REF

2nd March 2018

Mr Sadiq Khan (Mayor of London)
New London Plan
GLA City Hall
London Plan Team
Post Point 18
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London SE1 2AA

By Email and Post-
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Dear Sir

Draft New London Plan- Representations on behalf of Crest Nicholson PLC

This submission is made on behalf of Crest Nicholson PLC in response to the consultation on the Draft London Plan. Crest Nicholson is a leading developer with a history of creating well-designed sustainable communities for over 50 years. We are proud to hold a well-regarded capability for delivering schemes of varying size and scale, from small housing-led residential developments to larger urban regeneration schemes and Garden Villages. We have and are undertaking a range of developments across London and the Wider South East consistently delivering high quality much needed homes.

Our representations are made by reference to individual policies and explanatory text. However, we also have included a holistic representation as regards the Draft London Plan as a whole including how its various policies fail to inter-relate and in a number of instances are inconsistent with one another and undermine policy aspirations.

Crest Nicholson would wish to reserve its position to be involved in the examination in public of the new London Plan.

Crest Nicholson, as part of a Consortium, is represented by Barton Willmore LLP who has submitted separate representations relating to the shortcomings of the Draft London Plan and how they ought to be addressed.

Holistic Representation

Crest Nicholson consider that the draft London Plan as currently drafted is unsound for a variety of reasons. We have provided representations on a number of the policies to explain in detail our specific concerns. However, we set out below particular areas of overriding concern:

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A) Inconsistent and Inter-Play between policies will adversely affect the Draft London Plans aspirations.

There is the apparent lack of consideration of the inter-play between policies and the impact that one policy will have on the ability for another policy's aspirations and targets to be achieved. Some policies directly and adversely impact on other policies and particular consideration and review is needed to ensure this is not the case. Whilst we acknowledge and understand the Mayor's aspiration of securing policy compliant levels of affordable housing (whether 35% or 50%) the following policies will prevent this being achieved and are likely to result in lower numbers of affordable dwellings being secured due to their impact on viability:

a) Policies D2 and D6- the impact of optimisation of densities may mean that higher buildings need to be constructed. Currently, construction of buildings beyond 18m and also 30m both result in dramatic increases in build costs having a potential negative impact on project viability. Higher buildings may not be appropriate outside of Zone 1 for many reasons including design but also because the sales prices potentially achievable in Zone 1, that enable the increased build costs associated with tall buildings to be borne, are not achievable outside of Zone 1; When this is considered in the context of increased design scrutiny for high density schemes there is a real risk of policy which is intended to increase delivery will do the very opposite. The Hackett Review is being conducted as regards Building Regulation changes and it is expected to have a direct bearing on tall buildings and the build costs associated with construction above a certain height.
b) Policy D2- increased requirements at application stage will increase the cost and add further delay in the submission of planning applications;
c) Policy D4- Minimum building space standards will reduce the number of dwellings that can be accommodated within a development which again will reduce viability;
d) Policy D4- dual aspect requirements can reduce the density and quantum of dwellings on a site and can also increase build costs;
e) Policy D6- optimisation could impact on viability if it requires construction at height or early provision of planned infrastructure;
f) Policy H7 – flexibility should be included within the policy to allow for variations to the tenure which in turn may allow for a greater number of affordable dwellings to be provided than would be the case if the tenures set out in the draft policy were rigidly applied as the policy indicates;
g) Policy SI2- increasing energy efficiency targets will impact on scheme viability;
h) Policy T9- additional infrastructure levies will impact on scheme viability

Likewise the Mayor's aspiration to accommodate the extent of housing growth needed to support the housing needs of London will be constrained by the Policy approach set out in relation to Green Belt and Metropolitan Open Land. Crest Nicholson would encourage the Mayor to be pragmatic and commission a Green Belt review across the whole of London. This will enable the Mayor and Boroughs to genuinely assess the performance of the existing Green Belt and whether it would be in Londoners best interests to release some of the Green Belt that no longer performs a Green belt purpose to ensure that much needed homes can be delivered. In some cases release from the Green Belt will facilitate or enhance public access to green space and provide an opportunity to deliver new homes alongside environmental and ecological improvements. A Green Belt review would also enable an informed decision on whether additional Green Belt should be designated.

B) Draft London Plan period

The Draft London plan purports to provide a strategy framework for the next 20-25 years. There needs to be clarity as to how long the Draft London Plan is actually to remain in force. Initially paragraph 0.0.2 provides a sliding scale of 20 to 25 years. Crest Nicholson considers that the Mayor should fix on a specific time period as otherwise this will cause confusion as to when the plan ceases to have effect. Further, this is necessary so the London Boroughs can align their plans accordingly with the Draft London Plan policies.

Of perhaps greater importance, however, is the fact the fact that the housing targets set out in Policy H1 will only operate for ten years ie up to 2029. For this reason we consider it would be unsound for the Draft London Plan to purport to provide a framework for more than ten years. After 2029 the Draft London Plan should cease to be part of the development plan for London. This clarity is crucial for proper and effective planning across London.

Nevertheless, consideration needs to be given to the consequential impact on Boroughs' preparation of their local plans such as if this results in them only being able to plan for housing up to 2029; or the weight that can be given to and consequences for recently examined and adopted local plans where housing figures are inconsistent with the Draft London Plan.

The consequential impacts of adjusting the timeframe that the Draft London Plan will remain in force for is that the demographic element of the OAN assessment will need to be adjusted to reflect the appropriate timeframe. At present it appears to be based on the period 2016 to 2041 yet the housing targets are only for a period expiring in 2029.

C) Conflicts with National Policy and Established Practice

Crest Nicholson does not consider that the Mayor is entitled to: disregard the NPPF; disregard established practice in relation to OAN; unilaterally dis-apply and change statutory instruments (notably the Use Classes Order); direct local planning authorities to not follow national policy and statute as regards Boroughs not needing to prepare "part one" local plans.

Crest Nicholson supports the detailed representations made by the HBF in relation to paragraphs 0.0.20-0.0.22 and other relevant provisions of the Draft London Plan in this regard.

D) Fails to demonstrate sufficient capacity to address housing need

Crest Nicholson concurs with the assessment and conclusions made by the HBF in their representations to the Draft London Plan as regards the ability for London to accommodate housing need. Notional assessments of capacity and undue reliance on unidentified sites (including windfalls) means that the Draft London Plan's conclusions on capacity are not based on a robust evidentiary footing resulting in a conclusion that there is a significant risk that housing need will not be met due to insufficient capacity. This indicates that policies such as the blanket restraint on development on Green Belt and Article 4 directions restricting permitted development should be revisited.

E) Fails to demonstrate how unmet need will be catered for

There remains a 1,000dpa deficiency as regards the Mayor's OAN of 66,000dpa and the capacity that can be accommodated of 65,000dpa. This equates to 10,000 dwellings over the period up to

2029 that the Draft London Plan seeks to impose housing targets. Whilst this may appear to be small in context to the London housing need overall, it is nevertheless sizeable when compared with unmet need of other local authorities in the South East. Whilst we recognise that the duty to cooperate requirement does not automatically fall directly on the Mayor as the Draft London Plan is not a development plan document, the Mayor nevertheless is bound by a statutory duty to inform and consult with adjoining counties and district outside of London. Further, given the Mayor's position that Boroughs need not produce "part 1" local plans in light of the Draft London Plan, then the Mayor will need to assume the responsibility to comply with the duty to cooperate. Ultimately London's unmet need must be addressed either by increasing opportunities to accommodate need within London itself or by agreement with neighbouring authorities as regards exporting unmet need outside of London. Crest Nicholson, as part of a Consortium, is represented by Barton Willmore LLP who has submitted separate representations relating to the shortcomings of the Draft London Plan in this respect and how they ought to be addressed.

