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2 March 2018

I am writing to make the Government's formal representation on your draft London Plan, which you published for consultation at the end of November 2017.

Helping to deliver more homes where they are needed is one of the Government's priorities. London remains the most unaffordable place in the country. As you highlight, London's population is projected to grow considerably over the coming decades. Unless we see a step change in the supply of homes across London, living and working in the capital will become increasingly out of reach for ordinary people. A lack of sufficient homes also risks stifling productivity and the potential for growth and regeneration. We need to be building the homes that people need now, and to have in place an effective strategy for keeping up with future demand.

It is vital that your new London Plan provides the strategic framework to help deliver the homes that London needs. As it stands, I am concerned that the current draft will not do so and will not achieve the step change in housing delivery that London so clearly needs. Government is committed to a plan led system – but we are clear that plans must start with an honest assessment of need. I am concerned that the assessment of housing need you have used for the purposes of your draft Plan does not reflect the full extent of housing need across the capital to tackle affordability.

As you know, the Government is proposing to introduce a new way of assessing housing need, following consultation last year. Planning authorities and communities need to properly understand how many homes they need to build in their area. The local housing need methodology is intended to create a clear and transparent system that will set out the minimum number of homes that plans should deliver. This will help ensure

there is consistency across the country as local areas work to deliver the homes that communities need. I am clear that this should include London.

I am equally clear that any plan alone will not deliver new homes or improve the communities in which people live. Delivery will require strong and proactive leadership, and for you to take responsibility for creating the conditions that will see necessary development come forward. In that context, we have heard concerns that the detail and complexity of the policies within the draft have the potential to limit accessibility to the planning system. This would, of course, be a significant issue for many of the small to medium sized developers that you are depending on to deliver the step change in housing supply that London so clearly needs. I would urge you to listen to representations on this point.

We have also seen concerns expressed by local authorities in London and other commentators that your draft Plan strays considerably beyond providing a strategic framework. London will only deliver the homes that people need with strong collaboration, focussed on delivery. I am concerned that your Plan does not go far enough in explaining how you will achieve this – both in terms of collaboration between boroughs, and considering the impact London has on its neighbouring areas. I want to be assured that you are taking steps to put arrangements in place that will achieve this.

Finally, as you concede in the your introduction to the draft Plan, there are areas in which the policies you set out are inconsistent with particular aspects of national policy, including that set out in the National Planning Policy Framework – for example, your policy on development in back gardens. We will very shortly be consulting on a revised National Planning Policy Framework. This will ensure that councils can continue to protect valued areas of open space and the character of residential neighbourhoods, and stop unwanted garden grabbing. I would expect any review of the policies within your Plan to ensure that they are in line with the national approach on this and other aspects of policy, once the Framework is published.

In the attached, I set out some further comments on the overall approach set out in your draft Plan. I have also asked my officials to provide your officers with details of specific areas of your draft Plan on which we have comments or concerns, or where we would welcome further clarity. As we continue to consider the full detail of the draft document, there may be other areas on which we have further technical questions or comment. Where this is the case, my officials will seek discussion with your officers and can make further representations available if necessary.

Clearly, the process for developing the new London Plan will continue until you submit it for my approval late next year. I look forward to further discussion on your proposals for delivering the housing London so desperately needs in a planned and sustainable way. I will also be interested in other representations that are made in relation to this

draft Plan. It is clear to me that you will only begin to achieve the necessary step change in housing delivery by putting in place a clear and effective strategic framework, and developing strong and tangible plans to work with colleagues and partners across London and its neighbouring areas to deliver. As indicated, I am not convinced that your draft Plan in its current form has the potential to do so.



**THE RT HON SAJID JAVID MP**

## Draft London Plan: Further comments

- In addressing London's need, we would like greater assurance that your Plan will use land within London as efficiently as possible, including the proposed balance of land use. From the limited data and information that you have made available, it is unclear what exactly your approach to both land capacity is and the intensity in which that land will be used.
- As you concede in the your introduction to the draft Plan, there are areas in which the policies you set out are inconsistent with particular aspects of national policy, including that set out in the National Planning Policy Framework – for example, your policy on development in back gardens. You will be aware section 41(4) of the Greater London Authority Act 1999 ('the GLA Act 1999') requires you to have regard to the need to ensure that the Plan is consistent with national policies when preparing or revising the Plan. In particular, we would not support an approach that restricts land availability over and above national policy. We will very shortly be consulting on a revised National Planning Policy Framework. We would expect any review of the policies within your Plan to ensure that they are in line with the new national approach, once the Framework is published.
- In addition, your draft Plan should be in line with other national government policies. There are clear areas where this is not currently the case, for example, your proposed approach on shale gas extraction. As you are also aware, the Government is currently in the process of considering responses received to recent consultations on a draft Airports National Policy Statement (NPS), which set out the Government's preferred location and scheme to deliver new airport capacity via a new Northwest Runway at Heathrow Airport. You will wish to consider the potential impact of this development on the draft Plan, in the event that any NPS is designated and a new runway is taken forward
- As you highlight in the opening sections of your draft, section 334(5) of the GLA Act 1999 Act provides that the London Plan must only deal with matters of strategic importance to London. We have seen concerns expressed by local authorities in London and other commentators that your draft Plan strays considerably beyond providing a strategic framework. We also think you need to consider carefully how the detailed policies within your draft could impact on the extent to which the Plan can be easily used as part of the planning process. In addition, we would like to be assured that your policies on estate regeneration would not overly constrain or limit the opportunities for regeneration.
- Your Plan includes a number of detailed policies, for example of building design. Whilst these may be potentially reasonable in their own terms, cumulatively we are concerned that they could add up to a substantial regulatory challenge for the industry that will prevent the homes we all need coming forward. We have heard

