

GREATER **LONDON** AUTHORITY**REQUEST FOR MAYORAL DECISION – MD1295**

**Title: Draft Further Alterations to the London Plan (FALP) – approval for public consultation**

**Executive Summary:**

This Mayoral Decision form seeks the Mayor's approval to publish the Draft Further Alterations to the London Plan (FALP) for public consultation, asks him to note the publication of the associated Integrated Impact Assessment (IIA) and the Habitats Regulation Assessment (HRA), seeks approval for a programme of public consultation and for expenditure on placing statutory notices and document printing.

**Decision:**

That the Mayor:

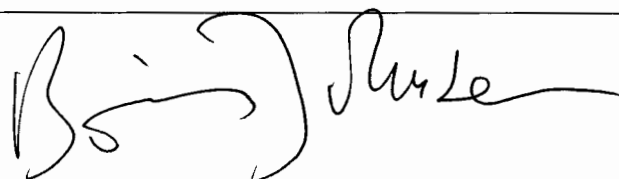
1. notes the findings and conclusions of the Integrated Impact Assessment and the Habitats Regulation Assessment of the Draft Further Alterations to the London Plan, as set out as Annexes B and C to this form
2. approves publication of the Draft Further Alterations to the London Plan for public consultation, in accordance with section 341 of the Greater London Authority Act 1999 (as amended), as set out in Annex A to this form, and authorises the Chief of Staff and Deputy Mayor for Planning to approve any outstanding policy matters in the Draft Further Alterations to the London Plan prior to publication for public consultation
3. authorises expenditure of up to £2,000 from the Planning Unit's budget on placing the statutory notices and up to £15,000 on printing the Draft Further Alterations to the London Plan, the Integrated Impact Assessment and the Habitats Regulation Assessment
4. approves the programme of public consultation for the Draft Further Alterations to the London Plan, as set out in paragraph 4.6 of this form, and authorises expenditure of up to £10,000 from the Planning Unit's budget to facilitate public consultation

**Mayor of London**

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

**Signature:**



**Date:**

18/12/13

## PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

### Decision required – supporting report

#### 1. Introduction and background

##### *The London Plan 2011, and the EMA and REMA 2013*

- 1.1 The London Plan was first published under this administration on 22 July 2011. It will be recalled between the conclusion of its examination in public (EiP) in December 2010 and the Plan's eventual publication the Government introduced the affordable rent product. Because it was too late in the process to introduce policy to reflect this change, the Mayor gave a commitment to the Secretary of State to undertake 'early minor' alterations as soon as possible after the Plan's formal publication.
- 1.2 Draft Early Minor Alterations to the London Plan (EMA) were duly prepared and launched in November 2011. These dealt with affordable housing, revised cycle parking standards and additional minor changes to bring the Plan into line with the Government's then recently published draft National Planning Policy Planning Framework (NPPF).
- 1.3 In June 2102 the EMA were augmented with the Revised Early Minor Alterations (REMA). These took account of the final NPPF which the Government published in March 2012.
- 1.4 An EiP into the EMA and REMA was held in November 2012, with the independent inspector eventually reporting to the Mayor in July 2013. The Secretary of State signed off the REMA in August, and following consideration by the London Assembly in September – at which a vote to reject REMA failed to secure the required majority – the Mayor published the REMA as formal alterations to the London Plan on 11 October 2013<sup>1</sup>.

##### *Change and uncertainty*

- 1.5 Whilst EMA/REMA were undergoing their formal preparation stages, detailed outputs from the 2011 census began to emerge, revealing a substantial shift in the capital's demography – London had been growing at a much faster rate than had previously been thought, or had been planned for.
- 1.6 Informed by projections that average growth between 2001 and 2011 would be in the order of 46,000 pa, the 2011 London Plan was based on the assumption that London would grow by an average of 51,000 pa in the two decades to 2031. However, the 2011 Census showed that during 2001-11 London grew at a much more substantial rate – by an average of 87,000 pa, to 8.2 million in 2011 rather than the 7.8 million expected by the 2011 Plan. Analysis of the underlying factors during this decade shows:
  - the well-established trend for London's births to exceed deaths continued, and indeed accelerated as expected;
  - international migration flows showed little overall change over the course of the decade; and
  - domestic net migration reducing in the second part of the decade from an annual loss of around 100,000 pa to under 50,000 pa.
- 1.7 The key issue when considering how the Plan ought to respond to a disparity of this order – the 51,000 pa to 2031 population growth anticipated in 2011, and the actual growth of 87,000 pa that we now know took place between 2001 and 2011 – is not only the scale of the change itself, but whether, on balance, it is likely to be sustained consistently into the future. In particular, it is not yet

<sup>1</sup> It should be noted that the Mayor is currently subject to a legal challenge on REMA's approach to borough-level affordable rent caps brought by a consortium of nine London boroughs.

clear whether the recent downturn in internal out-migration (people leaving London for elsewhere in the UK) represents a stable trend, given that this coincided with a major economic downturn.

*Plan, monitor, manage...*

- 1.8 This degree of uncertainty reinforces the importance of taking a 'plan, monitor and manage' approach to accommodating London's growth, and that in such circumstances, the soundest response is to recognise this uncertainty through formulating a set of further alterations to the Plan to provide as much certainty as possible for the short to medium term and the most authoritative direction of travel for the longer term, rather than a full review. The latter course of action would be better left until harder data and firmer trends emerge and soundly based proposals can be put forward for any additional infrastructure necessary to support them.
- 1.9 Taking this cautious but reasonable approach, further alterations to the London Plan have been prepared using the central of three population projections. This anticipates London's population rising from 8.2 million in 2011, to 9.20 million in 2021, 9.54 million in 2026, 9.84 million in 2031 and 10.11 million in 2036.
- 1.10 Overall, substantial development capacity has been identified and proposed through these alterations to seek to accommodate London's growth in the short to medium term. This will be in line with the Plan's underlying philosophy to seek to accommodate growth within the capital's boundaries without intruding strategically on its protected green and open spaces. In the circumstances, this is held to be the most sound response to London's current demographic challenge.

*Purpose of the Alterations: summary*

- 1.11 In light of the above, Further Alterations to the London Plan are therefore proposed to::
  - develop the concept of the London Plan as the 'London expression of the National Planning Policy Framework';
  - provide a robust, short to medium term planning framework to address the key housing and employment issues arising from a substantial increase in population and to support recession recovery, and to provide a clear 'direction of travel' for the longer term, recognising that this may well have to be reviewed
  - deal with minor changes in terms of fact;
  - respond to changes in national policy;
  - provide support for the Mayor's Housing and other strategies; and
  - where relevant address other advice to the Mayor eg from the Outer London Commission.

