



THE NEW LONDON PLAN

A submission to the Examination in Public on Matter M7

1. This submission supplements our previous [response](#) to the draft London Plan, made in March 2018.
2. The GLA has since made its own ‘minor modifications’ to the Draft London Plan in advance of the Examination in Public. These modifications include a number of our proposed wording changes.
3. We wish to seek further changes via the Examination in Public. Our aim is for the final London Plan to be more supportive of neighbourhood planning and to recognise the contribution that this community-led layer of the national planning system can make.
4. The schedule at the back of this submission proposes further specific modifications on all the Matters on which we have been invited to contribute.

The London Plan – a strategic role

5. We are conscious of the distinct role played by the London Plan as the mechanism for the Mayor to fulfil his responsibility to produce a ‘spatial development strategy’ and to keep it under review. We are especially aware of the need for both Borough Local Plans and neighbourhood plans to be ‘in general conformity’ with ‘strategic policies’ in the London Plan.
6. Apart from being a plan at a regional level rather than for a smaller area, the London Plan is prepared and adopted under different legislation than that which applies to Borough Local Plans (the Greater London Authority Act 1999 as amended, and supporting regulations). Under this legislation, as we understand, the London Plan should deal only with matters of *strategic* importance to Greater London.
7. We note that Secretary of State James Brokenshire in his [letter to the Mayor of London of 27 July 2018 required that the new London Plan be examined for conformity with the 2012 rather than 2018 NPPF. We also note that](#) ‘early review’ of the new London Plan may be required if London’s contribution to national housing targets is not achieved. The letter also stated that:
 - *The detail and complexity of the policies within the draft London Plan have the potential to limit accessibility to the planning system and development.*
 - *The draft Plan strays considerably beyond providing a strategic framework*

8. Our network of neighbourhood planners across London has been invited to address three Matters M7, M8 and M9. We address Matter M7 in this submission.

Matter M7. Does the Plan set out a spatial development strategy in accordance with relevant legislation and national policy? In particular:

M7a) Does the Plan deal only with matters which are of strategic importance to Greater London?

9. The new draft London Plan is significantly more detailed than its predecessors, and the Secretary of State has already questioned this.

10. Paragraph 0.0.9 of the Draft London Plan states that *'All local Development Plan Documents and Neighbourhood Plans have to be 'in general conformity' with the London Plan'*. This wording does not fully reflect paragraph 184 of the 2012 NPPF which states *'Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible'*.

11. The 'general conformity' requirement for neighbourhood plans, along with the fact that this applies only to 'strategic' policies, are two legally significant aspects of the neighbourhood planning framework. The 2011 legislation is designed to allow for some policy variation, divergence and fine-tuning of 'non-strategic' policies in a Local Plan.

12. This same principle must apply to any 'non-strategic' policies in the London Plan. To date (as far as we are aware) there have been no instances of neighbourhood plan Examiners finding non-conformity with London Plan policies. The GLA took little interest in London's first handful of neighbourhood plans but more recently has reviewed the content of draft neighbourhood plans in detail, and has commented on questions of conformity with the emerging London Plan. In at least one case, the GLA has gone further and suggested that a forum should consider whether an early review of its plan will be required to take account of any changes to strategic policies in the draft London Plan.

13. The question of whether the London Plan contains 'non-strategic' policies does not yet seem to have arisen at Examination stage. In future it may well do so. The Secretary of State's letter lends weight to this prospect.

14. The current draft London Plan does not clarify whether each and every one of its policies is to be treated as 'strategic' for the purposes of NPPF paragraph 184 and the 'general conformity' of neighbourhood plans.

15. Should it be argued at the EIP that all its policies are 'strategic', and should this assertion be accepted, this could create scenarios in which policies in future London neighbourhood plans are deleted on examination as 'non-conforming' with the London Plan, even when conforming with the relevant Local Plan's strategic policies for the neighbourhood area in question.

16. Given the detailed and prescriptive nature of some draft policies in the new London Plan, this issue needs to be explored carefully at the EIP.

