



THE NEW LONDON PLAN

Views from Neighbourhood Planners.London

March 2018

1. Introduction

1.1 This response to the draft new London Plan comes from the London-wide network of neighbourhood planners. This network has been meeting since early 2013, and held major conferences in Ealing in 2014 and the South Bank in 2015 and launched as Neighbourhood Planners.London in central London in March 2017. We draw support from neighbourhood planners in neighbourhood forums, local authorities, businesses, consultancies and others in the private sector.

1.2 Neighbourhood planning is now well established in London, with over 100 communities engaged. There are now only six boroughs without neighbourhood planning activity and seven neighbourhood plans have been made and now form part of London's development plans. Neighbourhood planning is also underway in both the Mayoral Development Corporations. This is the first London Plan to have been produced with a three tier development plan system in the capital and it presents significant opportunities to harness the role of neighbourhood planning to support and deliver on its strategic objectives.

1.3 This submission builds on a discussion document¹ circulated in January 2018 which was debated at a specially convened workshop held on 23rd February 2018 at the offices of AECOM.

1.4 Our response covers two main themes:

- The current Draft Plan **misses a major opportunity** to promote neighbourhood planning as a route to achieving its own stated objectives. This is especially the case in relation to the identification and intensification of small housing sites across London – a key priority of the Plan. This means that the current draft is not as **effective** or as **justified** as it should be.
- The Draft Plan gives almost no recognition to neighbourhood planning as an established and statutory part of London's planning system. As such, it is not a process which the Mayor and GLA should leave entirely to the Boroughs, as has

¹ *The London Plan: why so little support for neighbourhood planning? Neighbourhood Planners. London, March 2017*

been implied to date in responses by the Deputy Mayor for Planning and Regeneration at consultation sessions and in the text of the present document. In this respect we consider that the present Draft Plan omits important information that it should provide. As a result we consider the present Draft to be **unsound** in failing to conform with the National Planning Policy Framework.

2 The London context for neighbourhood plans

2.1 The experience of neighbourhood forums across London, over the six years since its introduction into the English planning system, is that London’s local authorities have been slow to adjust to a new context. The reality is that across England, neighbourhood planning has seen *over 2,000 communities, representing approximately 12 million people, developing plans for new homes, shops and green spaces in their local area*². There are now more made neighbourhood plans in England than adopted Local Plans.

2.2. In London there are over 100 communities working on neighbourhood plans. Seven neighbourhood plans have been successful at referendum and are part of the statutory development plan of the relevant borough. Policies and site allocations/designations are in routine use in the determination of planning applications in these neighbourhoods. A large number of neighbourhood plans in London are at the Regulation 14 and 16 consultation stages.

2.3 Paragraph 0.0.23 of the current London Plan document states “*It is crucial that all those involved in planning and development in London understand how London’s two-tier planning system works and do not seek to duplicate policy or evidence unnecessarily.*”

2.4 This comment is presumably aimed mainly at Borough planning departments, seen as paying insufficient heed to the planning policies of City Hall. The statutory position is that London has a **three tier planning system**, and not a two tier system. This has been the case since publication of the Neighbourhood Planning Regulations in 2012 and the implementation of relevant parts of the 2011 Localism Act.

2.5 Despite this context, the Draft London Plan is almost totally silent on the subject of neighbourhood planning. There is a brief statement of the fact that neighbourhood plans form part of the statutory development plan for London, alongside Borough Local Plans. There is single supportive reference to neighbourhood planning at paragraph 1.1.2 and mention of the term in draft Policy S1B on Developing Social Infrastructure. In a 400 page document, this part of the planning system receives less attention than was the case in the consolidated version of the 2011 London Plan.

Recommendations	
Para 0.0.6 add wording bold	The need to ensure consistency with national policies (including the National Planning Policy Framework) and international treaty obligations notified to the Mayor by Government, without seeking to repeat national policy
Para 0.0.10 add	Planning in London is the joint responsibility of the Mayor of

² As cited in *People Power: Findings from the Commission on the Future of Localism*, Sir Robert Kerslake/Localisity 2017

wording in bold	London and the 32 London boroughs, the City of London Corporation and the Mayoral Development Corporations (MDCs) along with neighbourhood forums designated by London’s local planning authorities.
Para 0.0.22 add wording in bold	This Plan provides the framework to address the key planning issues facing London. This allows boroughs to spend time and resources on those issues that have a distinctly local dimension and on measures that will help deliver the growth London needs. This includes neighbourhood plans , area-based frameworks, action plans and Supplementary Planning Documents, site allocations, brownfield registers and design codes.
Para 0.0.23 replace ‘two tier’ with wording as shown	It is crucial that all those involved in planning and development in London understand how London’s three tier planning system (including neighbourhood plans) works and do not seek to duplicate policy or evidence unnecessarily.

