

Housing provision and policy implications for a new government

Minutes of the meeting on 5th June at the offices of GORDON DADDS, solicitors, 6 Agar Street London WC2N 4HN between 2.30 and 5.30 pm. Our host was Adrian Bingham, Partner at GORDON DADDS, supported by Amy Hutchins and head of marketing, Mariann Fairley. Full minute at planninginlondon.com - LP&DF.

The Chairman thanked Gordon Dadds for hosting the event in such excellent central London surroundings and for providing a diversity of refreshment. Adrian Bingham welcomed the group on the Company's behalf. He alluded to the current troubled and confusing times and explained that a key trouble of the Practice's lives (and perhaps those of the present group) is planning. He explained that the legal practice has its focus on Real Estate.

His partner Justin Neal said that the practice was united by the two ends of the M4 corridor – one in London close to the Strand and one in Cardiff which make for an interesting perspective across England and Wales.

Discussion Topics:

1. The role of the state in housing provision and its effect on the housing market.

Susan Emmett from Policy Exchange (and formerly Savills Research) introduced the topic.

She started by suggesting that housing would be large on the list of priorities, and gave the

emphasis of her thoughts to the likelihood of Conservative policies for post 8th June, with whatever majority. The aspiration is 1 million more new homes between 2015 and end of 2020, or 200K/year. The ambition has been an increased to 500,000 new homes between 2020 and 2022 which is the equivalent of 250,000 a year

Other aspirations have been more ambitious at 300K, higher than any government has been calling for. Net additional housing numbers from the DCLG figures shows we delivered 189,650 extra homes in 2015/16 which is a 52 per cent increase on the numbers delivered in 2010/12-. These net additional housing figures are more reliable than data for starts or completions. They include PD rights numbers. Energy performance certificates are an alternative measure and show that we are already hitting 200,000.

Different approaches are being considered to increase house building rates. We are moving away from the previous administration's focus on large volume housebuilders towards an approach that

provides support for a wider range of developer delivering homes for a wider range of tenure. This includes support for housing associations and local authorities. The Conservative manifesto mentions a "new generation of fixed-term council housing with the Right to Buy."

The (Sir Michael) Lyons Housing Review of 2014 (updated in 2016) and now in the Conservative and Labour Manifestos provides many of the proposed solutions. Its summary is below:

The Conservative Manifesto repeated the intention to deliver 160K homes on public land, more power and responsibility to Councils to intervene where developers do not act. The Housing White Paper proposes a "housing delivery test" to hold local authorities to account with consequences for failing to act. For example, from November 2018 the presumption in favour of sustainable development in the NPPF would apply if delivery of housing falls below 25% of the housing requirement which effectively brings control back to the centre.

Gavin Barwell is encouraging Homes for affordable rent (80 per cent of market rent) for a fixed term.

This said there is little more on offer as regards funding in the Conservative manifesto. Low cost capital funding and borrowing have been suggested. Further reforms to increase the scope of CPO powers is also advocated presumably to facilitate land value capture. The new Neighbourhood Planning Act passed in April has already brought some reform CPO powers and this would be further. It looks the model relies on capturing land value in increase as well as a degree of house price appreciation but it is not quite clear to me how it would work in practice and how the sums stack up.

The latest statistics for house building starts show that At present 84 per cent of new housing is being built by the private sector, 14 per cent housing association and 1 per cent local authority. At present the property market is slowing.

Brian Waters, thanking Susan Emmett for her stimulating talk, asked why it is that the stimula- >>>

Lyons Housing Review of 2014 (updated in 2016)

We need to build more homes

We face the biggest housing crisis in a generation.

For decades we have failed to build enough homes to meet demand. We need to build at least 243,000 homes a year to keep up with the number of new households being formed, but last year we only built 109,000 homes. Indeed, we have only managed an average of 137,000 homes a year over the last ten years. Without a change of course, it is predicted that the country will be short of up to two million homes by 2020.

The consequences of this are widely felt. House prices and rents are going up faster than earnings because demand massively outstrips supply. The average home now costs 8 times the average wage. The 2011 Census shows that there were one million more children living in the private rented sector than ten years previously. Millions of working people are unable to afford the homes they want, and their children and grandchildren face the fear of never being able to afford the homes they need.

Our failure to build enough homes also causes volatility in the national economy and damages the prospects for growth by reducing labour mobility and undermining the ability of our towns and cities to attract new businesses.

Why we don't build enough homes

There are two major causes of this crisis.

