

LOCAL PLANS EXPERT GROUP: REPORT TO THE SECRETARY OF STATE

COMMENTS BY LONDON FORUM OF AMENITY AND CIVIC SOCIETIES

The London Forum of Amenity and Civic Societies (London Forum) is an umbrella group for some 130 civic and amenity societies across Greater London. We respond to and lobby Government on planning and transport issues, lobby and comment on the Mayor of London's London Plan and various strategies, including appearing at successive Examinations in Public on the London Plan, and we support and empower our members in dealing with planning and transport issues.

LPEG REPORT: KEY COMMENTS

London Forum welcomes the report and agrees with the majority of the recommendations, which we have commented on individually below. It is, perhaps unsurprisingly, heavily focused on housing delivery to the exclusion of other types of objectively-assessed need

Lack of a London/urban dimension

London Forum is, however, disappointed that the report does not appear to recognise the existence of London, the special status of the London Plan, let alone that on many of the key issues, especially planning for objectively-assessed need (OAN) for housing, the approach taken is totally different, a good deal more sophisticated and nuanced, has London-wide buy-in, yet has severe delivery problems.

So, on a narrow "what is in it for us" approach, the report appears to have a generic, "placeless" approach – just like the NPPF – which does not recognise that England is a highly urbanised country consisting of towns, cities and London which have special challenges. As a result, whilst much of the report relates to planning for housing outside London and local plan process, the messages and the resonance for London Boroughs, and in particular for local communities in London, are limited to the local plan-making process and the form and content of local plans.

The recommendations on local plan-making need to recognise that, in addition to the NPPF, the London Plan is an integral part of the development plan for a London Borough.

The London Plan provides a strong spatial planning framework for London as well as strong spatial planning policies for the main themes. The NPPF, by contrast, provides a set of underdeveloped, siloed policies which do not provide much strategy, policy or guidance on spatial patterns of development. It is a

process document with a series of subject sections that précis former national policy documents. It provides the mood music.

In a London context therefore, there is no need to repeat anything in the NPPF, nor indeed for London Borough local plans to repeat what is in the London Plan. This leaves London Borough local plans with the task of setting out the key priorities, strategic policies and more detailed borough-wide policies for places and specific subjects, and site allocations. The role of neighbourhood plans is to fill the gaps where the Local Plan is silent and provide more detail to flesh out the neighbourhood-level policies and proposals. Whilst Local Plan coverage is good, there is a need to design and tailor policies to meet local circumstances. Neighbourhood plan coverage is patchy and even projecting ten years ahead, is unlikely to be a vehicle for the level of detail that is needed across the borough.

Local Plans v Neighbourhood Plans as the home of local policy:

London Forum therefore considers that relying on neighbourhood plans to provide the detail policies is totally inappropriate if the policies are needed borough-wide and needed now, for which neighbourhood plans could not justify except those specific to its area. Deferring such policies to neighbourhood plans would leave such “detailed policies” with no policies on which to hang guidance.

London Forum firmly believes that the scope and nature of policies in Local Plans must be tailored to local needs and be expressed in the appropriate level of detail and specificity required to provide effective policies to guide both plan-making and development management.

One of the major weaknesses of the report is the lack of understanding is that all policy needs to be in plans and be readily identifiable as such, to give them the necessary weight for managing development and for providing the necessary policy “hooks” for guidance in subsidiary documents. There appears to be a confusion between the role of local plans and neighbourhood plans, with the difference not being in the detail or policies but in how place-specific they are. In addition, there is an unrealistic assumption that there would full neighbourhood plan coverage in the near future.

Overall, the London Forum **supports** the majority of the LPEG recommendations.

Michael Bach
Chairman: Planning and Transport Committee
London Forum of Amenity and Civic Societies

27 April 2016

Recommendations

Since many of the recommendations do not apply or have resonance at the London Borough/community level, will focus on those that would affect local plan-making in London and the nature and quality of local plan that communities expect.

It should be recognised that, unlike local authorities outside London, many London Boroughs have produced at least half a dozen plans since the Greater London Development Plan in 1976 – several Borough Plans, a couple of UDPs, an LDF/Core Strategy and now a Local Plan. Although format and content has changed in the last 40 years, the policies developed have evolved and since 2004 have been driven by the London Plan and the evolving London-specific issues, whether strategic such as housing, or subject specific, such as tall buildings, offices, basements, pubs, a sense of place and increasingly a sense of community. This style of local plan - whether presented as a single or two-part – best meets the needs of London Boroughs. More recently neighbourhood plans have been developed to fill in a more local spatial dimension.

