does not go far enough (by itself) to address London’s air quality, which is undoubtedly a significant and recognised threat to public health and backed up by substantial (and impending) penalties for non-compliance with nationally and internationally prescribed limit values for specific pollutants\(^{243}\). Rather, action is needed on a wide range of fronts, among which Policy 7.14 is only one. FSCs 7.59-7.61 substantially redraft much

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\(^{242}\) LD14

\(^{243}\) European Directive on Ambient Air Quality and Cleaner Air for Europe (2008/50/EC) and Air Quality Standards Regulations (England) 2007
of the policy and its supporting text to make this latter point clear and to address some of the specific subjects raised by participants and others before and during the Examination session. We rely on the version of Policy 7.14 with these FSCs in now considering the representations. It follows that other than where we specifically indicate to the contrary in concluding on the issues raised below, we endorse FSCs 7.59-7.61.

**Issue: Is the Mayor’s general approach to meeting air quality standards sufficiently demanding?**

7.62 Discussion of this issue initially focussed on the word “minimise” (in the context of exposure to poor air quality) used throughout much of Policy 7.14 and its supporting text as the strategic policy aim. It attracted particular criticism from a range of participants including **London Forum** and **Friends of the Earth**, the suggestion being that (especially in Policy 7.14Ba) it conveys the impression that both poor air quality and increased exposure to pollution are acceptable. Indeed, it was put to us by **Friends of the Earth**, **CCAL** and the **London Sustainable Development Commission** that there should instead be an absolute requirement to meet the prescribed limit values. However, **HUDU** cautioned that simply meeting those values would not be sufficient because adverse health impacts would still remain even with lower concentrations of pollutants. With **London Councils** it took a wider view of Policy 7.14Ba, noting the parallels between concentrations of air pollution and areas of deprivation and the benefits of targeting action on particularly vulnerable communities. In taking this point further, **CCAL** pointed out that there are some 75 schools in London within 400m of roads carrying over 100,000 vehicles per day and 13 schools within 40m and advocated adaptation of the “California Principle”, which relies on establishing suitable separation distances of up to about 400m between highways and sensitive uses. The Mayor conceded that separation of pollution sources from pollution sensitive uses would always be the preferred approach (as the first sentence of paragraph 7.42 with FSC 7.61 implies) but, with support from **LB Islington**, contended that this would not always be possible in a densely developed area like London.

7.63 These arguments, it seems to us, highlight an important difference between the Mayor’s Air Quality Strategy and the Spatial Strategy in the London Plan. The need to meet absolute targets across London is rightly a key and compelling aim of the former, but a more pragmatic approach must be adopted in the latter if development is not to be frustrated and related social, economic and environmental benefits are not to be foregone. For example, while air quality does not respect administrative or site boundaries, particular concentrations of air pollution may occur alongside main thoroughfares or close to existing polluting plant or activities, but is likely to decrease rapidly with distance from either. A balanced
judgement must be made in each case between prevailing air quality in the particular locality concerned (which may vary periodically with weather or climatic conditions as well as following a longer trajectory), the extent to which design, layout, patterns of occupancy/usage and other factors may limit exposure, and the desirability of the proposed development. We therefore consider “minimise” to be the appropriate spatial planning terminology for use in Policy 7.14 and its supporting text.

7.64 That is not to say, however, that in a similar vein we are content with the use in paragraph 7.40 (with FSC 7.60) of the words “working towards meeting” EU limit values for PM$_{10}$ and NO$_{2}$ by specified dates. That reference is made in the context of explaining the aims of the Mayor’s Air Quality Strategy and its relationship to the London Plan, rather than as explanation of the specific aim of Policy 7.14. We were told by the Mayor’s representative and HUDU, among others, of the likelihood that at least certain of the limit values may not be met (notably that for NO$_{2}$ by 2015), but we share the view of objectors that because compelling statutory force attaches to meeting them (and that once met, they must continue to be met) a firmer form of words is called for. While for the most part we find FSC 7.60 acceptable, we therefore recommend modification of the first sentence. We endorse FSC 7.60 but make Recommendation 7.11: That the words “…the Mayor is committed to implementing policies formulated to meet…” be used in FSC 7.60 in place of “…the Mayor is committed to working towards meeting…”.

7.65 Further criticism was levelled by participants, including Just Space Network, at the injunction in Policy 7.14Bc for development proposals to be “at least air quality neutral”, the argument being that any development that would contribute to deterioration in air quality should not be permitted. London Councils also highlighted the absence of a definition of this terminology. Our view is that the term should be omitted altogether. This would serve to clarify the remaining text of Policy 7.14Bc (which would meet the argument made by Just Space Network) and would avoid the need for a definition altogether. We make Recommendation 7.12: delete the words “aim to be (at least) air quality neutral and…” from the beginning of clause Policy 7.14 Bc.

Issue: Should there be greater emphasis on the link between vehicular traffic and air quality?

7.66 There is no dispute that the most significant source of air pollution in London is motorised traffic, and we were referred by Friends of the Earth to research carried out by Professor Kelly for the Environmental Audit Committee indicating that 20-30% traffic reduction would be needed in order to meet the requisite air quality standards. We have considered the subject of traffic measures in
Chapter 6 of our report (Policy 6.11) where, among other things, we comment upon the implications of Mayor’s intention to rescind the Congestion Charge Western Extension Zone, measures to smooth traffic flows and ease congestion, and the likelihood of future traffic growth. We do not return to those points here and add only that we find some substance in objector concerns that the significance of traffic (including for LDF work), the relevance of parking policy and the importance of reducing the need to travel given growing concerns about PM_{10} air pollution from brake dust and tyre wear (which apply equally to electric vehicles) does not find commensurate expression in either Policy 7.14 or its supporting text. We accept, however, that cross-referencing from one policy to another is unnecessary when the Plan must be read as a whole. On balance, we are content that Policy 7.14A (with FSC 7.59) and paragraph 7.60 (with FSC 7.60) indicate the breadth of relationships to transport and other policies sufficiently for relevant linkages to be identified. For this particular issue, having already specifically endorsed (with modification) FSC 7.60, we further specifically endorse FSC 7.59, but only inasmuch as it relates to Policy 7.14A.

**Issue: Are suitable implementational measures proposed?**

7.67 **CCAL** expressed concern about provision for “off-setting” of the negative air quality impacts of development. This was referred to originally in Policy 7.14Bc and paragraph 7.42. It was put to us that air quality standards apply everywhere. Rather, pollution should be driven down wherever it occurs. **LB Islington** offered a different perspective, suggesting that “mitigation” might be difficult but should not be ruled out especially in Inner London, where land for housing is at a premium.

7.68 Having accepted that avoidance will always be the preferred option (the first sentence of paragraph 7.42 with FSC 7.61), two separate policy responses are, in effect, proposed by the Mayor. The first is to limit exposure of new “pollution-benign” development (such as housing) to existing sources of pollution (such as nearby roads and factories). This (as is made clear also in the first sentence of paragraph 7.42 with FSC 7.61) is the subject matter of Policy 7.14Ba, which includes reference to “mitigation” in the form of “design solutions, buffer zones or steps to promote greater use of sustainable transport modes”.

7.69 The second policy response is to control emissions from new development. In this case, harmful pollution may occur, for example, in connection even with housing schemes (such as in consequence of concentrations of on-site car parking or the incorporation of fossil-fuelled or biomass boilers) as well as commercially (such as in connection with similar boiler installations or particular types of industrial process). This is the subject matter of Policy 7.14Bc and new Policy 7.14Bd, introduced by FSC 7.59. In this case, ordinarily any “mitigation” will also take place within the proposed development itself, but there may be cases where further
mitigation could be undertaken on receptor sites or where “off-setting” elsewhere may be appropriate (as paragraph 7.40A with ESC 7.59 and FSC 7.60, and paragraph 7.42 with FSC 7.61 jointly indicate).

7.70 The policy could be clearer in expressing these separate responses, and the complexity of operating air quality control through the development management process should also not be underestimated. In this connection, we welcome the Mayor’s intentions, expressed in paragraphs 7.40A (with FSC 7.60) to develop an assessment checklist and in paragraph 7.42 (with FSC 7.61) to produce SPG to guide Boroughs in determining applications and identifying appropriate off-setting and mitigation measures. We are content on that basis.

Other matters

7.71 We note the call made by London Forum and Friends of the Earth for a key performance indicator dealing specifically with air quality. We have touched upon this subject in our consideration of Policy 6.11 but principally in the context of traffic congestion. However, while we do not question the importance of good air quality to the health of Londoners, we are in no doubt that the imperative to meet statutory air quality standards will ensure appropriate and measurable stimulus to policy delivery. An additional specific KPI would not therefore be justified as we confirm in Chapter 8.

7.72 London Councils request a cross-reference to Policy 8.2, to indicate the relative priorities of obligations seeking to improve air quality compared to other suggested planning requirements such as provision of small shops. This, it was suggested, would be helpful when considering developer contributions, but again we are of the view that the statutory imperative is sufficient to drive forward the air quality agenda on all fronts. We note the submission made to us on behalf of the Mayor that carbon reduction targets bearing on Chapter 5 policies are subject to different timescales, different policy approaches and different legislation. To the extent that tensions may arise between measures to address climate change and those needed to address air quality, we are content that deletion of Table 5.1 (FSC 5.7) and the inclusion of Policy 7.14Be (with the wording in ESC 7.58) suitably resolves potential conflict between biomass energy generation and air quality in favour of the latter. **We specifically endorse ESC 7.58.** We have considered all other matters raised in the many representations on this subject, including the various suggestions for policy wordings which have assisted our deliberations and the additional submissions from CCAL, but find nothing to alter our conclusions as set out above.

Policy 7.15
Policy 7.15 was not selected by the Panel for examination because no representations of substance were made directly relating to it. However, the policy was raised in representations in the context of Policy 6.6 dealing with aviation. *Aviation Environment Federation, Friends of the Earth, London Sustainable Development Commission* and *HACAN Clear Skies* all wanted to see strengthened references in Policy 7.15 and paragraph 7.44 to Noise Action Plans, together with more stringent standards. A main concern is night-time noise, it being urged that the Mayor should do more to promote the preparation of Noise Action Plans for each of London’s airports in consultation with affected communities, with a view to achieving WHO standards. As paragraph 7.44 appropriately records, the preparation of individual Noise Action Plans is a matter for the airport operators themselves and the designation of “quiet areas” is a Borough responsibility. The Mayor has recognised a strategic role by producing an Ambient Noise Strategy which addresses noise on a range of fronts. This also includes policies for night flights, the impacts of new technologies and the use of noise data. However, as with the relationship to other strategies (including the Mayor’s Draft Air Quality Strategy) the London Plan can only focus on spatial actions. Nonetheless, given the importance of aviation to London’s economy and the impetus attached to the subject of noise in general the Government’s March 2010 publication of a Noise Action Plan for the London Agglomeration, it seems to us that the spatial implications of noise generating development within London warrant a strategic overview. We therefore make Recommendation 7.13: Add to the end of paragraph 7.44 the following sentence “The Mayor will support action by Airport Operators to prepare Noise Action Plans for London’s Airports and by the Boroughs to identify and implement “Quiet Areas” with a view to ensuring that environmental issues are suitably taken into account alongside economic considerations when dealing with aviation-related development”.

### Policies 7.16 Green Belt, 7.17 Metropolitan Open Space and 7.18 Protecting Local Natural Space and Addressing Local Deficiency

The key context for these policies is set by PPG2 (Revised) Green Belts, which, dating from January 1995, is older than most other planning guidance but nevertheless contains the national planning policy on Green Belts that has subsisted in broadly its present form for over 50 years. RPG3 of May 1996, although now replaced by London Plan, first set out Government acceptance that Metropolitan Open Land (MOL) should be treated in the same way as Green Belt, a policy approach that is found in the current consolidated London

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247 RD392  
248 GD10  
249 RD316
Plan 2008\textsuperscript{250}. More general guidance on open space provision is set out in PPG17 *Planning for Open Space, Sport & Recreation*, July 2002\textsuperscript{251}.

7.75 In connection with the strategic aim of avoiding the encroachment of London’s growth on the Green Belt or on London’s open spaces, we have considered under Policy 1.1 in Chapter 1 of our report the appropriateness of the DRLP glossary definition of open space (recommending that it be modified to refer only to “protected” open space). We have also already endorsed under Policy 2.18 in Chapter 2 of our report a revised definition of “green infrastructure” introduced by FSC G.4. In our analysis in Chapter 3 of our report, we accept the general adequacy of housing land supply over the next 10 years (Policy 3.3) and the evidence supporting application of relevant qualitative housing standards (Policies 3.4, 3.5 with our recommended modifications), at least until the promised review by 2015. This enables us to affirm (in chapter 3) that, notwithstanding arguments to the contrary made by Strategic Land Planning Trust, HBF and Consortium of London Developers, we do not find “exceptional circumstances” sufficient from a strategic perspective to justify stimulating a general review of the extent of the Green Belt\textsuperscript{252} for housing land supply purposes nor, it follows, of Metropolitan Open Land. We therefore support the main protective thrusts of Policies 7.16 and 7.17, noting only (in response to a submission by Kingston University) that absence of a strategic imperative would not preclude local review altogether, if warranted locally by exceptional circumstances perceived by Boroughs in course of DPD preparation\textsuperscript{253}. Policy 7.17C and D explicitly recognise this, because MOL is not covered by PPG2.

7.76 On a similar basis, we are also able to support Policy 7.18 (with ESC 7.64 and FSC 7.64) provided this applies only to “protected” open space in accordance with the new glossary definition that we have recommended in connection with Policy 1.1. We make clear in this respect that by “protected” we mean specifically (by identification and designation in a statutory development plan) not generically (by Policy 7.18 alone). To reinforce this point, we accordingly make Recommendation 7.14: That the word “protected” be inserted between the words “local” and “open” both in the title of Policy 7.18 (with ESC 7.64) and in Policy 7.18A itself (with FSC 7.64).

7.77 We now turn to consider more specific criticisms made to us of the individual policies.

*Policy 7.16 Green Belt*

7.78 The Landscape Institute pressed for reference to positive management of the Green Belt in Policy 7.16. It was suggested

\begin{footnotesize}
\begin{itemize}
\item[250] LD05
\item[251] GD12
\item[252] PPG2, paragraph 2.6
\item[253] PPG2, paragraph 2.7
\end{itemize}
\end{footnotesize}
that this might, for example, facilitate climate change mitigation through use of the Green Belt as a “cooling area” to counterbalance London’s “heat island” effect, or to address air quality or to support food production. London Wildlife Trust and London Forum supported the desirability of positive management but the Forum also cautioned against introducing words that might lead Green Belt land owners to initiate unsuitable land uses on their own initiative. It proposed that management should be promoted through inclusion of an LDF section in the policy, to ensure that proposals would be plan-led. We take the view however, that it is rarely expedient to tinker locally with national Green Belt policy, because to do so might undermine the strength of its provenance and effectiveness, a point also made by London Green Belt Council. Policy 7.16 (with change ESC 7.63) would not obstruct appropriate management practices that could be introduced by Boroughs (with or without an LDF imperative) in response to locally designated Air Quality Management Areas and associated local air quality action plans, or other countryside stewardship initiatives. Sufficient impetus to measures such as those would, in our view, be conveyed by the last sentence of paragraph 7.46, without further policy modification. We endorse ESC 7.63.

7.79 The identification of major developed sites as advocated by Thames Water Property Services is a site specific matter and, despite the importance of co-ordinating infrastructure provision with development, is one that, from Annexe C to PPG2, should plainly be pursued through Borough-level plans rather than the DRLP. The impetus for identification of such sites derives from PPG2 and does not warrant repetition through the addition of an LDF section in Policy 7.16.

Policy 7.17

7.80 It was put to us that MOL differs from Green Belt in a variety of ways. For example, Green Belt extends beyond the London boundary whereas MOL does not, and as Policy 7.17D recognises, it is designated for specific reasons other than (but including) openness. Nevertheless, as we have already recorded, and the first sentence of DRLP paragraph 7.47 affirms, it is equally subject to PPG2 guidance. We thus again find no reason to introduce an LDF section in response to Thames Water Property Services submission to deal with major developed sites, or to introduce commentary about views into, within and out of MOL (including the Blue Ribbon Network) as sought by London Forum, because such views are not a criterion for designation of MOL and are suitably covered by paragraph 3.15 of PPG2. The same applies to suggestions for inclusion of a reference in Policy 7.17Db to tourism and to the suggestion made by Environmental Law Foundation/Thamesbank for re-wording of Policy 7.17A to

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254 Environment Act 1995
255 ED190
prompt MOL designation of the River Thames and the accessways and towpaths alongside it. In essence, the focus of Policy 7.17 is to convey the same level of protection to MOL as to Green Belt and to establish criteria for its designation. Such designation is, in itself however, a matter for the Boroughs to consider and the imperative to do so is the subject matter of Policy 7.18Aa. We accordingly consider whether MOL designation is appropriate for the Blue Ribbon Network as a whole in our consideration of Policy 7.18 below.

7.81 **Viridor**’s point is a different one, inasmuch as they are faced with difficulties in finding new sites for waste treatment facilities within London (especially south London) and regard MOL, which is generally surrounded by developed areas, as offering potentially suitable locations closer to sources of waste than Green Belt land. Although **Just Space Network** promoted the case for increased reliance on community based facilities, the volume of waste requiring treatment is such that large scale facilities will also be needed. We were told by **London Wildlife Trust** that the South London Waste Plan identifies MOL as a potential location. Nonetheless waste treatment is not excluded from the general presumption against inappropriate development in the Green Belt (or, thus, MOL) by paragraphs 3.4 or 3.12 of PPG2, and nor is it referred to in paragraph 3.13 (other than in the context of waste-tipping). Such proposals, if they are to be pursued, must therefore be advanced on the basis of “very special circumstances” which require demonstration on a case-by-case basis as paragraphs 3.1-3.3 of PPG2 explicitly affirm. In that respect, it might be anticipated that SILs would be among the locations falling to be first considered, in accordance with clause A of Policy 2.17. There is thus no reason to modify Policy 7.17.

**Policy 7.18**

7.82 A number of concerns were raised by **Environmental Law Foundation/Thamesbank** and similar points were also raised by **London Forum**, with further support for specific concerns (particularly about measures to address open space deficiencies) from others including **Haringey Federation of Tenants and Residents, Charlotte Street Association**. Firstly, it was argued that the absence of a “planning decisions” section would leave inadequate reference to “protection” of local open space. The Mayor has accepted that point and promoted FSC 7.64 in response. **We endorse FSC 7.64.**

7.83 Secondly, it was put to us that the strategic importance of the River Thames and its tributaries (and, from **London Forum**, Green Chains in general) would not be sufficiently recognised through Table 7.2 and Policies 7.18Aa and Ab (before FSC 7.64). In the
Panel’s view, however, this subject is suitably addressed by the Mayor’s suggested changes to Policy 2.18, which places the Blue Ribbon Network within the general ambit of green infrastructure rather than local open space. This recognises the strategic multi-functionality of the Network reflected in the suite of Chapter 7 policies that specifically deal with its protection and provision for necessary development alongside each other. The latter approach flows from the deliberations of the Panel that held the London Plan 2008 EiP and which came to the firm view that the Blue Ribbon Network should not be identified as MOL. We find no reason to depart from that view with regard to MOL (or Green Belt), or any other open space designation advanced through Policy 7.18. No modification is therefore called for to Policy 7.18 in that respect.