First, there is not enough land being brought forward for new homes. This artificial scarcity of land for housing has created distortion in the land market, limiting the rate at which new homes are built and incentivising the acquisition and trading of land. This is compounded by the fact that communities do not have all the powers they need to ensure that homes are built in the places they want, and some are not taking responsibility for meeting local housing need. There are limits on the scope for local authorities to play an active "place-shaping" role and to actively promote the creation of new homes. Whilst some authorities have sought to overcome these constraints others have not, relying instead largely on the reactive use of their planning powers.

Secondly, the nation's capacity to build homes has shrunk drastically. Fifty years ago, the public and private sectors between them built over three hundred thousand homes a year. Now, we rely on just a small number of volume house builders and as a result we build far fewer homes. There has also been a change in the shape of the house building industry itself. During the 1980s there were on average 10,000 active SME builders (those building 500 units or less) delivering around 57 per cent of all output; last year there were only around 2,800 active small builders producing 27 per cent of all new homes.

Meanwhile the public sector's contribution has declined significantly despite Housing Associations' great efforts to fill the gap left by councils' retreat. For much of the period between 1948 and 1978, local authorities were responsible for building more than 90,000 homes a year. Last year it was just 1,000 homes. Housing Associations have played a crucial role, building on average 18,800 new homes per year between 1978 and 2013, but this is only a fraction of what the public sector built in the post war era.

A roadmap to tackle the housing crisis

This report sets out a roadmap to tackle these underlying issues and increase house building to at least 200,000 homes a year by 2020. To solve our housing crisis, we must of course go beyond this figure over time and ensure that both the public and private sectors develop the capacity they need. We must also change minds and build public support for housing. This means building high quality homes that people want to live in, in places that will thrive, where communities can prosper and where the environment is protected for future generations. And we must provide more choice and affordability too. With private rental market affordability stretched, a shortage of homes for affordable and social rent and an ageing population, we will need to build more of all tenures.

Our approach seeks to refocus public and private investment for the longer term, making better use of land and assets and encouraging a longer term equity stake in development to

provide a return for investment; and highlight priorities for future investment when this becomes possible.

Public expenditure is a matter for the next government but housing must be a key priority for capital expenditure in the next Parliament.

The type of homes and the action needed to get them built will be different in different areas of the country. The pressure for new homes is particularly acute in London and the South East, but there is no community in the country that does not face the challenge of providing homes for its children. Every one of these communities must accept this challenge, but they must also have a stronger say locally so they can make sure the new homes really do meet the needs of local people, are in the places they want to see them built, and deliver benefits to the wider community.

National leadership and a focus on delivery

The Government must provide long term political leadership by making housing a national priority. Decisions about how and where new homes should be built should be taken locally by local authorities and their communities with the tools, flexibilities and devolution of funding needed, but on the basis of clear commitments that housing need will be met.

We propose a new cross government task force to support Ministers; with an independent commission to provide independent scrutiny and evaluation of progress; and stronger objective information on trends in housing supply through the creation of a housing observatory. The Homes and Communities Agency should become the Government's development agency with sharper focus on delivery and a new role in attracting private investment. Current funding programmes for housing should be consolidated and devolved to local authorities in city and county regions.

Making more land available for housing in the right places and ensuring that it is developed

Constraints on the supply of land do more than limit the number of building plots available; they also encourage a business model for developers that limits the rate at which those plots are then built out.

The responsibility of councils to identify sufficient land for new homes in local plans should be strengthened, as should their ability to deliver these plans. Where there is a failure to cooperate across boundaries to meet needs in a housing market area, councils will be required to produce a joint strategic plan, with the Secretary of State having the ability to intervene and instruct the Planning Inspectorate to ensure that it happens. This will address the weaknesses in the current Duty to Cooperate and ensure that places that need it can exercise a "Right to Grow". We also advocate stronger partnership working through the planning system, timely response to planning conditions and full cost recovery to ensure planning is properly funded.

Councils should also have "use it or lose it" powers to incentivise faster development, giving them the ability to levy council tax on plots allocated for housing in plans where homes are not built within reasonable timescales – as if the houses had been built, and to compulsorily purchase such land where necessary. We also recommend shortening the life of planning permissions and creating greater transparency in the land market to make it clear not only who owns what land, but also to make public which developers have taken out options on land with the potential for new homes. This openness will help communities to ensure that where they have made land available for the homes they need, these homes get built.