1. Government Intervention

Whilst we recognise that this is meant as a reserve power – the sophistry of which is that you should never have to use it – we consider that this threat is inappropriate – the Government is the last body that should do this. What is needed is positive incentives. We support the encouragement of London Boroughs to have up-to-date and support the LPEG's March 2018 deadline. The priority in London will be to undertake a review of the London Plan by 2018 as well as to continue the process of getting up-to-date Local Plans for all Boroughs by 2018.

Establishing Objectively-Assessed Need (OAN)

2-6. The assessment of OAN, through a London-wide SHMAA, with the GLA's expertise London Borough's buy in, provides a robust assessment. London Boroughs also undertake SHMAAs.

Turning OAN into Local Plan Requirements

7/8. Turning OAN into Local Plan Requirements

The GLA in partnership with London Boroughs and other stakeholders, including the London Forum, agree a Housing Capacity study – a survey of all possible sites. The study assesses sites in terms of policy constraints, including environmental constraints, to achieve an agreed assessment of housing capacity which then informs the overall and Borough housing targets.

9. Green Belt

Successive Mayors of London have agreed not to develop Green Belt land – this appears to be the manifesto commitment of most Mayoral candidates. Advice on Green Belt reviews would be useful.

10. Growth Points:

Most of these suggestions are for development outside London. Development in transport corridors seems the most promising.

Working across boundaries to meet needs:

11. The Duty to Cooperate

This has been attempted in recent proposals in recent revisions of the London Plan. This has not yet produced much in the way of agreement. London Boroughs cooperate through partnership, but mainly on establishing housing capacity and agreeing housing targets.

Devolved Powers

13-15 These apply mainly to metropolitan areas outside London.

Incentives for timely plan preparation

16-18: Section 62 of the Planning and Compulsory Purchase Act 2004 is clear - the local planning authority **must** prepare a local development plan. The recommendation is that they must **produce** a local plan and **maintain an up-to-date local plan.** London Forum supports that, but we are not sure that this needs legislation.

However, we consider that giving less than 10 months notice for submitting a local plan seems tight unless the plan were well advanced. 22 months for updating a pre-NPPF plan is more manageable.

Policy Changes

19. Stable national policy:

The NPPF is over 4 years old and should be reviewed now. The Select Committee proposed some sensible changes – even if the timing for getting a positive response was not propitious. The current proposed changes as a result of the Housing and Planning Bill should not be the sum total of the 5-year review.

London Forum **supports** the principle of 6-monthly changes to the NPPG subject to scrutiny by a technical working group.

Local Plan Process

20. Modifications after publication: London Forum strong supports changes to the Local Plans Regulations to enable local planning authorities make modifications following consultation and prior to submission. This avoids unnecessary confrontation or stonewalling at the EiP.

21. Community engagement: London Forum **supports** amending changes to the Regulations to ensure early consultation/community engagement on the vision and issues and options.

22. Efficient, meaningful consultation: London Forum **supports** revised guidance on early engagement, however, we recognise that a rigid approach to further rounds of discretionary consultation would not be helpful, especially when dealing with controversial issues.

23. Timetabled plan making: Whilst favouring a timetable, London Forum **does not support** the “strict maximum timetable” suggested in Para 9.14 of the report. There does need to be an incentive to manage the timetable more effectively and for something like the timetable in the Report. This needs testing.

24. Documents required for plan making: London Forum **agrees** that NPPG should provide an amended list of core documents needed for plan preparation.

25. A smaller, focussed evidence base: London Forum **agrees** with this recommendation.

26. Strategic Environmental Assessment: The London Forum considers that an SEA needs to be proportionate to the issues being considered.

27. Sustainability Appraisal: London Forum considers that Sustainability Appraisal should be proportionate but consider that it should be retained as a check on the impact of the Local Plan as a whole and whether its overall aims are likely to be achieved.

28. Early MOTs: London Forum agrees with this – and this should be a public document.

29. PINs resources - no comment

30. PINs Annual Report – no comment

31. Soundness and implications for examinations: Written representations are not effective ways of conveying the depth of local residents' objections nor revealing the degree of stonewalling without good reason on the part of local authorities. Part of the public credibility of the examination is that residents consider that they have had a fair hearing.

32. National concordat: No comment

Local Plan Content

33. Staged plan making: London Forum supports staged process **but** with the final outcome being a single document not several documents.

