

Appendix : Representation to Draft London Plan Policies, G3, G4, H9, S1 & S5

Draft Policy G3: Metropolitan Open Land

The draft policy emphasis on the promotion of extensions to the designation of new MOL we consider is misplaced given London's significant population growth and hence the need to accommodate London's growing development needs within London's existing built up areas given the constraints of London's extensive and surrounding Green Belt.

The draft policy does not provide sufficient guidance of the role of Metropolitan Open Land (MOL) as distinct from the Green Belt.

It is our assessment that the National Planning Policy Framework (NPPF) does not specifically refer to, or define, MOL.

The NPPF, paragraph 80, does identify five functions of Green Belt as:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in the urban regeneration, by encouraging the recycling of derelict and other urban land

However, in our opinion, the purpose of the MOL is quite distinct from the purpose of the Green Belt. This is because MOL is within London's extensive, interconnected and continues urban area which itself is surrounded by the Green Belt.

Draft Policy G3 therefore needs to explicitly say what the purpose of the MOL is because in our opinion the purposes of the Green Belt are not automatically applicable to MOL; MOL is not synonymous with Green Belt.

The supporting statement in Draft Policy G3 that development proposals that harm the MOL should be refused should also not be unqualified. We would contend that Boroughs need to be able to take into account "very special circumstances" that may exist for development which outweighs the harm to the MOL; the policy therefore needs to be amended and so take a wider and balanced view of the other possible social, economic and environmental community benefits.

Given London's growing population and associated development needs, there will also be the need for Local Planning Authorities to review the boundaries of existing designated MOL land within the Local Plan process so as to ensure that existing designations still meet the purpose of MOL. There is also the need as part of the Local Plan process to assess whether there are "exceptional circumstances" which justify the review of MOL boundaries in order to meet the Local Plan's identified development needs.

The Policy therefore needs to identify what might constitute "exceptional circumstances" warranting alterations to the boundary of the MOL.

There also needs to be consistency in approach relating to the review of both Green Belt and MOL boundaries. Recent Government advice in relation to the review of Green Belt boundaries, identifies the "exceptional circumstances" for a green belt boundary review. In our opinion this

approach can also be applied for the review of MOL boundaries when the Borough's identified development needs cannot be met by the following:

- making effective use of suitable brownfield and estate regeneration;
- the potential offered by under-used land (including surplus public sector land);
- optimising the density of development; and
- exploring whether other authorities can help to meet some of the identified development requirement.

Recommendations

In light of our assessment we consider that Draft London Policy G3 should be amended as follows:

Recommended Changes to London Plan G3

A) Metropolitan Open Land (MOL) should be protected from inappropriate development:

- 1) development proposals that would harm MOL should be refused *unless "very special circumstances" are demonstrated which outweigh the harm the MOL.*
- 2) Boroughs should *engage with owners of land comprising MOL and other stakeholders in order to seek to enhance the* quality and range of uses of MOL.

B) The extension of MOL designations should be supported *where it is evident that such an extension complies with the function of the MOL and also fully takes into account the Local Plan's other development needs.*

C) As part of their review of Local Plans, Boroughs need to assess whether there are "exceptional circumstances" which warrant a review of existing designated MOL boundaries.

D) Exceptional circumstances for a review of MOL boundaries are where Boroughs cannot meet their identified development needs from:

- *making effective use of suitable brownfield sites and estate regeneration;*
- *realising the potential offered by under-used land (including surplus public sector land);*
- *optimising the density of development;*
- *neighbouring authorities cannot help to meet some of the identified development requirements*

E) Boroughs should also review boundaries of the MOL where land designated as MOL does not meet at least three of the following criteria:

- 1) it contributes to the physical structure of London by being clearly distinguishable from the built-up area
- 2) it includes **publicly accessible** open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London
- 3) it contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value

- 4) it forms part of a **publicly accessible** strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria.