2.6 We consider that the draft new London Plan may be legally ‘**not sound**’ as a result of its lack of acknowledgment of NPPF requirements placed on local planning authorities in relation to neighbourhood planning. In addition we believe that the new London Plan as drafted is a **missed opportunity** to make use of the neighbourhood planning framework in delivering its own policy objectives.

3 The missed opportunity

3.1 At the very start of the draft new London Plan (in paragraph 1.1.1) it is stated that “*Planning for Good Growth means planning **for** these communities – both existing and new - helping them to flourish and making new connections between them.*” (emphasis added). This statement in our view betrays a mindset that planning is something done **for** people rather than **with** and **by** people. An increasing number of Londoners no longer see things this way and neighbourhood planning is a statutory example of planning **by** London’s communities.

3.2 In our view a new London Plan presents a major opportunity for the Mayor and GLA to demonstrate greater involvement of Londoners in planning the future of London. This requires more than warm words and commitments to community engagement and involvement. It means recognising that Parliament has established in England a layer of the planning system that allows local people to shape how development proceeds within their local neighbourhoods, through the ‘powerful tool’ of neighbourhood plans³.

3.3 The London Plan needs to recognise the potential of neighbourhood planning to help to realise Mayoral objectives. In particular, the Plan should acknowledge and welcome explicitly the scope for neighbourhood planning to:

- Contribute to the identification of potential small sites for housing, making use of detailed local knowledge which local authorities often do not have (examples in the Highgate NP and the St Quintin and Woodlands NP in North Kensington)

³ NPPF Paragraph 184 *Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community.*

- Engage local communities in making the difficult choices that London faces in accommodating population increase while also achieving 'good growth'. The Plan's increased housing numbers for Outer London and strategic objectives for intensifying development in the suburbs will be hugely contested unless local residents have some ownership of the trade-offs that will need to be made
- Deliver sites more quickly than Local Plans and with better results (in combination with modular build, self-build, off-site manufacture, and design codes). Neighbourhood plans in London have to date taken several years to reach the finishing line although they are faster to completion than many Local Plans. With positive Mayoral and Borough support neighbourhood planning is potentially fast-track as compared with Local Plan timetables
- Make use of a layer of the planning system that is granular and fine-tuned - what makes sense in one part of a Borough or Mayoral Opportunity Area may not work in another
- Exploit the speed and responsiveness that the neighbourhood planning framework allows (when not obstructed). A major infrastructure project may stall or not attract Government funding. Landowner decisions may change. Brexit and a commercial and housing market currently on the turn in London, are creating huge uncertainties. The draft new London Plan is a 400 page 'Plan A' premised on optimistic assumptions. Neighbourhood plans can help to provide a bespoke 'Plan B' for those parts of London where events do not proceed as hoped while helping to support desired strategic objectives.
- Ensure improved design quality that gains public support for development, an aim seen as crucial in the new draft London Plan
- Harness additional planning resource, at low cost. The response to the Draft from London Councils makes clear that the Boroughs do not have the capacity to undertake the additional workloads the Plan envisages in terms of detailed area plans, SPDs, design review, and preparation of design codes. Neighbourhood forums in London involve many people with the relevant backgrounds and expertise who contribute on a voluntary basis, because they care deeply about their local neighbourhood and its future
- Make a reality of public involvement, at the earliest stages of new developments, and amplify the approach (and welcome) principles on community engagement and co-design enshrined in *Better Homes for Local People*⁴

3.4 The new London Plan should open with a statement about planning with and by people not "for" people. Recent YouGov polling shows that 71% of people feel they have not much or no control over the decisions that affect their neighbourhood and local community⁵. A new London Plan will have failed from day one if it does not acknowledge and address, the growing disconnect between Londoners and the planning system. It is a system seen by many as led by market forces and as beyond the influence of ordinary Londoners.

⁴ *Better homes for local people* The Mayor's Good Practice Guide to Estate Regeneration, February 2018

⁵ Cited in *People Power – Findings from the Commission on the Future of Localism*, Sir Bob Kerlake, Locality 2017

3.5 Neighbourhood Planners. London recognises that such a change of approach by the Mayor and GLA to neighbourhood planning requires a different mindset, particularly amongst planning, regeneration and housing professionals within City Hall and the London Boroughs. But it is a change that is needed.

