

# A commentary on the Inspectors' report

## Peter Eversden provides a critique of the Inspectors' report on the draft new London Plan

The Inspectors found that the draft New London Plan (NLP) was sound and that it had been satisfactorily consulted upon but they recommended the Mayor should publish a statement on how consultation will occur for any alterations or replacement of the plan.

They encourage the Mayor to consider setting out a more concise spatial development strategy, focussed on strategic outcomes rather than detailed means of implementation, when the Plan is next replaced. Their report states also that "The Plan needs to be clear about what it expects local plans and neighbourhood plans to contain, both in terms of general coverage and content but also specific policies and proposals."

Those requirements were included in the 2011 London Plan and were supported by London Forum but have been removed in subsequent versions to avoid the plan being prescriptive. We mentioned at the NLP examination that they should be restored.

The Inspectors suggest that there should be "discretion for boroughs and neighbourhood forums to develop policies to suit their own preferences and local circumstances."

The report makes clear that its recommendations for modifications to the NLP are made only to meet soundness tests and not to improve the policies of the plan. That means the Inspectors left to the GLA the decision on whether or not to apply changes in the July 2019 version of the NLP that had been suggested by participants. They have approved most of the changes the GLA inserted but those do not cover all alterations that were proposed by individuals and organisations before and during the examination of the NLP.

That is a different approach to that taken by Inspectors of previous versions of the London Plan for which their reports dealt with changes that people had proposed and then accepted, modified or rejected them.

A summary of the Inspectors' recommendations is in page five of their report, extracted as at <https://tinyurl.com/vfaducv>

### The principles of Good Growth

The Good Growth principles are a new section of the NLP. London Forum and others suggested that the six principles should be objectives, rather than policies, for decision making. The Inspectors agreed. The principles for Good Growth need to be understood by London Forum's members in their work with their Council on new applications and local changes and are in Chapter 1 of the NLP at <https://tinyurl.com/y2p6deys>.

### Infrastructure

The report points out that there is a funding gap of £3.1 billion a year 2016 to 2050 for the infrastructure London needs. The Inspectors accepted that Chapter 11 of the NLP outlines the potential sources of funding but comment that "There is

no certainty that these will materialise".

The Inspectors found the NLP policies S1 to S7 to be satisfactory for protecting London's social infrastructure and supporting its enhancement to meet the needs of London's diverse communities. Their commentary on those policies in paragraphs 346 to 373 is helpful and worth reading. An extract is at <https://tinyurl.com/saxgido>

The NLP has several references for development needing to be phased in delivery if infrastructure required is not available. That is applied to Opportunity Areas in Chapter 2 and in a new policy D1A B. It will be necessary for Councils to apply this policy to avoid unsustainable development. Another one for societies to watch.

NLP Policy DF1 requires development proposals to provide the infrastructure and meet other relevant policy requirements necessary to ensure that they are sustainable. It sets priorities for the types of infrastructure that should be provided and in which order. The first is affordable housing and public transport. The Inspectors found the policy to define an appropriate strategic framework.

### Economic viability of development

The London Plan Viability Study and Technical Report indicates that viability issues can be expected for certain forms of development in lower value parts of London, including higher density residential, many small sites, most mixed use typologies, specialist housing for the elderly and the aim for the redevelopment of sites with currently operating supermarkets.

Assumptions put forward by representors about affordable housing values, finance costs, residential values, build costs, developer profits and benchmark land values indicated that less than a quarter of the residential scenarios tested would be viable with 50% affordable housing provision.

The Inspectors wrote in considering NLP policy DF1 that "It is only where there is an up to date local plan in place supported by appropriate viability evidence, that we would expect full weight to be given to the assumption that planning applications that fully comply with all relevant development plan policies are viable." (*That may need explaining – see Panel recommendation PR54 – MB? – It seems to mean that the plan-led approach to viability will be effective only where there is an up to date Local Plan providing appropriate viability evidence in detail.*)

### Spatial distribution of housing and targets

The Inspectors pointed out that an increase in housing stock of 20% in inner London and 18% in outer London could cause "potentially harmful impacts of accommodating the amount of development and associated activity within the existing urban fabric of a large city if it is not carefully

planned and managed." and "There is a risk that it could significantly harm the character of parts of those places and result in an increase in the amount of commuting by car."

That is a concern that London Forum raised at the NLP examination. Acceptable densification will require well planned developments under Local Plan policy direction.

The report states in paragraph 133 that "The need for 66,000 additional homes per year identified by the Strategic Housing Market Assessment (SHMA) is justified and has been properly calculated for market and affordable housing having regard to national policy and guidance."