Thirdly, further criticism was levelled at Policy 7.18Ab (before FSC 7.64) and the heading to Table 7.2 for referring to a hierarchy of open space. We find some substance in that, because meeting London’s open space needs is reliant upon all of the different types of open space tabulated, not some in preference to others. There is a semblance of hierarchy in terms of size and function, but it is the case that this places the importance of linear open spaces including the River Thames, canals and other waterways at the bottom of the hierarchy, a point that underpins the objection. Given the usage of the Thames (and its foreshore) and other elements of the Blue Ribbon Network for watersport and various other forms of active and passive recreation, it would be palpably incorrect to attach less significance to this than to any of the other categories of open space further up the hierarchy. We therefore make Recommendation 7.15: That the word “hierarchy” in clause Ab of Policy 7.18 (Bb after FSC 7.64) and in the heading to Table 7.2 be changed to “categorisation”.

The subject of deficiencies stimulated most dissent between amenity groups and the Mayor. Deficiencies in all categories of open space, including (cumulatively) local open space are, we consider, of sufficient importance to Londoners and to the physical and economic well-being of London to warrant a strategic policy approach. However, for reasons we have given in Chapter 2 of our report, deficiencies in regional, metropolitan and district parks are, on balance, more suitably the subject of Policy 2.18 (although only “regional park opportunities” would be identified on Map 2.8, which we do not consider “hugely confusing”, as put to us on behalf of the Mayor, because the main purpose of Map 2.8 is simply to distinguish regionally significant open spaces from local ones and to identify where deficiencies in the former might suitably be met). Any similar deficiency in green chains or other open space is, we consider more suitably identified at local level under Policy 7.18 and, as the Mayor advised, paragraph 6 of PPG17 effectively stipulates that standards should be set locally. We do, however, find a strategic imperative for Boroughs to address any deficiencies identified under Policy 7.18 to be a necessary addition, in order to

259 RD15, paragraphs 2.51-2.52
lend some purpose to the Table 7.2 categorisation and to the objectives of the exercise of deficiency identification. We rely largely on Environmental Law Foundation/Thamesbank’s suggested wording in this respect and we make Recommendation 7.16: That Policy 7.18 be modified by the addition of a “Strategic” clause to read “The Mayor supports the creation of new open space in London, particularly in areas of deficiency, in order to ensure satisfactory levels of local provision.”

7.86 Further Policy 7.18D, E and F proposed in the Environmental Law Foundation/Thamesbank’s submission260 however, would in our judgement import excessive detail and prescription into the London Plan, which is intended as a framework, rather than a straitjacket, for localism. That would not apply to inclusion in paragraph 7.48 of a reference back to Policy 2.18, which would in our view be helpful, but given the Mayor’s general approach to avoiding constant cross-referencing, not essential to the understanding of the Plan, we make no recommendation on the subject.

Other Matters

7.87 The Lee Valley Federation sought strategic recognition of the importance of the Lee Valley Regional Park, explaining that the Park variously embraces Green Belt, MOL and local open space and that without such a reference there would be the risk of a fragmented policy approach leaving parts of the Park unprotected261. This is not least because Policy 7.18 is specifically targeted at local open space and does not therefore apply to regional open space, in addition to which there is a need to protect the park from “adverse” planning proposals on land which is not open space (such as Essex Wharf). We acknowledge that the Park has a unique quality as a lengthy, continuous and broad space of open land, crossing six London Boroughs and extending from the Green Belt into the heart of London. However, we do not consider that it is either appropriate or necessary to distort all of the DRLP open space policies by their amalgamation as suggested by the Federation, to single the Park out for its own separate treatment, or (in line with the Federation’s suggested wording) to uniquely and unilaterally extend a presumption against inappropriate development to land which is neither Green Belt nor MOL.

7.88 The Park’s strategic significance (as a single entity, with defined boundaries) is acknowledged by its identification as a regional park in replacement Map 2.8 alongside others such as Richmond Park, the Colne Valley and Epping Forest. Policy 2.18 with the changes that we have endorsed in Chapter 2 of this report would establish a comprehensive regime for the Park (including the Blue Ribbon Network) to be protected, promoted, expanded and managed in terms of both extent and quality. Policies 7.16 and 7.17 would

260 ED190
261 ED129
overlay that with protection against inappropriate development in the parts which are Green Belt and MOL and Policy 7.18 would underlay it by providing potential for further areas of local importance to be protected. We see this as an exceptionally comprehensive rather than fragmentary suite of policies and find no reason to recommend further modification.

**Policies 7.19 Biodiversity and Access to Nature and 7.20 Geological Conservation**

7.89 Biodiversity and its protection, which includes both habitats and species, is the subject of a wide range of international directives and national law and guidance. Government policy and objectives are set out in PPS9 (August 2005), *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice* (March 2006), and Circular 06/2005 (August 2005). The main thrust of the advice is that development should have minimal impact on biological and geological diversity and enhance it where possible.

7.90 In March 2010 CLG issued for consultation a draft PPS *Planning For A Natural And Healthy Environment*, which sets out planning policies on the conservation and enhancement of the natural environment and the habitats and species it supports, green infrastructure, open space and land and related facilities for sport, recreation and play. At the same time Defra issued for consultation a related draft of a revision to Circular 01/2005 (ODPM 06/2005): *Biodiversity and geological conservation – statutory obligations and their impact within the planning system*. The two documents are intended to complement one another. The key objective of the draft PPS is to bring together related policies on the natural environment and on open and green spaces in rural and urban areas, to ensure that the planning system delivers healthy sustainable communities which adapt to and are resilient to climate change and gives the appropriate level of protection to the natural environment.

7.91 The Mayor produced a Biodiversity Strategy in 2002\(^{262}\), and there is a separate London Biodiversity Action Plan produced by the London Biodiversity Partnership which informs Table 7.3 in the Plan.

7.92 The Mayor has brought forward a number of ESCs and FSCs to meet various points raised in the submissions. Most, but not all of these were generally welcomed by participants who, without exception, represented environmental interests. **London Geodiversity Partnership** indicated satisfaction with FSC 7.74, ESC 7.74 to Policy 7.20 and ESC 7.75 to paragraph 7.52. **We endorse FSC 7.74, ESC 7.74 and ESC 7.75.** Discussion thus focussed on a small number of detailed points directed at increasing the level of protection that would be given to the subject matter of Policy 7.19 only.

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\(^{262}\) RD200
Policy 7.19

Issue: Is the proposed approach sufficiently strategic?

7.93 London Wildlife Trust expressed disappointment that the Mayor had not been more visionary in policy formulation, particularly to ensure re-connection and restoration of links between sites and areas important for wildlife. Thamesbank identified closely with this view, highlighting the absence of reference to the strategic importance of the Blue Ribbon Network and pressing for an “ecosystem” approach to nature conservation. Ealing Civic Society was particularly concerned that while clause C, D and E of Policy 7.19 give protection to identified sites (the “beads on the necklace”), there is nothing in these clauses to protect the chains that connect them.

7.94 It is apparent that Policy 7.19 has its main focus on the potential effects of development on wildlife interests in the context of individual habitats and species, rather than on ecosystems as a whole. This, in some measure, is an inevitable consequence of the use of the London Plan as partly a development management document and the need to respond clearly to local, national and international obligations for protection of identified sites and species. However, Policy 2.18 (and clause A in particular) establishes the Mayor’s overall strategic approach to green infrastructure. Paragraph 7.49 (with the additional text inserted by ESC 7.72) further recognises the importance of biodiversity outside designated sites. The importance of the Blue Ribbon Network (including locations not subject to specific designations) is recognised separately in Policy 7.28Ac which plainly sets out the joint aims of increasing habitat value and avoiding loss of biodiversity. This is reinforced in Table 3.1 (with ESC 7.71 and FSC 7.71) which establishes targets for extending habitats, setting both the Tidal Thames and Rivers and Streams among a wide range of habitat types. We note that canals are included here with “standing water”. There is also nothing in Policy 7.19A itself (with ESC 7.67) that would preclude a strategic approach to the enhancement, creation, promotion and management of biodiversity on more than a site-by-site basis in response to development proposals. Specific actions for corridor improvement and enhancements in this respect are likely to initiated at local level (as FSC 7.67 recognises) through Biodiversity Action Plans (to which FSC 7.66 relates), which are to be compiled within the overarching framework of the London Regional BAP targets. It is for the Mayor’s Biodiversity Strategy rather than the London Plan to stimulate local BAP production or completion where currently lacking. We are therefore content that, with the changes to which we have referred, a sufficiently strategic approach is proposed that would accord with paragraph 12 of PPS9. We specifically endorse ESC 7.67, FSC 7.66, FSC 7.70, ESC 7.71, FSC 7.71 and the textual part of ESC 7.72.
**Issue: Should specific aspects of the approach to nature conservation be identified?**

7.95 The Environment Agency drew parallels between nature conservation interests and the management of flood risk, suggesting that it would generally be preferable to work with natural processes rather than construct physical defences. This, in effect, is a key thrust of the 2002 Defra publication *Working with the Grain of Nature: A Biodiversity Strategy for England*. The subject is, we consider, adequately reflected as a generality for all development in Policy 7.19Ca (with ESC 7.68), and we find no further need for policy to guide Boroughs towards this approach. **We endorse ESC 7.68.**

7.96 Thamesbank holds the view that the replacement of river banks with vertical embankments, which it says often takes place in association with development, is harmful to wildlife and should be avoided. It would not be appropriate to include such a specific and detailed requirement in the London Plan, but we note that Policies 7.28Aa and Ad provide the necessary level of control in a general sense to prevent potentially harmful development of that kind. Establishment of riverside buffer zones is primarily a matter for local decision on the same policy basis.

7.97 While new paragraph 7.51A (introduced by FSC 7.73) was generally welcomed by participants, not least for its inclusion of a reference to climate change, London Forum drew attention to habitat losses along railway embankments and roads. We acknowledge in this respect that public safety and operational issues have to be taken into account and note that the Mayor’s Transport Strategy includes policies to improve transport’s contribution to the natural environment and to make suitable use of the transport system’s open spaces. We were advised on behalf of the Mayor that over 200 trackside locations on the London Underground Network are identified as Sites of Importance for Nature Conservation (SINCs). London Underground is itself producing a Biodiversity Action Plan to include detail on how it manages habitats, including trackside vegetation. The London Overground rail network has similar management arrangements to ensure that nature conservation interest is assessed when vegetation clearance is proposed. We find no need for additional detail beyond FSC 7.73 in these respects. **We endorse FSC 7.73.**

**Issue: Should the Plan include a habitats map?**

7.98 In the submission DRLP, Map 7.1 shows the Spatial Distribution of Opportunities for Woodland Restoration or Creation. This, we understand, was intended as a surrogate for identifying the broad distribution of existing habitats and opportunities to create new habitats (as the key to the Map implies). While there may be close relationships between habitats and woodlands, we do not consider...
that this approach assists the clarity of the Plan or would prove robust as a defence against losses of habitat to development proposals. ESC 7.72 would delete the map altogether. However, the Environment Agency contended that a map would be helpful in ensuring consistency between planning decisions and its own consents regime, especially at Borough level, so that biodiversity could be considered at initial design stage and not be regarded simply as a “bolt-on” later in the process. Thamesbank also considered that a detailed map of the biodiversity of the London region would be helpful. Nonetheless, we share the Mayor’s view that there are inherent difficulties in showing all of the habitat types in Table 7.3 with sufficient clarity at a scale that would be appropriate for inclusion in the London Plan. Such maps are, in our estimation, more suitable for presentation in the Mayor’s Biodiversity Strategy and local BAPs, as appropriate. We endorse ESC 7.72 in this additional respect.

Other matters pertaining to Policy 7.19 and its supporting text
7.99 It was put to us that policy should indicate clearly that there should be no net loss of existing habitat. However, it is already apparent from both policy and text that no net loss is the intended outcome, and we were further pointed by the Mayor to KPI 19 which establishes this as a performance indicator for Policy 7.14 with regard to SINCs. No modification is called for in this regard.

7.100 In core document ED141, the Mayor advanced additional footnotes to accompany Table 7.3 but we note that these have not been included in FSC 7.71. We consider that the DRLP footnotes to Table 7.3 remain valid and that those in ED141 provide additional useful explanation of the amendments made by FSC 7.71. For the avoidance of any doubt on the subject, we make Recommendation 7.17: That the footnotes to Table 7.3 be supplemented with those in ED141.

Policies 7.22 and 7.23: Open Land Uses

Policy 7.22
7.101 We were told that this policy derives from a desire, expressed in the Mayor’s Food Strategy,\(^{264}\) to improve London’s food security. This involves protecting land that is suitable for growing food in the face of competing pressures from fuel crops and the effects of climate change including flood and drought. The main focus of the policy is on commercial food production but the intention is also to promote community gardens and allotments. FSCs 7.75 and 7.76 have been formulated to make this, among other things, clear, with text in paragraph 7.55 now dealing with the former and that in paragraph 7.55A with the latter.

\(^{264}\) RD207
7.102 We queried the actual extent of loss of potential agricultural land having noted the Mayor’s evidence that the number of agricultural holdings within London’s boundary had increased between 2008 and 2009, while submissions on behalf of the GLA indicated a significant decline between 1970 and 2004. It was suggested by Colne Valley Rural Development Forum that land was being held back from agricultural production by those hoping to realise its development potential in the longer term and that the Mayor’s evidence simply reflected increased registration of the reduced number of holdings in order to benefit from grant/subsidy regimes payable to farmers. The actual amount of productive land was thus still continuing to decrease, with much of it being turned over to rough grazing, mainly for the keeping of horses. Participants, (predominantly representing non-development interests) argued that the policy should give greater priority to use of Green Belt land for agriculture and expressed concern that use of redundant Green Belt buildings for food distribution was being obstructed by planning policies.

7.103 National Green Belt policy is, however, set out in PPG2 and, as DRLP paragraph 7.55 (with FSC 7.76) notes, affirms that agriculture is an appropriate land use while also militating strongly against inappropriate use. As PPG2 further records, the re-use of buildings should not prejudice the openness of the Green Belt because the buildings are already there, adding that such buildings can assist farmers in diversifying their enterprises (perhaps by sale of agricultural produce) and contribute to the objectives of the Green Belt and its stewardship (including wildlife interests and use for recreation). We find no reason to supplement this national planning advice in the London Plan and consider that, in combination with similar policies for protection of MOL and for open space in general (7.16, 7.17 and 7.18), adequate protection exists for farms and farmland on the urban edge.

7.104 The London Plan gives spatial expression to the aims of Mayor’s Food Strategy and our role is to consider the former, not the latter. In this case, complementary spatial expression is given to other aspects of the strategy in a range of related DRLP policies, including Policies 2.18 (Green Infrastructure), 5.10 (Urban Greening), 5.11 (Green Roofs and Development Site Environ). These suitably recognise implementational measures relevant to the spatial planning process at strategic level. We are further content that Policy 7.22C gives adequate spatial steer to Boroughs when producing LDFs. In spatial terms, the subject is, we consider, therefore adequately covered at strategic level. We endorse FSCs 7.75 and 7.76.

Policy 7.23

7.105 We were informed on behalf of the Mayor of burial space availability among the London Boroughs. Initial indications are that of the 32

265 PPS2, paragraph 3.7
Boroughs, 5 say that they no longer have space for interments, 18 have only limited available space insufficient for the plan period and just 8 have sufficient capacity.

7.106 **Newham Muslim Alliance** drew our attention to the particular difficulties in central London, advising by way of example that there are some 31 mosques in Newham and a population of some 70,000 muslims. The alliance has found shortage of burial space to have been an increasing problem for some 20 years, with space in Boroughs such as Tower Hamlets, Islington and Kensington now likely to be exhausted in about 4 years’ time. In effect, each Borough tends to prioritise its own needs, leading to often traumatic searches on behalf of the bereaved for local space. The Alliance’s preference was for provision on the principle of proximity but pressed for accessible locations in Outer London also to be considered. **Gardens of Peace** reflected the views of the private rather than the municipal sector on burial space provision, affirming that the private sector is able to offer interments across a wide spectrum of communities and at affordable cost, including for families on income support, as well as in an environmentally friendly manner. Its view was that land should be identified in Outer London, including in the Green Belt. **London Forum** advised that there was an increasing trend for interment in preference to cremation and we were further advised of the limitations imposed by considerations such as geology and water table on site suitability, for example in lower Thameside.

7.107 We were told on behalf of the Mayor that land for cremations is not perceived as problematic but a study had been commissioned from York University to consider all suitable options for land for interments. Among other things, this will cover the potential for making more efficient use of existing cemeteries and ensuring use of all suitable space identified in the most recent national study\(^\text{266}\), as well as considering the amount of provision that could be made by a range of different providers. A main concern, especially for the bereaved elderly and infirm, as well as for those on limited incomes, is proximity. This militated against exploiting relatively inaccessible land in Outer London and the Green Belt, and is reflected in Policy 7.23B. As matters currently stand, the Mayor’s view is that the policy should be regarded only as work in progress. Either a plan-led or criteria-based approach might be appropriate, and it would not be until the outcome of the York University study is known that further progress on policy formulation could take place in consultation with providers, the Boroughs and local people.

7.108 For the Panel’s part, we do not underestimate the pressing importance of the subject, especially to families and communities most directly affected by existing and impending shortfalls in provision. However, we recognise the importance of a clear evidence base and the views of local interests on this sensitive subject, and conclude that it would be inexpedient to recommend

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\(^{266}\) RD199
adjustments to the currently proposed policy approach at this stage.

**Policies 7.24-7.30: Waterways**

*Introduction*

7.109 Early suggested textual changes by the Mayor include reference to the cross-cutting importance of the Blue Ribbon Network (BRN) (paragraph 7.58) and its heritage value (paragraph 7.59). The River Colne would be added to Map 7.3 and Policy 7.27B would incorporate mention of Opportunity Areas. The Mayor has also suggested some further changes to respond to points made in representations. These include a reference to the BRN being a part of London’s green infrastructure (paragraph 7.59), up-dated textual reference to the Environment Agency’s now published *Thames River Basin Management Plan* (paragraph 7.60). Policy 7.28Ac would draw attention to an amended paragraph 7.72 referring to hydrology, biodiversity, permanently moored vessels and development that does not serve a water-dependent purpose. In paragraph 7.73 the terminology used in the *EU Water Framework Directive* would be more accurately reflected. It would also caution that pollution from vessels should be minimised and paragraph 7.88 would highlight the importance of the canal network to the visitor economy. In these respects, we endorse ESC 7.80 and FSCs 7.78, 7.79, 7.82, 7.83, 7.84 and 7.85.

7.110 Policies relevant to the BRN are not confined solely to this particular suite and may be found also in other Chapters (such as Policy 2.18 and Policy 6.14). This is acknowledged in ESC 1.19 which includes comprehensive cross-referencing and which we have already endorsed in Chapter 1 of our report. Taken together, there is a large measure of agreement (especially among those charged with statutory responsibilities for the Network, including PLA, the Environment Agency and the responding Boroughs) that the suite of proposed policies as now proposed by the Mayor would provide a suitable framework for the conservation and development of London’s waterways.

7.111 In advance of the Examination session, the Mayor produced a note outlining the arrangements concerning safeguarded wharves267. This clarified the process of review sufficiently to enable a single conversation ranging over wharf safeguarding and regeneration. We have dealt with that and other subjects covered during the session in the following small number of broad issues.