concerns that the detail and complexity of the policies within the draft have the potential to limit accessibility to the planning system. This would, of course, be a significant issue for many of the small to medium sized developers that you are depending on to deliver the step change in housing supply that London so clearly needs. We would urge you to listen to representations on this point, and would be interested in your assessment of the cumulative regulatory impact on the market.

- We welcome the focus in the draft London Plan on integrating housing and transport plans to create homes which allow access to public and active travel options. This approach is consistent with what Government outlined in its Transport Investment Strategy in terms of maximising the impact of transport infrastructure to support housing and economic growth.
- At this time, we are unable to comment on some of the specific proposals in the Plan, particularly in relation to rail schemes. Development of the rail network will take account of a number of factors including capacity requirements, funding and general Government policy. However we are content to continue working with the GLA and others on the technical aspects of this plan as it is developed.
- The Government will shortly publish the Rail Network Enhancements Pipeline. This will set out the new approach to rail enhancements, creating a rolling programme of investment focused on outcomes rather than inputs. This document will provide detail on the framework for how investment decisions will be made for rail enhancements in the future.
- The Government agrees that Crossrail 2 has the potential to reduce crowding and unlock homes and jobs, and that there is no doubt London needs new infrastructure to support its growth. The Government, as a joint sponsor of the project, will continue to work with TfL on affordability and deliverability of the scheme. The Independent Affordability Review currently being undertaken will look to ensure Crossrail 2 proposals are sustainable and fair to both London and the rest of the country.
- In several areas, the policies in your draft Plan seek to deal with matters relating to building standards and safety. Clearly, it is vital that people can be sure that the homes they live in are safe. In that context, we understand why you have proposed a new policy on fire safety in particular. As you know, the Government is taking an urgent look at building regulations and fire safety. That work will of course be informed by the findings of the Hackitt Review, which is due to report in the spring. Ahead of that, it would be premature to develop specific policies on building safety. It is important that there is a consistent approach to setting building safety standards through the framework of Building Regulations.

- The current draft Plan includes a policy that would impose additional standards on developers in relation to the sustainability of buildings. The Clean Growth Strategy sets out the Government's plans for consulting on energy performance standards in Building Regulations later this year. Local authorities can play an important role in improving the energy performance of buildings, in line with the ambitions of the Clean Growth Strategy, and this will be considered further as the Government develops its consultation proposals. At this stage, however, the policy set out in the Coalition Government's statement of March 2015 still applies. We would be grateful for officials to work together on how national policy and policy in the London Plan can best align.
- It is important that the policies within your Plan achieve a good balance between supporting the delivery of affordable housing, and encouraging the quick release of land and development in order to deliver new homes and local growth. In this context, we would like to understand further the evidence that has underpinned your choice of thresholds for affordable housing provision on developments on public and industrial land. It would be useful to see any specific assessment you have made on whether this could impact on the viability of development on this type of land.
- London faces specific challenges on the number of available sites for new schools. We have some concern that your draft Plan, in restricting development opportunities beyond national policy, would not help tackle this. We would ask you to consider whether there are further flexibilities that could be introduced in London to facilitate delivering new schools in specific circumstances.
- You will want to consider how your London Plan supports the use of developer contributions for new or expanded facilities needed across wider public services as a result of population growth.
- We welcome the references in the draft plan to ensuring a safe and secure environment in London, so that there is resilience to emergencies, including terrorist attack. The current terrorist threat level is SEVERE, meaning an attack is highly likely. The five terrorist attacks, which occurred in London and Manchester in 2017, resulted in 36 fatalities. Since March 2017, the Security Service and the police have thwarted ten terrorist plots in Great Britain. It is vital that all authorities with responsibility for safety and security challenge their existing strategies and plans to deal with terrorist threats. In particular it is integral that development proposals, both those undertaken by local authorities and those developed by others that are considered through the planning process, incorporate measures that are appropriate and proportionate to the threat of an attack and the likely consequences of one.