3.6 The Localism Commission chaired by Sir Bob Kerlake identified in some depth what the public see as *the blockages and frustrations for the expression of community power*. Two of these are *Top down Decision making* and *Lack of Trust and Risk Aversion*. The current London Plan demonstrates both of these attributes, in its reluctance to acknowledge the potential of a new part of the national planning system that has empowered local people to make plans from the bottom up as well seeing them made from the top down.

Recommendations	
Para 1.1.1 Add words In bold	Londoners come together give the city its cultural character and create its future. Planning for Good Growth means planning for, with and by these communities – both existing and new - helping them to flourish and making new connections between them.
Add additional new paragraph 1.1.6 as shown in bold	<p>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. In the context of the London Plan, neighbourhood plans can contribute local knowledge in the identification of vacant and underused sites suitable for new housing – a very high priority of the Mayor of London. Greater public input to the selection of such sites, and a wider public understanding of issues of viability and affordability, can be achieved by wider take up of the neighbourhood planning framework across London.</p>
Policy GG1 Building strong and inclusive communities Add additional sub-paragraph G as shown in bold	<p>Ensure greater involvement of Londoners in planning the future of their neighbourhoods, through widening and strengthening design review processes, early community engagement in major development proposals, and support for neighbourhood plans and place-specific design codes.</p>
Para 1.2.3 Add wording shown in bold	<p>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</p>

	<p>public transport options are available for longer trips, supporting good health, allowing strong communities to develop, and boosting the success of local businesses.</p> <p>Neighbourhood plans can help to ensure the successful integration of these planning and transport objectives, including urban greening, at the very local spatial level.</p>
<p>Para 1.27 Add wording shown in bold</p>	<p>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 and provides a vehicle for identifying locally important heritage assets and for designating Local Green Spaces where these meet the criteria set out in Paragraph 77 of the National Planning Policy Framework (NPPF).</p>
<p>Policy GG2 Making the best use of land Add sentence at foot of policy as shown in bold</p>	<p>Those involved in planning and development now includes London’s neighbourhood forums. These bodies can play an important role in contributing local knowledge and fine-tuned neighbourhood policies contributing to the above objectives in ways that ‘generally conform’ with Local Plan and London Plan strategic policies.</p>
<p>Policy CG4 D Delivering the Homes that Londoners Need Add wording shown in bold</p>	<p>Identify and allocate a range of sites, including small sites, 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. Neighbourhood plans can play a significant role in meeting this objective.</p>
<p>Para 2.0.4. 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. Neighbourhood Plans also have a role, as a localised and responsive part of the planning system, which can adjust at speed to changed circumstances. Such plans can also lead to greater engagement and support from local people in areas of</p>

	major change.
Policy D1 London’s form and characteristics Add additional wording shown in bold	Development Plans (including neighbourhood plans) , area-based strategies, and development proposals should address the following:
Policy D2 Delivering Good Design Add additional wording shown in bold	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 preparing Development Plans and area based strategies, which covers the following elements. London’s neighbourhood forums can assist with this process, through plan preparation, holding design charrettes, and through discussions on individual sites and locations. Such involvement in what constitutes ‘Good Growth’ at specific sites is important to the delivery of the London Plan.

3.7 Local planning authorities are required to publish Statements of Community Involvement (Section 18 of Planning and Compulsory Purchase Act 2004). The 2017 Neighbourhood Planning Act amends this section and introduces a requirement (recently brought into force) that a Statement of Community Involvement should set out how the authority addresses neighbourhood planning issues. While the Mayor is not required to publish a SCI in relation to the London Plan, we consider that Parliament’s intentions on increased public involvement in neighbourhood planning should be recognised in the London Plan as well as Borough Local Plans and their accompanying SCIs.

3.8 This could be achieved via an Annexe to the London Plan which gives guidance on how the Borough should address community involvement in neighbourhood planning, and comments on the scope for neighbourhood plans to contribute to London Plan objectives,

3.9 The present London Plan at paragraph 8.4 states “*(The Mayor) recognises that community and voluntary groups, local business organisations and other interest groups have particular contributions to make to planning decisions, plans and strategies to shape neighbourhoods (see Policy 7.1 and paragraph 7.6) and will support their involvement. He will also consider what guidance and support it would be appropriate for him to offer to aid neighbourhood planning.*”

3.10 This further guidance has never appeared. The 2014 Mayoral SPG (*London Planning Statement*) sets out at section 3 the relationship between the London Plan and neighbourhood plans, and how the Mayor will address issues of ‘general conformity’. This material does not re-appear in the draft London Plan, and will cease to apply once the new Plan is in place. This guidance needs to be refreshed and reinstated in the final London Plan.