**Issue: Are there gaps in the proposed policy coverage that should be addressed?**

7.112 The *Environmental Law Foundation/Thamesbank (ELF/TB)* welcomed the brevity of the DRLP relative to London Plan 2008 but

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267 ED107
was of the view that this risked diminishing the status of the River Thames. To the extent that such concern is specific to the River Thames rather than the BRN as a whole, we deal with much of ELF/TB’s case in connection with the later issue of Thames Policy Area appraisals which are part of the subject matter of Policy 7.29. In itself, the inclusion of that policy goes at least some way to countering a main thrust of ELF/TB’s concern about the status of the River Thames in the DRLP. In particular, however, while we do not dispute the importance of the River Thames to London with regard to each of its five “key functions” identified by ELF/TB, we do not accept that either the River Thames or the BRN (which includes the River Thames) should “overarch” the six key objectives for London as a whole listed on page 27 of the DRLP. Rather, we accept the Mayor’s stance, recognised by ESC 7.79 to paragraph 7.58 that the BRN is both “cross-cutting” and of strategic significance and falls to be considered as such when weighing its importance against other relevant factors and priorities, rather than invariably being given the prime status sought. We endorse ESC 7.79.

7.113 Nor do we support the case put by London Forum for reciting the “Blue Ribbon Network Principles” that are listed in paragraph 4.140 of London Plan 2008. We find that would add no substantive new dimension to the principles themselves and, even if up-dated to refer to the DRP key objectives, we consider that it represents an approach which is both repetitive and unnecessary given that the Plan must be read as whole.

7.114 ELF/TB’s proposed five functions are, in themselves, individually recognised within the suite of policies and text for the BRN. Although the policy suite is criticised for being fragmentary, that has been addressed by ESC 1.19 which also establishes, at the outset of the Plan as a whole, the importance attached by the Mayor to the BRN. Policy 7.24 introduces the Chapter 7 suite of BRN policies, highlights the qualities of space and the potential to contribute to sustainability, identifies the key approach of prioritising water-related rather than land-oriented development (a main thrust of concern expressed to us by the River Users Group), records the strategic importance for transport and recognises the need for management of the river basin as a whole. Those themes are then developed, to the extent appropriate for a strategic spatial plan, in ensuing text and policies. In similar vein, the last two sentences of paragraph 7.59 do not warrant transfer into Policy 7.24 as advocated by London Forum and West London River Group because they are in our view suitably presaged by the references in the second sentence of the policy to “waterspace” and “water related uses” (terminology that we return to later).

7.115 Among the more specific criticisms that have been made, we are aware that Section 41(5)(d) of the Greater London Authority Act 1999 charges the Mayor (when preparing specified strategies, including spatial strategies) with a specific duty to have regard to
the desirability of promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services and for the transportation of freight. Some observed that such priority was not specified in Circular 1/2008 which, in recognising the strategic importance of the River Thames to London as a whole, simply adds that it is also a key part of the capital’s urban fabric, a major transport artery and an important ecological, leisure and tourist resource. The Act, however, has precedence over the Circular. We regard resolving conflicts between freight and passenger traffic relative to users of small boats, and general questions of water safety (which were of particular concern to the River Users Group, supported by Regents Network and also by West London River Group in the context of championship courses for rowing and sailing), as essentially management issues that appraisals of the type promoted by Policy 7.29 might inform (as paragraph 7.80 implies) from a spatial planning perspective. We do, nevertheless consider that the duty placed upon the Mayor by the Act with regard to safety should be referenced in Policy 7.24. We make Recommendation 7.18: That the word “safely” be inserted in the second sentence of Policy 7.24A, between “alongside it” and “for water related purposes”.

That said, not every part of the River Thames or the BRN will be capable of, or suitable for, contributing to all of ELF/TLB’s functions, or in the same way, or to the same extent. Much the same applies to London Forum’s concern that if uses that take place on the Network are not recognised and understood facilities required for them will not be provided. In effect, the relative importance of recreation, biodiversity, transportation, social inequalities and water supply will (in spatial planning terms, and subject to recognition of the Mayor’s statutory responsibilities to which we refer below) vary from place-to-place and case-by-case, and must be considered alongside other functions such as tourism and visual amenity as appropriate. Fixed lists of functions are not always helpful in this regard and invariably run the risk of omissions. In particular, they should not be regarded as establishing fixed priorities for development, an important characteristic of the BRN being its multi-functionality as both Policy 2.18 and the Environment Agency recognise, and is further recognised by the separate identification of wider subjects such as protection of wildlife and habitats, the importance of which was stressed by London Wildlife Trust. Policies 7.24-7.30 are not intended to be, and should not be, a self-contained detailed plan for the BRN, but a strategic framework for co-ordination of policies and actions promoted at local level. We consider the Mayor’s approach of formulating policies around criteria that vary in breadth and address specific subject matter and (individually or in combinations) the distinctive aspects of different parts of the Network provides an appropriate strategic framework within which Boroughs can develop their own locally appropriate spatial planning responses.
7.117 On the more detailed points raised, Policy 7.24 prioritises “water-related uses” of the BRN and Policy 7.30 establishes the principles that development alongside “waterspaces” should, where possible, be for active water related uses and that local opportunities for increasing the use of the BRN should be identified in LDFs. We would expect Opportunity Area Planning Framework Documents, and similar frameworks produced in support of developments of the scale identified in Policy 3.7, to carry those principles forward into strategic level regeneration projects and for the policies themselves to guide regeneration projects initiated and/or determined at Borough level (not least through the Mayor’s powers to ensure general conformity between development plans).

7.118 Protection and improvement of access to the BRN is the subject matter of both Policy 7.27 and Policy 7.30A, and it is a common thrust of the entire suite of policies that BRN facilities are to be protected or improved rather than removed.

7.119 The policy suite will be complemented by more detailed LDF policies produced at Borough level as well as SPD including the strategy statements that have been, or are yet expected to be, produced for the Thames Policy Area. That would be the appropriate level to introduce detailed development management policies and guidance formulated to protect residential development from wharf activities and vice versa and to identify whether development in the form of "river villages" is appropriate in particular locations or not.

7.120 Potential impacts on historic assets and their settings fall to be considered under statutory requirements or through national, strategic and local planning policies without the need for specific coverage in the BRN policies. Adequate explanation of the Thames River Basin Management Plan and The London River Restoration Action Plan is, in our view, included in paragraphs 7.60 (with FSC 7.79) and paragraph 7.74 respectively. Caveats regarding practicality and viability are implicit in the development management process, so do not warrant insertion in every DRLP policy.

7.121 Various of the Mayor’s other ESCs and FSCs support our findings and provide helpful clarification in response to objector concerns. These include FSC 7.84, which addresses London Forum’s concern to foster continued ecological recovery of the River Thames. In addition to the Mayor’s suggested changes that we have already endorsed, we also endorse ESCs 7.81, 7.82 and 7.83.

7.122 The view of the River User Group that London Plan policies are widely ignored by London Boroughs when producing their own core strategies would, if correct, not be remedied by adjustment of the DRLP policies. The Mayor has powers to enable it to be ensured that LDF policies are in general conformity with the London Plan and it is a statutory requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 for planning applications and appeals to be determined in accordance with the statutory development plan, (which includes both the London Plan and
adopted DPDs) unless material considerations indicate otherwise. We can understand the Group’s frustration that buildings alongside the river are being constructed whereas moorings are not, but we find no evidence that this reflects any shortcoming in the existing policy regime or would be attributable to shortcomings in the proposed planning policies before us for consideration.

7.123 We thus find the strategic statement in Policy 7.24 to be sufficient without the additions proposed to us in the objector representations.

Issue: Is the process of Thames Policy Area appraisal in Policy 7.29 sufficiently clear and can it deliver suitable outcomes?

7.124 For the River Thames itself, Policy 7.29 seeks identification and appraisal of a Thames Policy Area by each riparian Borough (or Boroughs working in sub-regional groups) through the LDF process, adding that actions and priorities in existing Thames Strategies should be reflected in relevant LDFs. ELF/TB was highly critical of this approach on the basis that it has not worked under London Plan 2008 and that the DRLP will make matters worse because of the confusion it engenders. In considering this and other criticisms, it is necessary to be clear from the outset with regard to process and terminology.

7.125 Firstly, the DRLP explanatory text indicates that the Thames Policy Area is intended to be an assemblage of individual Borough designations based on the criteria in paragraph 7.78. Once included in a Development Plan Document (DPD), Thames Policy Area designations (individually or cumulatively) will define the area over which relevant policies extend, but are not in themselves policy. The designation should be shown on DPD Proposals Maps. 

7.126 Secondly, the designation process will, in itself, inherently result in the compilation of assessment material deriving from consideration of each of the specified criteria (and any others). Such appraisal again has no policy status of its own but (especially if supported by analysis of considerations such as those in paragraphs 7.82 and 7.82) may lead to specific policy formulation.

7.127 Thirdly, as Policy 7.29C intimates, such policies should be included within LDFs as part of the statutory development plan.

7.128 Fourthly, any of the “appraisal” material that might be employed to inform policy interpretation and application should then be published as a Supplementary Planning Document (SPD) and included in the Local Development Framework (LDF). Within the LDF, however, only DPDs carry the force of Section 38(6) of the Planning and Compulsory Purchase Act 2004. This is because SPD is not similarly subject to independent examination. However, if prepared in the proper manner, it will be given significant weight in decision making. The “proper manner” includes compliance with

268 GD22 paragraph 8.1
the statements of community involvement prepared as part of the plan-making process at Borough level\textsuperscript{269}. The three completed strategies identified in DRLP paragraph 7.79 (but referred to elsewhere in paragraph 7.79 and also in paragraphs 7.80 – 7.83) could, for example, fall within this category if they contain statements that expand or supplement policies in DPDs but policies themselves should be set out in DPDs.

7.129 In no small measure, much of the confusion referred to by ELF/TB and reflected in representations from others including the River Users Group would be overcome simply by using the appropriate terms for each stage of the process. This would clarify, but not alter, what was outlined to us as the Mayor’s intended approach. \textbf{We accordingly make the following recommendations:}

\textbf{Recommendation 7.19:} That Policy 7.29B be amended to read “Development proposals within the Thames Policy Area identified in LDFs should be consistent with the published Thames Strategy for the particular stretch of river concerned”.

\textbf{Recommendation 7.20:} Insert the words “Following appraisal in accordance with the criteria in Paragraph 7.78” at the beginning of Policy 7.29C, delete the words “and appraise” and “based on the guidelines” inserting in place of the latter “and formulate policies and a strategy for this area covering matters of the type set out in paragraphs 7.81 and 7.82”.

\textbf{Recommendation 7.21:} In paragraph 7.79, replace in the first line the words “this work” with “appraisal, Thames Policy Area designation and policy and strategy formulation” and replace “appraisals” with “strategies” in the third line. At the beginning of paragraphs 7.80, 7.81 and 7.83 replace “appraisals” with “strategies”, adding to the end of paragraph 7.83 “As such, the strategies should be expressed through DPD policies or SPD as appropriate”.

7.130 With those modifications in place, and with specific regard to paragraph 7.83 (the ELF/TB alleged “mix bag of targets”) a range of procedures would be available through which to plan for suitable outcomes. For the most part it might be expected that Boroughs would identify the Thames Policy Area and the policies for it in their Core Strategy DPDs, supported by SPD, but others might prefer to produce a separate Area Action Plan DPD or, at site specific level, to produce SPD for individual key locations. These processes would ensure community engagement (including with interested “stakeholders”) and should avoid unsuitable outcomes.

7.131 Nonetheless, starting from the present position, it was drawn to our attention (and is apparent from paragraphs 7.79 and 7.80) that strategies are not yet in place along all of River Thames. This, we were told by the Mayor, is largely because of problems of resources. A particular gap in coverage is in Central London but we

\textsuperscript{269} GD22, paragraphs 6.1-6.4
were further advised that at least some of the relevant Boroughs are now working on this. In response to those wanting policy to press more firmly the preparation of strategies, we consider the DRLP’s use of “should” rather than ELF/TB’s preferred use of “must” to be the appropriate introductory word for the Thames Policy Area process in Policy 7.29C. This is because it must be accepted that the Mayor has no powers to insist upon any particular action or course of action beyond those relating to general conformity between plans and the determination of strategic applications.

7.132 The development sector (represented by Ballymore and London First) expressed concern that the process is a lengthy one that might result in the cancellation or delay of development projects. In the case of inaction at Borough level, however, it is open both to developers and local communities to progress local appraisals and strategies (although not generally as SPD270). We further note that the considerations to be taken into account in paragraph 7.81 when formulating strategies include development sites and regeneration opportunities. This suitably recognises developer interests. We also heard from West London River Group of amenity sector involvement in the Kew-Chelsea and Hampton-Kew strategies (and that review of the former is subject to financing) and from the River Users Group about their co-operative working with Ballymore (albeit in a process that took some 4 years to complete, but could be much less for individual sites). While we acknowledge that there are potential difficulties, we are in no doubt that the importance of the River Thames fully warrants a strategic approach to development and that the range of processes available are adequate to respond sensitively to all sectoral interests.

Issue: Are the proposed approaches to wharf safeguarding and regeneration appropriate?

7.133 The Mayor’s note271 affirms that safeguarding currently applies to about 50 wharves in London and is operated with the support of Secretary of State Direction272 and the Mayor’s Safeguarded Wharves Implementation Plan273. The Implementation Plan is updated every five years and the latest review has already started, with the intention that it will be completed by the end of 2011. It will take into account the transport needs of major developments such as the Olympics, Crossrail, the Thames Tideway Tunnels and Belvedere waste to energy plant as well as the potential for safeguarding wharves on the canal network and the Lea Navigation.

7.134 We heard a wide range of views on the subject of safeguarding, born largely from frustrations and uncertainties engendered by the quinquennial review process. Those from the development sector (including London First and Ballymore/Canary Wharf Group)
argued that where wharves are unused or little used this risked delaying or missing development opportunities, with the timing of the quinquennial review suggesting that potential impacts on DRLP housing and employment land had not been evaluated. **London First** further remarked that safeguarded wharves often correlated with Opportunity Areas and areas for regeneration and urged a flexible approach that would accept the loss of wharves if suitable replacement facilities are provided elsewhere, to avoid the more widespread effects of continuing decay and dereliction. This latter point resonated with **London Forum**, who observed that riverside decay was a major concern of Forum members but cited the prospect of much enhanced development value as the underlying reason for such dereliction. The **River Users Group** was insistent that regeneration of riverside sites should foster access to, and use of, the River Thames and involve bringing facilities back into use, not removing them. **Just Space Network** cautioned against any approach relying upon lack of use as a reason for redevelopment or which weakened rather than strengthened policy protection. It suggested viability testing and needs assessment to identify deficiencies such as a shortage of boatyards. The **West London River Group** sought clearer definition of regeneration and cautioned further against raising hope value of wharf sites.

7.135 Among the Boroughs contributing to the discussion, **LB Hammersmith and Fulham** advised that it had three safeguarded wharves along its river Thames frontage, only one of which was in active use and one having been inactive for 13 years. Given the limited number of sites in the Borough to support regeneration it pressed for immediate review of safeguarded wharves incorporating critical examination of those that are inactive. **Newham LB** has seven safeguarded wharves at the Royal Docks and four within Thameside West and suggested that a balanced approach should be taken. It perceived a continuing role for wharves in connection with freight handling, green construction and transport, but pointed out that often all that the wharves were being used for was aggregates and scrap, with some very large areas of land (23 ha in all) often employing very small numbers of people. In some cases, one properly designed wharf might accommodate the operations of several so wharf consolidation could be beneficial. This, the Council suggested might facilitate employment, education and public access as preferred uses for surplus wharves or parts of wharves, and incorporation of buffer zones to protect any nearby housing from activities on retained wharves. This drew comment from **London Forum** on the need to design any residential development on or near wharves in ways that avoided loss of amenity, for example by avoiding open balconies, the fear being that adjacent residential development could otherwise squeeze existing wharf usage out for environmental reasons, an argument supported by **ELF/TB**.

7.136 Those arguing most strongly for the protection of safeguarded wharves include the **PLA** and the **Brett Group**. In this session and those relating to aggregates and waste we heard submissions concerning the existing and future usage and demand for wharfage
facilities for commercial shipping which, it was alleged, were being thwarted by “land banking” of sites by developers on the basis of future hope value. The main point put to us was that suitable sites for wharfage are in short supply and wharves once lost to development are lost forever. PLA supported this by giving numbers of expressions of interest from cargo handlers in response to recent wharf marketing exercises, adding that there are a number of inactive wharves currently held by property developers despite shipping operator interest in their use. It referred also to the new and increasing opportunities for water cargo, especially in the fields of renewable energy, biomass and containers. While acknowledging that there may be some scope for consolidation and that policy for safeguarding wharves provided protection, it was pointed out there was no policy to bring wharves back into use. On these points, Brett Group added that while not opposed to some wharf consolidation, a key factor for aggregates is proximity to end users.

7.137 Away from the Thames, British Waterways advised that freight was not a priority on canals given that only 1 million tons was handled on the canal network compared with 10 million tons on the River Thames. Its view was that freight handling and regeneration could progress alongside each other, with revitalisation of the network dependent largely on small scale actions such as weed clearance which would then enable freight and other usage. Responses to these points were mainly from amenity groups including Just Space Network, who pressed more firmly for promoting the role of canals in local distribution of goods and transport of materials (where time was not of the essence) in preference to road haulage.

7.138 The importance attaching to the outcome of the forthcoming quinquennial review is apparent from the number and breadth of these representations, as is the urgency attached, by all involved, to its completion. However, it would be wrong for us to prejudge or otherwise seek to influence the review findings, not least because references to individual wharves would have site specificity inappropriate for the London Plan. In any event, the review is not in itself policy but background for future policy formulation and application. For the purposes of the DRLP we must take as given that the safeguarded wharves are those that are, or will be, identified through the Mayor’s Safeguarded Wharves Implementation Plan and associated Directions, and that any significant change in policy direction from London Plan 2008 on such matters as wharf consolidation and canal network wharves would first require the fresh evidence base that the review will provide. In addition to stakeholder involvement, the review process should avoid the need for viability testing and needs assessment on a wharf-by-wharf basis, especially at planning application stage. We can see nothing in Policy 7.26 that would prematurely raise development “hope” values. Should that remain a concern, paragraph 7.64 makes suitable reference to the potential use of compulsory purchase powers to bring inactive sites into use (it not
being appropriate for this to be expressed as a general policy intent). It is also open to Local Planning Authorities to use powers under Section 215 of the Town and Country Planning Act 1990 to address the condition of land (including land-banked wharves) that adversely affects the amenity of any part of their area. We do not see that introducing a policy requirement specifically attaching to deliberately neglected riverside sites would convey any greater weight.

7.139 We would expect the review to provide sufficient information for a map to be produced if required, whether by the Mayor or others, showing safeguarded wharves relative to railheads, other transport infrastructure and waste and aggregate sites, as suggested by London Forum. It would be premature to produce any such Map now and we doubt in any event that the level of detail would add usefully to the Plan, given DRLP limitations on scale and site specificity. The role of the BRN as a component of a wider water transport network embracing ports in places such as Harwich and the near continent is a separate and much wider issue. To the extent that it may be found to have an important strategic spatial dimension for London’s wharf protection polices and the BRN in general, that subject would be more suitably pursued through Policies 2.1 and 2.2. In all of these respects we consider Policy 7.26 to represent a satisfactory response to the present evidence base relating to wharf safeguarding, and the DRLP suite of BRN policies as a whole to issues of regeneration in their widest sense.