Policy Specific Representations

Policy GG1 Building Strong and Inclusive Communities

Policy GG1 Part C

Crest Nicholson support the principle of the requirement set out in this sub-policy. However, the reference to "community ownership" in line three should be deleted. This could be interpreted to require all streets and public spaces to be legally owned by the community. This would run counter to and prevent implementation of the many successful alternative mechanisms that are in place and operated regularly across London and further afield such as management company ownership and maintenance which nevertheless provides public access and enjoyment to the communities they serve; ownership and management by the local authority; ownership by public institutions such as health trusts where the community have access to the institution's gardens and open spaces. We believe that the draftsman perhaps did not intend that this phrase "community ownership" be interpreted to be a legal ownership. Nevertheless, given the potential for misinterpretation and the fact that the early phrase in that sub-policy "sense of belonging" satisfactorily describes the sense of community, we consider it would be appropriate to delete the words "community ownership".

Policy GG2 Making the Best Use of Land

We consider this Policy to be unsound as currently drafted and amendments are required.

Policy GG2 Part D

Crest Nicholson's representations to Policies G2 and G4 should be read alongside this Policy GG2 Part D. We consider our representations to Policies G2 and G4 are consistent with the wording in Part D of Policy GG2 and clarify how the Draft London Plan will proceed as regards dealing with its designations of Green Belt and Metropolitan Open Land and providing suggestion as to how to achieve the urban greening and access to more green space by the public that the Mayor is seeking to achieve. However, the inter-relationship between Parts A to F of Policy GG2 should be considered further as Part D could impact on the success of achieving the objectives set out in the other Parts of this Policy.

We concur with the HBF's representations and proposed recommendation to re-word the policy along the following lines:

"*To create high-density, mixed-use places that make the best use of land, those involved in planning and development* ~~must~~ *should aim as far as possible, and consistent with the principle of sustainable development:*

A…(as drafted)

B…(as drafted)

C…(as drafted)

E…(as drafted)

F…(as drafted)

In pursuing these objectives plan-makers should avoid significant adverse impacts on any of the dimensions of sustainable development."

The last sentence is lifted from paragraph 152 of the NPPF. It is a reminder that one needs to consider the 'sustainable development' in the round, and that local planning authorities might be better placed to decide what represents the most appropriate balance for their area. This might mean the release of Green Belt land to accommodate development needs in order to avoid more adverse impacts on the social, economic and environmental aspects of sustainable development.

Policy GG6 Increasing Efficient and Resilience

We consider this Policy to be unsound and ineffective as currently drafted and amendments are required.

Policy GG6 Part A

Part A establishes the Mayor's aim for London to be a zero carbon city by 2050. The London Plan will need to be clear about how it expects this to be achieved. Defining what constitutes 'zero carbon development' is critical and something the Government has grappled with but failed to define and measure it and abandoned its programme in 2015 (*Fixing the Foundations*; HM Treasury; July 2015) – a change that had been due to come into force through the building regulations in 2016. We note the Mayor proposes to impose a zero carbon agenda despite this having been abandoned by the Government; yet the Mayor has not defined nor set out a measurable way of achieving 'zero carbon homes'. Consequently, the policy is ineffective and should be removed. We will discuss zero carbon further in our response to Policy SL2: Minimising greenhouse gas emissions.

Policy SD2 Collaboration in the Wider South East

We consider this Policy to be unsound as currently drafted and amendments are required.

We concur with and endorse the HBF's representations as regards the duty to cooperate and duty to inform and consult the WSE authorities. We will not restate them here but Crest Nicholson consider that the 10,000 unmet need that results from the Draft London Plan needs to either be accommodated within London or agreement needs to be had with WSE authorities to agree to take that need before the Draft London Plan can be found sound. Of course, the 10,000 figure is only

unmet need for the ten year period for which housing targets are set by Policy H1 and is another reason why the Draft London Plan should not be permitted to remain in force beyond this ten year period as housing need and unmet need will need to be revisited through a formal review of the London Plan at that time. Furthermore, the 10,000 figure is against the London SHMA 2017 and not higher figures of objectively assessed need including the Government's draft standard method 'capped figure of 72,000 dpa.

Further, the Draft London Plan does not address how or if it will accommodate any unmet need from WSE authorities. Whilst we appreciate that the Mayor is not directly subject to the duty to cooperate, the Boroughs will be. Seeking to remove the need (unlawfully in our view) for Boroughs to prepare a "part 1" local plan has the effect of removing the opportunity for WSE authorities to discuss and agree with Boroughs the potential accommodation of unmet need from WSE authorities within any Borough, as the Mayor will have locked down housing supply and targets such that the Boroughs have no ability to negotiate with WSE authorities. We question how a Borough could discharge its duty to cooperate when its housing numbers will have been fixed by the Draft London Plan. Given the Mayor is seeking to take on responsibility for some of the local plan functions such as assessing housing need and apportioning that need across London, we consider the Mayor needs to accept responsibility for the duty to cooperate and discharge that responsibilities for the Boroughs as regards the WSE authorities.

Policies SD2 and SD3 needs extensive reconsideration in light of our comments above and those of the HBF.

As stated above, Crest Nicholson is part of a Consortium represented by Barton Willmore LLP who has submitted separate representations. These include recommendations for a strategic approach to the delivery of London's unmet housing (and other) development needs arising from the Draft London Plan. The changes sought to Policies SD2 and SD3 set out in these separate representations seek to resolve the soundness issues identified.

Policy SD3 Growth Locations in the Wider South East and Beyond

We consider this Policy to be unsound and ineffective as currently drafted and amendments are required.

Our comments in relation to SD2 are applicable here too and Policies SD2 and SD3 needs extensive reconsideration in light of our comments and those of the HBF.

Policy SD6 Town Centres

We consider this Policy to be unsound and ineffective as currently drafted and amendments are required.

Crest Nicholson welcome the approach set out in the Draft London Plan to rejuvenate Town Centres. Town Centres often have good transport links and are therefore suitable for higher density mixed use schemes. It is important to remember that high density can still mean attractive and high quality residential accommodation and particular focus needs to be given as to how the residential interfaces with the public realm and creation of sufficient green spaces.

Crest Nicholson welcome the commitment to mixed use and residential only schemes in town centres and also the change of use of surplus office space to residential.

Crest Nicholson considers that there should be positive obligations placed on the Local Boroughs within the London Plan to ensure that sufficient land is identified to facilitate schemes involving new homes whether through regeneration of existing land and uses or otherwise..

We are concerned that promotion of night time activities and deliveries as well as Agent for Change proposals, could make it more difficult to locate residential dwellings within the town centres and so may reduce the quantum of dwellings that may be delivered in town centres; this in turn will impact on the housing supply figures for London. As such we consider the objectives in Part A should not be crafted as rigidly and instead the Boroughs should determine the best and most appropriate way of achieving the balance of uses in a town centre to ensure its vitality and viability. As such we consider Part A should be re-worded:

"A When planning town centre development proposals, and when considering applications, the local planning authority should endeavour to achieve the following objectives… "

Policy D2 Delivering Good Design

We consider this Policy to be unsound as currently drafted and amendments are required.

Crest Nicholson are concerned that the effect of many of the proposals in Policy D2 will slow down the decision-making process in London and interfere with certainty of delivery of much needed housing which will undermine the Draft London Plan's housing policies and general targets.

We agree that good design is important to ensure successful places, however by widening the scope of schemes referable to the Mayor and the extent of the design scrutiny they will be subject to there is a significant risk that planning applications will take substantially longer to agree and will involve greater expense.

Policy D2 Part C

Crest Nicholson considers that the requirement to provide visual, environmental and movement modelling will be time-consuming, unnecessary and costly, particularly some forms of 3D virtual reality and interactive digital modelling. We believe it should be left to the applicant to demonstrate, through whatever means that it thinks appropriate, the benefits and acceptability of its proposed development. As such where visual, environmental and movement modelling/assessments would aid the applicant it may choose to use such modelling/assessment. We are concerned that there is a risk, even in the current, somewhat caveated form of the policy, that it may be mis-applied by Boroughs and imposed through Development Control and Local Plans as applying on a more blanket basis. This policy and its potential implications particularly poses a risk to small and medium sized developers given the cost of such modelling/assessment and so it risks undermining the Government's support for this sector of developers.