That is despite the fact that The Government's standard methodology for calculating housing need identifies a target of 72,000 for London and an earlier Secretary of State for Housing wrote to the Mayor in July 2018 stating that the Mayor's target should be increased.

The NLP policy for new development to be within 800 metres of a town centre boundary was accepted by the Inspectors despite London Forum's assertion that the distance should be from the location of the main facilities and services within a town centre, some of which are elongated.

The Inspectors accepted the NLP proposal that existing industrial sites could deliver 161,000 homes but they made comments on industrial land, as below.

The Inspectors pointed out that the NPPF indicates that local planning authorities should consider policies to resist the inappropriate development of residential gardens.

### Town Centres

NLP policies SD6, SD7, SD8, SD9, E1, E9 and E10 encourage the comprehensive redevelopment of edge and out of centre retail and leisure uses for a diverse mix of uses to realise their potential to provide housing and encourage sustainable transport. The Inspectors accepted the policies and the Mayor's further suggested change which require that net increases in retail or leisure floorspace in such redevelopment must be justified by a sequential test and impact assessment.

The NLP has a policy E9 for control of hot food takeaways. The Inspectors reported that there is limited evidence about the effectiveness of such local policies. London Forum suggests that borough licensing processes could be used for such control and management.

A proposed change by the Inspectors on hot food takeaways is "boroughs should consider whether the imposition of a planning condition requiring the operator to achieve and operate in compliance with the Healthier Catering Commitment standard would be justified."

### Business development

The report confirms the plan assumption that significant growth in office-based economic activity is expected, with between 4.7 million and 6.1 million square metres of additional office space likely to be needed over the Plan period. Policy E1 sets out strategic spatial guidance for where this additional floorspace should be provided.

However, that policy supports the redevelopment, intensification and change of use of surplus office space to housing and other uses. London Forum is concerned about that policy due to the unsatisfactory outcome of the Government's harmful per-

mitted development of offices.

The NLP content for "an appropriate range of rents" in policy E2 is proposed by the Inspectors to be deleted because, whilst that may be a beneficial consequence, attempting to control the rental levels of market properties is not justified or consistent with national policy.

### Industrial land

A significant amount of industrial and related land in London has been redeveloped for other uses since the beginning of this century. There now remains around 7,000 hectares which are concentrated in central London and four other broad property market areas along main transport routes and river valleys and are essential to the functioning of London's economy.

The Inspectors suggest that significant population growth, could mean that more land, or sites in new locations, will be needed for B8 uses for storage and distribution premises than is assumed in the Plan.

The NLP assumes an average plot ratio of 65% building footprint to 35% outside space based on analysis of a wide range of industrial sites. However, the Inspectors point to a significant amount of evidence from boroughs and industrial site developers and occupiers of much lower plot ratios in some areas and for some uses. It is suggested that more industrial land may be lost than assumed in the Plan, based on the earlier industrial land studies.

The Inspectors consider that the approach to meeting industrial land needs set out in NLP policies E4 to E7 is aspirational but may not be realistic.

The Inspectors propose that mixed-use or residential development proposals on non-designated industrial sites should be restricted by strengthening NLP policy E7 D.

The report has two recommendations, firstly that policy E4A should be strengthened to make it clear that a sufficient supply of industrial land and premises should be provided as well as maintained. Secondly, in finalising the Plan, it is proposed that further consideration should be given to the management of industrial floorspace capacity categorisations in the NLP in order to provide a more positive strategic framework for the provision of such capacity.

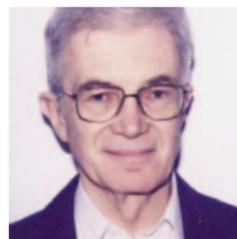
### Green Belt and Metropolitan open Land (MOL)

Contrary to the restrictive policies on Green Belt in the NLP, the Inspectors propose that for the management of industrial floorspace capacity boroughs should consider whether the Green Belt needs to be reviewed through their local plan process in order to provide additional industrial capacity and/or new locations.

Furthermore, The Inspectors recommend that the Mayor should lead a strategic and comprehensive review of the Green Belt in London as part of the next review of the London Plan and to indicate the means by which this is to be undertaken. That is based in part on the NLP's statement that some Green Belt land is derelict and unsightly and does not provide significant benefits.

That review could be better than current release by boroughs of Green Belt, sometimes without justification.

It is proposed however that NLP policy G2 for the Green Belt should be modified to allow for exceptional circumstances to be considered for its use. The Inspectors wrote that "It is implausible >>>



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>>> to insist that the green belt is entirely sacrosanct without having considered what it comprises and the impact that it has on wider strategic objectives.”