17. National Planning Practice Guidance sets out criteria to assist in defining *How is a Strategic Policy Determined (Paragraph: 076 Reference ID: 41-076-20140306)*. Given the almost complete absence of reference to neighbourhood planning in the original consultation version of the new London Plan, it seems unlikely that the Plan's authors had these criteria at the front of their minds when drafting policies.

18. There are many areas where the current draft London Plan raises questions as to whether it strays into non-strategic issues. Some examples are given below. We wish to emphasise that we have no objection to the *content* of these policies and many London neighbourhood forums may well support them. What we are questioning is the appropriateness of their inclusion in a strategic spatial plan for London. We look ahead to the risk that this and future London Plans could block out (via the neighbourhood planning basic condition for ‘general conformity’) the inclusion of neighbourhood-level policies in London’s neighbourhood plans.

- Should a strategic London Plan include a blanket policy G8A1 ‘*protecting existing allotments*’ or is this an issue better left to Local and neighbourhood plans which can set policy for specific sites and/or at neighbourhood level? What if a Borough and a neighbourhood plan both agree on an appropriate alternative use for a set of allotments, that is welcome to local people? Will the London Plan policy override and block any such a site allocation?
- Should a London Plan include a policy D7M to ‘*ensure the provision and future management of free drinking water at appropriate locations in new or redeveloped public realm*’. Is this a strategic issue for Greater London? Given the use of the term ‘ensure’ rather than ‘encourage’ will free drinking water become a mandatory part of any policy in a future neighbourhood plan that deals with public realm matters – as a ‘conformity’ requirement? Is this not overly prescriptive for a spatial plan for London?

19. These are just some of the possible scenarios which may result from the increased level of detail and prescription in the London Plan.

M7b) Would the policies in the Plan provide an effective strategic framework for the preparation of local plans and neighbourhood plans in London?

20. We welcome the strengthening of references to neighbourhood planning in the ‘minor modifications’ made by the GLA. Nevertheless we believe the Plan remains less than fully effective in identifying and promoting the potential of neighbourhood planning and is not yet sound on this issue.

21. There are now 12 ‘made’ neighbourhood plans in force across London, with several more at examination stage. These are introducing new and innovative policies on London-wide issues such as air quality and control of construction management (noise, pollution etc).

22. Few of London’s neighbourhood plans made so far have included specific site allocations, partly as a result of initial legal uncertainty post the 2011 Localism Act as to the scope of neighbourhood plans. This uncertainty has since disappeared following decisions of the Courts. Outside London, neighbourhood plans (now in over 700 areas) are playing a significant role in bringing forward housing sites. In London, as the demand grows for identification of small sites so neighbourhood planning will have an increasingly important role in meeting London’s housing requirements. This should help Boroughs to recognise the positive role neighbourhood planning can play in securing early deliverability, and allay concerns that it is a negative influence or a threat to local authority autonomy.

23. A growing number of neighbourhood plans in London may also form important elements of estate renewal programmes (e.g. at Greater Carpenters and at Thamesmead). Other bodies submitting evidence to this EIP are making the point that many of London’s Opportunity Areas do

not have area specific plans (apart from the two Mayoral Development Corporations for which Local Plans have been prepared). Neighbourhood plans can help to fill this gap.

24. We believe the new London Plan could play a more effective role in encouraging and supporting neighbourhood planning. The Mayor and GLA have so far resisted several efforts by Neighbourhood Planners. London to take an active role in encouraging and supporting neighbourhood planning across London and we ask that this key statutory planning document establishes the role of neighbourhood planning in the capital.

25. We recognise it is not the role of an EIP to 'improve' the plan but to ensure the 'soundness' and lawfulness of the final document. We believe the draft London Plan requires further modifications to be considered sound and to meet the expectations of national planning policy and neighbourhood planning legislation. For example:

