

Comments by London Forum on the changes to the NLP directed by the Secretary of State

London Forum is an umbrella group for over 100 amenity and civic societies across London. We took a very active part in the 2019 New London Plan Examination in Public and participated in nearly every session.

We are particularly concerned that the NPPF does not even acknowledge the very strong differences between London and the rest of England, as well as the perceived misunderstanding that there is no requirement for the London Plan to conform in detail, when the legal requirement is to conform generally, where any difference needs to be justified. Whilst we do not agree with all matters on the New London Plan, we do consider that the Secretary of State's letter and some of the proposed directions do not reflect the needs of London.

Rt Hon Robert Jenrick, Secretary of State for Housing, Communities and Local Government, has written to Sadiq Khan to demand changes be made to the 'Intend to Publish' version of the New London Plan (NLP).

Some of them seem to be reasonable in achieving general conformity with national policy, but a few of them could cause serious harm in London and lead to unsustainable development. The National Planning Policy Framework does not recognise that one size does not fit all places – the London Plan and Local Plans need to reflect local circumstances.

Direction 2 would delete the Mayor's policy in D3 for a design-led approach to development. It would also introduce **positive** consideration of planning applications that extend high-density clusters and the expanding the boundaries of Opportunity Areas.

These changes would be contrary to NLP policies that the Panel approved for London boroughs to plan for all development in their Local Plans and to use context and character considerations and design codes.

Amending the NLP in that way would make it inconsistent with the Government's National Design Guidance and the proposals in its commissioned report 'Living with Beauty'.

Direction 4 would result in boroughs being able to release industrial land for housing development without there being any surety that they would be able to find the required amount of industrial space for required uses. Boroughs should coordinate industrial space with the Mayor to meet London's needs.

Direction 5 would allow development in the Green Belt if "very special circumstances exist".

Direction 6 to remove "Development proposals that would harm MOL should be refused" has not been justified by the Minister although Metropolitan Open Land is not mentioned in national policy.

Direction 9 increases the NLP's well-researched maximum parking provision in new housing developments. Parking standards should be decided by the Mayor and boroughs, not the Government. Boroughs need to conform generally with the London Plan, unless they have strong evidence for adopting a different standard.

FULL COMMENTS BELOW

Overall, these proposed changes represent Government imposing policy solutions that do not have any buy- in by Londoners and makes a nonsense of public participation and testing at the Examination in Public. We are concerned that many of these imposed changes are not informed by an understanding of the needs of London and London residents, and demonstrate a lack of understanding of the likely impact of these policies.

Direction 1 – The insertion of “the need for additional family housing” on Policy H10 A 9) is acceptable as it does not change the policy which is a description of **what developers should offer** in housing schemes which the New London Plan (NLP) states in Policy H10 A 1) “should have regard to robust local evidence of need.” The Panel agreed with representations that London boroughs should be able to set their own policy on housing size mix. There is, therefore, no need for the London Plan to specify “family housing” – in any case larger units (3 or more bedrooms) does not guarantee that they are affordable to families. We do not, therefore, understand the Secretary of State’s proposed direction since each borough can specify the housing mix required within their own area.

Policy H10 already includes “the requirement to deliver a range of unit types at different price points across London” and “mix of uses in the scheme” and “a range of tenures”, as 2012 NPPF requires.

The call for one- and two-bedroom units in that policy in A 9) is specifically to free-up family housing in existing large properties and the SoS’ modifications strengthen that.

However, the directed modification is particularly inappropriate in more central boroughs as this approach would encourage the loss of housing units through deconversion, result in the loss of more affordable units and provide larger units, but in fact not produce “family housing” as families cannot afford these units.

DR2 – The direction takes text from paragraph 3.3.1 supporting NLP Policy D3 and makes it a section in the policy itself. That is acceptable – but this is not the across the board solution that is presented. Deconverting a building divided into small flats to a large single house would result in the overall loss of housing units and large houses that would be increasingly unaffordable to families.

The deletion of section A of the NLP Policy D3 is wrong as its description of a design-led approach is essential and is required by the Good Growth objectives in the NLP and by the Government’s National Design Guidance. The Living with Beauty report also supports a design-led approach to planning and development. **The Mayor should be allowed to retain NLP Policy D3 A.**

The proposed insertion of a policy section B to expand existing clusters of high-density buildings and extend the boundaries of Opportunity Areas would not be good. It has the words “positively considered by Boroughs” which implies permission in principle for new tall buildings in such locations. This should a matter for boroughs after considered their character and context, which would be more in line with the “gentle densification” suggested in the proposed new Section D to NLP Policy D3.

The NLP Policy D8 proposes that London boroughs should plan for where tall buildings are and are not acceptable, applying context and character analyses and design codes. **The proposed positive consideration of applications for tall building cluster expansion could lead to harm and overloading of infrastructure.**

DR3 – This change deletes the NLP text that suggests that boroughs should secure cash contributions from housing developments of nine units or less towards affordable housing elsewhere.

A Ministerial Statement in 2014 set out that such contributions should not be sought below ten units.

The possibility of such contributions was not part of any NLP policy, only guidance in it.

In more central boroughs, however, with the high housing values, such schemes, subject to viability assessment, can provide cash in lieu to contribute to affordable housing.