**Issue: Is the approach in Policy 7.27 to supporting BRN access and facilities satisfactory?**

7.140 Lee Valley Regional Park Authority has suggested comprehensive re-wording of Policy 7.27 in support of its argument that a more balanced approach is required to infrastructure and recreational use. However, while that responds to issues faced by some parts of the BRN, it would be inappropriate in others, for example where recreational access might be unsafe. The Environment Agency pressed for a strategically co-ordinated approach to access to and alongside the BRN to ensure that potential for community use, cycle routes deliveries and other activities is fully realised. Not all participants were supportive of this, London Wildlife Trust pointing to potential conflicts with species and habitat protection and others referring to potential safety risks, inconvenience and loss of enjoyment, for example when cyclists and walkers share the same paths. We note that Chapter 6 policies promote strategic approaches to walking and cycling routes throughout London and TfL advised that it is working with the Boroughs to develop local access strategies and to resolve conflicts. We consider this to be sufficient and for the BRN as a whole. It would not be appropriate to accede to London Forum’s request for reference to Enjoying Water - Strategic Priorities for
Water Related Recreation in London and South East England because it has only recently been issued for consultation purposes. As advised on behalf of the Mayor, its policies and proposals can, if formally adopted be suitably taken forward through the Implementation Plan. As matters currently stand, we consider that Policy 7.27 represents a suitable approach to often competing infrastructure and recreation demands.

7.141 London First sought amendment of 7.27Aa to recognise that facilities no longer needed can be removed. We do not support that because facilities might have important heritage value (or other value such as to tourism) and not all have other statutory protection. Planning permission for removal of facilities is in any event necessary only where “development” is involved. In such cases, Policy 7.27Aa would not prevent removal where “other considerations” warrant a decision not in accordance with the statutory development plan, so a balance of factors would always be taken into account.

7.142 Others including ELF/TB, River Users Group and the West London River Group listed a number of facilities that are needed to support river activity. These include slipways and steps, suitable arrangements for rescue, toilets, showers, refuelling points, moorings rescue. There was general agreement that these were matters that could largely be addressed thorough the Thames Strategy documents referred to in paragraph 7.79 and, both on the river Thames itself and on the other parts of the BRN, we consider Policies 7.27Ab and Ac (with FSC 7.81) to give suitable strategic impetus to action (including new provision) at Borough level. We endorse FSC 7.81. We also see that paragraph 7.69 indicates a suitable approach to addressing an identified shortage of boatyards and that Policy 7.27Ac addresses Just Space Network’s further concern to ensure that new mooring facilities do not obstruct movement on the waterways. However, we see no reason to support its request for an overall limit on the number of houseboat moorings on the BRN. Houseboats represent a flexible and often affordable addition to London’s overall stock of housing and their suitability on various parts of the network is primarily a matter for local decision in terms of amenity impacts and for operational management in terms of navigational impact. FSC 7.82, which we have already endorsed, provides a suitable spatial planning safeguard in support of Policy 7.27Ac.

Issue: Is the approach to development adjacent to and into waterspace in Policy 7.28 appropriate?

7.143 The River Users Group queried the word “water space” in Policy 7.28 on the basis lack of clarity as to whether it referred to just the water itself, included the land alongside or extended to the Thames Policy Area. We further observe that Policy 7.30A refers instead to “waterbodies” which are defined as including reservoirs, lakes and

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From FSC 7.84 (and also paragraph 5.59 with FSC 5.18), it would seem that this latter term should be reserved for use where it would relate to the *EU Water Framework Directive* and water quality, which bears on different issues to those concerning “waterspace” in the BRN suite of policies. We see that “waterspace” (or “water space”) is employed in a number of places throughout the DRLP and while there is no doubt in our minds that this means areas covered by water (permanently or intermittently) rather than adjacent land that is normally dry, we consider that the term warrants a single glossary definition rather than a partial and potentially inappropriate explanation in Policy 7.30A. **We make Recommendation 7.22:** That “waterbodies (such as reservoirs, lakes and ponds)” in Policy 7.30A be replaced with the word “waterspace”. We further make Recommendation 7.23 that a definition of “waterspace” be included in the glossary, along the lines that it means “areas covered by water (permanently or intermittently), not adjacent land that is normally dry, and includes the River Thames, other rivers and canals, and reservoirs, lakes and ponds”.

**7.144** We do not accept the similar call for a definition of “water-related purposes” used in Policy 7.24 or “water dependent purpose” used in Policy 7.28Ac or “water related uses” in Policy 7.30. We consider that any such definition would be open to criticism for being either excessively inclusive or inappropriately exclusive. Rather, policy compliance will need to be judged on the facts of each case. **However, we do recommend that the Mayor settles upon a single term among the three on offer for consistent use throughout the Plan.**

**7.145** The **Environment Agency** gave its support to the non-encroachment stance of Policy 7.28Ac but both **Canary Wharf Group** and **British Waterways** expressed the view that Policies 7.28Ac and 7.30B are unduly restrictive with regard to infilling of docks. They referred to examples in Isle of Dogs where infilling had facilitated new station construction and regeneration (such as at Wood Wharf and at Paddington) and argued that such benefits should not be precluded. **British Waterways** suggested that an acceptable alternative would be for policy to require either no net loss of, or a net gain in waterspace, together with a clause to have regard to social and economic benefits. However, we agree with the view expressed by the Mayor that such schemes are likely to be exceptional and that sufficient flexibility to accommodate them can be provided for through a plan-led process at Borough level or through the normal operation of Section 38(6) of the *Planning and Compulsory Purchase Act* where schemes are initiated through the development management process.

**7.146** For smaller-scale schemes we find the general thrust of Policy 7.28A to promote regeneration and “restore and enhance” is a more realistic expectation, which would not inhibit measures to create new water space by any who have powers to do so.
Creation of new open space on land alongside waterspace (pressed for by London Forum) would be more suitably progressed under Policy 7.18. Any biodiversity issues relevant to implementation of Policy 7.30B would fall within the ambit of Policy 7.19.

7.147 The call by British Waterways for an additional clause promoting tourism and business development276 was strongly opposed by amenity groups fearing the potential to stimulate development for restaurants, bars, hotels and waterside offices. Such development would conflict with Policy 7.24 to prioritise water related uses and the main thrust of strategy for the BRN should not be deflected in the manner suggested.

7.148 With regard to other passenger and tourist facilities, it was suggested by London Forum that there should be policy impetus for implementation of the River Thames Pier Plan277 given that there is strong Mayoral commitment to it expressed in the draft Implementation Plan278. However, the Pier Plan is an LDA document and DRLP Policies 7.25A, B and C, 7.26C and 7.27A and B all promote measures that may lead to provision of additional piers, with the prospect of further proposals being advanced through Opportunity Area Planning Frameworks where appropriate. In the light of paragraph 7.62, however, we do not consider it necessary to introduce policy to protect specifically against the visual impact of visiting cruise ships. Terminal facilities are likely to be very limited in number and Policy 7.25C indicates that site identification will be initiated through the LDF process while Policy 7.30B conveys clear encouragement for using existing docks. Together, we consider that these measures would ensure that local amenity interests are taken into account.

7.149 London Forum acknowledges that London Plan 2008 was thin on strategy relating to design issues for the BRN. In this connection, it is unnecessary to repeat the design policies elsewhere in Chapter 7 of DRLP (such as Policies 7.6 and 7.7 and also Policy 7.5 which, with ESC 7.20 to supporting text, would cover light pollution, a concern of West London River Group) because they would apply throughout London, including to the BRN. It is through those policies that the aspirations equivalent to those in paragraph 4.104 of London Plan 2008 would, we consider, suitably be taken forward. We understand and appreciate specific concerns about such matters as the “canyon” effect of buildings lining waterways and the often sterile characteristics of waterside paths past new development variously remarked upon by the Greenwich Society, London Thames Gateway Development Corporation, and the Lee Valley Regional Park Authority. However, as English Heritage advised, there are some locations where buildings have historically lined the river edge and understanding of local context is no less important here than elsewhere. We consider the subject one for

276 ED226
277 RD241
278 RD288, page 42, PS.28
local policy formulation and sensitive development management rather than one that is appropriate for strategic prescription.

**Overall conclusion**

7.150 We have considered all of the various suggestions put to us for policy rewording but, other than where we have indicated, we consider that they add nothing substantive to the main thrusts of DRLP policy voiced either in the BRN suite or elsewhere in the Plan on these matters.
Chapter 8 Implementation, Monitoring and Review

Chapter Headlines

- We endorse the approach of publishing a separate Implementation Plan that can be updated alongside the AMR process.
- We endorse the approach to Planning Obligations and the Community Infrastructure Levy as consistent with Government guidance, though recommend a minor change in the priorities for Obligations.
- We endorse the Key Performance Indicators including the suggested changes, though we do recommend the revision of that concerning traffic growth and addition of an indicator concerning provision for Gypsies and travellers.

Introduction

8.1 Given the intention to abolish Regional Strategies under the Localism Bill, the Policy Statement on Regional Strategies of February 2010 cannot be assumed to be enduring guidance, though this does clearly advocate production of a separate Implementation Plan. GOL Circular 1/2008, the Government guidance that is directly relevant to the London Plan, contains little on implementation and monitoring. The advice of PPS12 on DPDs can be considered by analogy to contain relevant material, but the London Plan is not a DPD and the Mayor/GLA is not a local planning authority of the kind to which that guidance is directed.

8.2 The Mayor published a statement on Public Expenditure and the London Plan Strategy in August 2010 in response to suggestions from participants that the Coalition Government’s strategy with regard to reductions in public expenditure could require a review of the Plan. We addressed the fundamental issue of whether the overall strategy is sufficiently robust should long-term trends not be resumed in Chapter 1 of this report and have considered the implications with regard to transport, housing and other key issues in relevant chapters.

8.3 Participants from what may broadly be described as the academic sector continued to press for specific debate on the implications of the Comprehensive Spending Review (CSR) in written submissions up to the close of the Examination as the review was published in October after our sessions on implementation and monitoring. The Spending Review safeguarded expenditure on key transport investments such as the completion of Thameslink, Crossrail and the Tube updates and made provision to enable construction of affordable

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279 GD24
280 ED82
281 ED149, ED248-ED252 and ED256-ED257
housing at a level that would cover the aspirations of the DRLP. Consequently, and as certain other potential implications of related policy changes such as those to housing benefit were canvassed in advance at the relevant Examination sessions, we could see no justification for re-opening consideration of policies that might be affected. In relation to quite a number of housing or economic development issues, potentially reduced central Government funding might be mitigated by the increased direct powers which would be devolved to the Mayor under the Localism Bill. Further discussion of the matters highlighted in the written submissions would inevitably have been speculative and thus essentially for political rather than technical debate whereas the latter is a primary purpose of the Examination. In considering that we did not need to pursue this issue further we consulted with the Mayor and he was in complete agreement that it would not have been appropriate to use the DRLP Examination as a forum for debating Government policies. It is only the implication of those policies on the DRLP that is of concern to the Examination and in our view that issue was thoroughly addressed in appropriate sessions insofar as this can be known at the present time.

8.4 The key point arising in our view is to ensure that the policies for implementation and monitoring and those for securing the maximum potential of funding for infrastructure through development are robust. If this is so, then should some of the adverse consequences feared by this group of participants come to pass, the need for early Alterations to the London Plan would be flagged-up. In our judgement, that is the correct approach rather than seeking to make speculative adjustments at this stage to address consequences perceived by some but over which there is no consensus.

Issues: Is there sufficient detail of implementation mechanisms? Is it appropriate to publish an Implementation Plan separately from the SDS?

8.5 Just Space Network raised concerns as to the appropriateness of the guidance on implementation within Chapter 8, considering it to be an inadequate response to the changes confronting London. They argued that it is imperative that the Plan has a sound and effective delivery/implementation process. It was put to us that the existing “Plan, Monitor, Manage” approach is deficient as it is about short-termism and lacks vision, with Policy 8.1 needing amendment to address long-term matters. They also argued for inclusion of a strong reference to community participation in Chapter 8 to support involvement throughout the Plan, as promised on behalf of the Mayor when considering the vision and objectives of the DRLP. They put forward substantial additional wording for Policy 8.1, a suggested additional paragraph 8.1A and suggested additions to paragraphs 8.2A and 8.2B to add references to objectives and the provision of a Mayoral Statement of Community Involvement, a framework for which was appended in tabular form. On many of these points, the London Forum and Friends of the Earth advocated a similar approach, but London Councils would be concerned if Policy 8.1B was in a form
that implied Mayoral direction of local involvement in Borough activities or committed resources that are not available. **HBF** doubted whether the suggested new clause B is necessary and is really in tune with the Government’s approach to localism.

8.6 Prior to the publication of the Examination draft of the Implementation Plan, **London Councils** argued that more information was required on implementation and delivery, especially with regard to physical and social infrastructure. They noted that key strategic decisions such as Crossrail and the Olympics have continued from the previous Plan, but as these are programmed for early in the Plan period, there are no strategic priorities identified for the rest of the Plan period. Further detail on what collaboration across London means in practice was sought by the **West London Partnership**.

8.7 The lack of coverage of resource availability was a concern to the **TCPA**. They noted that the Government is envisaging a major structural shift in the role of the state in public expenditure terms as subsequently evidenced in the CSR. **The Mayor** noted, however, that the Implementation Plan will be developed further in the light of the CSR and that a complete draft for consultation would be published separately from the RLP in summer 2011. Some participants such as **West London Partnership**, while seeing the Implementation Plan as performing a vital role, questioned how the Implementation Plan would get developed into a robust and realisable document when it is not part of the formal consultation and examination process for the London Plan. **TCPA** also called for the relationship between the Implementation Plan and London Plan to be made clear, as did the **South London Partnership**, who also considered the linkage between Policies 8.1 and 8.4 to be unclear and unsatisfactory.

8.8 The **Consortium of London Developers** (CLD) saw the information in Table 8.2 in the submission DRLP as an insufficient overview of all the actions and responsibilities required to deliver the London Plan. This Table is to be replaced by a separate updated Implementation Plan, an early Examination draft of which was made available to the Panel and for participants for the Examination session. The Consortium consider this information key in order to evaluate whether the Plan is realistic and deliverable and called for a detailed Implementation Plan to be included as part of the SDS (as do the **Just Space Network**). On the other hand **London Councils**, amongst others, suggested that the implementation mechanisms will date rapidly, which reinforces the need for a stand alone Implementation Plan that should be updated and evaluated as part of the AMR. They suggested that Chapter 8 should set out the intended purpose and scope of the Implementation Plan including: coverage, level of detail, governance, an infrastructure schedule, monitoring and review.

8.9 **The Mayor** considers the Implementation Plan to be a valuable and flexible tool to support the application of the Plan’s policies. It is seen as a helpful basis for Borough infrastructure planning. It will complement, not duplicate, implementation and infrastructure

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planning required by the Boroughs. The Mayor proposed going down the route of a separate Implementation Plan that could be a living draft, able to be updated alongside the AMR process. It would not preclude formal Alterations of the Plan where these are flagged up as necessary through the AMR process. It was pointed out that the Mayor has a very good track record of keeping the London Plan up to date through Alterations. A number of suggested changes were put forward to widen the group of stakeholders to be involved in the implementation and monitoring process in Policy 8.1A [ESC 8.1], which addresses the Just Space Network request; to relate this activity to the localism agenda [FSC 8.1–8.3]; to clarify collaborative working on securing necessary funding [FSC 8.4]; and make explicit in paragraph 8.6 that the Implementation Plan will be published separately but alongside the London Plan [FSC 8.5]. Other suggested changes were put forward that refer to the Implementation Plan in relation to Policy 8.4, but we consider these below.

8.10 Chapter 8 follows the same format as earlier chapters with the initial policy setting the over-arching strategy that is then fleshed-out in the subsequent detailed policies. In our view, this provides adequate explanation for the overlap between Policies 8.1 and 8.4.

8.11 With regard to the additions sought by the Just Space Network, we consider generally that the suggested changes put forward by the Mayor address the need to secure community involvement at all stages of the Plan. We accept the argument put forward on behalf of the Mayor, that a Mayoral Statement of Community Involvement (SCI) is neither required under the Planning Acts nor the GLA Acts so that such a requirement should not be introduced via the Examination process. The fact that there are extensive statutory requirements for publicity and participation on the SDS process and further requirements, albeit less extensive, in relation to Mayoral SPG, as set out in GOL Circular 1/2008, covers much of what is sought. Moreover, as was pointed out for the Mayor, many of the Frameworks to carry forward the implementation of the Plan are produced in collaboration with the Boroughs who take the lead on consultation over these more localised plans having regard to their own SCIs. We have, however, specifically recommended additional stress on consultation in relation to plans for Opportunity, Intensification and Regeneration Areas in Chapter 2 of our report as these areas seem to be where particular concerns have arisen. We accept that there will be a need for community involvement in many of the matters covered in Chapter 7, but these will generally be matters over which the Boroughs take the lead in the interests of localism.

8.12 All the suggested changes put forward by the Mayor appear necessary to us to update the DRLP in the light of the emerging policy and financial context set by the Coalition Government; to give effect to the undertakings given during the Examination to strengthen the degree of stakeholder consultation and involvement throughout the planning process that is within the Mayor’s remit; and to clarify that the Implementation Plan will be published separately from the London Plan itself. This approach is encouraged if not required by the Policy
Statement on Regional Strategies\textsuperscript{283} and is not precluded by GOL Circular 1/2008. We consider that it has much to commend it as it will enable the Implementation Plan to be kept up to date without necessitating repeated use of formal Alteration procedures. At the same time it should enable all stakeholders to appreciate the agencies involved, the anticipated broad timing and the degree of commitment to the various proposals that would give effect to the spatial strategy alongside but distinct from the AMR process. \textbf{We therefore endorse ESC 8.1 and FSC 8.1-8.3, FSC 8.4 and FSC 8.5.}

**Policy 8.2 Planning Obligations**

\textit{Issue: Is the policy consistent with Government guidance, including whether there should be explicit reference to viability of developments?}

8.13 Several participants noted that the main tests of lawfulness of planning obligations in Circular 05/2005 have been made statutory, and a draft policy document to replace the Circular had been issued\textsuperscript{284}. \textbf{London Councils} considered that Policy 8.2 requires further revision to reflect the draft policy document beyond those changes included in the early suggested changes. \textbf{HBF} suggested that the second sentence of Policy 8.2A be deleted as it fails to comply with new Government guidance on the pooling of contributions. Further clarity is also sought regarding the meaning of Policy 8.2Fb in relation to the definition of ‘a wider area’. \textbf{White City Landowners} noted that Policy 8.2F rightly refers to the fact that contributions should be fairly and reasonably related to scale and kind to the proposed development but the other equally important tests from Circular 05/2005 are missing. They suggested alternative wording for Policy 8.2.

8.14 The \textbf{HBF}, \textbf{London First}, and others from the development sector saw reference to viability as beneficial, as do the \textbf{CLD} and \textbf{White City Landowners} who therefore supported the early suggested change to Policy 8.2B [ESC 8.3]. \textbf{LB Lambeth} also see benefit in the Plan addressing the issue of viability of developments and setting a clear approach as to how this issue will be dealt with. On the other hand \textbf{London Councils} do not consider the Plan should reiterate the need for consideration of economic viability as this is already a matter of national guidance. In the case of managing heritage assets \textbf{English Heritage} noted that the concept of “enabling” development could be applied.