- The terms 'neighbourhood plan' and 'neighbourhood forum' are not included in the *Glossary*, missing an opportunity to explain how Londoners can become directly involved in shaping the future of their local communities (an omission potentially non-compliant with both the 2012 NPPF and the new NPPF).
- Policy G4E of the current draft on *Local green and open space* states '*Development Plans and Opportunity Area Frameworks should: 1) include appropriate designations and policies for the protection of green and open space to address deficiencies'....* This draft policy and supporting text makes no reference to the capacity of neighbourhood plans to designate Local Green Spaces, where NPPF criteria are met, on public or private land.
- The draft states that Green Belt boundaries can only be altered through a review of the Local Plan but paragraph 146(f) of the new NPPF states that development on Green Belt land can be appropriate where *brought forward under a Community Right to Build Order or Neighbourhood Development Order* (i.e. a neighbourhood plan). The draft London Plan policy strongly protects the Green Belt and it is unclear whether this NPPF provision would prevail over London Plan policy? This may become an issue where neighbourhood forums have to weigh up the downside of extreme 'intensification' and housing densities, versus careful development on selected and low quality Green Belt sites through small scale amendments to Green Belt boundaries.
- Chapter 6 of the current draft does not recognise that neighbourhood plans can have a role in re-allocating industrial and employment land for mixed use and co-location. Neighbourhood Forums across London may be closer than Boroughs to the realities of long-term vacancy levels and underuse of premises in designated Employment Zones, or the potential for intensified mixed use in areas of Strategic Industrial Land (SIL) (Draft London Plan Policy E7). We find the absolutist approach to SIL too prescriptive and it fails to recognise the scope to vary a SIL boundary or that of a Local Plan Employment Zone, where neighbourhood circumstances justify this. National planning policy now makes similar provision for Green Belt boundaries.
- Paragraph 5.1.3 reads '*Planning for social infrastructure in London is complex. There are a wide range of providers and stakeholders and the degree of clarity around future provision and funding varies. It is therefore important that boroughs work collaboratively with service providers and other stakeholders, including the local community, to fully understand existing and future social infrastructure needs and plan appropriately for these, including through the Community Infrastructure Levy. Supplementary Planning Guidance will provide details of how this could be approached.*' This omits any explanation of the 15% element of Neighbourhood CIL or the 25% element of CIL for which neighbourhood forums with a

'made' neighbourhood plan should be given a significant say on the allocation of CIL resources.

M7c) Does the Plan address detailed issues that would be more appropriately addressed in local plans and neighbourhood plans?

26. This question of the 'appropriateness' of inclusion of policies within a London-wide plan is related to, but slightly separate from, the legal issues on strategic/non-strategic policies and 'general conformity' addressed above.

27. We believe there are a number of areas in which draft London Plan policies stray into areas of detail more 'appropriately' left to Local Plans and neighbourhood plans and risks blocking opportunities for policy variance and innovation in neighbourhood plans. These include:

- The detailed justification to Policy HC7 on Protecting public houses
- The complex and detailed methodology proposed for measurement of an Urban Greening Factor (Policy G5)
- Policy G8 on Food Growing

28. Again, we emphasise that we are not objecting to the content of these policies, but to the appropriateness of their inclusion in a strategic spatial plan for London. New Local Plans in London (see for example Lambeth) are including a schedule of all policies, making clear which of these are deemed 'non-strategic'. This is what we believe paragraphs 184 and 185 of the 2012 NPPF and paragraph 21 of the 2018 NPPF require, assisting neighbourhood forums and the Examiners of draft neighbourhood plans. For the London Plan, this approach would be challenging as it would be acknowledging that a series of London Plan policies are 'non-strategic'.

M7d) Is the approach to planning in London described in paragraphs 0.0.21 and 0.0.22, particularly with regard to the relationship between the spatial development strategy and local plans, neighbourhood plans and the Borough's development management responsibilities, justified and consistent with national policy and legislation?

29. In their modified form (as compared with the Mayor's consultation version) these two paragraphs currently read as below. Para 0.0.21 has been completely redrafted and now reads as below:

'0.0.21 Once published, the London Plan is part of the Development Plan. The Policies have been drafted in a way that allows London to implement this ambitious London Plan as soon as possible. There is no requirement for the policies to be repeated at the local level. However, in some instances a local approach is required within the context of the overall policy. The new London Plan clearly sets out where this is the case. In addition, the new London Plan does not preclude boroughs from bringing forward policies in their Development Plan Documents to achieve the aims of the London Plan in a way that takes into account local circumstances and evidence, where they consider it appropriate to do so.'