## **2. Further Alterations to the London Plan**

- 2.1 This section of the decision form summarises the key changes proposed in the order in which they appear in the draft Further Alterations to the London Plan (FALP). The full FALP is attached as Annex A to this form.
- 2.2 Proposed alterations are shown in blue (**blue bold** for additions, ~~blue strikethrough~~ where text is deleted). It should be noted that the FALP document shows alterations to the London Plan consolidated with the Revised Early Minor Alterations (REMA), published on 11 October 2013.

## OVERVIEW AND INTRODUCTION

### 2.3 The main changes to the Overview and Introduction are:

- updates to highlight that the London Plan can now be considered as the London expression of the NPPF
- updates to reflect the preparation of recent early alterations (REMA)

## CHAPTER ONE CONTEXT AND STRATEGY

### 2.4 The 'Context' section (paras 1.2 to 1.3) is updated to highlight that FALP looks forward to 2036.

### 2.5 The 'A growing population' section (paras 1.4 to 1.10) has been substantially rewritten to take account of the 2011 census figures and the new population projections:

- paras 1.6 to 1.7 highlight that London's population growth has accelerated to a much greater extent than was anticipated in the 2011 London Plan.
- paras 1.8 to 1.9 detail the reason for the accelerated population growth which is a combination of positive natural change, increased internal in-migration and decreased internal out-migration.
- para 1.10 and 1.10a highlight the challenge and uncertainty this poses for the London plan as it is not clear if this is a structural change, or as seems more likely, at least in part a cyclical change
- para 1.10b concludes that the soundest response for the alteration is to recognise this uncertainty.
- para 1.10c sets out the GLA's population projection scenarios and states that the FALP is based on the central scenario which assumes propensities increasing for out migration by 5% and decreasing by 3% for in-migration. This approach is seen as the most sensible given the uncertainty around future growth.
- para 1.10d reinforces the importance of the Plan, Monitor, and Manage approach in the context of such uncertainty.
- para 1.10e sets out the population increases assumed in the central projection which underpins the FALP.

### 2.6 The 'A changing population' section (paras 1.11 to 1.14) has been updated to reflect the changing age structure of the projected population, highlighting that:

- there will be 17% more school age children in 2036, the number of people over 64 is projected to increase by 64% and the number of over 90's is expected to grow to 89,000 – all of which have implications for the type of development needed in London.
- London's population will continue to diversify, with 12 boroughs expected to have a BAME majority population by 2036.

### 2.7 The 'More households' section (paras 1.15 to 1.15c) contain a substantial rewrite to reflect the new household projections:

- Paragraph 1.15 reflects the uncertainty around the projected household growth, resulting from both the underlying population uncertainty and the changes to average household size.
- Para 1.15a discusses the relationship between population and household growth and raises the possibility that even if population growth does decline, household growth may not, as the trend for smaller households may remerge.
- Para 1.15b details the projected household growth that the FALP is based upon (3.28 million in 2011 to 4.26 in 2036).
- Para 1.15c has been updated to reflect the changing household composition and the implications that may have for the number of homes needed.

2.8 The 'A growing and ever changing economy' section (paras 1.17 to 1.25) has been updated as follows:

- Paras 1.17-1.18 show that London has made good the loss of jobs associated with the recent recession and is likely to see strengthened growth in the medium term.
- Paras 1.19-1.20 have been updated by GLA Economics to reflect sectors in the new Standard Industrial Classification.
- Employment sector projections (paras 1.24-1.24a and figure 1.5) are updated using the latest GLA Economics sector forecasts for overall growth of 861,000 jobs 2011-2036, or about 34,400 per annum (compared to 32,300 per annum growth projected in the 2011 London Plan for the period 2007-2031). This emphasises significant employment growth in professional, real estate, scientific and technical activities representing 49% of net new job growth projected over the period. Strong growth is also expected in administrative and support service, information and communications, and the accommodation and food sectors. Manufacturing is projected to continue to decline, from 129,000 jobs in 2011 to 34,000 by 2036.
- Borough level employment projections (Map 1.2 and Table 1.1) are updated using GLA Economics latest triangulated employment projections 2011-2036, which produce a more even distribution of growth in percentage terms across London (Map 1.2) relative to those in the 2011 London Plan. In absolute terms, projected growth in employment to 2036 remains strongest in central and inner London boroughs and in particular Westminster, Camden, Southwark, City of London, Islington, Hammersmith & Fulham and Tower Hamlets (Table 1.1).

2.9 The following sections have also been updated:

- The 'Persistent problems of poverty and disadvantage' section (paras 1.26 to 1.30 and Map 1.3) has been updated to reflect the 2010 Index of Multiple Deprivation.
- The 'Ensuring the infrastructure to support growth' section (paras 1.38 to 1.41) has been updated to refer to the Mayor's 2020 Vision the Mayor's London Finance Commission.
- The 'Securing the legacy of 2012' section (paras 1.42 to 1.43) is updated to reflect that the Games have now taken place and the continuing role of the LLDC.
- The 'A changing planning system' section (para 1.45) is updated to reference the need to unblock barriers to the development while ensuring this is planned for properly and supported by the infrastructure it needs to succeed.

## CHAPTER TWO LONDON'S PLACES

2.10 In the 'Realising the benefits of 2012' section, Policy 2.4 and its supporting text have been substantially rewritten to reflect the role of the London Legacy Development Corporation

2.11 The 'Outer London' section (paras 2.25 to 237) has been amended as follows:

- para 2.31 has been expanded slightly to reflect Outer London Commission (OLC) advice on the positive contribution of existing, lower density housing in suburban settings with low PTAL scores.
- cross references in Policy 2.7 to significant amendments to Town Centres Policy 2.15.
- Policy 2.7 has been amended to provide specific support for hybrid offices
- In line with OLC advice Policy 2.8 (outer London transport) has been amended slightly to acknowledge the particular dependence of outer London on cars, and para 2.36 cross-references changes to Parking Policy 6.13 which address this for town centre, office and residential parking.

2.12 In the 'Inner London' section, there is a Minor amendment to Policy 2.9 and supporting text to underscore provision for, and protection of business space for new economic sectors.

2.13 Under 'Opportunity areas and intensification areas' (see also FALP Annex 1):

- Old Oak Common (currently within Park Royal) is identified as a new Opportunity Area and Tech City is given more explicit recognition within the City Fringe Opportunity Area
- The Old Kent Road corridor is identified as a new Opportunity Area in recognition of its potential for residential-led development.
- Canada Water and Harrow & Wealdstone are changed from Intensification Areas to Opportunity Areas having regard to the latest capacity estimates.
- Bromley town centre is identified as a new Intensification Area based upon the latest estimates of development potential.
- A significant review is proposed for the Isle of Dogs Opportunity Area, to take more effective account of changing market conditions and to explore scope for realising the potential of better synergies with its current hinterland
- updates to reflect adopted OAPFs and emerging development capacity estimates. Together the Opportunity Areas have an estimated capacity for up to 570,000 jobs and around 300,000 homes.
- paras 2.61-2.62 have been amended to provide support for further residential intensification of OA/IAs either through reconsideration of their employment allocations in light of strategic as well as local projections of demand, or by exploiting the scope of some of the larger areas to define their own character with higher density development, and in those with good public transport, up to, or in justified circumstances, beyond the levels in the relevant density ranges.