8.15 Planning obligations have to comply with national legislative requirements and guidance whether or not these are explicitly referred to in a Development Plan. Consequently, the effect on viability of individual developments will need to be taken account of as will the tests that have been made statutory under the \textit{Community Infrastructure Levy Regulations 2010}\textsuperscript{285}. The early suggested changes put forward by the Mayor not just to Policy 8.2B, but also to 8.2F, to

\textsuperscript{283} GD24  
\textsuperscript{284} GD27  
\textsuperscript{285} GD32
paragraph 8.7 and to insert a new paragraph 8.9A [ESC 8.4, 8.5 and 8.8] clarify the background guidance and Regulations that will be applicable. We consider that these changes are sufficient to meet the generality of the concerns that have been raised.

8.16 In response to the particular concern of the HBF, local impact mitigation can still be addressed through obligations with pooling from up to 5 developments still authorised even once the CIL is in operation provided that the particular infrastructure is not specified as to be funded through the Levy. As for the definition of ‘a wider area’, in our view that can only be assessed on a case-by-case basis. **We endorse ESC 8.3-8.5 and ESC 8.8 and we make Recommendation 8.1:** Insert in the penultimate line of paragraph 8.9A after ‘affordable housing’, *for impact mitigation*.

**Issue:** Is it appropriate for priorities to be specified and if so should these relate solely to matters that are within the responsibilities of the Mayor and are there additional priorities that should be specified, for example public realm, open space or green infrastructure and cultural facilities?

8.17 There are mixed views as to whether priorities should be specified in the Plan. **London Councils** see the approach in Policy 8.2 as misconceived, because it fails to acknowledge the need for a link between development and infrastructure. They also note that new guidance and regulations leave the prioritisation to local planning authorities. However, they accept that the Implementation Plan may provide a more transparent and robust basis for prioritisation of developer contributions towards strategic infrastructure and would not object to the Mayor indicating priorities that are genuinely London-wide, supported by evidence and subject to consultation. At the Examination they suggested that Air Quality could meet such criteria, but felt that the provision of local shops should be for local decision. **LB Lambeth** considered that the Plan’s approach suggests the Mayor’s priorities take precedence over necessary local mitigation measures to deal with the impact of development.

8.18 In the view of HBF, it may be appropriate for the Plan to specify strategic priorities for the CIL, but not for planning obligations which will need to be related to the development in question. Thus they seek the deletion of Policy 8.2E as they believe what is necessary to make a development acceptable in planning terms should be left to the Boroughs in negotiation with developers. **CLD** suggest that if the Mayor wishes to make his preferences for certain contributions known this would be better dealt with in the supporting text rather than policy. **West London Partnership** considers the specifying of priorities to be appropriate as long as they are either strategic in nature or of strategic importance. They suggest this potentially excludes ‘childcare provisions’ and the ‘provision of small shops’. **White City Landowners** suggested that only transport proposals would truly meet a test of strategic necessity. Provision of small shops should be excluded as they cannot reasonably be likened to
affordable housing. **Just Space Network** and **Friends of the Earth** took a contrary view, arguing that provision of small shops could be seen as strategic to ensure that retail needs can be met close to home within neighbourhoods.

8.19 Support for the specification of priorities comes from **English Heritage**, although they wish to ensure this list is not seen as exhaustive. **London First** also see the specification of priorities as helpful, although they suggest that Policy 8.3E should not include provision of small shops which is contrary to the statutory tests and for which no evidence has been provided to support the need for more.

8.20 Several participants put forward additional priorities which could be listed in Policy 8.2E including: policing (**Metropolitan Police Authority**); air quality (**London Councils**); protection and enhancement of heritage assets and the historic environment (**English Heritage**); public realm (**London First** and **LB Harrow**); tackling the disproportional negative experience of BAME communities and other equality groups (**ROTA**); open space and green infrastructure (**Lee Valley RPA**).

8.21 We sought clarification at the Examination as to whether the priorities set out in Policy 8.2E are intended as general priorities as opposed to those of the Mayor (which is clearly the case with those listed in Policy 8.2D). We take this to be the intention, as clearly nothing should have priority over local impact mitigation since if a development proposal cannot be made acceptable in its local context it would need to be refused (unless of overriding strategic importance) and thus the potential for securing wider benefits would not arise. It seems to us that most of the priorities specified in Policy 8.2E can be seen as related to the Mayor’s Economic Development, Sustainable Development and Equalities duties and are therefore wholly appropriate and we would include ‘childcare facilities’ within this conclusion. We note, moreover, that apart from the addition of ‘small shops’, the priorities cited in Policy 8.2E are those of the extant London Plan 2008, whereas those of Policy 8.2D are as specified following the publication of the Crossrail Alteration. Leaving aside the issue of small shops, we can see no reason for removing any of the existing lesser Mayoral priorities that are contained within Policy 8.2E.

8.22 With regard to the additions sought that are referred to in paragraph 8.18 above, these are clearly addressing important objectives, some of which could also been seen to be related to Economic Development, Sustainable Development and Equalities duties, but we did not hear any evidence to suggest why the Mayor’s judgement as to his priorities in these areas should be augmented. Additions would dilute the priority for the matters already cited. Some such as policing requirements would clearly be infrastructure that should be capable of funding via Borough CILs, while others such as heritage and open space issues are primarily within the responsibilities of Boroughs and may be able to be addressed in terms of impact mitigation, including in relation to the concept of enabling development, or again through Borough CILs. Air Quality could be a strategic consideration, but we
were inclined to accept that it would be more properly regarded as a localised matter related to AQMAs. For the most part therefore we see no reason to lengthen the list of priorities.

8.23 The one exception is public realm enhancement. While this was suggested for the Mayor/TfL as most appropriately to be addressed at local level, it is clear that there are Mayoral priorities involving public realm enhancement such as in Oxford Street and South Kensington and Boroughs such as Lambeth and Westminster have stressed its importance around strategic transport interchanges such as Waterloo, Victoria and Paddington stations. Moreover, as noted in Chapter 4 in the discussion on small shops under Policy 4.9 of our report, there was a wide spectrum of agreement amongst participants and not just within the development and retail sectors that very commonly the most appropriate way to support small shops would be through public realm enhancements at town centres. This was partially accepted in the suggested Mayoral changes to that policy which we have endorsed. Our further recommendations on that policy do not preclude small shop units being sought via obligations, but our conclusions are that it would often be possible to secure this objective, where warranted, through planning conditions; that the need for additional affordable small units is a localised rather than London-wide problem that is most suitable to be addressed at Borough level; and that rarely would there be direct Mayoral involvement in developments where obligations seeking additional affordable small shop units would be justified under the requisite tests for obligations. **We therefore make Recommendation 8.2:** In Policy 8.2E replace "provision of small shops" by "enhancement of public realm".

**Issue:** Are any amendments required in the light of the published Crossrail Alterations to the 2008 London Plan and adoption of related SPG?

8.24 The early suggested changes put forward by the Mayor are considered by TfL to address all points arising from the published Crossrail Alterations to the 2008 Plan and adoption of related SPG. HBF suggested that it would be helpful if it was made clear that residential developments are exempt from contributions to Crossrail through the CIL.

8.25 The **South London Partnership** is concerned about the reference in Policy 8.2D to Crossrail contributions generally being given higher priority than other public transport improvements. They request that the term ‘appropriate’ is qualified to say ‘where in those parts of London it is appropriate...’ to enable planning obligations to be sought for required transport improvements in South London according to priorities established for the sub-region.

8.26 The **HBF** point concerning Crossrail and CIL is contrary to the expectation following the Examination of the Crossrail Alteration and its related SPG. Whether residential development should be subject of Crossrail contributions via obligations was subject of extensive discussion at the Crossrail Examination in December 2009. The argument, which we accepted, as did the Mayor and Secretary of
State, was that the Crossrail contributions via obligations were to mitigate the impact of developments on the transport system, in particular on prospective over-crowding of the public transport network, and that this potentially arose from commercial developments as they create particular concentrations of activity. The obligations policy does not therefore apply to residential developments and we have recommended in relation to Policy 6.5 of the DRLP making explicit the three categories of commercial development to which the Crossrail obligations policy would normally apply, namely offices, retail and hotels. The corollary is that the benefit to be gained from Crossrail by new residents would be captured through the application of the CIL to new residential developments. The CIL Regulations require any Levy sought to be imposed on all qualifying developments on a common basis unless there is evidence in terms of impact on viability which would justify differentials or exemptions on an areal or use basis. Thus, under the terms of the legislation, what was sought in the HBF representation could not be accepted, though it could be a matter that might be argued at any CIL charging schedule Examination, if there were evidence to justify reduced or waived contributions from housing developments generally or in particular localities.

8.27 As for the concern of the South London Partnership over the meaning of ‘where it is appropriate’, this was again debated at length at the Crossrail Examination. The outcome in the adopted SPG, which will ultimately require re-adoption as SPG related to the RLP, is very clearly defined contribution areas. Thus, within their area it is clear that it would only be ‘other public transport improvements’ that would warrant the highest priority for funding via obligations alongside affordable housing. Consequently, we can see no need for any further amendments to the DRLP beyond the early suggested changes that we have already endorsed.

Policy 8.3 Community Infrastructure Levy

8.28 The context for this policy is set by the Planning Act 2008\textsuperscript{286}, the Community Infrastructure Levy Regulations\textsuperscript{287} and related guidance, the published London Plan Crossrail Alteration\textsuperscript{288} and the related adopted Crossrail SPG\textsuperscript{289}.

8.29 The intentions of the Coalition Government in relation to CIL were set out in a Written Parliamentary Statement on 18 November 2010\textsuperscript{290} and an accompanying press statement by the Minister for Decentralisation, Greg Clarke\textsuperscript{291}. A revised version of The Community Infrastructure Levy: An Overview was also published in November\textsuperscript{292}. It was for this reason that the intended session to consider this policy

\textsuperscript{286} GD06
\textsuperscript{287} GD32
\textsuperscript{288} LD127
\textsuperscript{289} LD128
\textsuperscript{290} GD95
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\textsuperscript{292} GD94
was adjourned in September to 8 December. However, the statements indicate very limited changes from the previously published CIL scheme as embodied in the 2008 Planning Act and 2010 Regulations, primarily that the degree to which Examiner Reports will be binding will be curtailed, there will be general freedom for Councils to accept payments by instalments and in kind and a widening of the definition of infrastructure that can be funded through the Levy to include maintenance works. There is also intended to be a requirement on charging authorities to cascade a proportion of receipts to neighbourhoods but the Mayor obtained confirmation from DCLG that this last matter is for Boroughs as any Mayoral CIL is required under Regulation 59(2) to be confined to funding roads and other transport facilities, including Crossrail.

Issues: Are amendments required to take account of the Community Infrastructure Levy Regulations 2010 SI 2010/948293 that have been operative since 6 April 2010 and the subsequent Government statements made on 18 November 2010?

Would there be merit in specifying the limitations on the application of Mayoral CIL in the policy or supporting text and does the policy or supporting text need to be explicit on the means to avoid developments being charged twice in respect of Crossrail?

8.30 The Mayor had put forward early suggested changes to the submission DRLP294 with additional wording for Policy 8.3 and paragraph 8.10 to reflect the consequences flowing from the making of the Community Infrastructure Levy Regulations 2010 [ESC 8.9-ESC 8.12]. Many of these changes also address concerns initially raised by participants. In the light of the Government’s November announcement, for the adjourned December session the Mayor put forward an additional statement which included further suggested changes. These accept that the CIL is now in operation and amend the way that double charging for Crossrail would be avoided [FSC 8.5A-8.5B]. The statement also referred to an expectation that a Mayoral CIL would be promoted early in 2011. The Mayor published a Preliminary Draft Charging Schedule295 for CIL based solely on raising the £300 million required to part fund Crossrail for comment on 17 January 2011.

8.31 LB Islington and London Councils were concerned that the Mayor’s CIL charge could impact on the ability of Boroughs to secure funding for other important matters. These include for example local and sub-regional transport priorities, affordable housing, and local infrastructure necessary to meet the needs of new development. London Councils also recommended changes to Policy 8.3 to ensure the Mayor works alongside Boroughs in preparing the proposed guidance on the application of CIL and in drafting the charging schedule to address the concerns raised. They had also requested

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that the limitations on the application of Mayoral CIL should be
specified in the supporting text. They also sought clarification as to
whether and how the Mayor proposes to use the provisions in the CIL
Regulations which allow different rates of CIL to be charged for
different zones in which development would be situated and also by
reference to different intended uses of development. However, they
opposed the suggestions by White City Landowners for Mayoral
direction of Boroughs on such matters, though generally seeing no
need to repeat statute in the RLP. White City Landowners argued
that the London Plan should urge Boroughs to use this opportunity to
set differential rates. They also put forward suggested amendments
to Policy 8.3 to include references to the charging rate, discretionary
relief and payments in kind. Planning Aid for London suggested
that Policy 8.3 should make clear the projects to which such
contributions will relate.

8.32 The Consortium of London Developers wished to see the means to
avoid developments being charged twice in respect to Crossrail set out
in the supporting text. London Councils noted that new paragraph
8.10A introduced in the early suggested changes states that the Mayor
will take steps to ensure that contributions made under Policy 6.5 will
be offset from any CIL liability. Therefore developments would not be
charged twice in respect of Crossrail. London First sought
recognition that viability would be taken into account to encourage
rather than restrain development and recommended that paragraph
8.10 is amended to state that CIL “will” replace S106 other than for
site specific matters including affordable housing.

8.33 The Mayor pointed out that the published SPG Use of Planning
Obligations in the Funding of Crossrail makes clear that should a CIL
charging schedule be brought forward under the 2010 Regulations, he
will take decisions on both the CIL charging schedule and the level of
S106 contributions for Crossrail in tandem. It was suggested that an
update to the SPG may be the most appropriate approach to provide
any further clarification of such matters and the further suggested
change clarifies that avoidance of double charging for CIL would be
through the Crossrail obligation mechanism rather than through the
CIL. This is because of the onerous procedures embodied in the CIL
Regulations with regard to “exceptional circumstances” relief.
London First has written to state that the Mayor’s supplementary
statement with this change meets their main concern.

8.34 It seems to us that the early and further suggested changes put
forward by the Mayor fully align the DRLP policy on CIL with statutory
requirements and go as far towards meeting the concerns of those
making representations as is reasonable at this stage. They make
clear an intention of collaborative working in new paragraph 8.10B.
They also make explicit the limitation on the use of Mayoral CIL and
how double-charging for Crossrail would be avoided through adjusting
the Crossrail contributions. We consider that this is the most practical
method of securing this objective as the scheme embodied within the
Crossrail SPG is a Mayoral responsibility, whereas the CIL Regulations
having been made by Parliament cannot be so flexible and are
inevitably more complex. Matters such as ensuring that the viability of developments is not prejudiced, that there would be sufficient headroom for Borough CILs and identifying any particular transport infrastructure projects in addition to Crossrail that might be funded via a Mayoral CIL would in our view be addressed in the consultation on the Mayoral charging schedule that has now commenced. We therefore endorse ESC 8.9-8.12 as amended by FSC 8.5A-8.5B.

Policy 8.4 Monitoring and Review (including Table 8.1 Key Performance Indicators)

Issue: Is the policy sufficient to ensure rigorous monitoring on progress on achieving the objectives of the Plan and are the annual monitoring arrangements appropriate?

8.35 Some of the more general issues with regard to monitoring and review were addressed under the over-arching Policy 8.1 and in this section of our report we are primarily concerned with assessing whether the schedule of Key Performance Indicators (KPIs) set out in Table 8.1 are an appropriate suite to monitor the key spatial attributes that are intended to be governed by the RLP. However, before addressing the KPIs we should note that the Mayor tabled additional FSC 8.6 to Policy 8.4B as a response to representations. This proposes the deletion of Table 8.2 (Indicative Actions for the Implementation Plan) and their inclusion instead within a separate Implementation Plan as had been trailed in the similar change to paragraph 8.6 that we endorsed earlier. Also suggested in FSC 8.23 is a much altered paragraph 8.13 that provides supporting explanatory text for the separate Implementation Plan. For the reasons cited earlier, we endorse FSC 8.6 and FSC 8.23.

8.36 We raised the issue of the baseline for the indicators where this is not explicit. While the general answer was that it would be the publication of the Plan, in practice the position would be rather more complex depending on the availability of data sets. In some instances this would enable trends to be observed back to the publication of the first London Plan in 2004 or even further back. For the Mayor it was stressed the most important element to be captured is the direction of travel that is revealed, which ought always to be apparent. We accept that this is the most important issue to be flagged-up and do not see any need to make formal recommendations. The London Forum sought groupings of the KPIs to address economic, social, transport or other considerations. While there is logic in such a suggestion, as a number of KPIs would assist monitoring of more than one objective, we accept that this would not be possible in every case and that partial groupings might be misleading.

8.37 The Examination Document submitted by the Mayor for the autumn sessions indicated that the Mayor would table a further paper dealing with the suite of KPIs in Table 8.1 in advance of the discussion on Matter 8C. The GLA’s statement for Matter 8C indicated that the
Mayor intended to add to Table 8.1 a column showing which of the six objectives (DRLP page 27) each of the KPIs supports. The column was illustrated in the statement in the form of a separate tabulation. As this tabulation has not been included in the schedule of further suggested changes or in either of the Consolidated versions of the DRLP inclusive of suggested changes and Minor Alterations that the GLA has produced, neither has the additional column been included in the revised Table 8.1 set out in those documents we set out that tabulation below.

8.38 We believe that addition of information linking the KPIs to the achievement of the objectives of the RLP is important in responding to the expressions of concern from participants such as London Councils and Planning Aid for London that the linkages between policy, implementation, monitoring and review are insufficiently developed. It provides important clarification for the ‘plan, monitor and manage’ process. **We therefore make Recommendation 8.3: That the information contained in the right hand column of the tabulation provided by the Mayor and set out following paragraph 8.38 of our report should be added to Table 8.1.** Beyond this we are satisfied that the amended supporting text in paragraph 8.13 after FSC 8.23 provides sufficient linkage between the KPIs and the AMR process.

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>RELEVANT KPIs</th>
</tr>
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<tbody>
<tr>
<td>Objective 1 – meet the challenge of growth</td>
<td>1, 2, 4, 5, 6, 10, 12, 13, 15</td>
</tr>
<tr>
<td>Objective 2 – support a competitive economy</td>
<td>2, 7, 8, 9, 13, 18, 24</td>
</tr>
<tr>
<td>Objective 3 – support the neighbourhoods</td>
<td>2, 5, 11, 12, 13, 16</td>
</tr>
<tr>
<td>Objective 4 – delight the senses</td>
<td>1, 3, 10, 16, 20, 23, 24</td>
</tr>
<tr>
<td>Objective 5 – improve the environment</td>
<td>1, 3, 10, 19, 20, 21, 22, 23</td>
</tr>
<tr>
<td>Objective 6 – improve access/transport</td>
<td>1, 14, 15, 16, 17, 18</td>
</tr>
</tbody>
</table>

**Issues:** Are the Key Performance Indicators (KPIs) in Table 8.1 a sufficiently comprehensive set of indicators? Are additions or omissions justified? Do any of the KPIs require adjustment?