Policy D2 Part D

Whilst Crest Nicholson accept that there will be some schemes where the use of design codes would be appropriate, we do not consider that design codes should be applied to all development schemes as the draft policy requires. Design codes are appropriate where there will be multiple phases comprising different buildings and the applicant, Borough and the Mayor wish to ensure consistency as regards quality and style of design. Design codes would not be appropriate in relation to detailed planning applications where design would be considered and approved as part of the original determination of the application. Where an outline application is submitted for a single building or

for a development that will comprise a single phase a suitably worded condition tying the design that will be the subject of reserved matters applications to design and access statement information would be appropriate. We would suggest that the policy be amended as follows:

"*D Masterplans should be used to help bring forward development and ensure it delivers high quality design and place-making based on the characteristics set out in Policy D1 London's form and characteristics.*

"New E For proposed developments that are the subject of outline planning applications and which will be comprised of multiple phases design codes should be used to ensure it delivers high quality design and place-making based on the characteristics set out in Policy D1 London's form and characteristics."

Policy D2 Parts F and G

Crest Nicholson have an issue with the concept of the design review panel. Councils and their internal design officers alongside the project design team should have a sufficient level of competency to assess schemes based on policy guidance within the London Plan and general architectural merit.

The requirement should only be necessary on schemes of strategic importance. Whilst comments from design review panels can prove helpful in some circumstances it is considered that the process can also add undue delays and costs to the planning application process. This is particularly inappropriate for many uncontroversial and policy compliant schemes which should be encouraged to navigate themselves through the system in a cost and time efficient manner. The concern is that the process will be a further contributor to inhibiting delays in the delivery of housing across London. Part F should be amended accordingly

Part F is also unsound in requiring Design Review "early in the planning process". Local planning authorities cannot compel applicants to enter into pre-application discussions (NPPF, paragraph 189). These are voluntary arrangements. The Mayor cannot insist on pre-application engagement through the draft London Plan.

Policy D2 Part H(3) and Explanatory Text 3.2.9

Crest Nicholson have significant concerns regarding the impact of Part H3 and the narrative at explanatory text paragraph 3.2.9. What is being proposed seeks to adjust what is laid down in statute and statutory instrument as regards the application of conditions and importantly the relationship between outline consents with reserved matters approval as compared with detailed consents.

Part H(3) and explanatory text seek to require submission of design details for large elements of development at outline stage. This is not legally necessary save in relation to outline applications involving conservation areas and listed buildings. To require the level of detail sought would undermine the Government's intention to speed up the planning process which has been seeking, through changes to law and national policy, to introduce fewer requirements at outline stage.

If Local Authorities attempt to 'fix' the design of large proportions of development too early in the planning process this (i) could potentially slow down development coming forward given the extra requirement to work up detailed drawings which would usually not be required until reserved matters stage; (ii) will prejudice smaller developers as it places a higher cost burden at the outset of a

development; (iii) will not account for changing building regulations, materials availability and other changes that might affect design that may be introduced over the lifetime of the construction phase of a development which would ordinarily be capable of being accommodated via reserved matters application designs – changes made prior to commencement of a reserved matter area should not be considered detrimental to design as they can enhance the end design and building; (iv) will impede large multi-phase developments where extensive drawings and details will be required to be fixed at outline stage and which will also not enable such developments to adapt as referenced in point (iii) above; (v) fails to take into account the application of design and access statements and design codes that can readily address the concerns that appear to be the driver behind this sub-policy wording .

Giving the applicant-developer the certainty of an outline planning consent provides the security to finance the detailed design work to take place, expecting high level design work before the certainty of the principle of development has been approved will be overly onerous for the reasons outlined above.

Policy D2 Part H(4) and Explanatory Text 3.2.10

Local authorities should not be allowed the opportunity to force the work of particular architects onto developers- this is essentially what the London Plan is seeking to achieve in Part H(4). This could have a huge impact on developer's ability to negotiate fees and utilise members of their own procured and vetted supply chain and would ultimately create an anti-competitive environment that may also result in poor design quality. Assuming the driver behind this sub-policy is to ensure the quality of design and delivery, the retaining architects would not be the most effective way of ensuring this happens. It is possible that the architects initially employed at outline stage may not be best suited to the project for example detailed design drawings may require different expertise than masterplanning and general layouts- this may especially be the case where a developer purchases a site with outline (or detailed) consent that has been secured for example by a landowner where the architect is not best suited. In addition, architects will move practices, retire or otherwise leave the profession and may not have sufficient capacity to undertake work which again is not accommodated by the proposals. Whilst we accept that planning conditions or obligations could be drafted that would enable substitution of architects with approval from the relevant local authority, we consider this would be a further unnecessary delay on bringing forward development when the local authority will have other more appropriate means of securing high quality design.

Instead, the responsibility of the local authority should be to enforce their consented proposals, consider use of design codes that should be prepared before commencement and monitor the construction documentation through the discharge of conditions.

Policy D4 Housing Quality and Standards

<u>We consider this Policy to be unsound as currently drafted and amendments are required.</u>

Policy D4 Part E and explanatory text paragraphs 3.4.4 and 3.4.5

Crest Nicholson are concerned that over emphasizing the need for dual aspect dwelling will impact on the delivery of the number of units across London and contradicts Policy D6A on Optimizing Housing Delivery. Plans with too many dual aspect apartments generate inefficient layouts which is unnecessary given both single and dual aspect units come with advantages and disadvantages and neither should be singled out as a better solution than the other

Single aspect dwellings are able to use convection for passive ventilation which can be encouraged by large windows with top and bottom openings to promote this. Mechanical Ventilation and heat recovery systems are used to filter air and reduce energy loss generating fuel savings and healthy living environments. Units that rely on cross ventilation promote heat loss and lead to increased energy bills. Furthermore, using passive forms of ventilation (cross venting) will not solve the issues of energy consumption or air quality.

In order to deliver the quantum of units for London, the first sentence of Policy D4E should be reworded to say:

"Residential development should consider the provision of dual aspect dwellings where possible".

Policy D4 Explanatory Text Paragraph 3.4.8

Crest Nicholson do not believe the wording of this paragraph is clear. Whilst we do not have a concern regarding the concept of schemes being tenure blind, we are concerned that integrating social rented/affordable rented and private entrances and lift cores will cause management problems. All Registered Providers we have experience of working with do not favour the approach and prefer to keep their entrances separate from the private. We suggest the second sentence is deleted.

Policy D6 Optimising Housing Density

We consider this Policy to be unsound and unjustified as currently drafted and amendments are required.

Policy D6 Part A

Part A refers to three criteria that need to be considered when determining the capacity of a site in a design led approach. Crest Nicholson are concerned that the reference to "particular consideration should be given to (1) site context" may present an opportunity to refuse development where an applicant is seeking to increase density above the existing context. If the surrounding existing development is not currently demonstrating an optimised approach there is a danger that new development will end up mirroring the existing form and so not achieving the Draft London Plan's intention to make "most efficient use of land". We consider that Part A (1) should be removed as this would demonstrate a stronger commitment to ensuring all new developments sufficiently utilise land, regardless of any previous failures to do so reflected in the existing built form. In addition, we are concerned that optimization may result in additional costs that will have a negative effect on viability for a proposed development for example building above 18m storeys will significantly increase the cost of construction yet will present an optimized solution for development. We consider that Part A should also include an additional consideration as follows which will ensure consistency as between the aims of Policy D6 and also Policies H5 and H6:

" *ensuring that optimization of housing density does not result in a reduced viability nor reduced provision of affordable housing*."