The Inspectors point out that the NPPF allows for the existence of very special circumstances for MOL development and they propose that the NLP policy specifying that proposals causing harm to MOL should be refused is inconsistent with the NPPF and should be removed. Their report requires the deletion of NLP policy G3’s wording for ensuring that the quantum of MOL is not reduced. London Forum hopes that the Mayor will oppose reduction in protection for MOL in the NLP policies.

#### Freight, deliveries and servicing polices

in the NLP are supported in the NLP examination report but they propose an amendment to ensure that canals are considered for freight movements.

#### Urban greening

The report states that that the scope to undertake most of the NLP’s Urban Greening Factors for industrial and warehouse development is limited and would therefore be difficult to achieve. A green roof is the most likely option with additional construction costs, loading and maintenance issues. The evidence on viability is not convincing and the requirement is proposed to be deleted.

#### Air pollution

The Inspectors concluded that NLP policy S11 for developments within Air Quality Focus Areas likely to be used by large numbers, especially the young and the elderly should be refused is overly prescriptive and should be modified to require developers to demonstrate that design measures have been used to minimise exposure.

That might not be easy to apply as a policy by boroughs to the satisfaction of their communities.

Waste policies in the NLP were supported in the report of the examination. However, the Inspectors suggest that “As a matter of principle it cannot be right that the responsibility for meeting a Mayoral Development Corporation’s (MDC) waste needs fall solely on the boroughs.” It is proposed that in future versions of the plan, consideration should be given to apportioning waste needs to MDCs.

#### Transport scheme, healthy streets, cycling and parking policies

The NLP policies covering these subjects were found to be satisfactory by the Inspectors with minor amendments.

London Forum expressed concern at the NLP examination and since that the number of transport schemes in table 10.1 of the NLP are far fewer than in the current London Plan 2016. Several of them have been grouped in an unhelpful way. Full details of the funding status and the timescale of each transport scheme is required and those should be in the NLP before it is approved for use.

Policy T8 of the NLP deals with aviation and states that “The Mayor supports the case for additional aviation capacity in the south east of England. Any airport expansion scheme must be appropriately assessed and if required demonstrate that there is an overriding public interest or no suitable alternative solution

with fewer environmental impacts. The Mayor will oppose the expansion of Heathrow Airport unless it can be shown that no additional noise or air quality harm would result. All airport expansion development proposals should demonstrate how public transport and other surface access networks would accommodate resulting increases in demand alongside forecast background growth; this should include credible plans by the airport for funding and delivery of the required infrastructure. All airport expansion development proposals should demonstrate how public transport and other surface access networks would accommodate resulting increases in demand alongside forecast background growth; this should include credible plans by the airport for funding and delivery of the required infrastructure. Better use should be made of existing airport capacity. New heliports should be refused.”

The Mayor pointed to the planned increased use of Gatwick, London City and Stansted airports.

The Inspectors wrote that the Mayor’s approach is not justified and due to several soundness issues the whole policy should be deleted. They went further by requiring that the Mayor should add to his list of transport schemes in NLP table 10.1 the new Heathrow northwest additional runway scheme.

London Forum considers that to be unacceptable. The Mayor should be able to state the considerations that he would apply to a development proposal for expansion of Heathrow.

#### Monitoring the implementation of the NLP

After considering chapter 12 of the NLP, the Inspectors concluded that table 12.1’s Key Performance Indicators (KPIs) “provide a succinct indication of whether the Plan is being effective in achieving a number of its key objectives. However, the reasoned justification makes it clear that the AMR will also include a significant amount of additional information and analysis, and that it will be accompanied by other monitoring activity,” and “The NLP text commits the Mayor to including additional measures in the AMR informed by engagement with stakeholders.”

London Forum had criticised the reduction in the number and scope of NLP KPIs compared with those in the current 2016 London Plan and will be seeking involvement in the discussion with the GLA on suitable measures and commentary in the Mayor’s future AMRs.

#### Review of the London Plan

The Secretary of State’s letter to the Mayor of 27 July 2018 indicates an expectation that the Plan should be reviewed immediately once it has been published. This is in order that a revised plan has regard to new national policies in the 2019 NPPF at the earliest opportunity. However, the NLP Inspectors agree that could not be completed before 2023.

They are concerned that any earlier, partial review would deter boroughs from taking action to implement the NLP and would divert GLA staff away from the task of seeking to implement the NLP which would be counter-productive. Furthermore, the position in London is that capacity for new housing development is finite.

The Inspectors conclude that there would be little to be gained from requiring an immediate review but that the Mayor should update the NLP Integrated Impact Assessment as necessary in accordance with relevant legal requirements before the Plan is finalised for publication. ■