8.39 A large number of suggestions were advanced in writing or at the Examination for changed KPIs, whether by deletion, addition or modification. The Mayor put forward a number of suggested changes to the KPIs in ED118 and ED142 during and following the relevant
Examination session which were then summarised in ED241. This last document, which is in tabular form, also indicates the relationship of the proposed KPIs to the KPIs in the current London Plan 2008 and has the additional column showing the objectives mainly supported that we referred to in the previous paragraph. It responds to the comments of Planning Aid for London and others who considered that it is important for there to be an explanation of whether the KPIs were all in the previous London Plan and, if not, which are new in this Plan. The final suggestions put forward by the Mayor would reduce the number of DRLP KPIs from 28 (in the extant Plan) to 25 on the basis of improved focus and efficiency. It was argued by the Mayor that those remaining or added are up to date, measurable and clear. The Mayor considered that the suite of indicators met all the requirements of statute and guidance through making use of readily available data. It is not possible within reasonable resource requirements to monitor everything but it was suggested that these indicators would enable the Plan and its strategy to be monitored as a whole. The Information Scheme for London under section 397 of the GLA Acts 1999 requires two-thirds of Boroughs to agree to any changes in information being sought, so it is obviously desirable to minimise changes in primary data sources.

8.40 Many, though by no means all, of the suggested changes put forward by the Mayor respond to representations making suggestions for changes, while others are to reflect suggested changes to other policies. Participants and those making written submissions pressed for additional indicators or changes that were not accepted on behalf of the Mayor during or following the Examination session. We now turn to consider the suggestions made by others before concluding on the suggested changes that have been put forward.

8.41 The proposed KPIs were welcomed by London Councils as providing a basis for a consistent and cost effective approach to monitoring. They are regarded as reducing the requirements and burdens on Boroughs, though they and others question whether some of the KPIs carried over from London Plan 2008 are still relevant and achievable. Conversely, Just Space Network was disappointed with the lack of acknowledgement of the voluntary and community sector and its sub-sectors within the KPIs. They put forward two variants of a new KPI seeking a tripling of Community Land and Development Trusts. ROTA sought inclusion of an ethnic dimension in the monitoring of life expectancy under proposed KPI 6. English Heritage suggested that KPI 24 be amended to accord with PPS5 advice which urges monitoring the impact of planning decisions on the historic environment, suggesting that this should mirror its own approach by monitoring all heritage assets at risk (not just Listed buildings). HBF initially suggested the deletion of KPI 10 as decisions on whether it is appropriate or necessary to develop gardens is a matter for the Boroughs to determine, though at the Examination they felt that this could produce meaningful data if definitional problems could be overcome.

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8.42 The **London Forum** wished to see more stringent targets monitored in relation to open space in KPI 3, explicit monitoring of offices rather than B1 in total in KPI 18, with a higher target, and also inclusion in the KPIs of direct monitoring against the benchmarks for industrial land transference to other uses and, in relation to KPI 13, a wider measure of achievement of adequate social infrastructure. The Forum also makes a number of detailed points on the measurement of other KPIs, including highlighting the reduction in the need to travel and including ‘more than’ in the housing provision indicator (KPI 4) and a greater differentiation of the social housing provision indicator (KPI 5). They also suggested that additional KPIs should be brought forward linked to the development of the Implementation Plan to draw in more of the targets of other Mayoral strategies. The **London Gypsy and Traveller Unit** argued that whatever policy is ultimately included in the RLP, that there should be a KPI that would ensure that the number of pitches for Gypsies and Travellers in London is monitored. From the consideration of the overall strategy we noted the request of **Hammersmith & Fulham Disability Forum** that there should be an indicator to monitor progress with measures to cater for those with disabilities.

8.43 For **the Mayor** it was argued the additional KPIs suggested had been carefully considered, but only two new indicators were offered, the first addressing urban greening as this is a new policy area and represents an aspect of climate change adaptation, and the second regarding employment in Outer London as this is a key policy area following the findings of the Outer London Commission. **TfL** added that the annual *Travel in London* reports will put progress against all the MTS indicators in the wider interpretative context of trends and developments affecting travel and transport in London.

8.44 Having read and heard all the arguments, we are generally persuaded that the balance of KPIs is broadly correct as they would cease to be ‘Key Performance’ indicators if every policy that that could have a measurable outcome were to be given an indicator within the RLP itself. The importance of Community Development Trusts is highlighted in the new text of paragraph 8.2C, the inclusion of which we have already endorsed. KPI 1 was supported at the Examination, as was KPI 2 with the FSC 8.7 merely introducing important clarifications as some of the terms from the extant plan have not been carried over into the DRLP. We regard the formulation of KP1 3 as correct, because monitoring can only sensibly take place against protected open space as we have highlighted earlier in our report. We accept the point made by **London Forum** that progress towards overcoming deficiencies in open space ought to be monitored but agree with the Mayor that this is primarily an issue for the Boroughs. **We therefore endorse FSC 8.7.**

8.45 With regard to KPI 4, FSC 8.8 makes an adjustment in the housing provision figure and includes the term ‘net’ as sought by **Care and Repair England** and others to ensure that gains are not offset by losses of dwellings. Our recommendations in Chapter 3 require a slightly different figure and we also accept the principle of the Forum’s
suggested insertion seeking achievement of a higher total if possible as this would in fact represent Mayoral policy. The need for minimum achievement is reinforced by our conclusion that the gap between housing need/demand and provision based on capacity is likely to be higher. Moreover, at the Examination, it was stressed for the Mayor, that the figures are intended to be for average annual provision. The HBF suggested disaggregation of student or other non-self contained accommodation. However, Annexe 4 would seem capable of fulfilling this role without adding to the complexity of the KPIs. Thus, we make Recommendation 8.4: Amend the text of KPI 4 to read “Average completion of a minimum of 32,410 net additional homes per year.”

8.46 FSC 8.9 simply adds ‘net’ into the text concerning the number of additional affordable homes in KPI 5 consistent with the terminology of KPI 4 to ensure that the target is of the increase in numbers of affordable homes. While appreciating the value of monitoring the numbers of component parts of the affordable total and of provision for the elderly, given the changes that are occurring in the funding system for housing over the next few years under the Coalition Government’s proposals, it may be difficult to establish clear sub-totals against which to monitor at this stage. Moreover, the components that currently make up affordable housing are published in the DCLG Annual Housing Statistics, though these statistics do not identify housing for the elderly. Consequently, we endorse FSC 8.9.

8.47 In terms of the objective of reducing health inequalities, FSC 8.10 recasts KPI 6 into a form that should be measurable over the life of the RLP notwithstanding any structural changes in the NHS. For the Mayor, it was indicated that although he would have been happy to include differentiation by ethnic origin as well, this is not possible because ethnic origin is not collected in relation to the registration of deaths. We endorse FSC 8.10.

8.48 No changes were suggested by the Mayor in relation to KPI 7 and KPI 8. We note that the office stock benchmark (having a stock of planning permissions equivalent to three times the average rate of starts over the previous three years) has been brought forward from the extant London Plan 2008. From our experience we do not find such a ratio to be unreasonably high. The bank of permissions thereby created is significantly lower than that recommended for the aggregates landbank in the regional guidelines for aggregates. ROTA, supported by the Just Space Network, sought introduction of ethnic indicators into KPI 7 and indicated that some data could be obtained from DES, albeit not for the particular KPI. However, the Mayor pointed out that there were established data sources for KPI 7 and KPI 11 in the form included in Table 8.1 and we accept this position.

8.49 The new KPI 9 responds to the suggestion by the London Forum for monitoring the release of industrial land and FSC 8.11 simply introduces a definition. However, in our Recommendation 4.1 we have recommended that the benchmarks should be included in the RLP and not merely in SPG as they determine policy. For consistency
this ought to be reflected in the KPI. Some suggested that new forms of economic activity should be monitored, but no practical means of doing so was discerned as there is no relevant use class to define such activity. **We endorse FSC 8.11 and make Recommendation 8.5:** Replace “the Industrial Capacity SPG” by (new) "Table 4.2".

8.50 There is considerable strength in the initial point made by the HBF and supported at the Examination by the London Forum that the new KPI monitoring the use of ‘garden land’ ought to be left to the Boroughs as the DRLP policy is purely permissive in terms of allowing preclusions or control of such development to be promoted by Boroughs where justified by local circumstances. London Councils suggested that an indicator might be development on ‘previously developed land’ (PDL). However, for the Mayor it was suggested that the latter information has been collected by DCLG in the past, but it was not clear how this would be take forward given the changed definition of PDL inserted into PPS3 by the Coalition Government. Instead, it was indicated that the Mayor had determined upon the figure of 120 units/year on the basis of a carefully considered estimate derived from the SHLAA/HCS and was not a purely arbitrary choice. However no details were provided to back up this estimate and there is a definitional problem within the DRLP itself. The KPI refers to use of ‘garden land’ whereas the new glossary definition introduced by FSC G.2 defines ‘private garden land’ and ‘back garden land’ but not just ‘garden land’. It was suggested that the problem could be readily overcome because Boroughs had agreed to tick a box on a monitoring form to indicate whether or not developments take place on green residential space without involving redevelopment. We can understand that this would produce a measure of a particular type of development, but were not persuaded that it would be a sufficiently meaningful indicator to warrant inclusion in the relatively small suite of KPIs. **We make Recommendation 8.6: delete KPI 10.** If this recommendation is not accepted we would stress the need to resolve the definitional point more explicitly and provide an explanation related to the SHLAA/HCS to justify the chosen figure while still achieving the output specified in KPI 4.

8.51 Through FSC 8.13, the Mayor proposes deleting KPI12, and through ESC 8.14 he proposes amendment of KPI13 to refer only to the size of classes in primary schools. In both cases he took this course because of the non-availability of data on provision of childcare places for pre-school children. Both changes are regrettable as the first relates directly to a Mayoral priority for planning obligations and the second originally provided a wider measure of social infrastructure provision than that now proposed. However, if the data is not available, this appears unavoidable. There were some suggestions at the Examination that it would be desirable to monitor the creation of Lifetime neighbourhoods, but we are not convinced that such a complex concept would lend itself to simple statistical monitoring. **We endorse FSC 8.13-8.14.**

8.52 With regard to the set of transport-related KPIs (KPIs 14-18), we have sympathy with the points made by the London Forum, but TfL
provided evidence to indicate how the indicators would be measured and that with the combination of the policies in the DRLP and the MTS, an overall reduction in car traffic could be anticipated over the Plan period or at worst zero growth in car traffic overall. The **Campaign for Better Transport** was particularly critical of KPI 15, suggesting that it highlights the inadequacy of the Transport policies of the DRLP. We address this issue in paragraphs 6.58-6.64 of our report and recommend there that the KPI should be amended as it is not consistent with the expectation of the recently adopted MTS for zero growth in car traffic. We repeat that recommendation below. As for KPI 16, we were persuaded by the evidence on behalf of the Mayor that the increase of cycling trips to 5% is actually a challenging target. Finally, as for the suggested change to KPI 18, we do not accept that FSC 8.15 would make the indicator less challenging, as the Forum suggests, because the two measures previously included related to different uses. In the submission DRLP the B2/B8 indicator would encourage development in locations less well-served by public transport. While for these kinds of uses such location may sometimes be unavoidable, it does not seem appropriate to make such an approach an implied policy. It would be desirable to set a higher percentage to be located so as to have high PTALs for pure office B1(a) development, as argued by the Forum, because this would be consistent with the advice of PPS4 on town centre uses. However, we were given no evidence on which to disaggregate the components of B1 and would not wish to set up any inconsistency with the policies and aspirations for Outer London. On balance, therefore, we **endorse FSC 8.15 and make Recommendation 8.7: Replace the target of KPI 15 by "Zero car traffic growth for London as a whole."** If this recommendation is not accepted, the figures quoted for the sub-areas of London in KPI 15 should be reviewed as they do not appear consistent with the MTS expectation of zero or marginally negative car traffic growth for London as a whole.

8.53 The **London Forum** point over strengthening KPI 19 would not in our view be reasonable because even in respect of nationally or internationally recognised nature conservation sites, policy allows for mitigation to include replacement in particular circumstances and having followed appropriate procedures. Conversely, FSC 8.16 addresses their concern and that of the Panel that zero to landfill would not be a realistic policy. **We endorse FSC 8.16.**

8.54 In relation to KPI 21, we are not convinced that the revised wording suggested in FSC 8.17 would make a material difference, despite the suggestion that it would improve practical application. However, the revised wording is consistent with Government policy and so we **endorse FSC 8.17.**

8.55 The **London Forum** argued that KPI 22 should be disaggregated to show the contributions from different sources but **HBF** argued that this would be too inflexible. The latest DECC advice favours a single target, as in the KPI, in order to provide flexibility so we do not consider that any change would be justified. The suggested change FSC 8.19 to KPI 23 provides clarification over an issue raised at the
Examination. The suggested change to KPI 24 in FSC 8.20 addresses the concerns of both English Heritage and the London Forum and would make the wording consistent with the advice of PPS5. The two new KPIs concerning urban greening and total employment growth in Outer London embodied in FSC 8.21 and 8.22 were generally welcomed. The latter had been particularly sought by both the West London Partnership and TCPA. We endorse FSC 8.19-8.22.

At the Examination both the London Forum and Friends of the Earth argued for a KPI to measure progress on meeting EU Air Quality limits, but we are content as indicated in Chapter 7, that the monitoring against the EU requirements that has to be undertaken would cover this concern. Reluctantly, as no simple measurement was advanced, we have not recommended an additional KPI to measure, for example, improved access for those for disabilities but would hope that this would be covered via monitoring of the MTS. We have also considered whether the KPIs in the extant London Plan 2008 concerning Opportunity Areas should be brought forward, but accept that the issues are sufficiently covered by other KPIs or could be undertaken against the figures and strategic directions in Annexe 1. We come to a similar conclusion in respect of the omitted KPI concerning re-cycling, namely that monitoring could take place directly against the relevant provisions of the Plan.

Finally, during the session on Gypsies and Travellers, there was a very strong plea from the London GTU and others that regardless of the way in which the relevant policy is finalised, there ought to be a KPI to monitor progress towards the additional pitch numbers discerned as necessary through the GTANA because this is a strategic matter as part of the overall housing requirement. For the Mayor, it was argued that the small numbers in comparison to bricks and mortar dwellings meant that this was not necessary and that figures could be obtained from DCLG sources. In Chapter 3, we concluded that provision for Gypsies and Travellers, including Travelling Showpeople, is a strategic issue and that not to include reference to London-wide pitch requirements would be inconsistent with proposed provision for other housing in line with the SHMA. To exclude a KPI simply because the information could be obtained from DCLG publications would be inconsistent as this applies to KPI 4 and KPI 5 also. Consequently, we consider that there should be an additional new KPI to address provision for Gypsies and Travellers. We have considered whether this should include the provision discerned as necessary for transit use and plots for Travelling Showpeople, but have concluded that it should relate simply to the residential pitches for Gypsies and Travellers as these will be largely provided in terms of social provision. If such provision requirements are adequately met, it should assist in meeting the lesser transit need. The evidence was that the provision of plots for Travelling Showpeople would be largely privately provided. We make Recommendation 8.8: Add new KPI: “Increase the supply of pitches for Gypsies and Travellers” with the target “Achievement of a minimum of 368 net additional pitches over the first 10 years of the RLP”.

Chapter 8

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8.58 Subject to these very limited additional changes that we have recommended, we agree with the Mayor that the RLP would contain a sufficiently comprehensive set of KPIs to enable progress on the realisation of its objectives as a whole to be monitored.
## ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AAP</td>
<td>Area Action Plans</td>
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<tr>
<td>AMR</td>
<td>Annual Monitoring Report</td>
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<tr>
<td>ATM</td>
<td>Air Traffic Movements</td>
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<tr>
<td>BIDs</td>
<td>Business Improvement Districts</td>
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<tr>
<td>BRN</td>
<td>Blue Ribbon Network</td>
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<tr>
<td>CAZ</td>
<td>Central Activities Zone</td>
</tr>
<tr>
<td>C&amp;I</td>
<td>Commercial &amp; Industrial waste</td>
</tr>
<tr>
<td>CE&amp;D</td>
<td>Construction Excavation &amp; Demolition waste</td>
</tr>
<tr>
<td>CO₂</td>
<td>Carbon Dioxide</td>
</tr>
<tr>
<td>CSR</td>
<td>Comprehensive Spending Review</td>
</tr>
<tr>
<td>DCLG</td>
<td>Department of Communities and Local Government</td>
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<tr>
<td>DfT</td>
<td>Department for Transport</td>
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<tr>
<td>dph</td>
<td>dwellings per hectare</td>
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<tr>
<td>DPD</td>
<td>Development Plan Document</td>
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<tr>
<td>DRLP</td>
<td>Draft Replacement London Plan</td>
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<tr>
<td>EA</td>
<td>Environment Agency</td>
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<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<tr>
<td>EiP</td>
<td>Examination in Public</td>
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<td>ESC</td>
<td>Early Suggested Change</td>
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<td>FSC</td>
<td>Further Suggested Change</td>
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<td>Greater London Authority</td>
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<td>Government Office for London</td>
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<td>GTANA</td>
<td>Gypsy and Traveller Accommodation Needs Assessment</td>
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<td>HBF</td>
<td>Home Builders Federation</td>
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<td>HCA</td>
<td>Homes and Communities Agency</td>
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<tr>
<td>HCS</td>
<td>Housing Capacity Study</td>
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<td>HMA</td>
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<td>HMO</td>
<td>Housing in Multiple Occupation</td>
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<tr>
<td>HS2</td>
<td>High Speed Two</td>
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<tr>
<td>IIA</td>
<td>Integrated Impact Assessment</td>
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<tr>
<td>IBP</td>
<td>Industrial Business Park</td>
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<tr>
<td>KPI</td>
<td>Key Performance Indicator</td>
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<td>LAWP</td>
<td>London Aggregates Working Party</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<td>LDA</td>
<td>London Development Agency</td>
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<td>LDF</td>
<td>Local Development Framework</td>
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<td>LPA</td>
<td>Local Planning Authority</td>
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<tr>
<td>LSILs</td>
<td>Locally Significant Industrial Sites</td>
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<tr>
<td>MA</td>
<td>Minor Alteration</td>
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<tr>
<td>MOL</td>
<td>Metropolitan Open Land</td>
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<td>MTS</td>
<td>Mayor’s Transport Strategy</td>
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<td>MSW</td>
<td>Municipal Solid Waste</td>
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<td>NHF</td>
<td>National Housing Federation</td>
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<td>National Housing and Planning Advice Unit</td>
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<td>OA</td>
<td>Opportunity Area</td>
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<td>OAPF</td>
<td>Opportunity Area Planning Framework</td>
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<td>ONS</td>
<td>Office for National Statistics</td>
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<tr>
<td>PDL</td>
<td>Previously Developed Land</td>
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<tr>
<td>PIL</td>
<td>Preferred Industrial Location</td>
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<td>PPG</td>
<td>Planning Policy Guidance</td>
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<td>PPS</td>
<td>Planning Policy Statement</td>
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<td>Public Transport Accessibility Levels</td>
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<td>Powered Two Wheelers</td>
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<td>Regional Planning Guidance</td>
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<td>RSS</td>
<td>Regional Spatial Strategy</td>
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<td>Regional Technical Advisory Body</td>
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<td>SA</td>
<td>Sustainability Appraisal</td>
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<td>Sci</td>
<td>Statement of Community Involvement</td>
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<td>SDS</td>
<td>Spatial Development Strategy</td>
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<td>SHLAA</td>
<td>Strategic Housing Land Availability Assessment</td>
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<td>Strategic Housing Market Assessment</td>
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<td>SIL</td>
<td>Strategic Industrial Location</td>
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<td>SINC</td>
<td>Site of Importance for Natural Conservation</td>
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<td>SME</td>
<td>Small and Medium sized Enterprises</td>
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<tr>
<td>Abbreviation</td>
<td>Definition</td>
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<tr>
<td>SPD</td>
<td>Supplementary Planning Documents</td>
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<td>SPG</td>
<td>Supplementary Planning Guidance</td>
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<td>SRF</td>
<td>Solid Recoverable Fuel</td>
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<td>SRFI</td>
<td>Strategic Rail Freight Interchange</td>
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<td>SRN</td>
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<td>SRQ</td>
<td>Sustainable Residential Quality</td>
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<td>SUDS</td>
<td>Sustainable Urban Drainage Systems</td>
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<td>TCPA</td>
<td>Town and Country Planning Association</td>
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<td>Tfl</td>
<td>Transport for London</td>
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<td>TLRN</td>
<td>Transport for London Road Network</td>
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<tr>
<td>VNEB</td>
<td>Vauxhall/Nine Elms/Battersea Opportunity Area</td>
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<tr>
<td>WPA</td>
<td>Waste Planning Authority</td>
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</table>
# Appendix 1: Schedule of Panel Recommendations