Policy D6 Part B (3)

The Draft London Plan recognises the challenge London faces in increasing housing to keep pace with demand and in response to this challenge the draft London Plan identifies the importance of optimizing housing density.

The Draft London Plan acknowledges that the surrounding infrastructure is the key component in determining density and in areas of higher public transport access and connectivity, such as town centers, housing delivery should be optimised. The Draft London Plan suggests that building density should consider not just the existing infrastructure but future infrastructure and public transport capacity increases. In this regard Policy D6 Part B (3) states "in exceptional circumstances…development is ***contingent*** on the provision of the necessary infrastructure and public transport services". There is an obvious danger here that delivery of an optimised housing density will be fettered by the requirement to deliver infrastructure which is either outside the gift/control of the developer or risks rendering the proposed development unviable. This Policy also raises a significant risk to the delivery of housing targets given it requires infrastructure to be in place prior to the grant of planning permission for new homes or before delivery of such homes can commence. This is unsound reasoning by the Mayor: the requirement is unreasonable and fails to reflect the positive planning principles of the NPPF. It also does not reflect the Mayor's approach to infrastructure delivery to date such as in Nine Elms and the Northern Line Extension delivery not coinciding with early phases of development at Nine Elms. This sentence should be removed.

Policy D6 Part C and explanatory text paragraph 3.6.8

Part C states that the higher the density development the more scrutiny of design and management is required. Our representations on Policies D2 and D4 are relevant here as regards concerns on delays, increased costs and inflexibility associated with increased scrutiny of design.

In relation to management plans, we agree that an understanding of the management arrangements for high density development would be relevant to be considered as part of planning applications to ensure that necessary access for servicing/deliveries and means by which maintenance can be conducted for example on tall buildings. However, we do not consider it necessary nor appropriate for affordability of running costs and service charges to be provided as part of a planning application; this is often not possible to quantify in detail at outline stage especially with mixed tenure schemes where the final designs and non-residential occupier mix, that will directly influence the costs for management, are unknown. We consider that explanatory text paragraph 3.6.8 should be amended to delete the words " *Management plans should provide details of the affordability of running costs and service charges (by different types of occupiers). Costed*…"

D8 Tall Buildings

We consider this Policy to be unsound and ineffective as currently drafted and amendments are required.

Schemes should be high quality in terms of the design and materiality. However, Crest Nicholson believe the word 'exemplary' in D8CC will generate a requirement overly onerous design quality and costly forms of construction which will result in unviable and deliverable developments. We believe the word 'exemplary' should simply be deleted

D 12 Agent for Change

We consider this Policy to be unsound and ineffective as currently drafted and amendments are required.

Whilst Crest Nicholson accept the principles set out here to ensure that co-location of mixed uses do not detrimentally impact on existing businesses, we believe it important that preferably the policy or otherwise the following explanatory text relevant to this policy, makes it clear that when assessing development proposals and establishing appropriate mitigation as envisaged by Part C of this policy, it is only the existing operational business/use that is required to be assessed and not potential changes of use that may be permitted through permitted development or within a particular use class. Furthermore, mitigation arising from intensification of existing use or increase in noise generated from that assessed in connection with the proposed residential development should not be the responsibility of the new residential development, but instead the noise activity user. This should be made clear.

Given the range of uses that potentially may be permitted via permitted development and within use classes, without any further consultation or assessment of impacts, it would be unreasonable to stymie or place a significant mitigation burden on incoming residential development to assess unknown and potential changes of use of existing noise-generating activities. The same is true of intensification or increase in noise output from the existing business. We believe the purpose of the agent for change principles is to provide some form of protection and certainty for existing businesses and their operation. Therefore, should the existing businesses elect to change in the ways we have identified above it is a choice they have made and as such they should bear the burden of the consequences of such changes as regard impacts on neighbouring noise sensitive uses.

Policy H1 Increasing Housing Supply

We consider this Policy to be unsound as currently drafted and amendments are required.

Policy H1 Part A

Crest Nicholson concurs with the HBF's detailed representation on OAHN and the housing target is unjustified.

Policy H1 Part B (1)

Crest Nicholson considers this is unjustified and inconsistent with national policy. We do not consider the Mayor can direct Boroughs not to prepare "part 1" local plans

Policy H1 Part D

Given our representations on other aspects of the Draft London Plan in particular the significant risk associated with under delivery and failure to address unmet need then Crest Nicholson considers that this policy should include provision for an immediate review in the event of any shortfall in whatever year of the plan or trajectories failing to demonstrate sufficient deliverable housing land supply to maintain delivery targets to 2029. Given the Draft London Plan will require consistent and immediate achievement of 65,000dpa to ensure targets are met over the ten year period, should there be a shortfall even in the early years there is no capacity to address making up the shortfall in later years. This is particularly relevant given the historic delivery performance in London that has

rarely achieve housing targets and completions needed to meet the Draft London Plan targets would need to see a significant increase in historic patterns.

Policy H6 Threshold Approach to Applications

We consider this Policy to be unsound as currently drafted and amendments are required.

Policy H6 Part B(2) and explanatory text paragraph 4.6.5

Crest Nicholson do not agree with Policy H6B and believe the evidence base and the justification for the threshold level of 50% affordable housing for public sector land needs to be set out more clearly and examined for soundness. Any policy position needs to have prospect of being achievable, but this has not been demonstrated. In respect of the threshold level of 35%, further justification for this level is also required. Crest Nicholson suggest the wording is amended to include the exception of very special circumstances.

Policy H6 Part B

Given the 35% forms part of a policy, Crest Nicholson considers that this percentage can only lawfully be be altered through a review and revision of Policy H6 itself rather than what is being proposed i.e. via SPD.

Policy H6 Part B (3)

Crest Nicholson objects to the 50 per cent threshold for "Strategic industrial Locations, Locally Significant Industrial Sites and other industrial sites deemed appropriate to release for other uses". When converting such sites to residential use there are often significant technical constraints and high associated construction/build costs such as remediation of contamination from previous industrial uses and additional noise/vibration attenuation required to allow residential and residual employment uses to sit alongside one another. Such costs may have a detrimental effect on viability as regards achieving the 50 per cent threshold. Given the Government's brownfield first agenda, the Mayor's desire to accommodate housing need within the London Plan area rather than export need to neighbouring authorities and other policy aspirations such as protection of the Green Belt, these industrial locations will have been released for alternative residential uses to address housing need. It would be counter-productive to impose unnecessarily high thresholds as compared to other non-public sector land as this may stymie development of such sites thereby resulting in such sites laying dormant so not delivering the market and affordable housing that the Mayor is keen to achieve. We consider the application of the 35% threshold and Part C criteria would be appropriate.

Policy H6 Part C (3)

To provide flexibility and to enable some discretion for the Boroughs, Crest Nicholson considers that Part C (3) should be re-drafted to allow the Boroughs to decide the overall policy package having regard to the overall viability of the scheme and other material considerations. We would propose the following change to Part C (3):

"meet other relevant policy requirements and obligations where feasible and viable to the satisfaction of the borough."

Policy H6 Part C (4) and Explanatory Text 4.6.9

Crest Nicholson object to the manner in which the threshold level of affordable housing is set then augmented by the additional criteria in Part C (4). The consequence of Part C(4) is that it requires applicants to have to seek confirmation of an offer for acquisition of units with grant from Registered Providers in advance of a planning application being submitted in order to secure a fast track application route. The Registered Providers may be able to use non-specific site grant that they have been awarded by Homes England but any grant offer will be subject to a time frame which the applicant may not be in control of; and further sometimes grants and indeed offers from Registered Providers are withdrawn. Therefore it would be unreasonable to require applicants to seek grant in order to qualify for the fast track route. Instead we suggest that if the Mayor wishes applicants to pursue grant funding opportunities that this requirement be incorporated into a new separate sub-policy that requires applicants during the determination of the application to seek opportunities to secure grant funding and evidence of such efforts and their results be supplied to the determining authority. Grant will not be available for affordable housing secured by way of s106, so it would be important to ensure that any additional affordable housing provided by way of grant be documented outside of the s106 instead via planning condition. This requires amendment to explanatory text paragraph 4.6.9.