Giving communities the power they need to shape the places in which they live and deliver the homes they need

The public is frequently concerned that houses are often built in the wrong place, for the wrong people and without adequate attention to the pressures created for existing infrastructure. As new housing changes and shapes the places in which people live, communities should make the decisions about how they grow. It is the job of elected local authorities to do this with their communities and to ensure the homes they need are provided. We therefore recommend that local authorities play a much more

energetic role in leading housing development for their communities. They should be provided with greater powers to bring forward developments working with partners, through Housing Growth Areas. >>>

>>> This will give councils the ability to act as lead developers on behalf of their communities, with greater control over: where the homes should go; the speed of development; the design and quality of schemes;

and the specification of a greater mix of tenures so that they can attract a wider range of house builders into the market. This is not intended to displace existing development activity where it is working well but to bring forward additional homes and to accelerate delivery where there are problems in bringing schemes forward.

We also propose the creation of a generation of New Homes Corporations to act as delivery agencies working across housing market areas with a particular focus on development in Housing Growth Areas. Led by local authorities, they will bring together private developers, Housing Associations, and investment partners to use powers and funding to deliver the new homes, with clear and accountable outcomes to local communities.

Housing Growth Areas and New Homes Corporations should be supported by a range of powers including a stronger role in land assembly and the ability to ensure that infrastructure can be provided upfront. This will need reforms to powers to purchase land, designed to encourage landowners, both public and private to invest their land and ensure that the costs of infrastructure are funded from the value created by the development they support. Revolving Infrastructure Funds will pool central and local funds, and will be able to attract private investment in infrastructure to support new development.

A bigger and more diverse house building industry

The private house building industry will be vital in providing new homes, and it accounts for 79 per cent of all homes built. It has, however, reduced in size and output over the last generation. Each successive economic downturn has seen a wave of contraction that has reduced capacity. Action is needed on three fronts. To encourage the volume house builders, we need policy stability and a supply of land supported by the planning reforms we have recommended, and more risk sharing and working with the public sector. To revive the SME sector, we propose a package of support, in particular reducing the cost and risk of making an application on a small site and providing access to government guarantees for bank finance. And we need a wide range of organisations commissioning housing – from social landlords to regeneration agents – to make the most of the potential role of the construction sector as contractors.

We should also encourage unconventional developers, from supermarket chains to the churches, to enter into the house building market in their own right. There are also opportunities to support self and custom build and community led housing initiatives. Our proposals for Housing Growth Areas and New Homes Corporations will also increase competition, and support additional homes through the growth of SME builders and encouraging new entrants.

External capacity constraints must also be addressed, especially in the supply chain for skilled labour, and opportunities for greater use of off-site build technologies should be taken.

Housing for all

Building more homes is not just about home ownership. We need a choice of homes to reflect people's ability to pay and the different stages in their lives. We need to help people secure their own home through much more attractive shared ownership schemes, as well as more quality homes to rent. Housing for an ageing population must also be a priority, with more market choice for those wishing to downsize so as to free up larger family homes. We also need to do more to provide homes for social and affordable rent to ensure that those on the lowest incomes and the most vulnerable have a secure and decent home.

While recognising the precarious position of the Exchequer, affordable housing must be a priority for taxpayer funding as the fiscal position improves over time.

Housing Associations have demonstrated an impressive commitment to social house building and have shown real ambition in meeting need. In a changing fiscal environment, they will need to adapt to a tougher climate for public subsidy and find alternative means of unlocking investment capacity.

Government should work with Housing Associations to mobilise surpluses and headroom to unlock further investment, increase flexibilities for those who have the ambition and capacity and encourage others to develop the skills and capacity to play a bigger role. Government should also extend guarantees to Housing Associations to provide the confi-

dence and certainty to deliver more homes.

Councils can and should return to a significant role in commissioning and building social housing. They will do this partly through New Homes Corporations; by sharing risks in partnerships with developers; and also through active asset management and new models like local housing companies. It will also be necessary to look at better use of the Housing Revenue Account for councils, where they can demonstrate a clear investment plan, with active management of the overall borrowing headroom by the Treasury.

Garden Cities and Garden Suburbs

It clearly makes sense to build on brownfield land where we can and the brownfield first policy should be strengthened, but building Garden Cities, Garden Suburbs and reshaping and expanding existing towns will be essential to meeting housing need over the medium to long-term. The next government should immediately initiate such a programme, to be delivered by new Garden City Development Corporations and New Homes Corporations based on reformed New Towns Legislation.