- 2.14 Substantial alterations have been made to Policy 2.15 (Town centres) and supporting text to encourage and support boroughs in redeveloping town centres in light of changing demand for comparison goods, mainly through residential-led mixed use intensification at densities towards the top of the appropriate range or above in justified exceptional circumstances. Further changes to policy are made arising from the work of the Outer London Commission, and guidance is provided on relevant factors to be taken into account when considering 'prior approval' applications for small scale PD retail/residential changes of use. There are also changes to the town centre network in FALP Annex 2 (see below).
- 2.15 In Policy 2.16/Table 2.1 (Strategic outer London development centres), Crystal Place and Royal Docks are added in the arts/culture category, White City in the education category, Hounslow Golden Mile in the media category and Wembley in the retail category.
- 2.16 Para 2.85 (supporting Policy 2.17 Strategic Industrial Locations) is amended to focus managed release of surplus land on areas around transport nodes and town centres to enable intensification through higher density new development. For housing this could be up to, or in justified exceptional circumstances, above the density threshold.
- 2.17 Policy 2.18 (Green infrastructure) and its supporting paragraphs are amended to clarify definitions in line with the NPPF.
- 2.18 The Key Diagram is updated in light of the above spatial proposals.

### CHAPTER THREE LONDON'S PEOPLE

- 2.19 The supporting text (paras 3.8 – 3.10A) to Policy 3.2 on improving health has been updated to reflect guidance on the application of Health Impact Assessments and changes in the management and delivery of health services.
- 2.20 Policy 3.3 (Increasing housing supply) and its supporting text (paras 3.14A – 3.19A) have been subject to significant alterations to reflect the housing implications of potential population growth of up to 2 million by 2036 and of households increasing by up to 1 million. New text details the uncertainty around these figures, linking back to the detailed discussion of this issue in Chapter 1.

- 2.21 The National Planning Policy Framework requires plans to objectively assesses and meet their full need for market and affordable housing. This section of the plan sets out the housing requirements for London; adding current unmet need [backlog] to the household growth figures (40,000 a year), adjusting for vacant and second homes and adjusting the figures to take account that the need and household growth figures use 2011 as the base year, whereas the plan starts in 2015. For the plan period, 2015-2036, the housing requirement has been calculated to be circa 49,000 homes a year. However, this means that it will take London 21 years to address all current housing need. Government guidance<sup>2</sup> has traditionally expected the backlog to be cleared in five years where possible and there is a concern that if a plan assumes a backlog it will not be cleared for a long time, and it is therefore arguable that the plan is not meeting need. If the London Plan were to meet the backlog need over ten years (which is the same approach as the 2009 SHMA), the housing requirement would be circa 62,000 homes a year.
- 2.22 Given the uncertainties around London's future population and household growth the Plan takes these possible long term trends as a 'direction of travel' for which the Mayor must 'plan, monitor and manage'. It therefore uses the 2015-2036 housing requirement of 49,000 a year as the basis for the detailed housing need figures, but this figure should be regarded as a minimum.
- 2.23 A London wide Strategic Housing Land Availability Assessment has been undertaken by the GLA, in partnership with the London Boroughs, the LLDC and the City Corporation. This identifies the potential housing land capacity in each borough and has found the capacity to deliver circa 42,000 homes per annum. Table 3.1 details these figures as minimum housing supply targets that each borough should deliver.
- 2.24 Para 3.18- seeks to detail how the two tier planning system operates in London and how the requirements of the NPPF should be addressed within that context. In terms of delivering the 42,000 homes a year, para 3.18a highlights that given an average of just under 54,000 approvals have been approved each year (2008-2012), planning is not the major barrier to delivery. However (para 3.18a), the Plan does make clear that London's place in the global housing market and its own local acute need mean London faces a unique challenge in reducing the gap between housing requirements and supply. Given the requirement to meet need, boroughs are encouraged to seek to exceed these targets through focused development in Town Centres, Opportunity and Intensification Areas, other large sites and surplus industrial land near transport nodes.
- 2.25 Para 3.19a has been added in response to the NPPF's requirement for boroughs to identify an extra 5% housing land against their 5 year housing need (or 20% for persistent under performers) brought forward from later in the plan. These 'buffers' add to what are already challenging targets for many boroughs. If boroughs cannot demonstrate that they have identified sufficient deliverable sites to meet the targets, developers can propose others for housing and these may be considered to fall within government's 'presumption in favour of sustainable development'. Loss of these other sites to housing can however compromise achievement of wider planning objectives, so the Alteration effectively seeks an exemption from the national 'presumption in favour of sustainable development' in these circumstances.
- 2.26 Policy 3.7 (large residential developments) and supporting text on has been amended to emphasise the need to encourage higher density development, in appropriate locations going up to, or in exceptional justified circumstances exceed, density thresholds. Para 3.42 provides more guidance on this, in particular stating that large developments have the potential to define their own characteristics and accommodate higher density development and provides a link to policy 7.5 on the quality of the public realm.

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<sup>2</sup> Strategic Housing Market Assessment Practice Guidance Note 2007