30. This wording still fails to recognise the statutory planning framework. Since the 2011 Localism Act it can also be neighbourhood forums that '*bring forward policies*' in Development Plan Documents '*to achieve the aims of the London Plan in a way that takes into account local circumstances and evidence...*'

31. The 2012 and 2018 versions of the NPPF are clear that neighbourhood forums are part of the statutory development plan-making process. This is no longer a task reserved to local planning authorities. We propose further modification in the attached schedule.

MODIFICATIONS SUGGESTED IN THIS FINAL SUBMISSION TO THE EIP

Proposed modifications shown in bold/italic text

Add additional new paragraph 1.1.6 as shown in bold	<i>Neighbourhood plans are the most local part of the planning system. Such plans enable Londoners to help to shape the future of their own neighbourhood. They ensure early public engagement in development and regeneration proposals. . Greater public input.</i>
Policy GG1 Building strong and inclusive communities Add additional sub-paragraph G as shown in bold	<i>GG1 Good growth is inclusive growth. To build on the city's tradition of openness, diversity and equality, and help deliver strong and inclusive communities, those involved in planning and development at London-wide, local and neighbourhood forum level should: (sub clauses to remain as in latest version):</i>
Para 1.2.3 Add wording shown in bold	The benefits of this approach are wide-ranging, going well beyond the simple ability to provide more homes and jobs. High-density, mixed use places support the clustering effect of businesses known as 'agglomeration', maximising job opportunities. They provide a critical mass of people to support the investment required to build the schools, health services and public transport infrastructure that neighbourhoods need to work. They are places where local amenities are within walking and cycling distance, and public transport options are available for longer trips, supporting good health, allowing strong communities to develop, and boosting the success of local businesses. <i>Neighbourhood plans can help to ensure the successful integration of these planning and transport objectives, including urban greening, at the very local spatial level.</i>
Para 1.27 Add wording shown in bold	London's distinctive character and heritage is why many people want to come to the city. As new developments are designed, the special features that Londoners value about a place, such as cultural, historic or natural elements, can be used positively to guide and stimulate growth, and create distinctive, attractive and cherished places. Local people are best placed to identify what makes a place special. Neighbourhood plans can help to recognise what makes the character and heritage of different areas distinctive.
Policy GG2 Making the best use of	<i>Neighbourhood plans can contribute to many of these objectives.</i>

<p>land</p> <p>Add sentence at foot of policy as shown in bold</p>	
<p>Policy GG4 Delivering the Homes that Londoners Need</p> <p>Add wording shown in bold and reinstate 'including small sites' from previous GLA text</p>	<p>Identify and allocate a range of sites, <i>including small sites</i>, to deliver housing locally, supporting skilled precision-manufacturing that can increase the rate of building, and planning for all necessary supporting infrastructure from the outset. <i>Neighbourhood plans can play a significant role in meeting this objective.</i></p>
<p>Spatial Development Patterns Para 2.0.4.</p> <p>Add wording shown in bold.</p>	<p>The London Plan has a clear focus on delivery – something that will require all stakeholders to work together to unlock sites and drive the right sort of development. Infrastructure is key to this delivery and will require major investment in transport, with Opportunity Areas clustered into growth corridors; and proper planning of utilities and communications capacity and the social infrastructure that supports the day-to-day lives of Londoners, well in advance of new development. Opportunity Area Planning Frameworks and Local Plans should have clear strategies for their delivery. <i>Neighbourhood plans in Opportunity Areas can help to build the local support needed for successful transformation and intensification.</i></p>
<p>Policy SD10 Strategic and Local Regeneration</p> <p>Make proposed modification</p>	<p>GLA have added a modification reading 2A) <i>engage communities, particularly those in Strategic and Local Areas for Regeneration, at an early stage and throughout the development of local development documents, strategies and regeneration programmes.</i></p> <p>Proposed modification <i>Add 'neighbourhood plans' before local development documents.</i></p>
<p>Policy D1 London's form and characteristics</p> <p>Add additional wording shown in bold</p>	<p>Development Plans (<i>including any made neighbourhood plans</i>), area-based strategies, and development proposals should address the following:</p>
<p>Policy D2 Delivering Good Design</p>	<p>To identify an area's capacity for growth and understand how to deliver it in a way which strengthens what is valued in a place, boroughs should undertake an evaluation, in</p>