Government should set out criteria that Garden Cities would be expected to meet so that local authorities can come forward with proposals to be developed in partnership. Proposals from private promoters will be accepted, but only where they can demonstrate local support. Incentives should include the ability for new Garden Cities to retain 100 per cent of business rates for 30 years to invest over the longer-term, as well as providing financial guarantees to support up-front delivery.

This locally-led development model would be able to play a central role in building a new generation of Garden Cities. This should be combined with a rolling programme of Garden Suburbs. The aim should be for local leadership to promote and enable many more new settlements through a mix of freestanding new Garden Cities, new Garden Suburbs, and remodelled towns, in a range of places across the country.

Together our recommendations could help accelerate the delivery of up to 500,000 homes.

Funding infrastructure

New homes and the people who will live in them need infrastructure, from water and utilities to transport, schools and hospitals. However, the current system doesn't produce enough funding to provide this infrastructure and this then leads to conflict between councils and developers which holds up both planning decisions and building where permission to develop has already been given. A fundamental problem is a failure to effectively capture the increase in the value of land which is created by the community's decision to release it for building.

We therefore propose separate negotiation of development gain on large sites and greater use of contracts to assist land assembly and development partnerships. There must also be a clear method for assessing viability and a new arbitration service for negotiations between councils and developers.

Reformed compulsory purchase order powers will incentivise landowners to invest in land partnerships, and allow for a greater share of the increased value created by development to be used to fund the infrastructure in Housing Growth Areas, Garden Cities and Garden Suburbs.

We also need to target public investment more effectively and attract greater private sector investment in homes and infrastructure. Revolving Infrastructure Funds and opportunities for Tax Increment Financing should form part of the tools available to local authorities and their New Homes Corporations.

Design and the environment

New housing requires public support and it should, of course, improve the quality of people's lives. Good design, informed by an understanding of what makes homes environmentally sustainable, is therefore indispensable. Terry Farrell's recent review has made powerful recommendations for entrenching better design through better planning and we encourage greater focus on the quality of place. We believe that a commitment to good design would be reinforced by adopting the zero-carbon standard, setting minimum space standards for new build, and streamlining housing standards.

>>> tion to set up subsidiary companies set up by the 2011 Act is not yet stimulating sufficient results. He cited "Brick by Brick" – a new house building company owned by Croydon Borough building (see Pil101, article by MD Colm Lacey).

Riëtte Oosthuizen: HTA Design spoke of current work where a new obstacle to realising schemes is that the scheme should be "suitable to the local urban character". This highly subjective aspiration provides endless scope for undiscerning and inexperienced Council officers to reject anything they do not like. Determining these schemes and the "culture of an area" enables widespread resistance by objectors too – now further empowered by social media to collaborate unaccountably – to object to almost any scheme.

DR added that this is worsened when, as now, all too often the case officer lacks the training to apply even simple long established limitations such as privacy distance between buildings. 20 metres becomes 50 with no justification or rationale other than it is not popular. Riëtte added that it even depends on who is commenting now that knocking on doors is unlikely to gauge a genuine response.

Peter Eversden was critical of the Heygate Estate renewal which took ages and suggested that the viability of schemes that communities can now insist that the calculations of schemes should be "properly assessed". DR asked what this means