**MHCLG Technical Issues Note on draft London Plan – to be read alongside the letter from the Secretary of State to the Mayor dated 2<sup>nd</sup> March 2018**

London Plan reference	Comments
<b>Policies GG1-6</b>	<p>The Secretary of State’s Letter in response to the draft London Plan consultation refers to the detail and complexity of policy throughout the document.</p> <p>The Mayor should consider carefully how the policies at GG1-6 could impact on the extent to which the Plan can be easily used as part of the planning process.</p>
<b>Policy GG4, H5, H6 Affordable housing.</b>	<p>The Annex to the Secretary of State’s Letter in response to the draft London Plan consultation refers to wanting to understand further the evidence that has underpinned the Mayor’s choice of thresholds for affordable housing provision on developments on public and industrial land.</p> <p>We have heard some concerns that there could be additional costs of development for housing sites on former industrial land, especially where the industrial floorspace is being retained. This could make a 50% affordable housing level difficult to achieve. We would be interested to see any specific assessment you have made on whether this could impact on the viability of development on this type of land.</p>
<b>Para 2.1.23 Kingston Opportunity Area</b>	<p>The Mayor should ensure that where areas of new development are proposed, conservation and enhancement of the historic environment has been considered in line with national policy. Although this point applies generally, there is a particular concentration of historic environment features in and around Kingston.</p>
<b>Policy SD1 Opportunity Areas</b>	<p>At point <b>B4</b> the Mayor should ensure that whilst larger areas can define their own character and density, that this provision also ensures appropriate consideration for valued existing assets or character</p>
<b>SD8 Town Centre Development principles</b>	<p>The NPPF includes clear policies in relation to Town Centre uses, including at para 24 a sequential test. Part <b>A2</b> of the policy is unclear and appears to go beyond that sequential test by using wording that is more restrictive “firmly resist”.</p>
<b>SD9 Town Centres: local partnerships</b>	<p>We would welcome further assurance on the deliverability of the proposed requirement that each town centre has a Town Centre Strategy. We would be interested to hear the views of LPAs on this policy, particularly on whether similar aims could be achieved through promoting good practice, and left to the discretion of</p>

	LPAs to determine if and where Town Centre Strategies are needed.
<b>Policy H2 Small Sites</b>	<p>The Secretary of State’s Letter in response to the draft London Plan consultation refers to inconsistencies with national policy, including the NPPF.</p> <p><b>Policy H2 D2(d)</b> allows for infill development within the curtilage of a house. The Mayor should consider whether the wording of this policy is consistent with national policy.</p> <p><b>Policy H2 E and F</b> The Mayor should amend this policy to ensure that it complies with both legislation, notably the Planning (Listed Buildings &amp; Conservation Areas) Act 1990, and is consistent with NPPF in respect to the need to ensure appropriate protection for all heritage assets.</p> <p><b>Policy H2 (H)</b> allows boroughs to apply affordable housing requirements to sites of 10 or fewer units. The Mayor will wish to consider whether this aspect of the policy appears to be contrary to National Planning Policy Guidance on Planning Guidance (paras 16-17).</p> <p>The Mayor may also wish to note that there is also a difference between policy wording under H2 (D2) “homes within PTALs 3-6 <u>or</u> within 800m of a ...” and para 4.2.5 which states that “residential areas within PTALs 3-6 <u>and</u> within 800m of a ...”. The Mayor should clarify this apparent discrepancy.</p> <p>.</p>
<b>Policy H9 Vacant Building Credit</b>	<p>The Secretary of State’s Letter in response to the draft London Plan consultation refers to inconsistencies with national policy, including the NPPF.</p> <p>The Vacant Building Credit was announced in the written ministerial statement of 28<sup>th</sup> November 2014 and is set out in para 21-23 of the NPPG on Planning Obligations.</p> <p>The Mayor should consider whether the approach set out in the Plan is consistent with national policy.</p>
<b>Policy H12 (B) Housing size mix.</b>	<p>The Secretary of State’s Letter in response to the draft London Plan consultation refers to the detail and complexity of policy throughout the document and the need to retain a Strategic Focus in the London Plan.</p> <p>Policy H12(B) seeks to generally resist applications which are mainly one person/one bedroom units. We</p>