DR4 – These changes to NLP Policies E4, E5, E7 and SD1 remove all aims for “no net loss of industrial floor space capacity within designated SIL and LSIS.”

The direction puts a new section 4 into Policy E5 B - Strategically coordinate Development Plans to identify opportunities to substitute Strategic Industrial Land where evidence that alternative, more suitable, locations exist. This release must be carried out through a planning framework or Development Plan Document review process and adopted as policy in a Development Plan or as part of a coordinated masterplanning process in collaboration with the GLA and relevant borough. All Boroughs are encouraged to evaluate viable opportunities to provide additional industrial land in new locations to support this process. (In order to conform to 2012 NPPF paragraphs 7, 17, 156 and 161.)

The SOS explains that “This addition would make it easier for London Boroughs to identify a supply of industrial land to meet demand, or to replace other land that can subsequently be **released for housing development**.”

The intend to publish London Plan proposes a “no net loss” policy – which was originally promoted in research published by DTLR in 2002 and by the GLA in 2004. This would promote a “win-win” solution, rather than encouraging the loss of industrial land, which usually means that the best sites would be cherry-picked by housing developers.

DR5 – This change would allow development in the Green Belt if “very special circumstances exist”.

Policy G2 A would be modified to introduce the change and there would be a new Policy G2 B - Exceptional circumstances are required to justify either the extension or de-designation of the Green Belt **through the preparation or review of a local plan**.

The decision on any Green Belt changes should be coordinated across London by the Mayor.

DR6 – This change would remove from Policy G3 A 1) the words Development proposals that would harm MOL should be refused

The SoS justification for this unacceptable amendment is the 2012 NPPF section on Green Belt Land, but the NPPF does not mention Metropolitan Open Land. London’s MOL is even more valuable than Green Belt, as it positively provides urban green space, open space, recreation and sport uses. It is irreplaceable, it cannot be compensated for or replaced elsewhere. This does not seem to be understood.

DR7 – This change removes the Mayor’s definition of gypsy and traveller accommodation to make the NLP consistent with the national Planning Policy for Traveller Sites of August 2015.

DR8 – Boroughs are encouraged by this change to exceed their housing target if they have additional evidence that suggests they can achieve delivery of housing above these figures whilst remaining in line with the strategic policies established in this plan. This represents a misunderstanding that the borough housing targets in Table 4.1 are the minimum requirement, which allows for these being exceeded.

DR9 – This change increases the NLP’s maximum parking provision in new housing developments.

The SoS gives his reason as “Reducing parking spaces for homes risks residents being forced to park on street and causing congestion to London’s road network and adversely impacting on the cyclability of roads in outer London. It also fails to reflect the need future housing will have to provide electric charging points to meet the Government target of only electric vehicles being available from 2035”.

Parking standards should be a matter for the Mayor and the boroughs to decide, not Government. Boroughs are able to conform generally with the London Plan, but can propose a

higher level of provision if they can provide the justification for this. Providing car-free housing or with low maximum parking standards greater housing choice for those who cannot afford or do not wish to have a car. It will be essential to providing higher-density housing which is close to public transport. National policy, even as amended in the latest version of the NPPF, fails to recognise that there are strong environmental, social and economic reasons for providing a wider choice of housing as well as promoting more sustainable patterns of development.

DR10 – This change modifies NLP Policy T6.3 for retail parking standards by adding a policy section G: “Boroughs should consider alternative standards where there is clear that evidence that the standards in Table 10.5 would result in: a. A diversion of demand from town centres to out of town centres, undermining the town centres first approach. b. A significant reduction in the viability of mixed-use [*sic*] redevelopment proposals in town centre.”.

The SoS claims that the NLP policy would “divert traffic to out-of-town locations and increase the length of trips.” and “could reduce the viability of mixed-use redevelopment.”.

There is no evidence that the proposed changes are necessary or desirable. The proposed tests and the justification appear to be changing the onus of proof – to prove that the standards would not divert trade to out-of-town location or reduce the viability of mixed-use developments. London needs to maintain a strong town centre first policy and needs to have parking policies that make town centre sites deliverable.

DR11 – This requires deletion in NLP Policy H1 of paragraph 4.1.11 which contains the Mayor’s view that “the **Government’s housing delivery test** should not unfairly penalise boroughs where housing delivery has been constrained due to factors that are outside their control.”

The proposed change seems to require detailed conformity with the NPPF, whereas in practice it only needs to conform generally, provided that it is demonstrated that a different approach is justified. The nature of most of the directed changes suggest that this approach has not been taken.

Optimising densities: London Forum supports this approach, which has been the agreed approach in successive London Plans, which replaced a policy of “maximising” the density of development, without reference to the character and context. This is not, however, reflected in the proposed changes to Policy D3. The use of “maximising” densities sets the wrong message.

General Comment

The London Plan does not need to comply in detail with the NPPF (just as borough local plans don’t need to do with the London Plan) – it is sufficient to comply generally provided that there is sufficient evidence to justify the proposed difference.

The proposed changes, particularly in relation to the proposed policies as being “incompatible with national policy”, suggest that the different circumstances of London are not recognised, in the pursuit of a one-size-fits-all approach.

London Forum strongly disagrees with some of issues raised in the Secretary of State’s letter and some the directed changes.