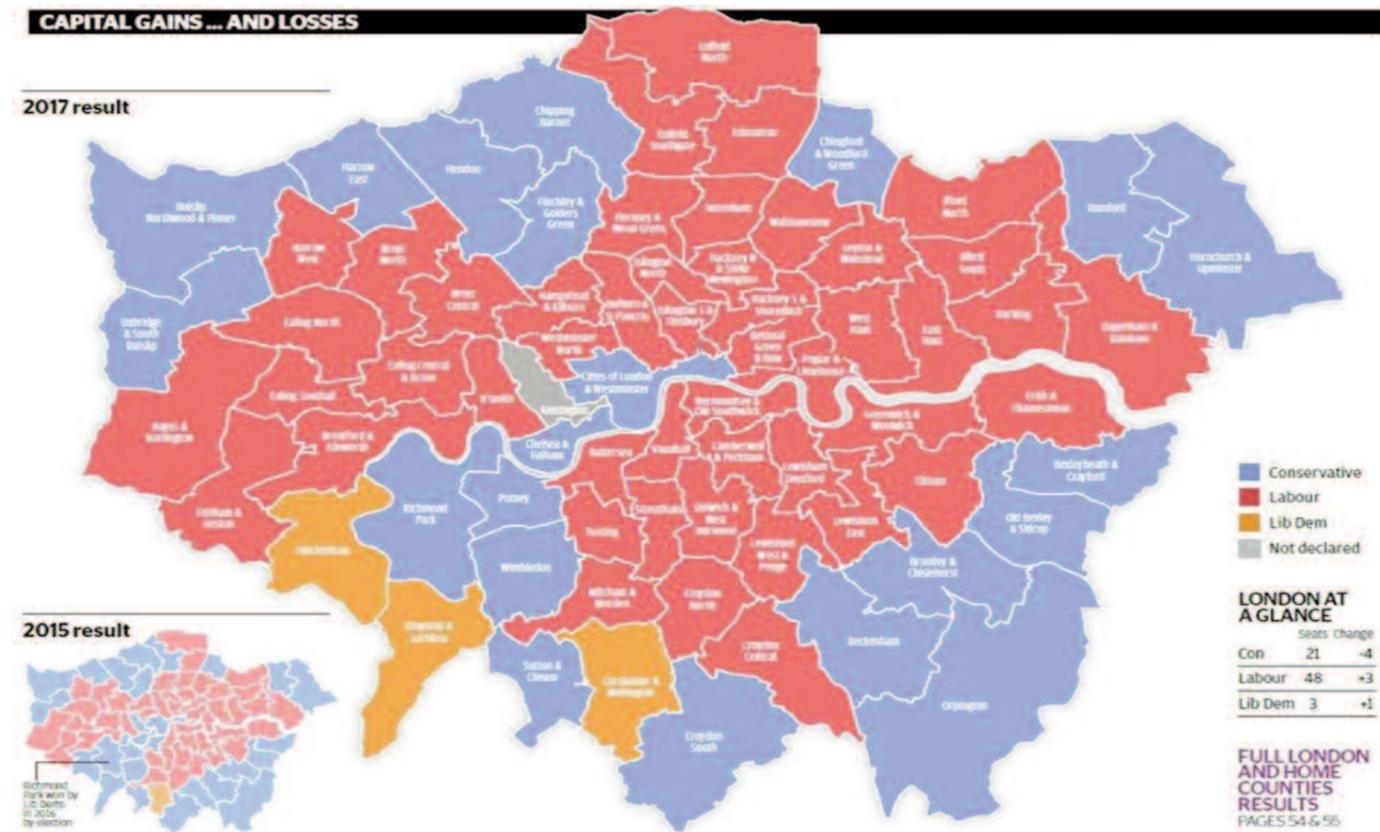
This chart from @savills Research shows in which price bands London's housing undersupply is most acute



in practice given that there is no incentive then to reach agreement on what is a legitimate assessment of the value of a scheme and officers with no need to resolve this question can delay schemes for years, with no resolution other than accepting at least a year's delay or more and the extra expense of going to appeal.

Michael Edwards concurred with reducing

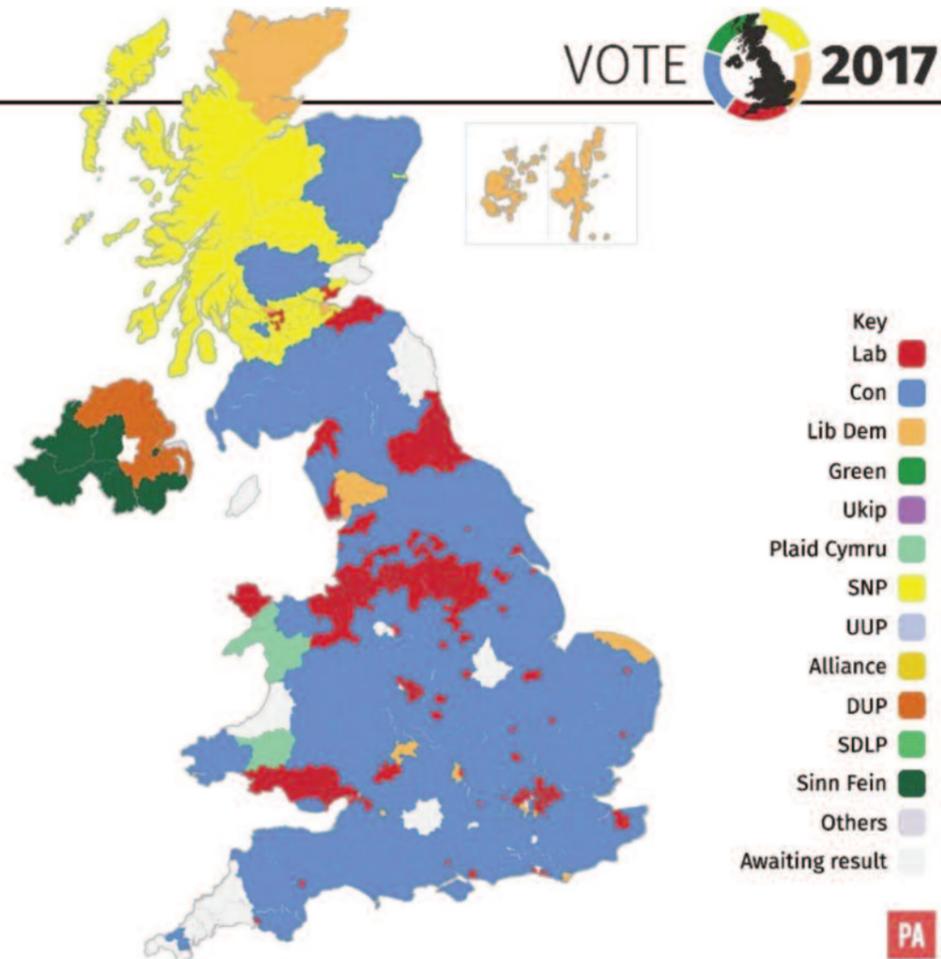
unfettered discretion and said that much of the planning policy in this country is so widely discretionary requiring a growing list of matters of judgement and that much of this could be simplified – for example by the fixing by GLA of simple standards to cut down on the protracted debates over schemes (in contrast to Building Control which is regulatory). This would avoid for example >>>