	would welcome further clarity on the evidence that supports this policy. The draft London Plan acknowledges the important role of such units and elsewhere (part C and para 4.12.2) advises boroughs against being prescriptive on unit sizes.
<b>Policy H13 Build to Rent</b>	<p>The Secretary of State’s Letter in response to the draft London Plan consultation refers to the detail and complexity of policy throughout the document and the need to retain a Strategic Focus in the London Plan.</p> <p>The Mayor should consider carefully how this policy could impact on the extent to which the Plan can be easily used as part of the planning process. Such issues may be more relevant to the Mayor’s Housing Strategy. We would also welcome seeing the evidence that has been used as a basis to set a 35% affordable housing threshold for Build to Rent schemes.</p>
<b>Policy H16 Gypsy &amp; Traveller Accommodation</b>	<p>The Secretary of State’s Letter in response to the draft London Plan consultation refers to inconsistencies with national policy, including the NPPF.</p> <p>The Mayor should consider whether the approach in the draft Plan is consistent with national policy set out in the National Planning Policy Framework, the Written Ministerial Statement (WMS) of 22 July 2015, and the Planning Policy for Traveller Sites (PPTS) 2015. Annex 1 of the PPTS provides a definition of travellers within scope of that policy statement, and the WMS clarifies that those outside that definition should have their accommodation needs assessed under the NPPF. The PPTS should be read in conjunction with the NPPF.</p>
<b>Policy S2 Health and Social Care Facilities</b>	<p>The Mayor will want to consider how his London Plan supports the use of developer contributions for new or expanded facilities needed across wider public services as a result of population growth.</p> <p>We recognise the importance of promoting healthy lifestyles, the London Plan should contain policies appropriate to a strategic framework to support this.</p>
<b>Policy S3 Education and Childcare facilities</b>	<p>At policy S3 A2 it would be useful to reference that LPAs may introduce Local Plan policies which could help to deliver schools sites or additional capacity.</p> <p>At Policy S3 B1, we consider that education demand should be referenced as well as need.</p>

	<p>At Policy S3 B3 and B8, we consider that the provision of access away from main roads and of accessible play space should be “where possible”, to avoid the risk of refusing a much need educational development on matters which may not be able to be overcome.</p> <p>The Mayor should consider the need to update the evidence base (within the GLA’s Social Infrastructure SPG and Schools Site Atlas) to help provide an accurate picture of the current position and anticipated need for schools across London.</p>
<b>Para 5.3.11</b>	<p>The DfE also published guidance for schools providing for Special Education Needs and Disability (SEND) and alternative provision. This is BB104 and should also be referenced in this paragraph.  <a href="https://www.gov.uk/government/publications/send-and-alternative-provision-area-guidelines">https://www.gov.uk/government/publications/send-and-alternative-provision-area-guidelines</a></p>
<b>Policy E1 Offices</b>	<p>The Secretary of State’s Letter in response to the draft London Plan consultation refers to inconsistencies with national policy, including the NPPF.</p> <p>The Town and Country Planning (General Permitted Development) (England) Order 2015, allows for the change of use of offices to residential use. The NPPF says that the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified.</p> <p>The Mayor should consider whether part E of this policy is consistent with national policy.</p>
<b>Policy G5 Urban Greening</b>	<p>The Secretary of State’s Letter in response to the draft London Plan consultation refers to the detail and complexity of policy throughout the document and the need to retain a Strategic Focus in the London Plan.</p> <p>Policy G5 introduces an Urban Greening Factor. We would welcome assurance that the Mayor can demonstrate that this approach is not likely to limit development.</p>
<b>Policy SI 2 Minimising</b>	<p>As the Secretary of State’s Letter in response to the draft London Plan consultation indicates, the Clean Growth Strategy sets out the Government’s plans for consulting on energy performance standards in Building</p>

<p><b>Greenhouse gas emissions</b></p>	<p>Regulations later this year.</p> <p>Local authorities can play an important role in improving the energy performance of buildings, in line with the ambitions of the Clean Growth Strategy, and this will be considered further as the Government develops its consultation proposals. At this stage however, the policy set out in the Coalition Government's statement of March 2015 still applies. We would welcome further discussions on how national policy and policy in the London Plan can best align.</p>
<p><b>SI 5 Water Infrastructure</b></p>	<p>The Secretary of State's Letter in response to the draft London Plan consultation refers to inconsistencies with national policy, including the NPPF and to the detail and complexity of policy throughout the London Plan.</p> <p>Part C1 of this policy appears to seek to mandate what is currently an optional element of Building Regulations with respect to water consumption.</p> <p>Given that at Policy SI5 C2 the London Plan appears to require a particular BREEAM level specifically for water consumption, the Mayor may wish to consider whether it is appropriate to identify a specific element of the BREEAM standard to be achieved, given that the aim of BREEAM, is to achieve higher environmental standards for buildings whilst allowing flexibility across a range of environmental considerations.</p>
<p><b>Glossary</b></p>	<p>The definition of sustainable development should confirm that it follows the NPPF definition</p>