Add additional wording shown in bold	preparing Development Plans and area based strategies, which covers the following elements. <i>Neighbourhood Forums should be involved in the design review and scrutiny process, particularly in areas with a ‘made’ neighbourhood plan. In the absence of the previous London Plan Density Matrix, design review becomes critical to acceptable development.</i>
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Recommendations	
Paragraph 3.27 Add additional wording in bold	The Mayor has produced guidance on design reviews, including how panels and processes should be managed. All development proposals should follow this guidance, and to be subject to a level of scrutiny appropriate to the scale of the site. This design scrutiny should include work by planning case officers and ongoing and informal review by qualified urban design officers as well as formal design review. <i>Wider involvement of local residents and community groups in design review is encouraged, to harness local knowledge and improve engagement between local communities and those making decisions on development in London.</i>

Glossary to the London Plan	<p>The terms ‘Neighbourhood Plan’ and ‘Neighbourhood Forum’ are not included in the Glossary to the current Draft. This misses an opportunity to explain to Londoners can become directly involved in shaping the future of their local communities (as per the 2012 and 2018 NPPF).</p> <p>While the Mayor and GLA do not designate neighbourhood areas and forums, the two Mayoral Development Corporations do so.</p> <p>The term Local Green Space, and the potential for designation via a neighbourhood plan under NPPF paragraphs 76 and 77 is not included in the Glossary (see also below).</p> <p>The terms Community Infrastructure Levy (CIL) and Neighbourhood CIL are not included in the Glossary (see below)</p>
Policy G4E on Local green and open space Make suggested	This policy currently states ‘ <i>Development Plans and Opportunity Area Frameworks should: 1) include appropriate designations and policies for the protection of green and open space to address</i>

modification	<p><i>deficiencies’.... This draft policy and supporting text make no reference to the capacity of London’s neighbourhood forums to designate Local Green Spaces, where NPPF criteria are met, on public or private land.</i></p> <p>Suggested modification:</p> <p>G4AA add paragraph C so as to read <i>Development Plans should C) support neighbourhood forums in making use of the power of Local Green Space designation in accordance with the NPPF.</i></p>
Policy G2 London’s Green Belt Make suggested modification	<p>This policy does not recognise the provision in Paragraph 148 of the 2018 NPPF that <i>Certain other forms of development are also not inappropriate in the Green Belt....</i> These include at 148(f) <i>development brought forward under a Community Right to Build Order or Neighbourhood Development Order.</i></p> <p>Suggested modification</p> <p>Add to Policy G2A a sub-paragraph 3 <i>This policy shall not override circumstances where NPPF 2018 paragraph 146 allows for appropriate development on Green Belt land, including development brought forward under a Community Right to Build Order or Neighbourhood Development Order.</i></p>
Policy E7 Industrial intensification, co-location and substitution Make suggested modifications	<p>This policy makes no mention of neighbourhood plans. Such plans can identify opportunities for intensification and co-location.</p> <p>Suggested modifications</p> <p><i>Policy E7A Development Plans, neighbourhood plans and development proposals should be proactive and encourage the intensification of business uses...</i></p> <p><i>Policy E7B Development Plans, neighbourhood plans and planning frameworks should be proactive and consider, in collaboration with the Mayor, whether certain logistics, industrial and related functions in selected parts of SILs could be intensified “”</i></p>

<p>Planning for Social Infrastructure Paragraph 5.13</p>	<p>This paragraph (and the document as a whole) omits any explanation of the 15% element of Neighbourhood CIL on which London LPAs should be consulting local communities. There is also no reference to the 25% element of CIL for which neighbourhood forums with a 'made' NP are (or should be) given a significant say on the allocation of CIL resources.</p> <p>This reduces the effectiveness of the London Plan as a strategic framework for planning in London. Awareness amongst Londoners of the national framework for planning obligations, CIL, and Neighbourhood CIL is low and the majority of London LPAs do little to publicise these arrangements (see 2016 Neighbourhood Planners.London research report)</p>
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