<table>
<thead>
<tr>
<th>Rec. no.</th>
<th>Recommendations</th>
<th>Paragraph ref.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Chapter 1</strong></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Paragraph 0.21 of the Introduction be moved to follow Policy 1.1 to become paragraph 1.54.</td>
<td>Para 1.11</td>
</tr>
<tr>
<td>1.2</td>
<td>“sufficient” be included before “high quality” in FSC 1.1 to Objective 1.</td>
<td>Para 1.13</td>
</tr>
<tr>
<td>1.3</td>
<td>“deprivation and” be inserted before “inequality” in the penultimate line of Objective 1.</td>
<td>Para 1.17</td>
</tr>
<tr>
<td>1.4</td>
<td>“protected” be included before “open spaces” in Policy 1.1 B a) and a consequential amendment be made to the definition of “Open space” in the Glossary so that it would become a definition of “Protected open space” [The definition would read: “Protected Open Space: Metropolitan Open Land and land subject of local designation under Policy 7.18 (which would include essential linear components of Green Infrastructure as referred to in Policy 2.18). This land is predominantly undeveloped other than by buildings or structures that are ancillary to the open space. The definition covers…” (continued as in submission DRLP for Open space)]</td>
<td>Para 1.20</td>
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<tr>
<td></td>
<td><strong>Chapter 2</strong></td>
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<tr>
<td>2.1</td>
<td>“currently” be deleted from FSC 2.2.</td>
<td>Para 2.4</td>
</tr>
<tr>
<td>2.2</td>
<td>Insert “Boroughs and” before “the planning authorities…” and delete “former” in the amended text of Policy 2.2B following FSC 2.3.</td>
<td>Para 2.12</td>
</tr>
<tr>
<td>2.3</td>
<td>Insert at the end of Policy 2.4A “It will sustain existing stable communities and promote local economic investment to create job opportunities (especially for young people), driven by community engagement”; insert in Policy 2.14B after “environmental quality”, “including attention to response to climate change and provision of exemplary energy, water conservation and waste management”; and add at the end of Policy 2.4B “Legacy development within and surrounding the Olympic Park and management of the Legacy venues and parklands should focus on the development of the area for accessible and affordable sport and recreation and maximising opportunities for all Londoners to increase physical activity and reduce health inequalities.”</td>
<td>Para 2.20</td>
</tr>
<tr>
<td>2.4</td>
<td>Insert “sustaining existing established communities with their</td>
<td>Para 2.50</td>
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<tr>
<td>Appendix 1: Recommendations</td>
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<tr>
<td><strong>involvement</strong>” before “addressing its unique concentrations…” in Policy 2.9A</td>
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</table>
| **2.5** | Amend the parenthesis in new Policy 2.10Ac inserted by ESC 2.30 to read “(and in the outlier of the CAZ in the northern Isle of Dogs – see paragraph 2.52)”;
replace in paragraph 2.52 “is not formally within the CAZ” by “is an outlier of the CAZ” and insert “and other strategic functions and predominantly local activities” after “offices” in that paragraph. | Para 2.59 |
<p>| <strong>2.6</strong> | The symbols for the two international retail centres be correctly located on Map 2.3 | Para 2.69 |
| <strong>2.7</strong> | Delete “elsewhere” from line 4 of Policy 2.12Aa and instead insert “elsewhere” before “develop sensitive” in line 2. | Para 2.72 |
| <strong>2.8</strong> | Add additional supporting text as paragraph 2.59A “Working with local partnerships, public sector agencies must balance the need for local responses with the need for consistent and targeted public sector intervention across the capital. The Mayor will expect regeneration programmes to demonstrate active engagement with residents. Regeneration proposals should clearly outline the community’s aspirations for the estate and area, and demonstrate ‘buy in’ from residents either directly affected or living in surrounding areas. Options that give residents increased opportunities to participate in the delivery of local services will be encouraged. Consultation and involvement activities should also look to empower residents and develop wider skills.” | Para 2.99 |
| <strong>2.9</strong> | Add at the end of Policy 2.14B “These plans should seek to achieve no net loss of affordable housing in individual regeneration areas.” | Para 2.101 |
| <strong>2.10</strong> | Add additional supporting text as paragraph 2.59B “Relevant plans should include a programme for implementation of policies and proposals designed to minimise disruption of the communities affected.” | Para 2.103 |
| <strong>2.11</strong> | Canary Wharf be included in Table A2.2 as having potential to rise from Major to Metropolitan classification during the Plan period and for this also to be shown on Map A2.2. | Para 2.122 |
| <strong>2.12</strong> | The parenthesis under the heading “Neighbourhood and more local centres” in Annexe 2 be amended to read “(typically up to around 500 sq m)”. | Para 2.124 |
| <strong>2.13</strong> | Delete the retail category; add “/green enterprise” to the “industry” category and include “Park Royal”; add “sports” to the expanded “leisure/tourism” category and include the “Upper Lea Valley” as well as the “Lower Lea Valley”. | Para 2.130 |
| <strong>2.14</strong> | Replace the present Map 2.8 by amended illustrative Map ED235, with an additional footnote “see also Map 7.3 Blue Ribbon Network and” | Para 2.143 |</p>
<table>
<thead>
<tr>
<th><strong>Policy 7.18/Table 7.2</strong>.</th>
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<tbody>
<tr>
<td><strong>2.15</strong></td>
<td>The reference in Policy 2.18D to Policy 7.18 (in brackets) be replaced with the words “broadly corresponding to the areas identified as “Regional Park opportunities” on new Map 2.8.”</td>
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<tr>
<td><strong>Chapter 3</strong></td>
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<tr>
<td><strong>3.1</strong></td>
<td>That Policy 3.2D be amended to read: “The impact of major planning applications on the health and wellbeing of communities should be taken into account in accordance with the Mayor’s Best Practice Guidance on Health Issues in Planning.”</td>
</tr>
<tr>
<td><strong>3.2</strong></td>
<td>Insert the word “minimum”, before monitoring in the penultimate line of new paragraph 3.14B inserted by FSC 3.25 and add concluding sentences as follows: “Factors including increases in projected household formation and lower levels of net migration to surrounding regions may lead to a higher requirement over the plan period. It may be appropriate to regard a range of between 34,900-37,400 dwellings pa as the potential requirement to ensure sufficiency of provision for London’s residents.”</td>
</tr>
</tbody>
</table>
| **3.3** | Insert the word “minimum” before “gap” in the first line of new paragraph 3.14C inserted by FSC 3.26; replace the figure “2,690” by “2,490” in that line; insert “and after allowing for increased provision in the Earls Court and West Kensington Opportunity Area,” before “there is” in the first line of new paragraph 3.14C; add a final sentence to that paragraph as follows: “However, it is recognised in the previous paragraph that the requirement may be higher, which could mean that the gap may be as high as around 5,000 dwelling pa, which would be more comparable to that in the consolidated 2008 London Plan”;
replace the figures “6,150” and “615” by “8,150” and “815” for Hammersmith and Fulham in the replacement Table 3.1 inserted by FSC 3.30 and in Annexe 4 replace “564” for conventional supply by “764” and the total of 615 by “815” with the London Total figures changed from “322,100” and “32,210” to “324,100” and “32,410” respectively in both tables and the latter figure of “32,410” also substituted for “32,210” in clause B of revised Policy 3.3 inserted by 3.29. | Para 3.40 |
| **3.4** | That the third sentence of paragraph 3.28 be modified to read: "The Mayor therefore wishes to make clear that the London-wide SHLAA assumed a theoretical reduction of 90% in the historic level of garden development, so there is no strategic housing land availability obstacle to the formulation of relevant DPD policies that seek to protect back gardens or other private residential gardens from housing development. This does not, however, obviate the need for a suitable evidence base at local level for area-wide policies seeking to control such development”, and that the fourth sentence of paragraph 3.28 be deleted in its entirety. | Para 3.56 |
### Appendix 1: Recommendations

| 3.5 | That the words “policies to control” replace “a presumption against” in the last sentence of Policy 3.5A. | Para 3.57 |
| 3.6 | That the following preliminary words be inserted in Policy 3.5C: “LDFs should incorporate minimum space standards that generally conform with Table 3.3 and the Mayor will seek to ensure compliance with the Table 3.3 standards when determining applications that come before him” | Para 3.69 |
| 3.7 | That the heading to Table 3.3 and the second sentence of paragraph 3.30 be modified by replacement of the word “minimum” with “indicative”. | Para 3.70 |
| 3.8 | That in all but the third sentence of paragraph 3.30 and throughout Table 3.3 the words “number of occupants”, “persons” and the abbreviation “p” be substituted with the word “bedspaces”. | Para 3.73 |
| 3.9 | That an additional row be added to the top of Table 3.3 to provide for 1 bedroom/studio units with an indicative floorspace of 37sq m. | Para 3.75 |
| 3.10 | That Policy 3.7B be modified by replacement of the words “subject to planning framework” by “progressed through an appropriately plan-led process”, insertion of the words “where necessary” after “to co-ordinate” and, in the second sentence replacement of the words “Frameworks should be prepared in consultation with” with “The planning of these areas should take place with the engagement of” | Para 3.79 |
| 3.11 | That the introductory sentence of paragraph 3.37 be modified by replacement of the words “Planning frameworks for these areas” with “Plans for these areas, which may include strategic framework documents as SPG, site specific DPD policies and proposals or Borough-level SPD as appropriate” | Para 3.79 |
| 3.12 | That a definition of family housing for the purposes of the Plan, by reference to the number of bedrooms or bedspaces, be included in the glossary. | Para 3.90 |
| 3.13 | That (DRLP) Policy 3.8Bg (Policy 3.8 Bh after ESC 3.21) be modified to include the words “and the various specialist providers involved” after “further education agencies”. | Para 3.95 |
| 3.14 | That the third sentence of paragraph 3.45 be amended to include, after “to address these issues” and in place of the words in parenthesis, the following words “(exploring, for example, the use of DPD site allocations and development management policies to identify housing land particularly suitable for student accommodation, taking account of proximity to HEIs, environmental and social characteristics and travel needs and, more widely, to avoid potential problems of “studentification” within existing family housing areas)”. | Para 3.97 |
| 3.15 | That the October 2010 Minor Alteration be not proceeded with and that consequently the relevant FSCs be not endorsed (FSC 3.39A, Para 3.145 |
3.16 That the DRLP be amended by incorporation of the March 2010 Minor Alteration [see Appendix 6] with further amendments as follows:

replace “Borough” by “Housing Partnership Sub-region” in line 4 of paragraph 3.47;

replace “238” by “268” in line 3 of paragraph 3.49, adding after that sentence “This number is the corrected figure of minimum need arising from those currently living in caravans. On an equitable basis, as it would otherwise not be expected that all social housing needs would be able to be met, this level should enable modest provision to be made to meet needs of those with proven psychological aversion to bricks and mortar accommodation”;

in the final sentence of paragraph 3.49 replace “borough” by “Sub-regional” and insert after “(see paragraph 3.50)”, “themselves informed by the more detailed borough levels of need identified in Annexe 5 of ‘Towards provision targets for Gypsy & Traveller, Travelling Showpeople and transit pitches in London’ and the related distribution of this provision based on capacity as well as need,...”;

in paragraph 3.51a in the first bullet point replace “15” by “around 20” and in the second bullet point delete “even”, replace “53” by “around 100”, replace “pitches” by “plots” and add at the end “such that around 70% would be in North-West London, 10% in each of the North-East and South-East London sub-regions and 5% in each of the North and South-West London sub-regions.”

replace the text of Table 3.4 Gypsy and Traveller Pitch Provision 2007-17 by the following:

<table>
<thead>
<tr>
<th>HCA Sub-regions / Housing Partnership Sub-regions</th>
<th>Need as in Towards provision targets for Gypsy &amp; Traveller, Travelling Showpeople and transit pitches in London Annexe 5*</th>
<th>Provision requirement based on March 2010 distribution principles</th>
<th>Range of required provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>North-West</td>
<td>43</td>
<td>40</td>
<td>40-43</td>
</tr>
<tr>
<td>South-West</td>
<td>45</td>
<td>47</td>
<td>45-47</td>
</tr>
<tr>
<td>North</td>
<td>8</td>
<td>39</td>
<td>8-39</td>
</tr>
<tr>
<td>North-East</td>
<td>97</td>
<td>77</td>
<td>77-97</td>
</tr>
<tr>
<td>South-East</td>
<td>75</td>
<td>65</td>
<td>65-75</td>
</tr>
<tr>
<td>London total</td>
<td>268</td>
<td>268</td>
<td>235-301 (mean 268)</td>
</tr>
</tbody>
</table>

** Note for distribution of provision to meet needs for transit and...
<table>
<thead>
<tr>
<th>Appendix 1: Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>travelling showpeople plots see para 3.51a”</td>
</tr>
<tr>
<td>re-number paragraph 3.51 as paragraph 3.51c.</td>
</tr>
<tr>
<td>3.17 That Policy 3.10B be deleted</td>
</tr>
<tr>
<td>3.18 That the introductory sentence of Policy 3.11A end with the word “should”, not “must”</td>
</tr>
<tr>
<td>3.19 That the definition of intermediate housing in paragraph 3.55 include, after the first sentence, the words from Annex B to PPS3 that “These can include shared equity products (e.g. Homebuy), other low cost homes for sale and intermediate rent”, together with a cross-reference to the last three paragraphs of the PPS3 Annex B intermediate affordable housing definition for further information.</td>
</tr>
<tr>
<td>3.20 That the word “local” be inserted between “below” and “market” in the first sentence of the paragraph 3.55 explanation of intermediate housing and that the last three sentences of the explanation be deleted.</td>
</tr>
<tr>
<td>3.21 That the last three sentences of paragraph 3.56 be deleted and replaced with the following: &quot;Increased provision of intermediate housing is one of the ways in which the supply of affordable housing can be expanded. The Mayor will work with the Boroughs and other delivery and funding agencies to develop understanding and provision of a range of relevant products, and the priority will be to assist those most in need, including families, to gain access to better housing. For the purposes of the paragraph 3.55 definition, qualifying prices and rents should be set locally to recognise the individual characteristics of local housing markets. However, in order to recognise strategic housing needs, as a benchmark for judging conformity between plans and when determining “strategic” planning applications that come before him, the Mayor will seek to ensure that new intermediate homes are affordable to households whose annual income is in the range £18,100-£61,400. For family homes (see glossary) the upper end of this range will be extended to £74,000). These figures will be up-dated annually in the London Plan Annual Monitoring Report.”</td>
</tr>
<tr>
<td>3.22 That Policy 3.12Aa be amended by dividing it into two sentences, the first dealing with “mix” and the second with “split”, and that in the first sentence dealing with “mix” the words “and should aspire towards securing 50% of all new housing as affordable housing across London as a whole” be inserted between “maximise affordable housing provision” and “and seek an average of at least 13,200 more affordable homes per year over the term of this Plan”.</td>
</tr>
<tr>
<td>3.23 That Policy 3.12 be amended, having divided it into two sentences in accordance with recommendation 3.22, the second sentence dealing with “split” to read: “In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social rent and 40% for intermediate rent or sale”.</td>
</tr>
</tbody>
</table>
### Appendix 1: Recommendations

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Para</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.24 That a sentence be added to the end of paragraph 3.71 reading &quot;Guidance on affordable housing requirements in connection with provision for older Londoners and student accommodation is included in paragraphs 3.43 and 3.45 (as we have recommended it be modified).&quot;</td>
<td>3.175</td>
</tr>
<tr>
<td>3.25 Insert &quot;the additional use or&quot; before &quot;re-use&quot; and &quot;other traditions or&quot; before &quot;other faiths&quot; and &quot;/or&quot; after &quot;and&quot; before &quot;wider community functions&quot; in the final sentence of paragraph 3.84</td>
<td>3.193</td>
</tr>
<tr>
<td>3.26 Insert at the end of Policy 3.17B &quot;and the suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.&quot;</td>
<td>3.193</td>
</tr>
<tr>
<td>3.27 That the following sentence be added to the end of paragraph 3.81: &quot;Open space in all its forms represents an important component of social infrastructure and its protection and enhancement is an integral part of Policy 3.17. The methodology of Policy 3.17 applies to open space, but proposals must also accord other more specific DRLP policies, namely 2.18 (green infrastructure), 3.20 (sports facilities including playing fields), 7.16 (Green Belt), 7.17 (MOL) and 7.18 (local open space). Policies in Chapter 7 relating to the Blue Ribbon Network may also be relevant.&quot;</td>
<td>3.194</td>
</tr>
<tr>
<td>3.28 That a further clause be added to the Planning Decisions section of Policy 3.19 to read: &quot;Very significant weight will be attached by the Mayor to the desirability of establishing new schools and enabling local people to do so. The Boroughs should adopt a positive and constructive approach towards applications to create new schools and seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations, as appropriate. Planning permission for a new school should only be refused if the adverse planning impacts on the local area outweigh the desirability of establishing a school in the area concerned.&quot;</td>
<td>3.197</td>
</tr>
<tr>
<td>3.29 That additional text be added after paragraph 3.91 to state &quot;The Mayor’s approach to new schools reflects the statement of the Secretary of State for Communities and Local Government on 26 July 2010.&quot;</td>
<td>3.198</td>
</tr>
</tbody>
</table>

### Chapter 4

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Para</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 In Policy 4.4Bc, replace “Supplementary Planning Guidance” by “Table 4.2”, this table of “Indicative Industrial Land Release Benchmarks (by RLP) sub-regions)” to be inserted following Map 4.1 from ED92 (page 6).*</td>
<td>4.25</td>
</tr>
<tr>
<td>4.2 In paragraph 4.21 insert after “updated”, &quot;to roll the benchmarks forward to cover the period up to 2031&quot; and after “guidance”, “or if necessary an Alteration to the Plan”.</td>
<td>4.25</td>
</tr>
<tr>
<td>4.3 Add at the end of paragraph 4.17 “including for the needs of micro-</td>
<td>4.27</td>
</tr>
</tbody>
</table>
firms”.

4.4 That the words “including the need to identify sufficient capacity for renewable energy generation” be added at the end of Policy 4.4Bd after “emerging industrial sectors”.

Para 4.28

4.5 Addition to Policy 4.5A “to recognise that there may be justification for visitor accommodation related to major visitor attractions including supporting the Olympic legacy to recognise the influence on location of the particular market that would be served.”

Para 4.41

4.6 That Map 4.2 be amended by addition of “8 Olympic Park/Lee Valley Regional Park” and the title of Policy 4.6 be amended by inserting “, sport” before “and entertainment”.