F) Any alterations to the boundary of MOL should be undertaken through the Local Plan process, *in consultation with the landowner, the Mayor and adjoining Boroughs.*

Proposed changes to the supporting text

8.3.1 Metropolitan Open Land (**MOL**) is strategic open land within the urban area. It plays an important role in London's green infrastructure – the network of green spaces, features and places around and within urban areas.

8.3.2 The purpose of the MOL – as distinct from Green Belt – is the following:

- *to protect and enhance the open environment*
- *to provide opportunities to improve Londoners' quality of life by providing localities which offer open air sporting and leisure use*
- *to provide opportunities to preserve and enhance features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value.*
- *to provide opportunities to form part of a strategic corridor, node or a link of green infrastructure.*

8.3.3 Not all designated MOL is publicly accessible open space for outdoor sport and recreation. Consequently, the use of MOL land by the public MOL purpose may require the agreement with landowners, the Boroughs and other stakeholders.

8.3.4 MOL boundaries should be reviewed within the Local Plan process where:

- *All, or part, of designated MOL land no longer meets all of the criteria for MOL designator and*
- *"exceptional circumstances" are demonstrated in order that the Borough can meet its identified development needs.*

8.3.5 The principle of land swaps could be applied to MOL where the resulting MOL meets the purpose of MOL designation.

Draft Policy G4: Local green and open space

It is considered that the draft policy and supporting text fails to recognise that not all local green and open spaces are publicly accessible. There are green and open spaces within London that are in private ownership and they have either never been publicly accessible or only accessible on specific occasions with the agreement of the landowner.

The categorisations in Table 8.1 make this distinction of public open space and therefore so should the supporting policy.

It is therefore recommended that draft policy G4 is amended to reflect this situation and the final supporting text also needs to make reference to publicly accessible local green and open space.

Recommended Changes to draft Policy G4

- A) Publicly accessible local green and open spaces in use should be protected.
- B) The creation of new areas of publicly-accessible green and open space should be supported, especially in areas of deficiency in access to public open space.
- C) Boroughs should undertake a needs assessment of local green and open space to inform policy. Assessments should identify areas of public green and open space deficiency, using the categorisation set out in Table 8.1 as a benchmark for all the different types required(105).
- D) The loss of publicly accessible green and open spaces should be resisted in areas of deficiency. If losses are proposed outside areas of deficiency, equivalent or better quality provision should be made within the local catchment area unless an up-to-date needs assessment demonstrates this is unnecessary.
- E) Development Plans and Opportunity Area Frameworks should:
 - 1) include appropriate designations and policies for the protection of publicly accessible green and open space to address deficiencies
 - 2) ensure that future publicly accessible green and open space needs are planned in areas with the potential for substantial change
 - 3) ensure that publicly accessible green and open space needs are planned in line with objectives in green infrastructure strategies in order to deliver multiple benefits and in recognition of the cross-borough nature of some forms of green infrastructure.

Draft Policy H9 – Vacant Building Credit

We disagree strongly with the statement that “The Vacant Building Credit is unlikely to bring forward additional development in London”. The Credit should not be viewed in isolation but is simply one of numerous measures the cumulative effect of which, it is hoped, is to bring forward much needed additional development, particularly of affordable housing where profitability is necessarily marginal.

Following the decision in the Court of Appeal on the ‘West Berkshire’ case National Planning Practice Guidance reintroduced in May 2016 the Vacant Building Credit.

The Government introduced the vacant building credit as incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any required affordable housing contribution. Affordable housing contributions may be required for any increase in floorspace.

We note that the draft London Plan’s proposes increases in planning and Community Infrastructure Levy contributions relating to:

- Affordable housing requirements as set out draft policies H5, H6 & H7
- The funding of transport infrastructure through planning – Draft Policy C9
- Draft Policy S12 – which seeks make London “a zero carbon city” and where residential development should aim to achieve 1- per cent over part L of the Building Regulations.

It is our opinion that the cumulative effects of these and other draft policies of the draft London Plan will negatively affect the viability of residential led regeneration developments which are required to come forward to meet London’s growing housing of London as set out in Table 4.1 of the draft plan over the plan period and so run directly counter to one of the principal aims of the Plan, namely to encourage increased supply of affordable housing.