Policy H6 Part E (2)

The Policy requires that those applicants who have to go down the Viability Tested Route are to commit to Early and Late stage reviews. The Government's guidance in the NPPG considers that reviews after planning permission has been granted should only be considered for multi-phased (usually large) schemes that will be built out gradually over a long period of time where values may well fluctuate significantly. As the NPPG advises at *Paragraph: 017 Reference ID: 10-017-20140306:*

"How should changes in values be treated in decision-taking?

Viability assessment in decision-taking should be based on current costs and values. Planning applications should be considered in today's circumstances.

However, where a scheme requires phased delivery over the medium and longer term, changes in the value of development and changes in costs of delivery may be considered. Forecasts, based on relevant market data, should be agreed between the applicant and local planning authority wherever possible."

It is not appropriate for the Mayor to expect all single phase developments to submit to an Early and Late Review; which would add delay and uncertainty and may impede sustained housing delivery.

Further it does not appear that any thought has been given as to how Policy H5 Part B and this part of Policy H6 interact. Policy H5 Part B states that contributions by way of cash in lieu of on site provision should only be provided in exceptional circumstances. Where a late review if undertaken pursuant to Policy H6 Part E (2)(b) it may not be practically possible to accommodate additional affordable housing on site. For example where dwellings are provided within tall buildings, the whole building will have been constructed and dwelling units formed (although perhaps not not all fitted out capable of occupation) by the time when the Late Stage review as proposed by the draft policy is triggered, so the size or location within the building of remaining dwellings may not be appropriate

for affordable dwellings. As such late stage viability reviews should factor in and permit contributions to be made in cash or off-site rather than on site.

We recommend that Part E 2) is amended to read that:

"Viability tested schemes will be subject to an Early and Late Stage Review where such schemes involve several distinct phases to be built out over several years. Single phase schemes will not be subject to Early or Late Stage Reviews. Where Late Stage Reviews identify that additional affordable housing is capable of being delivered then this may constitute exceptional circumstances for the purposes of Policy H5 Part B should it not be feasible or appropriate for any reason to accommodate such additional affordable housing on site."

Policy H6 explanatory text paragraph 4.6.11

We concur with the HBF's representation on this policy and text. The Mayor's direction in this paragraph that Existing Use Value Plus (EUV+) be the only presumed approach to determining benchmark land value (BLV) is unsound because it is inconsistent with national policy. The Mayor cannot insist that his favoured approach to determining BLV is followed and require all developers to conform to this. First it is unclear what amounts to an acceptable 'plus'. Second, the NPPF requires plan-makers to ensure viability which includes the need to *"provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable"*. This could involve using EUV+ as a way of assessing the viability of a scheme, but it might not and other viability models should not be discounted out of hand. Landowners need to be incentivized to release land for development and have their own minimum requirements to encourage them to do so. They and applicants may also have their own approaches to assessing viability. We note that the Harman viability guidance does not specify that EUV+ is the only route appropriate to assessing viability. See the discussion on page 29 of the Harman Report for example the note that:

"The precise figure that should be used as an appropriate premium above current use value should be determined locally. But it is important that there is evidence that it represents a sufficient premium to persuade landowners to sell."

London is a large geographic area with widely different land and development values. Establishing appropriate Benchmark Land Values is best left to the local planning authorities when preparing their Local Plans. It cannot be done on a pan-London basis.

The Mayor cannot and should not stipulate EUV+ as the basis for assessing scheme viability. The Mayor will have to adopt a more flexible approach. We recommend that paragraph 4.6.11 is deleted.

Policy H7 Affordable Housing Tenure

<u>We consider this Policy to be unsound as currently drafted and amendments are required.</u>

Whilst Crest Nicholson recognizes the preference that the Mayor has set out as regards tenure mix, we consider that the policy should be amended to recognise that where it would be possible to increase the quantum of affordable dwellings to be provided within a proposed development by adjusting the tenure from that stipulated that this will be acceptable. 70% Social Rent/London Affordable Rent is likely to be the requirement arising from the combination of Part A (1) and Part A (3). It is recognised by valuers and Boroughs that where viability is an issue for a scheme that this proportion of rental tenures will have an impact on the viability of the scheme and the quantum of affordable dwellings that will be capable of being offered. As such we believe it would be right to

positively reference the ability to vary this mix where viability could be improved by doing so, where less affordable dwellings than the thresholds in Policy H6 would otherwise be delivered.

Policy H9 Vacant Building Credit

We consider this Policy to be unsound and unjustified as currently drafted and amendments are required.

The vacant building credit (VBC) was introduced by the Government through its Written Ministerial Statement of 28 November 2014 and so is national planning policy. It is also covered in the Planning Policy Guidance. The VBC was one of the measures introduced by the Government to help support small developers, custom and self-builders by unlocking small scale development.

Policy H9 seeks to effectively dis-apply the VBC in a blanket fashion which is contrary to national policy and is unjustified. Crest Nicholson does not agree with the Mayor's interpretation of how a VBC could be justified and applied as set out in Part B which sets out four criteria all of which need to be satisfied. The national policy and guidance (Paragraph: 023 Reference ID: 23b-023) does not include the caveat set out in Part B(3) which should be deleted. Further Part B(1) should be amended to be consistent with national policy and guidance so it states "*the building has been abandoned at the time the application is submitted*". This is important as "not in use" can be interpreted differently to "abandoned" in law.

The claim that the VBC is unlikely to bring forward much additional development in London is unsubstantiated and the policy removes the ability for VBC to help contribute to delivery of brownfield development. VBC may help to improve viability of brownfield sites by reducing the scale of S106 obligations expected. In view of the emphasis in the London Plan on bringing forward small sites the Mayor's case for removing the VBC is unjustified.

We consider that the application of the national planning policy on the VBC is a matter that it is more proper for the London LPAs to assess as part of the production of Part 1 Local Plans. Part A of the policy should be re-drafted to read:

"*A ~~The Vacant Building Credit is unlikely to bring forward additional development in London, therefore in most circumstances, its application will not be appropriate in London~~. The London LPAs should have regard to the national planning policy on the Vacant Building Credit when preparing their Local Plans. Subject to evidence, it may be appropriate to limit the application of the credit to circumstances where the criteria in Part B of this policy apply."*

The rest of the text of Part A should be deleted.

Policy H12 Housing Size Mix

We consider this Policy could be more effective than as currently drafted and amendments should be made.

Crest Nicholson are supportive of the requirement to maintain flexibility and allow circumstances at the time of applications to determine what will be the right mix for a development. We agree with the wording in Part C and would welcome the Mayor ensuring that Boroughs do not continue to impose a prescriptive dwelling mix either informally or more formally via local policy or guidance documents.

Policy H15 Specialist Older person Housing

We consider this Policy to be unsound as currently drafted and amendments are required.

Crest Nicholson notes that Part B and Part C both refer to "specialist older person housing" and "sheltered accommodation and extra care housing" as being within use class C3. We consider it is incorrect to unilaterally attribute this use class to these types of housing and this is contrary to recent appeal decisions. In many recent appeal decisions inspectors have found that such uses are C2 uses classes. What is particularly important to note from the appeal decisions is that inspectors consider that determining whether such uses fall within C2 or C3 is a matter of fact and degree and is a case by case assessment. We would refer you to the recent inquiry decision APP/U1105/W/17/3177340 for a proposed extra care scheme for 113 units in Sidmouth, Devon where the Inspector's assessment references the need for individual case by case assessment. To impose a blanket designation is unhelpful, sets a precedent that is not reflective of factual differences between schemes and does not reflect the national appeals many of which indicate this blanket designation as C3 is indeed incorrect. We would suggest these Parts be amended to either delete the blanket designation of use class or to reference the fact that the uses can be considered C2 or C3 and that individual circumstances will be considered to determine which uses class a development will be classified as.