The result

Results in at 06:00

632 out of 650 seats



endless design negotiation over how many storeys a building should have (sometimes irrespective of the cumulative impacts on an area). ME also drew attention (endorsed by Susan Emmett) to a recent chart from Savills Research which illustrates clearly one of the growing divergences of London's supply from demand by numbers and value.

There was diverse speculation on the reasons for and inferences from these figures. Perhaps they are explained by policy rigidities, the unrealistically long lead times now required from preparing scheme proposals, justifying them through the planning policy processes followed by the planning application processes – often divergent from forecasting – the implications of migration, ability by foreign investors to distort the market, and flexibility in adapting to market demand and finance in a low interest rate economy. The Lyons report clearly offers many of the remedy sources which are needed post-election.

It was added that zoning principles have given way to applying PTAL's to express acceptable densities.

BW said that build to rent offers volume house-builders significant benefits since they can sell 50 per cent off plan and build them. Susan Emmett said this was particularly relevant for the second

half of the market cycle, which we are now in.

Peter Eversden was concerned about delays in the Old Oak/Park Royal plan which means that individual applications have no framework to work to. Susan Emmett was also concerned at the tendency to bid up housing numbers to unrealistic heights (figures have increased from 32,000 to 42,000 and now 49,000, which are simply unrealistic to achieve within London however much politicians may want them. It was more practical to seek hubs for corporate businesses outside London with more diverse mixes of uses and social groups, reducing the need to travel and diversifying dormitory towns. PE considered that Outer London development centres and clustering had not been picked up on as advocated by The Outer London Commission.

Duncan Bowie apologised for not joining the meeting earlier. He said that the GLA Strategic Housing Market Assessment is likely in the Autumn to be demonstrating a need for at least 65,000 new homes p.a. He noted that the 2014 study had 2 figures for annual housing need – one of 49,000 (assuming 20 years to meet backlog) and 62,000 (assuming 10 year to meet backlog). The GLA was therefore reviewing its density policies and seeking to increase development densities The GLA SHLAA

to be published at the same time would therefore seek to significantly increase annual capacity from the 2014 figure of 42,000 a year. PTALs were only one factor in the density matrix. The policy also took into account location of town centres and district centres and the existing built form within an area. PTAL relate to transport access and did not deal either with congestion or the connectivity of specific transport hubs. The main issue was that the majority of schemes consented breached the density policy. Rather than abandoning the density policy, the Mayor should be revised in association with design guidance, but the principle of Sustainable Residential Quality should not be abandoned. He also lamented the absence of strategic planning at a city region level. Development beyond London is of increasing importance and a key challenge for London and the south east. A serious debate to be had is on housing and transport costs of travel to work.

PE wondered why the Design Commission had gone so quiet on access to infrastructure. He also thought that using as the crow flies distances were unrealistic for practical travel.

Discussion Topic 2.

Dan Lewis introduced the second item to consider "The implications for planning and development policy for the new government".

He chose to focus on the Conservative manifesto with reference too to the Labour one, while using the others for their ideas.