34. Role of other plans: London Forum agrees that there is need to clarify the status Local Plans and Neighbourhood Plans, with which applications need to be in accord, and other planning documents, such SPDs and Conservation Area Appraisals, which may provide guidance and can be a material consideration when determining planning applications. In particular, it needs to be clear that guidance needs to flow from policies and should be used to guide the application of development plan policies. This is not currently explained clearly, leading to varying interpretation of what is and is not appropriate in the Local Plan and in SPDs and other documents, resulting in either:

- a lack of any policy references in the Local Plan (or the Neighbourhood Plan) to provide the "hook" for guidance in SPDs, CAAs, etc
- the stripping out of anything perceived as policy in SPDs, even when it provides the detail for interpreting how Local Plan/Neighbourhood Plan policies should be best be applied; and
- the stripping out of any guidance in CAAs, which may be the only documents which can spell out site-specific interpretation of the application of policies and identifying site-specific opportunities for enhancement – one of the key duties of the planning authority in conservation areas.

35. Policy formulation: London Forum **supports** the need for new guidance on best practice in policy formulation.

London Forum strongly welcomes greater clarity about the policy/guidance cascade from Local Plans and Neighbourhood Plans to SPDs and other guidance documents, clarifying their status in development management and ensuring that the gap between policy and practice is bridged and providing planning officers who write planning documents and those who use them for development management greater clarity about articulating both planning policies and best practice to ensure better quality decisions.

With regard to new guidance on best practice in policy formulation, London Forum is concerned that policies should be clear and unambiguous, being as brief or as detailed as is needed in the local circumstances.

London Forum agrees that there is a need for the role and function of SPDs and other guidance/best practice documents to be clarified and explained at the local level to help all users navigate the policies and guidance that apply to a particular subject.

36. Funding uncertainty: London Forum agrees in principle with the need to indicate strategic allocations in the latter part of the plan period, provided that:

- they can demonstrate agreement in principle;
- the proposals are likely to fall in the later phases of the plan period;
- the proposal will be regularly reviewed to determine whether it remains a firm proposal; and
- claims for compensation for blight will be accepted.

37. CIL and local plans

London Forum accepts the principle of keeping local plan and the CIL charging schedule under regular a review undertaken at the same time.

38. Monitoring

London Forum supports that NPPG should set out more clearly the monitoring and delivery requirements – linking it to the Annual Monitoring Report.

39. Content of local plans

The London Forum considers that the Expert Group, in attempting to distinguish between strategic policies and detailed policies and to relegate “detailed policies” to “non-strategic documents”, fails to understand that in the current system there are only two types of policy documents – the Local Plan and neighbourhood plans. Neighbourhood plans deal with non-strategic, place-specific policies, whereas any borough-wide policies on which guidance will be based need to be in the Local Plan. It is the lead policy document for both strategic policies and more detailed policies. London Forum considers that this recommendation fails to appreciate that:

- all area-wide policies need to be in the Local Plan; and even if that were appropriate
- full neighbourhood plan coverage will never happen, certainly not within the next ten years.

London Forum urges the Secretary of State to **reject** this recommendation.

Implementation and delivery

40. Long-term supply and reserve sites

This appears to be solely about a five-year land supply for housing plus a more effective supply of developable land for the medium to long-term (ie 6-10 years and beyond) Although it appears to apply generally to all sorts of OAN, it is not explicit. However, such an approach is not readily delivered in London, where a capacity-based approach is applied to housing land availability and to employment land. This approach is unsuitable for the main town centre uses including retail, leisure, offices, tourism, etc.

London Forum considers that, whilst the approach is appropriate for housing land supply outside London, it is unsuitable in London, major cities and towns with a constrained supply of housing land as well as for non-residential uses which have more focused locational requirements.

Nevertheless, London Forum supports the need for land/site supply to be monitored annually in Annual Monitoring Reports.

41. Boosting supply

This recommendation would need to be amended if it were to apply to London.

42. A monitored plan-led approach:

Whilst strongly supporting an increased need for monitoring the land supply through AMRs, most of this is more applicable to planning authorities outside London.

43. A standard approach to 5-year supply calculations

See response to recommendation 42 above.

44. Local plan style and accessibility:

The London Forum **strongly supports** improving the accessibility of Local Plans. We **support** the use of improvements in presentation, especially an executive summary, and, in addition to the items in the recommendation, a clear statement of the strategy and strategic aims and the main themes of the plan and a strong place dimension.

London Forum strongly endorses the production of good practice guidance.

Mineral and Waste Plans

45 and 46 We have no comments on these issues.

Next Steps and Transition

47. Technical Working Group:

The London Forum **supports** this recommendation and proposes that the proposed Technical Working Group include the community sector – London Forum would volunteer for such a role.