Policy S4 Play and Informal Recreation Part B

We consider this Policy to be unsound as currently drafted and amendments are required.

Whilst Crest Nicholson agrees that it is important to make suitable provision for play and informal recreation there are times when it is not physically possible or appropriate to make provision on site (which is what Part B (2) envisages by the use of the word "incorporate") or the Borough may prefer to enhance the provision of an existing local facility rather than create a new facility, something that can also be beneficial in maintenance terms. Whilst the explanatory text paragraphs 5.4.5 and 5.4.6 acknowledge off site provision may be appropriate this is not documented in the policy wording itself.

We suggest Part B(2) be amended to read as follows:

"*A. Development proposals for schemes that are likely to be used by children and young people should:*

1. increase opportunities for play and informal recreation and enable children and young people to be independently mobile

2. for residential developments, incorporate good-quality, accessible play provision for all ages, of at least 10 square metres per child, where possible and necessary, that:

a. provides a stimulating environment

b. can be accessed safely from the street by children and young people independently

c. forms an integral part of the surrounding neighbourhood

b. incorporates trees and/or other forms of greenery

6. where on-site provision of play and informal recreation would otherwise have been necessary then where considered appropriate and in agreement with the relevant London borough off site provision of play and informal recreation will be acceptable as an alternative to such on-site provision".

Policy E3 Affordable Workspace

We consider this Policy to be unsound and unjustified as currently drafted and amendments are required.

Policy E3 Part C

We concur with the HBF's representation that Part C should be re-worded to allow the Boroughs through their Local Plans to decide whether it is appropriate to develop more detailed affordable workspace polices. The recommended re-drafted to Part C is set out below:

"*Boroughs, in their ~~Development Plans~~ Local Plans, are encouraged to consider more detailed affordable workspace policies in the light of local evidence of need and viability and other material considerations such as the need to support housing delivery, including the need to improve the supply of affordable homes."*

Policy E3 Part F

Care is needed when proposing such a policy as the current approach by many boroughs is overly prescriptive and restrictive as regards quantum of space and rent arrangements which can prevent affordable workspace being rented out to certain businesses who are seeking such workspace.

Part F of this policy is unnecessarily draconian and practically may not be possible in many developments. The wording requires the affordable workspace to be "operational" before occupation of residential elements of the development. Operational can be interpreted as follows which in each case causes the implications described below:

- implies the workspace is being used- this would require new tenants/occupiers for the workspace to be identified and working from the workspace which is unreasonable as the developer will have no control over when and if a suitable tenant will come forward. Instead, all that should be required is that the workspace is being marketed.
- implies the workspace is fully fitted out- it would be unreasonable for the workspace to be fitted out as many tenants will wish to undertake this type of work themselves depending on their desire to use the space. Indeed it would not encourage flexible workspaces to be created by developers to have the fit out tied to a particular style/layout.

Crest Nicholson consider this Part F should be deleted or at the very least the term "operational" should be replaced so that Part F reads as follows:

"*The affordable workspace elements of a mixed use scheme should be marketing prior to residential elements being occupied."*

The policy itself does not need to set out specific timeframes for the affordable workspace to be constructed as regards linkage to the residential elements. Different development proposals may require different construction programmes; sometimes workspace will be located within the same building as residential elements but this is not always the case and the draft policy does not allow

for different approaches to layout and construction so is overly restrictive. This is something that can be left to the relevant Boroughs to consider if it is suitable or necessary, so we do not consider there is a need for the policy or explanatory text to address such linkages and restrictions.

Policy E5 SIL

We consider this Policy to be unsound as currently drafted and amendments are required.

Whilst Crest Nicholson recognises the importance of maintaining SIL and LSIS Policy E5D should be adjusted to make it clear that where residential uses can be introduced into these area without adverse effect on the operation of the industrial uses that this may be permitted. There are many examples of industrial uses and residential uses sitting side by side and indeed vertically stacked within one building where the uses can successfully co-locate for example Kings Cross has a Travis Perkins trade counter located below residential units. The policy as drafted does not allow for this type of proposal to be brought forward and assessed by local planning authorities. We suggest the policy be amended so that in E5D the first sentence allow two exceptions, the first as drafted in the policy and the second to read along the following lines:

" *or where the relevant borough is satisfied that introduction of a non-industrial use into a part of a SIL will comply with the requirements of Policy E5E*."

Policy E6 LSIS

We consider this Policy to be unsound as currently drafted and amendments are required.

Whilst Crest Nicholson recognises the importance of maintaining SIL and LSIS Policy E6 should be adjusted to make it clear that where residential uses can be introduced into these area without adverse effect on the operation of the industrial uses that this may be permitted. There are many examples of industrial uses and residential uses sitting side by side and indeed vertically stacked within one building where the uses can successfully co-locate for example Kings Cross has a Travis Perkins trade counter located below residential units. The policy as drafted does not allow for this type of proposal to be brought forward and assessed by local planning authorities. We suggest the policy be amended so that in E6 so that amendment to A and a new B are introduced to read along the following lines:

"*New Part A 3): identify where non-industrial uses (being those other than set out in Part A 2) above) will be considered (in accordance with Policy E7 Part C below) subject to compliance with the principles set out in Part B below."*

"New Part B: Where the relevant borough is satisfied that introduction of a non-industrial use into a part of a LSIS will comply with the requirements of this Part B and Agent for Change principles (Policy D12 Agent for Change) then development proposals for such uses within a LSIS should not be refused. Proposals should not compromise the effectiveness of the LSIS in accommodating industrial type activities and such development proposals should be designed to ensure that industrial activities are not curtailed; particular attention should be given to layouts, access, orientation, servicing, public realm, air quality, soundproofing and other design mitigation in the non-industrial use"

Policy E11 Skills and Opportunities for All

We consider this Policy to be unsound and unrealistic as currently drafted and amendments are required.

Crest Nicholson are fully supportive of the need to ensure that skills development including apprenticeships and other training opportunities are brought forward. This is something Crest Nicholson is actively engaged in outside of the framework provided by planning policy. We also consider that completion of apprenticeships and training is important to ensure skills are secured and a new workforce is trained. We note the points made in explanatory text para 6.11.3 and agree that planning can place unnecessary and unintended restrictions. We do not consider that Policy E11 Part B addresses this concern and without direction London Boroughs may well impose unrealistic requirements based on the explanatory text. The text should be clear that Boroughs should await publication of additional guidance (as alluded to in paragraph 6.11.4) on how to deal with the concerns raised rather than seek to impose planning obligations or conditions on new development that may have unintended consequences and implications.

We also note the content of paragraph 6.11.4 -we consider a London wide approach should be taken in relation to this matter. Whilst we understand it is intended that the points made in paragraphs 6.11.3 and 6.11.4 will be investigated further, it would be possible to permit to draft policy to allow a developer to discharge one Borough's apprenticeship requirements if that developer was already meeting similar requirements imposed in connection with another development where the earlier development would be completed during the period that the new development would be operational. As such apprentices etc requirements from the first scheme would roll over to the new scheme until those apprenticeships had been completed.

Policy G2 London's Green Belt

We consider this Policy to be unsound as currently drafted and amendments are required.

It is clear in the Draft London Plan the extent of the Housing Crisis the city faces. With 65,000 new homes planned each year for the next ten year period up to 2029 (as set out in Policy H1) the challenge of ensuring that supply keeps pace with demand is evident. Whilst Crest Nicholson would not disagree that, where possible and viable, redevelopment of brownfield land should be encouraged this should not be seen as a panacea to the housing crisis. It is logical and demonstrates sustainable planning and living to promote development with good transport links. Yet the Draft London Plan's approach in Policy G2 to development in the Green Belt is not consistent with national policy (NPPF) nor with its own policies that support brownfield development (even when that is located within the Green Belt) and sustainable development around transport hubs and with good transport links. The NPPF (paragraph 87) allows for inappropriate development to be approved in "very special circumstances" something that the Draft London Plan does not recognise nor allow for. As a minimum Policy G2 should be amended to read as set out later in this representation.