Removing the vacant building credit can only further negatively affect the viability of residential led regeneration projects and therefore makes it less likely that the affordable housing targets of the Plan will be achieved.

Recommendation

We consider that the Draft Policy needs to be deleted because:

- The Policy is contrary National Planning Guidance of May 2016.
- The draft policy will not incentivise residential re-development of vacant buildings in London because the viability of such developments will be at greater risk when combined with other planning obligations and MCIL requirements as proposed in the draft London Plan as outlined in this representation. This also makes it less likely that brownfield sites will be developed, leading to greater pressure to develop green spaces.

Policy S1: Developing London's Social Infrastructure

We consider that:

- The draft plan's definition of "social infrastructure" is too wide – the types of social infrastructure identified all have differing locational and site specific requirements that do not de facto meet each other's social infrastructure needs.
- There is duplication of the policy relating to open air sports and leisure forms of social infrastructure with Chapter 8 Green infrastructure and the Natural Environment and also draft policy S5 – Sports and recreation facilities.
- Given funding restraints for most forms of social infrastructure, new or replacement social infrastructure can often only be provided if non-social infrastructure developments form part of a mixed use development.

We therefore recommend the following changes to draft Policy S1

Recommended Changers to Draft Policy S1

- F) Development proposals that would result in a loss **social infrastructure use** in an area of defined need should be refused unless:
- 1) there are realistic proposals for re-provision **of the same social infrastructure use** that continue to service the needs of the neighbourhood, or
 - 2) **the loss of such existing social infrastructure use** is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities in order to meet future population needs or to sustain and improve services.
- G) **Where an existing social infrastructure use becomes redundant, redevelopment proposals needs to assess whether the same or another social infrastructure use can be incorporated as part of a viable mixed use development.**

Supporting Text

Social infrastructure covers a range of services and facilities that meet local and strategic needs and contribute towards a good quality of life.

Social infrastructure is defined as uses which fall within:

Health provision

Education provision

Community

Play, youth, recreation, sports, faith and emergency facilities

Each Social Infrastructure use has its own unique site specific requirements in terms of location, land area and bespoke building requirements so as to meet identified needs.

Outdoor recreation and sports facilities falls within the Plan's definition of Green infrastructure in all its forms which is a key component of social infrastructure, and is addressed separately in Chapter 8, Policy G3 Metropolitan Open Land and Policy G4 Local and green open space.

Policy S5 Sports and recreation facilities

We consider that the policy does not take into consideration whether land required for the provision of sports and recreation facilities is in private or public ownership. This is an important distinction in order to deliver the Borough's identified sport and recreation needs.

The draft policy also makes the implicit assumption that all land either in or previously used as sports and recreational use should continue to be in sports and recreational use – including associated redundant buildings associated with that use.

The policy also needs to recognise that there may be "very special circumstances" which outweigh the harm for the partial development of Metropolitan Open Land which may have previously been in outdoor sport and recreation use. There may also be "exceptional circumstances" for Borough's to review existing MOL boundaries in order to help meet their Local Plan's development needs.

We therefore recommend the following changes to the policy and associated changes to the supporting text.

Recommended Changes to Draft Policy S5: Sports and Recreation Facilities

- A) In order to ensure there is sufficient supply of good **publicly accessible** quality sports and recreation facilities, boroughs should:

Delete sub section 2 to read:

Work in partnership with landowners and provides to deliver the identified need for the range of sports and recreational facilities.

Amend C to read:

Where facilities are proposed on existing **public** open space, boroughs should consider these in light of policies on protecting open space (Policy G3 Metropolitan Open Land) and the borough's own assessment of needs and opportunities for sports facilities, and the potential that the development will have.

Where land and buildings for sports and recreational facilities in MOL are no longer in use Boroughs need to assess within the Local Plan making process whether there are “exceptional circumstances” warranting a review of the MOL boundary. (Policy G3).

“Very special circumstances” will also need to be demonstrated for inappropriate development with the Green Belt (Policy G2 London’s Green Belt) and MOL (Policy G3 MOL).