- 2.27 Significant changes have been made to the text supporting Policy 3.8 on housing choice to:
- make clear that of the 49,000 pa housing need figure, 23,200 is for market housing and 25,600 is for affordable homes (para 3.44).
  - emphasise the growth of overcrowding over the last decade (100,000 households). For context the growth quoted in the 2011 housing strategy was 80,000 over the decade, which suggests over occupation is increasing (3.47).
  - reflect the findings of the SHMA by removing the reference to their being no net requirement for family homes (3.47).
  - address the substantial increase in the housing needs of 'over' 65s (para 3.50a – 3.50e). This includes enabling older Londoners to stay in their own homes and improving the wider environment to accommodate their needs. The Plan also places significantly more emphasis on meeting the requirements for new specialist housing (3,600 – 4,200 homes pa), broken down broadly into 2,600 private units, 1,000 shared ownership and some 300 affordable homes, together with 400 – 500 new bedspaces in care homes. The Plan stresses the need for positive working with development partners to bring these forward and provides in a new Annex 5 borough benchmarks to support this, together with a commitment to recognise the importance of decent housing as a health issue for older Londoners.
  - address the need for 2,000 – 3,100 pa specialist student accommodation places in the context of currently identified capacity for 2,000 pa (paras 3.52 – 3.53B). The Plan also encourages partnership working among the different stakeholders to meet strategic and local need; a more dispersed distribution of provision and a more affordable range of new accommodation.
  - support an extension of the private rented sector, especially through covenanted provision, taking into account its distinct economics (Policy 3.8 Ba1, para 3.54).
  - encourage development of 'custom build' homes and address the needs of ex-service personnel (para 3.57A, 3.57B)
- 2.28 Amendments to para 3.62 (supporting Policy 3.10 Definition of affordable housing) reflect a change in the balance between strategic and local criteria to be taken into account when funding intermediate housing, placing greater weight on strategic criteria in order to maximise housing output. There are also minor changes reflecting the relative increase in London house prices and updating the upper income threshold for intermediate housing.
- 2.29 A small but significant update is made to Policy 3.11(Affordable housing targets) and supporting para 3.64 increasing the Plan's affordable housing target from 13,200 pa to 17,000 pa, and recognising the overall need for affordable housing (25,600 pa) as indicated in the SHMA.
- 2.30 An amendment to para 3.71 requires developers to provide development appraisals to demonstrate that their proposals maximise affordable housing.
- 2.31 Changes to para 3.84 Update the Plan's approach to empty homes.
- 2.32 Policy 3.16 (protection and enhancement of social infrastructure) and new supporting text (para 3.87A) are updated to enable redundant premises to be used for non social infrastructure uses if the disposal of assets is essential to fund continued delivery of social infrastructure elsewhere. The methodology in paragraph 3.88 has been updated to reflect the importance of joint delivery.
- 2.33 An update to Policy 3.17 on healthcare facilities clarifies the new role of public health in the boroughs and links to planning. New para 3.94A reflects NHS changes and implications for estate reconfiguration. New par 3.95A updates the reference to JSNAs and support they can give as evidence base for Local Plans.
- 2.34 Para 3.96 is extended to reflect 2020 Vision's support for 'Med City'.



- 2.35 Policy 3.18 (Education facilities) is strengthened to recognise the need for school places, to reflect Mayor's support for free schools and to encourage co-location of schools with housing development. Amendments to the supporting text reflect this (paras 3.98 and 3.102), and greater choice of school provision.
- 2.36 Minor changes to Policy 3.19 (sports facilities) and supporting text reflect Sport England guidance and the Olympic legacy.

#### CHAPTER FOUR LONDON'S ECONOMY

- 2.37 In the 'Economic context' section, Policy 4.1 (Developing London's economy) and supporting text is amended with references to the sustainable growth and development benefits of new infrastructure (drawing on the 2020 Vision), and new para 4.9A describes the role of the London Enterprise Panel (LEP).
- 2.38 In the economic sectors and workspaces' section:
- Policy 4.2 (offices) is amended to outline the Mayor's concern to monitor the impact of office to residential PD rights exemptions these across London and para 4.13A identifies those areas in London exempted by government.
  - The London Office Review Panel discussed whether the established mixed use policy for CAZ and the Isle of Dogs (Policy 4.3 mixed use and development), and especially its associated affordable housing requirement, was constraining office development in current housing market conditions and for the longer term. The Panel considered that, on balance, the policy should continue to be accepted because of the way it contributed to the attractive mix of activities in appropriate areas and helped to meet housing requirements associated with the central area, but suggested amendments to enable boroughs to have the flexibility to:
    - protect small scale offices (under 500sqm), particularly in and around the CAZ in the light of local supply and demand assessments, and
    - require residential proposals which would otherwise lead to the loss of office provision in areas of identified need (eg for small, affordable office spaces) to make a proportionate contribution to new office provision.
  - Supporting text in para 4.23 is amended to focus managed release of surplus land on areas around transport nodes and town centres to enable higher density new development especially housing.
  - Map 4.1 is updated to reflect the borough level distribution of industrial land release in the Mayor's adopted Land for Industry and Transport SPG.
  - Policy 4.7 (retail and town centre development) and its supporting text is amended to reflect research which suggests a significant contraction in the level of projected demand for comparison shopping floorspace and the approach to be taken to manage this, including a small change to policy to encourage consolidation of space.
  - Policy 4.8 (supporting a successful and diverse retail sector) and paragraph 4.50A are broadened to manage the clustering of activities with negative impacts on the vitality and viability of town centres.
  - Policy 4.8 is supplemented to identify the importance of valued local community assets (such as community pubs). Supporting text in paragraph 4.48A underscores the Mayor's concern to protect valued London pubs and outlines an approach will be detailed in the Town Centres SPG.
- 2.39 In the 'New and emerging sectors' section:
- Policy 4.10 and paragraph 4.53 are strengthened to support the evolution of London's science, technology, media and telecommunications (TMT) sectors including the need for flexible and affordable space. New text is added to support the Smart London initiative.

- New paragraph 4.55A takes forward the Mayor's 2020 Vision to ensure that London has the television and film studio capacity to support production of media content in the capital.

2.40 In the 'Improving opportunities for all' section, para 4.60 supporting Policy 4.20 is amended to support the Mayor's 2020 Vision on the role of education, vocational training and apprenticeships.

## CHAPTER FIVE LONDON'S RESPONSE TO CLIMATE CHANGE

2.41 In the Climate Change Mitigation section:

- An additional paragraph (5.22a) is added to the supporting text of Policy 5.2 on Carbon Emissions promoting demand site management of energy to minimise infrastructure need and carbon emissions.
- A new Policy (5.4A) on electricity and gas supply is introduced. It includes:
  - A commitment by the Mayor to cooperate with key stakeholders to promote the strategic provision of electricity and gas infrastructure to accommodate anticipated growth and to support the development of such infrastructure.
  - A requirement on developers, especially of major schemes, to engage at an early stage with relevant stakeholders to identify the gas and electricity requirements arising from their development proposals.
  - A requirement on London's boroughs to identify and address potential capacity shortfalls of the wider energy network serving their area and to allocate, if necessary, suitable sites.
  - In the supporting text in terms of electricity: ways to address the Mayor's concerns around the lack of strategic infrastructure planning and investment (new para 5.31c – e).
  - In the supporting text in terms of gas: the promotion of a strategic approach to the de-commissioning of gasholders (new para 5.31h).

2.42 In the Climate Change Adaptation section:

- Para 5.55 (supporting Policy 5.12 on Flood Risk Management) is updated promoting the final recommendations of the Thames Estuary 2100 project which addresses flood risk along the tidal Thames and has now been endorsed by Government.
- Para 5.57 (supporting Policy 5.13 on Sustainable Drainage) is updated reflecting the improved understanding of surface water flood risk through the Drain London project, which is also illustrated in the emerging first review of the Regional Flood Risk Appraisal from 2009.
- Para 5.59 (supporting Policy 5.14 on Water Quality) is updated regarding the current stage of the Thames Tideway Tunnel development and also refers to the demonstration of need for the development as set out in Defra's National Policy Statement on Waste Water.
- Para 5.61 and 5.62 (supporting Policy 5.15 on Water Use) is updated regarding water use and supply data and provides further details about priority measures to address the growing water supply capacity deficit including demand management, reduction of leakage and additional supply.