He considered there were 3 very important questions of which the first is economic growth. Now running at around 2.6 per cent it is about 1 per cent less than it has been. Spending growth is currently greater than income growth. This is having the effect of depressing London house prices.

In spite of forecasts it is unlikely there will be no recession between now and 2022. Estimates also suggest that the deficit will not be tackled by then but continue to 2025. In spite of this there appears to have been sustained jobs growth. The present 4.7 per cent figure is very encouraging, although there is a trade off in lower wages. In the Eurozone there are wide variations in growth rates.

Though Brexit is an emotional subject it needs to be remembered that 92 per cent of GDP is not trading with Europe at all. Recently the head of MACE asked where is the workforce in Central London to build the sought after housing growth? Immigration statistics are clearly very uncertain and divergent from political aspirations. London's has been growing since 1997.

Assessing the value of Sterling DL queried that while Britain was world leader in architects and planners we build poor quality houses, much of it is directed towards private ownership. Crossrail 2 is

not mentioned. New towns are not mentioned and the new Heathrow runway is now suddenly to be on stilts while Gatwick remains waiting in the wings. [It is precluded from expanding before 2019 but not after that.] Applications for Shale gas are not being seen as an opportunity by local Councils, nor as offering scope for job creation. Labour Councils want to ban fracking. Conservatives want to see it underground.

Land Value Taxation is being considered to offer more security than Council tax.

Ideas from other parties include from Liberal Democrats 10 new garden cities, lifting borrowing restrictions, no Heathrow, in favour of Crossrail 2 and Land Value Tax. From UKIP developing brown-field sites, opposing housing associations, seaside (migrant free?) development zones, (each with a Turner Gallery?). Social housing is seen as an historic mistake providing poor quality housing. Frank Lloyd Wright's Broadacre City is seen to be less environmentally detrimental.

In response to a comment from Peter Eversden about Tower blocks and land assembly, the Chairman said that form is the variable and that with courtyards and Mansion blocks the densities achievable can be huge without the need for Towers. Leslie Martin demonstrated that it was unnecessary to build more than 8 storeys to achieve the density of Manhattan.

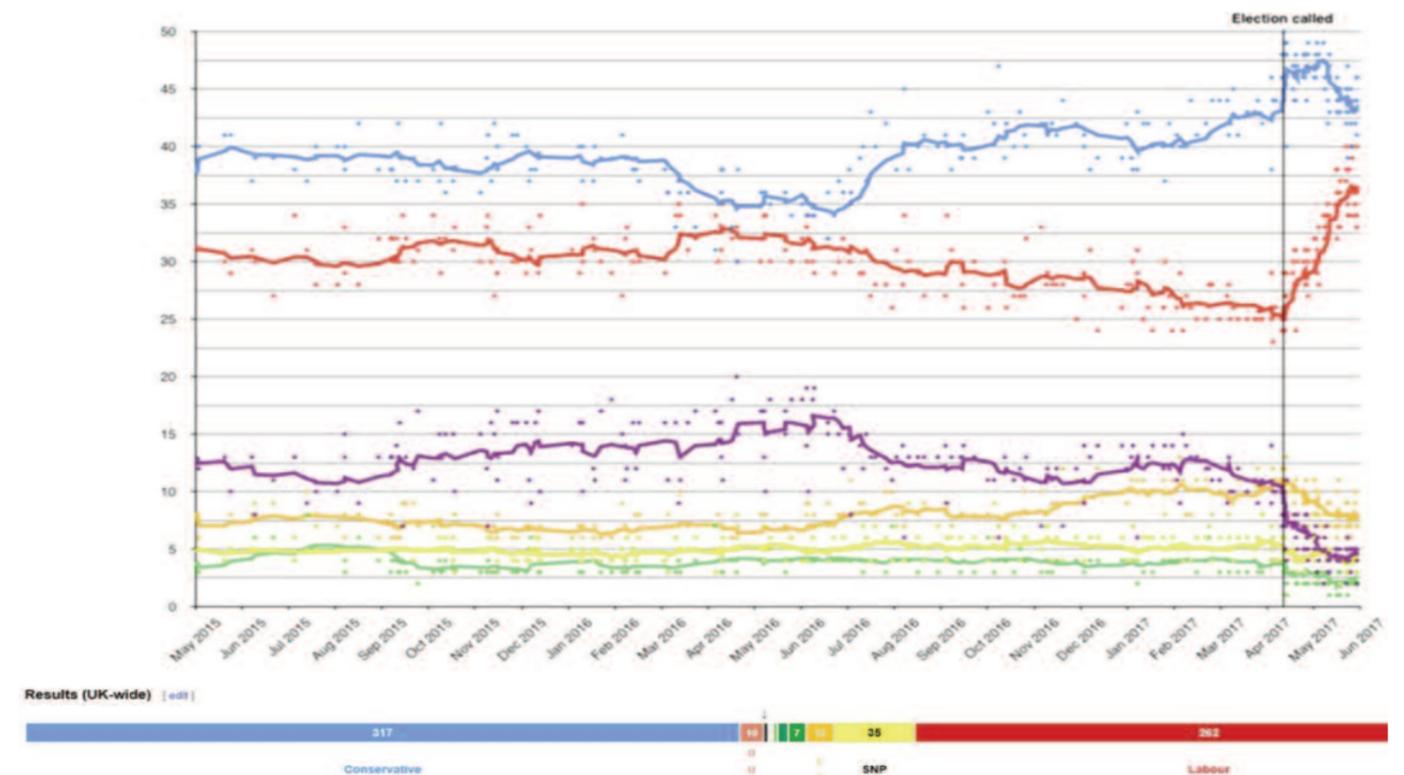
Dan Lewis said that the Conservative manifesto was more detailed than Labour's (although Labour added a new housing element to their manifesto which pledges 100,000 council and housing associ-