Should Policy G2 not recognise circumstances whereby in order to enhance the Green Belt and to provide use and access to the land then some development could be allowed? For example, Green Belt land that is in private ownership may provide no general recreational access or enjoyment to Londoners. This same Green Belt land may also offer little or no biodiversity contribution or flood prevention and the only reason stopping the land being brought forward for development is its designation. It may also be the case that Green Belt land contains pollutants or hazards which not only detracts visually on the wider landscape but also create a health and safety risk.

In many areas of land Green Belt designations either serve no or limited purposes any longer and so it would be appropriate for London Boroughs to be encouraged to undertake Green Belt reviews. As a result those areas of Green Belt that no longer serve any or only limited Green Belt purposes, as required by the NPPF, will be identified and London Boroughs can determine if they consider that exceptional circumstances exist, such as a lack of housing supply, that might warrant release of the under-performing Green Belt. Likewise this will enable the London Boroughs to robustly defend the remaining designations and consider if new Green Belt should be designated. The Mayor should be proactive and encourage a London wide Green Belt review which would truly enable the Mayor and the Boroughs to establish whether areas of Green Belt should remain designated as such or instead should be released; further it would enable the Mayor and Boroughs to determine if new Green Belt should be designated; and lastly crucially it will enable the Mayor to understand the capacity of London to genuinely cater for its own housing need or whether additional supply will be needed from neighbouring authorities surrounding London.

Policy G3 Part C recognises that Metropolitan Open Land boundaries can be altered via the Local Plan process, which is consistent with the NPPF and we would advocate permitting Green Belt boundaries to be altered via Local Plan reviews and following completion of Green Belt reviews, so Policies G2 and G3 are consistent with one another. This does not guarantee boundaries will be amended only that there is scope to amend allowing flexibility of approach during the currency of the Draft London Plan. Policy G2 Part B should be deleted as a minimum as it is inconsistent with the NPPF paragraphs 83, 84 and 85 and instead should be replaced with wording consistent with Policy G3 Part C.

Explanatory text paragraph 8.2.1 makes reference to “beneficial functions” of the London Green Belt, yet in national policy terms and evolve case law none of the examples listed in the paragraph are valid reasons to justify designation or retention of Green Belt. Likewise whilst paragraph 8.2.2 suggests the Mayor will seek to improve quality and enhance access to derelict Green Belt sites the Mayor will no doubt be aware that where such sites are in private ownership there is very little that can be done to force access and improvements referenced in this explanatory text. As proposed below there are proactive and reasonable steps that could be taken to achieve the Mayor’s aims but maintaining the Green Belt as completely sacrosanct in all circumstances will not achieve this.

It could be the case that even allowing limited development on the Green Belt would enable, as part of development proposals, land to be identified as open space and be brought into public ownership with opportunity for the wider population to access and enjoy important green areas. Sites that would previously have been private, Green Belt land that may have been under- performing in Green Belt terms and providing little ecological or recreational benefit instead could accommodate the creation of unique and rich ecological environments including new habitat as well as the provision of recreational uses. For example sites could accommodate community orchards; with management in place the right vegetation could be planted to improve air quality and valuable habitat protected; wild flower meadows could be planted which would encourage the insects and butterflies back into our city.

It could be the case that if a Green Belt site was to be brought forward for development a significant proportion of it (which could be set out in policy or be at the discretion of the London borough allowing viability to be taken into account) could be required to make a positive environmental improvement which more than mitigates the impact of the development. For example if a 10 acre site was to be proposed for development no more than 4-6 acres (40-60%) could be built on. The balance of the site must be opened to the public with a stringent ecological improvement test which creates a

sustainable and improved biodiversity. The land being brought forward for development must contain 50% affordable housing and these houses must meet the necessary green credentials and energy efficiency.

In contemplation of what is set out above it is our representation that Policy G2 of the London Plan could be amended as follows (set out in red):-

"A The Green belt should be protect from inappropriate development save where very special circumstances exist that warrant approval of development proposals otherwise:

1) development proposals that would harm the Green Belt should be refused

2) limited development proposals that are sustainably located, would improve the biodiversity of the land proposed for development and would offer public access to parts of the land proposed for development which would not otherwise be enjoyed by the public, will be considered as providing very special circumstances to warrant approval of such development proposals subject to meeting affordable housing thresholds and conforming with other relevant policies in this Plan

3) the enhancement of the Green Belt to provide appropriate multi-functional uses for Londoners should be supported."

The London Plan needs to recognise that it is not just the amount of green space that is important but it is the quality. The London plan states that it is the Mayor's long-term target to make "more than 50 per cent of London green by 2050" however there is little for Londoners to gain if that 50 per cent is 'fenced off' to be enjoyed by the few and not the many.

The amendments proposed above in relation of Policy G2 of the Draft London Plan would also be relevant in contemplation of Policy G4(B). In areas of a deficiency in public open space, limited development on the Green Belt could be used as a catalyst to facilitate community access and use. These areas of Green Belt development could be identified in consultation with the Local Boroughs.

In conclusion, as the population of London grows land will become an increasingly scarce resource and the efficient use of this land will become ever more important. Whilst protection of the Green Belt may appear commendable policy, if this policy fetters the ability to bring forward sensitively designed, environmentally friendly and desperately needed housing is it doing more harm than good. If this policy is preventing the improvement of biodiversity, preventing the enjoyment and access of our open spaces we will be in danger of becoming the victim of good intention. Development offers an opportunity to make changes, planning offers the opportunity to regenerate and create beautiful places and environments. There is no reason why human habitats should not be integrated into the natural environment creating desirable places for all species to enjoy; this is the fundamental challenge the planning system now faces and how we respond to this challenge will define our future. Blanket policy that restricts development on the Green Belt where there could be an opportunity to use development as a mechanism to facilitate environmental improvement should be avoided. The emphasis should be on the quality not quantity of our green space and if development is a means of facilitating improvement of biodiversity or community access surely this should be embraced.

We also concur with, but do not set out in detail here, the representations made by the HBF in relation to Policy G2.

Policy G3 Metropolitan Open Land

We consider this Policy to be unsound as currently drafted and amendments are required.

We also concur with, but do not set out in detail here, the representations made by the HBF in relation to Policy G3 but that seek the following amendments to this Policy:

"B The extension of MOL designations should be supported where appropriate undertaken through the Local Plan process."

"D Boroughs should designate MOL through the Local Plan process by…"

Policy G4 Local Green and Open Space

We consider this Policy to be unsound as currently drafted and amendments are required to be effective.

Crest Nicholson largely supports this policy but consider that Part A and Part D are inconsistent with one another as currently drafted. We consider that Part A should be amended as follows:

" Local green and open spaces should be protected in areas of deficiency. Otherwise the provisions of Part D shall apply."

Crest Nicholson's representation on Policy G2 contains proposals that would assist in the Mayor achieving the aims of Policy G4 and so should be referenced and considered as part of our representation on Policy G4.

Policy G7 Trees and Woodland

We consider this Policy to be unsound ineffective and inconsistent as currently drafted and amendments are required.

Policy G7 Part A

Crest Nicholson considers that Part A should be amended to reflect the fact that it should be existing "quality" trees that should be protected i.e. those referenced in footnote 108 to the Draft London Plan. It is not appropriate to impose a blanket level of protection to all trees and woodland, despite the Mayor's stated intention set out in explanatory text to increase tree cover by 10% by 2050. Some trees and woodland may need to be lost to make way for the development of new homes that the Mayor specifies in other policies. Further, those trees and woodland areas that warrant protection should be the subject of tree preservation orders thereby placing them under statutory protection.