2.43 In the 'Waste' section (para 5.65 to 5.89):

- In Policy 5.16 (waste self-sufficiency) the date at which London achieves net self-sufficiency is being brought forward to 2026, to ensure London takes advantage of the jobs and energy waste offers rather than these advantages going elsewhere. Supporting paras 5.67-5.70 have been amended to reflect this and update on recycling performance.
- Para 5.74 further promotes joint working with our neighbours outside of London, in line with their duty to cooperate/our duty to consult and inform
- Amendments to Policy 5.17 (waste capacity) fulfil a commitment given in the 2011 Plan to introduce a carbon calculator to ensure that new waste facilities either emit the same amount of

carbon, or preferably less, than the facilities that they replace. Paras 5.84-5.85B on the carbon calculator reflect these changes.

- The borough-level waste arisings and apportionments in tables 5.2 and 5.3 (required by PPS10) have been updated to reflect the most recently available waste data. On average, boroughs will have roughly 25% less waste to find sites for, which should make it easier to produce waste plans. Supporting para 5.79 on apportionment has been amended to include projected amounts of waste to be exported from London. This information has been included in this plan iteration in response to concerns raised by neighbouring waste authorities outside London.
- Policy 5.19 (Hazardous Waste) updates the types and amounts of hazardous waste in London, again, a commitment given at the last Examination in Public. Supporting paras 5.89 and 5.89A provide more information to underpin this change.

- 2.44 In the 'Aggregates, contaminated land and hazardous substances' section, the supporting text to the unchanged Aggregates Policy 5.20 is being amended to reflect a requirement in the NPPF to safeguard railheads (para 5.94) and to set out the Mayor's view on the application of the NPPF requirement to produce Local Aggregate Assessments in London (para 5.94A).

## CHAPTER SIX LONDON'S TRANSPORT

- 2.45 In the 'Integrating transport and development' section:

- Table 6.1 (the list of transport schemes) has been updated to reflect the completion of a number of schemes and the addition of new schemes to reflect on-going improvements.

- 2.46 In the 'connecting London' section:

- Policy 6.4 (enhancing London's transport connectivity) promotes the importance of Crossrail 2 and new river crossings (as Crossrail 1 will be completed early in the Plan period.) Paras 6.18 and 6.18A provide more detail on Crossrail 2 and 6.19 updates the position on HS2.
- The supporting text (para 6.29) of the unchanged aviation policy (Policy 6.6) reflects the creation of the Davies Commission and your submissions to it. It makes no mention of either a hub or an estuary airport to avoid the need to undertake an assessment of such a proposal under the Habitats Regulations (which would delay FALP by 18 months approximately.)
- The supporting text (para 6.31) of the unaltered Policy 6.7 (Better streets and surface transport) reinforces the requirement of Policy 8.2 to seek, if appropriate, S106 contributions for buses.
- The policy in the chapter that has seen the greatest change is the Cycling Policy (6.9) reflecting the work of the Mayor's Cycling Champion. This includes ambitious new targets for cycle parking as set out in revised Table 6.3. Supporting paras 6.33 and 6.35 provide more detail on cycling initiatives.
- There are minor changes to the Walking (policy 6.10 and supporting text in 6.37 and 6.38) to reflect the rebranding of the network and the importance of amenity.
- Policy 6.11 on smoothing traffic flow and its supporting text in paras 6.39 and 6.39A reflect the work of the Roads Task Force that reported in the summer.
- Although the roads policy (6.12) is unchanged, its supporting text (para 6.40) has been updated.
- The car parking policy (6.13 and addendum of parking standards) have been amended to reflect the recommendations of the Outer London Commission allowing for a more flexible approach to car parking in outer London. Supporting text in paras 6.42 and 6.45 provide more detail on this change. Para 6.46 is a factual update on the successful growth of car clubs.
- Freight Policy 6.14 has been updated to promote a flexible approach to deliveries in light of pilot scheme successes during the Olympics.

## CHAPTER SEVEN LONDON'S LIVING SPACES AND PLACES

### 2.47 In the 'Place shaping' section:

- Policy 7.1 (Lifetime neighbourhoods) has been updated to include three principles which facilitate the implementation of the concept. The supporting text now deals with neighbourhood planning and Community Rights.
- Policy 7.3 Designing out Crime has been updated to clarify policy implementation.
- Policy 7.5 Public Realm has been updated to highlight the importance of the sustainable management and maintenance of public areas.

### 2.48 Policy 7.13 (Safety, security and resilience to emergency) is amended to make more explicit in its clause C the partners the boroughs need to co-operate with to identify any required infrastructure. A reference to the London Risk Register is also added the Policy.

### 2.49 Policy 7.15 on noise has been updated to reflect the NPPF, the Noise Policy Statement for England and Defra's consultation on quiet areas. Supporting paras 7.52 and 7.53 provide more detail.

### 2.50 In the 'Protecting London's open and natural environment' section:

- Policy 7.18 on Local Open Space clarifies that the policy applies to all publically accessible open space and reflects advice of the NPPF on undertaking audits. Supporting para 7.58A clarifies the policy approach to any Local Green Spaces identified in neighbourhood plans.
- Policy 7.19 on Biodiversity is being updated to ensure consistency with the recommendations of the Habitats Regulation Assessment (see para 3.8 below)
- Policy 7.20 on Geological Conservation and Policy 7.21 on Trees & Woodland have both been updated to reflect SPGs published since the 2011 Plan.
- Policy 7.23 on Burials is now promoting the re-use of existing graves. This reflects work the Mayor commissioned in 2011 on burial capacity across London, which showed eight boroughs are effectively full and another nine have less than a decade's supply left. Re-use can extend the capacity of existing cemeteries.

### 2.51 In the 'Blue Ribbon Network' section' a new para (7.103) supporting Policy 7.30 (Canals and other waterspaces) is added to reflect the unique character of the Royal Docks and the potential benefits of minor development into their waterspace. The addition represents an exception to the clause B(a) of the Policy (which seeks to prevent partial in-filling) for the Royal Docks to facilitate a range of improvements to the area. The potential of exploring the better use of the waterspace to transport passengers and staff to/from City Airport is highlighted in the new para 7.104.