ation homes every year by the end of the next Parliament for "genuinely affordable" rent and sale. Homes will be delivered through the establishment of a new Department for Housing).

The Conservatives suggest a post-CIL review will introduce land value capture. The right to buy legislation the Conservatives are now stuck with. Labour's approach "wobbles" between different tenure types. On private renting Conservatives propose three year default tenures and secure tenancies. They also include a Green Belt review in their White Paper, unlike Labour. DL suggested looking at Lord Taylor's report for Policy Exchange covering Garden villages.

Duncan Bowie recommended looking at the work done by Gavin Barwell who had been housing band planning minister until the election, in shifting the focus of the Government's housing policy to include a recognition of the need for more rented housing as well as for home ownership. (Susan Emmett concurred and reinforced the work of the Labour Party's Lyons Review on building capacity). Local authorities appear desperate for cash with the result that their interest is more with the new homes bonus than housing, planning or changes in employment per se which is poorly understood. Rate rises of 2-5 per cent fall very far short of meeting what is needed.

Southwark for example needs a 60 per cent increase to protect services. Council tax increases are however not possible given the current cap as well as not being politically acceptable. for wealth taxes, taxes on land or revising /updating council



tax are also problematic.

BW wondered whether Land Value Tax would be a way of changing Council tax. The government is not going for a tax on land but on development gain. Ownership of land and property are quite different. Stamp duty relates of course to property.

Michael Edwards spoke of the 5 year political cycle and reminded the group that there appeared to be cross party consensus on much of the housing programme. Land Value Tax seems common to all to bring house prices down and the proportion of owner occupation is also going down.

Susan Emmett was more sceptical about Land Value Tax pointing out that now some 14 per cent work from home. The trend of moving workers into work places is countered by the growth of faster gigabit technology in which 30-40 per cent of people will have this technology in the next decade reducing travel demand. Travel using Uber for sharing cars will become more prevalent as insurance costs rise and more creative developments will evolve around stations.

Dom Barton, Business Development Director of Metropolitan was invited to speak of the Company's core business in providing cable power notably to the private renting sector. He said that BT were still offering fibre technology to cabinets, which is very outdated. He referred to Google's new plans for the Kings Cross Station site with fibre being delivered to end premises, enabling significant uplift in power to 1 gigabyte for streaming and a wider diversity of IT services.

BW queried why it was still necessary to dig trenches when wireless services [eg on trains] were available. Dom Barton responded by saying that this was his business [!] and that narrow trenching was increasingly competitive or using ducting associated with sewers.

The chairman thanked the speakers and the hosts for a fruitful Forum discussion.

In view of the national election results the minutes were reviewed by presenters before being issued..



POSTSCRIPT

The new housing and planning Minister to replace Gavin Barwell is Alok Sharma. ■

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NEXT MEETING on 25TH SEPTEMBER*
at University College London
Hosts: Michael Edwards & Jessica Fern

Topics to include the Mayor's Strategy
and the emerging London Plan

Forum meetings are open but please
notify the Hon Secretary at robplan@btconnect.com

*tbc please check planninginlondon.com - LP&DF