Para 4.42

4.7 Add the following to Policy 4.6B – “e...not result in a net loss of cultural infrastructure in areas of defined need”.

Para 4.43

4.8 In Policy 4.9A in line 2 replace “seek” by “consider imposing conditions or seeking”... and in line 6 delete “local”;

Para 4.66

4.9 In paragraph 4.49 in lines 6-7 replace “will...encouraged to” by “and boroughs may impose planning conditions or seek to” and in the antepenultimate line delete “local”, adding at the end “In relation to district and local centres, boroughs may wish to use a lower threshold recognising the scale of developments that may be likely at such centres.”

Para 4.66

4.10 In paragraph 4.50 amend the start of the antepenultimate sentence to read “Where relevant the number...”

Para 4.66

4.11 Amend Policy 4.10Ac to read – “c will work with HEIs and businesses to ensure availability of sufficient workspaces appropriate to the needs of emerging sectors and multi-disciplinary collaboration in research and innovation”; and add to Policy 4.10A “e promote with London’s HEIs clusters of research and innovation, including a London Science and Creativity Park in the Kings Cross area, as focal points for research and collaboration between HEIs and industry”.

Para 4.69

Chapter 5

5.1 That Policy 5.2B be modified by replacing the introductory words “All major developments should” with “The Mayor will seek to ensure that developments of strategic scale”, that the words “Boroughs and developers should also strive to achieve the steeper trajectories that the targets represent” be inserted after the words “and zero carbon non-domestic buildings from 2019” and that relevant Code levels in the Code for Sustainable Homes be set alongside the residential buildings targets in clause B.

Para 5.17

5.2 That paragraph 5.20 be modified by adding “The targets will be used by the Mayor in the consideration of proposals that come before him.

Para 5.17
for determination and to guide the development of proposals within Opportunity and Intensification Areas as well as for monitoring purposes. They may also influence proposals falling within the ambit of the wider GLA family including, for example those of the London Development Agency. At Borough level, the steeper trajectory towards meeting the Government’s target of zero carbon residential development by 2016 and non-domestic buildings by 2019 should be regarded as aspirational, with the contribution from individual residential developments taking account of such factors as ease and practicability of connection to existing networks, context, size, nature, location, accessibility and expected operation.”

5.3 That Policy 5.2Da be modified to read “Calculation of the energy demand and carbon dioxide emissions covered by the Building Regulations and, separately, the energy demand and carbon dioxide emissions from any other part of the development, including plant or equipment, that are not covered by the Building Regulations (see paragraph 5.22) at each stage of the energy hierarchy.”

5.4 That paragraph 5.22 be modified by adding “The strategic aim is to reduce carbon emissions overall, so that while planning decisions and monitoring will be underpinned by the targets expressed in Policy 5.2B, the requirement in Policy 5.2Da for energy assessments to include separate details of unregulated emissions is to explicitly recognise the additional contribution that can be made through use of efficient equipment and controls and good management practices.”

5.5 That Policy 5.3C be modified to read: “Design and Access Statements that accompany major development proposals (as defined in the glossary) should clearly demonstrate how the proposed scheme incorporates sustainable design and construction principles including:...”

5.6 That Policy 5.6A be modified by inserting the words “including their cost to the developer and end-user” after “systems” and at the end of clause C adding “where feasible”.

5.7 That paragraph 5.38 be modified by the addition as a second sentence “Feasibility includes not just technical practicality but also recognises the need to avoid supply of new homes being suppressed by uneconomic requirements and to avoid uneconomic energy costs over the lifetime of new homes.”

5.8 That Policy 5.8A be modified by deletion of the words “In particular” in the second sentence of the introductory paragraph and replacing “to” at the end of that sentence with “in this respect, for example by promoting:” and by the deletion of the words “maximise”, “plan” and “maximise” from the beginnings of Policies 5.8Aa, b and c respectively.

5.9 That the words “also demonstrate how they are contributing to the target outlined above” in the third sentence of clause C of Policy 5.10
be substituted with the words “demonstrate how green infrastructure has been incorporated”.

5.10 That the word “flood defences” in the first line of clause D of Policy 5.12 be replaced with “water courses”.

Para 5.55

5.11 Combine Policies 5.15Ba and Bb to read “designing dwellings with the aim that, through the use of water saving measures and equipment, treated water consumption would typically equate to about 105 litres or less per head per day.”

Para 5.70

5.12 ESC 5.57 be only endorsed subject to the inclusion of “the equivalent of” before “100%”.

Para 5.75

5.13 That paragraph 5.73 be introduced with the words “The Mayor wants to make the most of London’s waste to harness its energy and employment benefits.” And that the following words be inserted between “self-sufficiency” and “waste” in the DRLP introductory sentence “in addition to prevention, reduction and re-use...”

Para 5.79

5.14 That the third bullet point in paragraph 5.73 be modified to read “it is solid recoverable fuel (SRF) as defined in the Mayor’s Municipal Waste Management Strategy.”

Para 5.80

5.15 That an additional Policy 5.19C be added, under the heading “Planning decisions” to read “Pending the outcome of the work proposed in clause A of the policy, development proposals that would result in the loss of existing sites used for the treatment and/or disposal of hazardous wastes should not be permitted unless adequate capacity or suitable equivalent replacement facilities have first been identified, evaluated and, if needed to treat or dispose of London’s hazardous waste arisings, secured.”

Para 5.93

5.16 That the word “significant” be included between “in” and “harm” in FSC 5.34, which we otherwise endorse.

Para 5.96

5.17 ESC 5.70 be endorsed subject to the exclusion of the letters “GOL”.

Para 5.99

5.18 That a new Strategic Clause be added at the beginning of the policy to read: “The Mayor will work with all relevant partners to ensure that hazardous substances, installations and materials are managed in ways that limit risks to London’s people and environment.”

Para 5.100

Chapter 6

6.1 Insert a “LDF Preparation” section broadly in the terms of Policy 3C.18 of the London Plan 2008, namely, “B In balancing the use of streetspace, DPDs should include policies that reflect the Mayor’s Transport Strategy and the London road hierarchy. In particular, boroughs should:

- favour movement of people and goods to support commerce, business and bus movements on the...”

Para 6.2

Appendix 1: Recommendations

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### Recommendations

**Transport for London Road Network (TLRN) and most other A roads;**

- favour local access and amenity on other London Roads, particularly for residents, buses, pedestrians and cyclists, and where necessary, businesses and servicing;
- where appropriate re-allocate road space and land to bus priority, bus or tram (light transit) schemes, cyclists and pedestrians to support sustainable transport;
- apply corridor management to ensure that the needs of street users and improvements to the public realm are coordinated."

### 6.2 Add a new section to Policy 6.1 "j. seeking to secure step-free access to public transport wherever feasible"; insert in item in Table 6.3 Rail termini enhancement “and stations” before “enhancement” and add at the end of the description “including step free access”;

in item in Table 6.3 Tube Station refurbishment/modernisation programme add at the end of the description “including step-free access”;

and add a further bullet point to the recommended LDF section for Policy 6.1 “Wherever practical provide step-free bus access”.

### 6.3 Add in Table 6.3 at the end of the description of Buses and Bus Transit/Bus network development “This would include possibilities for further East London Transit schemes”.

### 6.4 Relocate the text of ESC 6.18 to the end as opposed to the start of paragraph 6.18; amend “2015” to “2018” in paragraph 6.18; delete “(often referred to as Crossrail 2)” from the text of ESC 6.18, “(Crossrail 2)” from the reference to Chelsea-Hackney line on the key to Map 6.1 and “(Crossrail 2)” from the reference to Chelsea-Hackney line in Table 6.3.

### 6.5 Delete “possible” from line two of paragraph 6.18A; delete “Were the line to be” from the start of the sentence that would then commence “Extended north from…” in paragraph 6.18A; insert at “Old Oak Common” before “in West London” in paragraph 6.18A and replace “though further thorough research is required in order to determine the optimum location for such an interchange.” by “pending longer term construction of a spur or loop to serve Heathrow directly.” at the end of paragraph 6.18A. Delete the London Overground item from Table 6.3 referring to diversion of services from Euston to Stratford consequential upon HS2.

### 6.6 Add at the end of the item in revised Table 6.3 New walk/cycle Thames crossings “and access between Greenwich Peninsula and Royal Docks” together with an extension of the time frame if appropriate.

### 6.7 Amend “2017” to “2018” in the final line of paragraph 6.22 and insert
<p>| 6.8 | Add to paragraph 6.24 after “untenable” in line 8, &quot;He supports the government statement of 7 September 2010 opposing mixed-mode operations and supporting runway alternation, westerly preference and related measures to mitigate noise effects on local communities. He also supports phasing out of scheduled ATMs during the night-time quota period.” (continuing) &quot;Thus, there is a need for...&quot; | Para 6.30 |
| 6.9 | Delete “and he does recognise the need for additional runway capacity in the south-east of England.” from paragraph 6.24. | Para 6.35 |
| 6.10 | Amend Policy 6.6E to read “...heliports, other than for emergency services, should be given particularly rigorous assessment in view of the noise characteristics of helicopters.” and delete the final sentence from paragraph 6.49. | Para 6.38 |
| 6.11 | Add to Policy 6.7B “f making provision for retaining or creating new interchanges where appropriate.” | Para 6.43 |
| 6.12 | Add to Policy 6.11A “The Mayor will use his powers where appropriate.” and replace the final sentence of paragraph 6.35 by “The Mayor will consider introducing tailored forms of road-user charging where appropriate. A possibility under consideration is for the area in the vicinity of Heathrow Airport.” We further recommend that consideration be given to introducing a KPI relating to traffic growth for London as a whole and that the figures quoted for the sub-areas of London in KPI.15 should be reviewed as they do not appear consistent with the MTS expectation of zero or marginally negative traffic growth for London as a whole over the plan period. | Para 6.68 |
| 6.13 | Add an additional criterion to Policy 6.12B &quot;f avoidance of net additional traffic in the general locality or localities affected by the proposal.” and add at the end of paragraph 6.37 as amended by ESC 6.45 “that would avoid net additional traffic growth in the general localities affected by the proposals and safeguard the environment of those areas.” | Para 6.73 |
| 6.14 | Add an additional sentence to paragraph 6.36 “Where roads forming part of the TLRN have a significant ‘place function’ the principles embodied in Manual for Streets 2 will be applied (see also paragraphs 6.33 and 6.34).” | Para 6.74 |
| 6.15 | Paragraph 6A.6 be relocated to follow ESC 6.60 and not as proposed in FSC 6.13; A replacement paragraph 6A.3A be added “An appropriate proportion of car parking spaces in commercial developments should be marked out for motor-cycle use.” and the following be added beneath the Notes to the Maximum Residential Parking Standards matrix “The forthcoming SPG on Housing will include a table setting out a matrix of residential parking standards” | Para 6.92 |</p>
<table>
<thead>
<tr>
<th>6.16</th>
<th>Add at the end of paragraph 6.46 “However, planning permission has already been granted for a SRFI at Howbury Park on the edge of Bexley in South East London and an opportunity exists in the Renwick Road/Ripple Road area of Barking &amp; Dagenham to make provision for North East London without need to utilise Green Belt land.”</th>
<th>Para 6.99</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1</td>
<td>That Policy 7.2 be modified by adding Policy 7.2C to the end of Policy 7.2A, replacing the first sentence of Policy 7.2C with “and supports the principles of inclusive design which seek to ensure that:”, that Policy 7.2D be modified by the insertion of the words “following engagement with relevant user groups” between “how” and “the principles of inclusive design”, and that Policy 7.2E be modified by insertion of the words “in consultation with user groups” between the words “proposals” and “that ensure”.</td>
<td>Para 7.9</td>
</tr>
<tr>
<td>7.2</td>
<td>That a new Policy 7.3Bg be added “Schemes should be designed with on-going management and future maintenance costs of the particular safety and security measures proposed in mind”.</td>
<td>Para 7.11</td>
</tr>
<tr>
<td>7.3</td>
<td>That the words “gateways, focal points and landmarks” be deleted from Policy 7.5B and that the words “and to meet, congregate and socialise” be added to the end of the second sentence.</td>
<td>Para 7.19</td>
</tr>
<tr>
<td>7.4</td>
<td>That a new clause be added to Policy 7.6 as Policy 7.6Bi “optimise the potential of sites”.</td>
<td>Para 7.22</td>
</tr>
<tr>
<td>7.5</td>
<td>That the following definition of “development” be included in the glossary: “This refers to development in its widest sense, including buildings, and in streets, spaces and places. It also refers to both redevelopment, including refurbishment, as well as new development”.</td>
<td>Para 7.24</td>
</tr>
<tr>
<td>7.6</td>
<td>That Policy 7.7A be modified to read “A plan-led approach will be adopted to tall and large buildings, identifying appropriate, sensitive and inappropriate locations for them.”</td>
<td>Para 7.31</td>
</tr>
<tr>
<td>7.7</td>
<td>That Policy 7.7E be modified by the insertion of the words “…consider whether there are…” between “to” and “areas” in the first line.</td>
<td>Para 7.34</td>
</tr>
<tr>
<td>7.8</td>
<td>That a new clause be added to Policy 7.7 as “Policy 7.7Cj be properly managed”.</td>
<td>Para 7.35</td>
</tr>
<tr>
<td>7.9</td>
<td>That the last nine words of FSC 7.29 be replaced with “the desirability of sustaining and enhancing their significance and of utilising their positive role in place-shaping can be taken into account”.</td>
<td>Para 7.38</td>
</tr>
<tr>
<td>7.10</td>
<td>That Policy 7.9B be modified to read: “The significance of heritage assets should be assessed when development is proposed and schemes designed so that their significance is recognised both in their</td>
<td>Para 7.45</td>
</tr>
</tbody>
</table>
own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality."

| 7.11 | That the words “...the Mayor is committed to implementing policies formulated to meet...” be used in FSC 7.60 in place of “...the Mayor is committed to working towards meeting ...”. | Para 7.64 |
| 7.12 | Delete the words “aim to be (at least) air quality neutral and...” from the beginning of clause Policy 7.14 Bc. | Para 7.65 |
| 7.13 | Add to the end of paragraph 7.44 the following sentence "The Mayor will support action by Airport Operators to prepare Noise Action Plans for London’s Airports and by the Boroughs to identify and implement "Quiet Areas“ with a view to ensuring that environmental issues are suitably taken into account alongside economic considerations when dealing with aviation-related development”. | Para 7.73 |
| 7.14 | That the word “protected“ be inserted between the words “local” and “open” both in the title of Policy 7.18 (with ESC 7.64) and in Policy 7.18A itself (with FSC 7.64). | Para 7.76 |
| 7.15 | That the word “hierarchy” in clause Ab of Policy 7.18 (Bb after FSC 7.64) and in the heading to Table 7.2 be changed to “categorisation”. | Para 7.84 |
| 7.16 | That Policy 7.18 be modified by the addition of a “Strategic” clause to read “The Mayor supports the creation of new open space in London, particularly in areas of deficiency, in order to ensure satisfactory levels of local provision.” | Para 7.85 |
| 7.17 | That the footnotes to Table 7.3 be supplemented with those in ED141. | Para 7.100 |
| 7.18 | That the word “safely” be inserted in the second sentence of Policy 7.24A, between “alongside it” and “for water related purposes”. | Para 7.115 |
| 7.19 | That Policy 7.29B be amended to read "Development proposals within the Thames Policy Area identified in LDFs should be consistent with the published Thames Strategy for the particular stretch of river concerned". | Para 7.129 |
| 7.20 | Insert the words “Following appraisal in accordance with the criteria in Paragraph 7.78” at the beginning of Policy 7.29C, delete the words “and appraise” and “based on the guidelines” inserting in place of the latter “and formulate policies and a strategy for this area”. | Para 7.129 |
| 7.21 | In paragraph 7.79, replace in the first line the words “this work” with “appraisal, Thames Policy Area designation and policy and strategy formulation” and replace “appraisals” with “strategies” in the third line. At the beginning of paragraphs 7.80, 7.81 and 7.83 replace | Para 7.129 |
"appraisals" with "strategies", adding to the end of paragraph 7.83 "As such, the strategies should be expressed through DPD policies or SPD as appropriate".

7.22 That "waterbodies (such as reservoirs, lakes and ponds)” in Policy 7.30A be replaced with the word “waterspace”.

Para 7.143

7.23 That a definition of "waterspace” be included in the glossary, along the lines that it means “areas covered by water (permanently or intermittently), not adjacent land that is normally dry, and includes the River Thames, other rivers and canals, and reservoirs, lakes and ponds”.

Para 7.143

Chapter 8

8.1 Insert in the penultimate line of paragraph 8.9A after ‘affordable housing’ “, for impact mitigation”.

Para 8.16

8.2 In Policy 8.2E replace “provision of small shops” by “enhancement of public realm”.

Para 8.23

8.3 That the information contained in the right hand column of the tabulation provided by the Mayor and set out following paragraph 8.38 of our report should be added to Table 8.1.

Para 8.38

8.4 Amend the text of KPI 4 to read “Average completion of a minimum of 32,410 net additional homes per year.”

Para 8.45

8.5 Replace “the Industrial Capacity SPG” by (new) “Table 4.2”.

Para 8.49

8.6 Delete KPI 10

Para 8.50

8.7 Replace the target of KPI 15 by “Zero car traffic growth for London as a whole.”

Para 8.52

8.8 Add new KPI: “Increase the supply of pitches for gypsies and travellers” with the target "Achievement of a minimum of 368 net additional pitches over the first 10 years of the RLP”.

Para 8.57

*For recommendation 4.1

[New] Table 4.2: Indicative Industrial Land Release Benchmarks (by DRLP sub-regions)

<table>
<thead>
<tr>
<th>Sub-region</th>
<th>2006-2011 Ha</th>
<th>2011-2016 Ha</th>
<th>2016-2021 Ha</th>
<th>2021-2026 Ha</th>
<th>Total 2006-2026 Ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>25</td>
<td>17</td>
<td>17</td>
<td>14</td>
<td>73</td>
</tr>
<tr>
<td>East</td>
<td>197</td>
<td>115</td>
<td>102</td>
<td>86</td>
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<tr>
<td>North</td>
<td>39</td>
<td>35</td>
<td>32</td>
<td>29</td>
<td>134</td>
</tr>
<tr>
<td>South</td>
<td>12</td>
<td>15</td>
<td>15</td>
<td>14</td>
<td>56</td>
</tr>
</tbody>
</table>

Appendix 1: Recommendations 342
West | 15 | 15 | 10 | 11 | 50
---|---|---|---|---|---
London | 287 | 197 | 176 | 154 | 814
Average p.a. | 48 | 33 | 41

** for recommendation 8.3

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>RELEVANT KPIs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 1 – meet the challenge of growth</td>
<td>1, 2, 4, 5, 6, 10, 12, 13, 15</td>
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<tr>
<td>Objective 2 – support a competitive economy</td>
<td>2, 7, 8, 9, 13, 18, 24</td>
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<tr>
<td>Objective 3 – support the neighbourhoods</td>
<td>2, 5, 11, 12, 13, 16</td>
</tr>
<tr>
<td>Objective 4 – delight the senses</td>
<td>1, 3, 10, 16, 20, 23, 24</td>
</tr>
<tr>
<td>Objective 5 – improve the environment</td>
<td>1, 3, 10, 19, 20, 21, 22, 23</td>
</tr>
<tr>
<td>Objective 6 – improve access/transport</td>
<td>1, 14, 15, 16, 17, 18</td>
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