## CHAPTER EIGHT IMPLEMENTATION, MONITORING AND REVIEW

### 2.52 Two new sections are added to Policy 8.1 on Implementation:

- A new clause B promotes the establishment of Mayoral Development Corporations (MDCs), Enterprise Zones, Tax Increment Finance (TIF) and Housing Zone designations to help realise the potential of large development areas. The corresponding new supporting text (para 8.6 A) briefly introduces these instruments.
- A new clause C promotes collaborative working with key stakeholders to ensure the effective development and delivery of infrastructure in the light of London's growth. The corresponding new supporting text (paras 8.6B and 8.6C) include:
  - the Mayor's intention to take a leading role in working collaboratively with key partners in London and beyond to improve infrastructure planning and delivery.
  - references to the emerging London Infrastructure Plan and the Mayor's Smart London initiative.
  - an overview of the coverage of different infrastructure requirements across the Plan.

2.53 Policy 8.2 on Planning Obligations is amended to widen the scope for their application by changing clause E and the corresponding supporting text as follows:

- Increasing the flexibility of the type of social infrastructure that may be provided through planning obligations
- Including air quality improvement measures as an additional priority in line with the Plan's approach on 'air quality neutral'

2.54 ANNEX 1: OPPORTUNITY AND INTENSIFICATION AREAS

- Updates to reflect the changes outlined in para 2.13 of this form
- General updates to OAs to reflect adopted OAPFs and emerging capacity estimates for jobs and homes.

2.55 ANNEX 2: LONDON'S TOWN CENTRE NETWORK

- Stratford is re-classified to Metropolitan centre status in light of the recent Town Centre Health Check.
- Lavender Hill/Queenstown Road, Highams Park and Earlsfield are designated as new District centres
- Gants Hill's role in the Night Time Economy guidelines is recognised
- Evidence suggests that Plumstead, Elm Park and Lee Green are no longer functioning as District centres and these are de-designated.
- Bromley and Kingston maintain their Metropolitan centre status but are down-graded in terms of their 'office guidelines' from A/B (speculative/mixed use potential) to B (mixed use potential only).
- Stratford and Shepherd's Bush are identified as 'potential' International centres
- Other minor amendments and updates

2.56 ANNEX 4: HOUSING PROVISION STATISTICS

- updates to table A.41 Disaggregated housing monitoring benchmarks

2.57 ANNEX 5: GLOSSARY

- Expanded and NPPF-compliant definition of sustainable development (as called for by the London Assembly and agreed by the Mayor when approving REMA on 11 September 2013)
- Additional definition – specialist accommodation for older people

### **3. Impact Assessment**

3.1 In preparing or altering the London Plan, the Mayor has legal duties to consider the following:

- Economic development and wealth creation (GLA Act 1999, as amended);
- Social development (GLA Act 1999, as amended);
- Protection and improvement of the environment (European Directive 201/42/EC on Strategic Environmental Assessment, The Environmental Assessment of Plans and Programmes Regulations 2004, GLA Act 1999, as amended);
- Health inequality and promoting Londoners' health (GLA Act 1999, as amended);
- Community safety (Crime and Disorder Act 1998, Police and Justice Act 2006); and
- Equality of opportunity, elimination of discrimination and the promotion of good community relations (GLA Act 1999, as amended, Equality Act 2010).

*Integrated Impact Assessment (IIA)*

- 3.2 The GLA adopts an integrated approach to demonstrate how these duties have been considered in the form of an Integrated Impact Assessment (IIA). This methodology enables any common themes to be considered together. It covers strategic environmental and sustainability appraisal and community safety, health impact and equalities impact assessments.
- 3.3 An IIA has been prepared for the FALP by independent consultants AMEC. This builds on IIAs undertaken for the Replacement London Plan in 2009, and the Early Minor Alterations and Revised Early Minor Alterations to the London Plan in 2012. The IIA conforms to the requirements of an environmental report under the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), and is an iterative process. The IIA also includes a specific Equalities Impact Assessment.
- 3.4 The first stage of the IIA process is to set the context and objectives and establish the baseline and scope of the proposed policies in a Scoping Report. It also includes the Sustainability Appraisal which appraises alternative options in addition to the preferred policy approach against the sustainability objectives. To inform the IIA Scoping Report for FALP, a workshop with key stakeholders and statutory consultees was held on 25 October 2013. As required by the Regulations, the IIA Scoping report was referred to the statutory consultees (English Heritage, Natural England and the Environment Agency) for a 5 week period in November and December 2013. The consultation responses have informed the development of the full IIA and will feed into the final IIA Scoping Report for FALP.
- 3.5 The full IIA report includes several recommendations to improve the ‘sustainability’ of the policies. It recommends that Policy 4.1 (Developing London’s economy) is amended to specifically include economic, environmental and social benefits. This recommendation is not accepted as it is not considered necessary. The definition of sustainable growth and development implies economic, environmental and social benefits as per the NPPF definition. In addition, these aspects of sustainable development are confirmed in the supporting text (para 4.4A). The second recommendation is a review of the noise policy. This recommendation is not accepted as the assessment identifies the sustainability benefits, and the specific wording has been recommended by a specialist noise consultant.
- 3.6 The IIA is reproduced as Annex B to this decision form. It will be published with the FALP on 15 January 2013. The Mayor is requested to take the IIA’s findings and conclusions into account in arriving at his decision to publish the FALP for public consultation.

*Habitats Regulation Assessment (HRA)*

- 3.7 Regulation 48(1) of the Habitats Regulations 1994, which implements Article 6(3) of the Habitats Directive (92/43/EEC) requires an appropriate assessment also known as a Habitats Regulation Assessment (HRA) to be undertaken in respect of any plan or project which:
- either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site, and
  - is not directly connected with the management of the site for nature conservation.
- 3.8 The external consultants have assessed that the alterations are not likely to have any significant environmental effects on the network of Natura 2000 protected sites, subject to the cross-referencing of some additional policies to the existing biodiversity policy in the plan. As outlined in para 2.50 of this form, the biodiversity policy (7.19) has been altered accordingly.

- 3.9 The HRA is reproduced as Annex C to this decision form. It will be published with the FALP on 15 January 2013. The Mayor is requested to take the HRA's findings and conclusions into account in arriving at his decision to publish the FALP for public consultation.

## 4 Other considerations

### Key Risks and issues

- 4.1 FALP policy drafting has incorporated legal advice from leading counsel to minimise the prospect of a statutory challenge or, if one is mounted, the chances of it being successful. A summary of the advice on housing provision is in Part 2 of this Decision Form.