Policy G7 Part C

Crest Nicholson understands that Part C is concerned with protecting "quality trees". As such to ensure clarity the second sentence of Part C should be amended to read as follows:

" *If it is imperative that quality trees have to be removed, there should be adequate replacement based on the existing value of the benefits of the quality trees removed, determined by, for example, i-tree or CAVAT*."

Policy SI2 Minimising greenhouse gas emissions

We consider this Policy to be unsound as currently drafted and amendments are required.

In addition to those representations set out below we also concur with, but do not set out in detail here, the representations made by the HBF in relation to Policy SI2.

Policy SI2 Part A

Crest Nicholson are concerned that the Mayor is seeking to apply zero carbon targets after the Government's move away from imposing such targets as evidenced by the withdrawal of Code for Sustainable Homes. We do not expect great improvements in the coming changes to Part L of the Building Regulations. To move major developments to zero carbon from the date the new London Plan is adopted is unreasonable and impracticable Current building technologies are some way from achieving zero carbon on large scale development and to seek this will significantly impact on the ability for development to be brought forward viably or at all.

Part A is ill conceived as it does not allow for where the development of relevant technologies currently stands; there are no new technologies coming to the market; conventional boiler efficiencies have reached their performance ceiling; district heating for housing sites is very expensive for the occupants; efficiencies of renewable technologies are not improving to an encouraging degree; fabric enhancements suffered a setback because of the combustibility and fire spread risks of highly preforming insulants; solar gains must be balanced with overheating risks; protecting occupants from exposure to pollution means air filtration (mechanical ventilation with heat recovery / comfort cooling) which all requiring energy; fabric enhancements must be considered alongside risks associated with single sided focus; continuous fabric efficiency requires investment in research for new materials or incentives to bring smart materials to the wider market- all of which demonstrates that imposing a zero carbon target is unsound as it is unlikely to be achievable in many cases and threatens the delivery targets in Policy H1 and one of the Draft London Plan's overall objectives of increasing affordable housing provision.

Manufacturers' priority is not product innovation at times when the demand is much higher for the supply of more conventional products. Clearly, to ensure delivery targets across the country we need our manufacturers to remain focused on output of materials needed to construct new homes so diverting their resource into innovation of new technologies will impede this. The scale of the London market is not big enough to put pressure for innovation.

Policy SI2 Part C and explanatory text paragraphs 9.2.5 and 9.2.6

Crest Nicholson are proud of our energy efficient construction methods and we are continuing improving upon on construction methods and materials used. We acknowledge that the energy hierarchy should be the aspiration but the Policy and explanatory text does not include sufficient flexibility to cater for differing factual and technical circumstances that together would impede the ability to achieve the targets specified by way of construction methods and materials. We do not consider it would be productive to only require (as the draft policy appears to do) energy efficiency measures that solely relate to fabric measures. A combination of construction methods, materials and use of renewable technologies should be permitted to contribute towards the 10% and 15% targets referred to in Part C. This is especially important for developments which involve conversion of existing buildings, particularly those which are constrained for heritage or other reasons. We consider the policy and explanatory text should be amended to make it explicitly clear that a

combination of the energy hierarchy categories would be an acceptable approach to achieving the targets and allowance for this target to be relaxed for conversion of existing buildings.

Policy SI3 Energy Infrastructure

We consider this Policy to be unsound as currently drafted and amendments are required.

Policy SI3 Part D

Crest Nicholson is concerned that a blanket approach to communal heating systems does not recognise that lower density schemes (which despite a desire to increase density as set out in the Draft London Plan will still be appropriate in some parts of London) generally will struggle in viability terms to accommodate the communal heating systems proposed by Part D. Further, the Draft London Plan does not take into consideration the running costs for occupiers; district heating generally commands a high charge to customers in housing developments, especially those in low rise developments.

As with comments on other policies, viability needs to be recognised as it may be that instead of pursuing a costly communal heating system it may be preferable for a Borough and applicant to instead increase affordable housing provision. As such flexibility should be built into Part D and we suggest it is reworded as follows:

""D Major development proposals within Heat Network Priority Areas are encouraged to consider providing a communal heating system where this is practical and viable, and having regard to the long-term maintenance costs for residents.

1) The heat source for the communal heating system should take into account the following:

Policy SI6 Digital Connectivity Infrastructure

We consider this Policy to be unsound as currently drafted and amendments are required.

Crest Nicholson are unclear how the Mayor anticipates that greater connectivity that is set out in Part R1 of the Building Regulations should be achieved (as referenced in Part A (1)). We note paragraph 9.6.4 of the explanatory text. We suggest that given the variations in technical constraints and yet the continuous evolution of technologies that perhaps Part A(1) should be amended to state:

"(1) where practicable and viable achieve greater digital connectivity than set out in Part R1 of the Building Regulations"

Policy T1: Strategic approach to transport

We consider this Policy to be unsound as currently drafted and amendments are required.

We concur with, but do not set out in detail here, the representations made by the HBF in relation to Policy T1.

Policy T4: Assessing and mitigating transport impacts

We consider this Policy to be unsound as currently drafted and amendments are required.

We concur with, but do not set out in detail here, the representations made by the HBF in relation to Policy T4.

Policy T6 Car Parking

We consider this Policy to be unsound as currently drafted and amendments are required.

We concur with, but do not set out in detail here, the representations made by the HBF in relation to Policy T6 but that seek the following amendments to this Policy:

"C The local planning authority should have regard to the ~~maximum~~ car parking standards set out in Policy T6.1…"

Policy T6.1 Residential Parking

We consider this Policy to be unsound as currently drafted and amendments are required.

Policy T6.1 Part A

For the reasons set out in relation to Policy T6, this Policy T6.1 Part A should be amended to read as follows:

"A When preparing Local Plans, local planning authorities should have regard to the ~~maximum~~ parking standards set out in Table 10.3…".

Policy T6.1 Part C

Whilst Crest Nicholson appreciates the desire to accommodate charging provision for electric vehicles within new developments, we are concerned that all residential spaces have to provide for electric or ultra-low emission vehicles. We question if this realistic and if consideration has been given to the consequences on the load demand on the electricity network. Further, we are of the view that this will ultimately impact on viability of the scheme. We consider it premature to introduce such a policy without thorough investigation of the implications and so propose that Part C be deleted.

Policy T9 Funding Transport Infrastructure Through Planning

We consider this Policy to be unsound as currently drafted and amendments are required.

Crest Nicholson are concerned that reference to MCIL2 in Part A prejudges the outcome of the consultation and independent testing of the proposals for MCIL2. We consider this Part of the policy to be unsound and inappropriate for this reason and suggest that it is deleted or amended to recognise that MCIL2 has not been tested and is not in force.

Policy DF1 Delivery of the Plan and Planning Obligations and Explanatory Text paragraphs 11.1.63, 11.1.64 and 11.1.65

We consider this Policy to be unsound as currently drafted and amendments are required.

We concur with the HBF's representations and proposed re-wording to Part A to read as follows to ensure the necessary flexibility is provided to Boroughs to achieve the aims that are prioritized by the Draft London Plan including affordable housing.

Part A should be re-worded to read:

"Applicants should take account of Development Plan policies when developing proposals and acquiring land. While the priority for planning obligations is affordable housing and contributions to necessary public transport improvements, Boroughs will need to be flexible in the pursuit to other policy objectives and have careful regard to the viability of schemes and to ensure that housing targets are achieved."

Paragraphs 11.1.63, 11.1.64 and 11.1.65 all refer to the Mayors desire to share land value uplift. We consider it in appropriate for the Draft London Plan to include reference to land value uplift given London already benefits from the imposition of Mayoral CIL, locally imposed CIL and section 106 funding contributions.

Yours faithfully

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