### *The proposed Alterations and the National Planning Policy Framework*

- 4.2 The scale of the population increase facing London is unique in the history of British town planning. It is therefore not surprising that addressing it through the FALP raises tensions with some key aspects of the National Planning Policy Framework and that these tensions are heightened by the uncertainty which attends the population increase. The Mayor's attention is therefore drawn to the FALP's approach to the following aspects of the NPPF and associated CLG 'Beta' Guidance:

### *The FALP's use of GLA rather than CLG demographic data*

- 4.3 CLG Beta Guidance strongly advises planning authorities to use ONS/CLG data and makes clear that this is the conventional approach to plan preparation. However, national Guidance does provide some flexibility to use other authoritative sources if this can be justified. The Mayor should be aware that in agreeing the FALP he has accepted that use of GLA data is justified because the most recent CLG/ONS population and household projections run only to 2021, while the London Plan should take at least a twenty year perspective. Moreover, there is uncertainty over some of the assumptions used in the CLG/ONS projections.
- 4.4 The Mayor should be aware that CLG/ONS projections show higher population and household growth than those used by the GLA and that the GLA figures are predicated on the assumption that some but not all of the increase indicated by CLG/ONS can be attributed to a reduction in historic domestic net migration trends. Should these not return closer to historic trend, the Mayor will be advised at the appropriate time to consider a further change to the Plan to address the implications of this.

### *The FALP's approach to the backlog of housing need*

- 4.5 The Mayor should be aware that the planning convention is for the backlog of housing need (or 'existing' rather than projected need) to be addressed in five years, rather than the ten or twenty years proposed in the FALP. The FALP suggests that to seek to do otherwise is unrealistic, and commits the Mayor to increasing the housing supply targets by at least a third to an unprecedented level and to use them as minima to seek to address need. The FALP also put forward specific policies to identify and bring forward additional supply from Opportunity and Intensification Areas, redeveloped town centres, other major sites and surplus industrial land near transport nodes.

### *The gap between housing need and supply*

- 4.6 The Mayor should be aware that, in line with the NPPF, the FALP propose to boost supply significantly but, contrary to the NPPF, they do not explicitly propose to meet full, objectively assessed need. This is a significant departure from national policy and one on which other plans have been found unsound. The difference between the identified supply target and the range of identified needs leaves a 'gap' of between 6,500 and 19,700 dwellings pa. The FALP, like the previous London Plans in 2004, 2008 and 2011, propose to seek to meet London's housing need by



using the identified supply target as a minimum, and then go on to propose policies to bring forward other sources of supply.

- 4.7 The Mayor has not carried out a formal review of the Green Belt to explore the potential for releasing some of this to help fill the 'gap' because he is mindful that this would entail departing from the philosophy of the existing 2011 London Plan and entail a full review of it. The reasons for this are that for the short to medium term it is not necessary because there is already approved capacity for over 200,000 homes in the London planning pipeline (equivalent to at least 3-4 years supply on the basis of the range of current need); release of Green Belt could result in unsustainable development; there is considerable uncertainty as to the future trajectory of growth in housing need and because the substantial transport investment necessary to support it should be made on the basis of the most sustainable urban form.
- 4.8 The FALP commits the Mayor to carefully monitor demographic and housing trends and if necessary bring forward an appropriate change to the Plan in response to these. In line with the Mayor's duties to consult and inform under the GLA Act, formal consultation will take place on the FALP with relevant authorities beyond London, mindful of their Duty to Cooperate. The Mayor is also mindful that he has already engaged some of these authorities informally on his emerging proposals and that he will discuss with them scenarios for accommodating growth associated with the non-statutory Infrastructure Plan.

*The NPPF's presumption in favour of sustainable development*

- 4.9 In agreeing these Alterations, the Mayor is in effect seeking flexibility in implementing national policy. The proposed housing supply targets will challenge several boroughs and the NPPF's presumption in favour of sustainable development effectively means that if boroughs cannot identify a five year supply of deliverable sites to meet the targets then developers can propose other sites and, if a borough does not grant permission for their development, then the proposal may be viewed sympathetically at a subsequent appeal. In the tightly constrained London land market, this may mean that land which is required for other, needed activities will be lost to housing. The Mayor should be aware that to prevent this, the FALP seek a local interpretation of national policy to address the unique circumstances of London.

*Project management*

- 4.10 London Plan alterations have been, and will continue to be, tightly project managed to ensure that key deadlines are met and that expenditure stays within budget.

Links to Mayoral strategies and priorities

- 4.11 The London Plan sets out the Mayor's policies for the development and use of land in London. It also incorporates the spatial – geographical and locational – aspects of his transport, economic development, housing, environmental and other strategic policies for London in a single, comprehensive framework. It provides the basis for implementation of these strategies and policies through the planning system, to the extent that this is appropriate.

Impact assessments

- 4.12 These matters are addressed in detail in section 3 of this form.

Consultation

- 4.13 There is a statutory requirement to undertake consultation on changes to the London Plan. It is proposed that the FALP, together with the IIA and the HRA, be published for a twelve week period of public consultation commencing on 15 January 2104,



- 4.14 The following programme of public consultation is proposed (the relevant legal requirement is shown in brackets):

*15 January 2014*

- the FALP and associated documentation (the IIA, the HRA) are made available for public inspection at City Hall and the 'principle offices' of the London boroughs (GLA Act S.335 (2) (b) and regulations 7 (1) to (3) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (the 'SDS regs'))
- the FALP and associated documentation are made available for download on the GLA's website
- statutory notices appear in the London Gazette and the London Evening Standard (GLA Act S.343, SDS reg 7 (4))
- copies of the FALP and associated documentation are sent to the London Assembly and the Functional Bodies (TfL, LFEPA, MOPAC) (GLA Act S.335 (3) (aa))
- copies of the FALP and associated documentation are sent to the Secretary of State CLG, every London borough council, county and district councils adjoining London, English Nature, the Environment Agency and English Heritage (GLA Act S.335 (2) (c) and (3), SDS reg 7 (5))
- copies of the FALP are sent to ROSE (rest of the South East) authorities not included above (GLA Act S.348)
- web links are emailed to stakeholder groups, POS and ALPBO mailing lists

*22 January 2014*

- statutory notice in the London Evening Standard (GLA Act S.343, SDS reg 7 (4))

*31 January 2014*

- FALP launch event in City Hall with the Deputy Mayor for Planning. All key stakeholders and the London Assembly to be invited.

*February/March 2014*

- voluntary sector event at City Hall to be coordinated with key stakeholders such as the London Forum of Civic and Amenity Societies and Just Space.
- business sector event at City Hall to be coordinated with key stakeholders such as London First, CBI, LCCI, IoD, BCSC, BRC, Federation of Small Businesses.
- Rest of the South East event at City Hall for all planning authorities in this area outside London.
- possible public sector event to be coordinated with London Councils and the London Planning Officers Society.
- sub-regional public meetings to be co-ordinated by sub-regional partnerships (five meetings)

## **5. Approval of FALP for public consultation**

### **5.1 The Mayor is recommended to:**

- note the findings and conclusions of the Integrated Impact Assessment and the Habitats Regulation Assessment of the Draft Further Alterations to the London Plan, as set out as Annexes B and C to this form (recommendation 1)
- approve publication of the Draft Further Alterations to the London Plan for public consultation, in accordance with section 341 of the Greater London Authority Act 1999 (as amended), as set out in Annex A to this form, and authorise the Chief of Staff and Deputy Mayor for Planning to approve any outstanding policy matters in the Draft Further Alterations to the London Plan prior to publication for public consultation (recommendation 2)
- authorise expenditure of up to £2,000 from the Planning Unit's budget on placing the statutory notices and up to £15,000 on printing the Draft Further Alterations to the London Plan, the Integrated Impact Assessment and the Habitats Regulation Assessment (recommendation 3)

- approve the programme of public consultation for the Draft Further Alterations to the London Plan, as set out in paragraph 4.6 of this form, and authorise expenditure of up to £10,000 from the Planning Unit's budget to facilitate public it (recommendation 4)

5.2 The FALP will be out for public consultation between 15 January and 10 April 2014. An examination in public (EiP) is planned for September 2104. The intention is that the FALP is published (i.e. adopted) by March 2015.

## **6. Financial comments**

6.1 Approval is being sought for expenditure of up to £27,000 to publish the Draft Further Alterations to the London Plan (FALP) for public consultation.

6.2 This will be funded by a £2,000 transfer from the Planning Smoothing reserve to place the statutory notices for the public consultation and £25,000 from the 2013-14 existing Planning budget to print the Draft Further Alterations to the London Plan (£15,000) and facilitate the public consultation (£10,000).

6.3 Any changes to these proposals, including budgetary implications will be subject to further approval via the Authority's decision-making process. All appropriate budget adjustments will be made.

6.4 The Planning team within the Development, Enterprise & Environment Directorate will be responsible for managing this expenditure and ensuring all associated activities relating to expenditure adhere to the Authority's Financial Regulations and Contracts & Funding Code.

## **7. Legal comments**

7.1 This section deals with legal issues not covered elsewhere in this decision form. Legal advice has been obtained and is summarised in part 2 of this Decision form.

7.2 The Mayor is required to prepare and publish a spatial development strategy (known as the London Plan) under section 334 of the Greater London Authority Act 1999 (GLA Act). The Strategy must include his general policies in respect of the development and use of land in Greater London and must deal only with matters, which are of strategic importance. However, in making that determination, it is immaterial whether or not the matter affects the whole of Greater London. The current London Plan which replaced earlier versions was published in July 2011 and formerly altered on 11 October 2013.

7.3 The Mayor has a duty under Section 340 of the GLA Act to keep this strategy under review and can under section 341(1)(a) of that GLA Act at any time prepare and publish alterations of the strategy.

7.4 Sections 335 and 341 of the GLA Act sets out the procedure to be followed for the preparation and publication of alterations to the London Plan. The procedural steps are set out in 4.5 & 4.6 of this Decision Form.

### Matters to which the Mayor should have regard

7.5 Under section 41 of the GLA Act the Mayor must have regard to the need to ensure that it is consistent with national policies, other statutory strategies, the resources available for the implementation of the Strategy and the desirability of promoting and encouraging the use of the River Thames safely for the provision of passenger transport services and for the transportation of freight. He has included in FALP such of the available policies and proposals as he considers are

best calculated to promote improvements in the health of persons in Greater London, to promote the reduction in health inequalities between such persons, to contribute towards the achievement of sustainable development in the UK and to contribute towards the mitigation of or adaptation to climate change, and the consequences of climate change in the UK.

- 7.6 In addition, under the Crime and Disorder Act 1998, the Greater London Authority has to do all it reasonably can to prevent crime and disorder.
- 7.7 The Mayor is also required to have regard to the economic development and wealth creation, social development and improvement of the environment in Greater London as well as the effect which the proposed replacement would have on the health of persons in Greater London; and the achievement of sustainable development in the United Kingdom. This can be evidenced as above.

#### *Public Sector Equality Duty*

- 7.8 The Mayor and GLA are subject to the public sector equality duty, as set out in Section 149 of the Equality Act 2010. This replaces duties under other domestic discrimination legislation, including those under section 404 of the GLA Act. The 2010 Act included a new single public sector equality duty (“the Duty”) which brings together the previous race, disability and gender duties and extends coverage to include age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment. These are the grounds upon which discrimination is unlawful and are referred to as ‘protected characteristics.’ The Duty requires the Mayor when exercising his functions to have *due regard* to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.9 Having *due regard* to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. The steps involved in meeting the needs of disabled persons include, in particular, steps to take account of disabled persons’ disabilities. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with these duties may involve treating some persons more favourably than others.
- 7.10 In light of these duties GLA officers have reviewed what is proposed in FALP and the Equalities Impact assessment included in the Integrated Impact Assessment and advise that there is nothing raised by such which has not been already addressed as part of the statutory process.
- 7.11 These duties apply to the proposed FALP and the Mayor’s decision whether to publish them as alterations to the London Plan.
- 7.12 The courts have emphasised that “*due regard*” requires an active and engaged analysis of the relevant material with the specific statutory considerations in mind, but the Duty does not require that the considerations raised in the analysis are decisive in the particular case and finally, that the weight to be given to the requirement that “*due regard*” is to be had is for the decision maker to decide.

#### Integrated Impact Assessment (IIA) and Habitats Regulations Assessment (HRA) Screening Reports

- 7.13 An IIA of the proposed FALP was undertaken as detailed above. This examined the likely impacts of the proposed policies and conformed to the legal requirements regarding Sustainability Appraisal the Environmental Assessment of Plans and Programmes Regulations 2004. It also included an Equalities Impact Assessment. A separate Habitats Regulations Assessment Screening was carried out to consider the impacts of the FALP on European protected nature conservation sites in accordance with the requirements of the Habitats Regulations 1994. The IIA and HRA reports are considered by GLA officers to contain an adequate analysis of the material to which the Mayor must pay “due regard” to in making the decision to publish the draft FALP. Accordingly, the Mayor is asked to give particular attention to these reports and to the matters reported in paragraphs 3.1 to 3.9 above.

**Appendices and supporting papers:**

Annex A: Draft Further Alterations to the London Plan (FALP)

Annex B: Integrated Impact Assessment

Annex C: Habitats Regulation Assessment

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

**Part 1 Deferral:**

**Is the publication of Part 1 of this approval to be deferred?** ~~NO~~/YES

If YES, for what reason:

Until what date: (a date is required if deferring) until FALP is published 15/01/14

**Part 2 Confidentiality:** Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form?** YES

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer**

Richard Linton has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

**Assistant Director/Head of Service:**

Stewart Murray has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

**Sponsoring Director:**

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser**

Edward Lister has been consulted about the proposal and agrees the recommendations.

✓

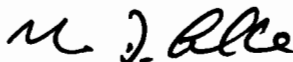
**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature** 

**Date** 18.12.13

**CHIEF OF STAFF:**

I am satisfied that this is an appropriate request to be submitted to the Mayor

**Signature** 

**Date** 18.12.2013



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