4 Good process and good design leads to good growth

4.1 Through a combination of neighbourhood planning and more active involvement in early stages of the development management process (in those Boroughs which support such practices) London's citizens are becoming more aware of how 'good design' of a sustainable and successful city goes well beyond the appearance and layout of its buildings.

4.2 There is opportunity for a London Plan to take a stronger line on what constitutes meaningful community engagement in planning London's future. Draft Policy GG1 in the New London Plan, on Building Strong and Inclusive Communities goes some way towards this. But the wording that directs this policy towards "*those involved in planning and development*" undermines any sense of true inclusion (see above for recommended wording change).

4.3 '*Those involved*' are not just a limited circle, but all Londoners who live, work, and travel within the city created by the interactions of planners and developers. The new London Plan needs to promote policies on the early engagement of Londoners in the design of individual developments, as well as the design of their local neighbourhoods.

4.4 There is good and poor practice across London Boroughs, and the two Mayoral Development Corporations, on the early engagement of the public in plans for new developments. There is also an enormous amount of time and money spent by developers on preparing Statements of Community Involvement that are often little more than a tick box exercise to be submitted alongside a planning application.

4.5 A new London Plan could usefully promote policies that encourage more meaningful forms of early engagement, including wide public involvement in design review panels and development management forums. Some form of service delivery structure, independent of planning authorities and of developers, would be hugely valuable as a London resource on which neighbourhood forums and amenity groups could call.

4.6 It might be argued that the *Good Growth by Design* initiative, and the appointment of 50 Mayoral Design Advocates, are positive moves in this direction. It is early days yet, but to date the neighbourhood planning community in London has seen little evidence on the ground of this particular initiative.

4.7 Not all London Boroughs operate Design Review Panels, and in those where these are regularly used there are issues over anonymity of participants, involvement in pre-application discussion and the extent to which the views of 'non-experts' or 'non-professionals' are allowed to play any part. Views and recommendations from such panels do not always reflect views of the wider public, and can reinforce rather than lessen the disconnect between Londoners and the planning system.

Recommendation	
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

	<p>urban design officers as well as formal design review.</p> <p>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.</p>
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5 Is the London Plan compliant with the NPPF in relation to neighbourhood planning?

5.1 The very limited reference to neighbourhood planning in the text of the Draft London Plan seems an anomaly. When questioned about this at consultation sessions, the response from Deputy Mayor Jules Pipe has been that neighbourhood planning is a matter for the Boroughs and not for the Mayor and GLA. A similar response was given by the Mayor on January 18th in answer to the following written question:

Q. The City of Westminster is proposing to specify which principles and parts of its Revised Westminster City Plan should be taken into account in the preparation of Neighbourhood Plans. Will your new London Plan set policies or guidance for London boroughs for the preparation of Neighbourhood Plans? If not, why not?

The Mayor

A. There is no need for additional guidance. Neighbourhood Plans form part of the boroughs' Development Plans and therefore need to be in general conformity with the London Plan. Like Local Plans, Neighbourhood Plans also need to follow the guidance set out in the National Planning Policy Framework. I have no statutory role in setting guidance for the process of preparing Neighbourhood or Local Plans.

5.2 We consider this response to be inadequate and to ignore requirements that the NPPF places on local planning authorities including the Mayor and GLA. The former Mayor accepted that the NPPF constitutes national policy to which the London Plan must have regard⁶. We therefore consider the current Draft London Plan to be **unsound** in this respect.

5.3 The statutory position is complicated by the fact that the Mayor and GLA undertake their spatial planning functions under different legislation than that which applies to the London Boroughs and other local planning authorities (the Greater London Authority Act 1999 and accompanying Regulations).

5.4 It is clear in the GLA legislation that the Mayor, in preparing a London Plan, has to have regard to consistency with national policies. At the Examination in Public of the current London Plan (FALP), the Inspector took the view that such policies include the National Planning Policy Framework (NPPF) which is supported by National Planning Practice Guidance (NPPG). Inspectors have therefore applied the same principles of 'soundness' to the London Plan as for other Local Plans. This means that

⁶ London Planning Statement, Mayoral SPG 2014 Section 1

the new London Plan should be positively prepared, justified, effective and consistent with national policy (paragraph 182 of the NPPF).

5.5 Paragraph 184 of the NPPF states *“Neighbourhood planning provides a powerful set of tools for local people, to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. 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.”*

5.6 As acknowledged in the current draft of the London Plan, the 1999 GLA Act requires that *“the spatial development strategy must deal only with matters which are of strategic importance to Greater London.”* Given the increased specificity and detail of policies in the new London Plan, it seems likely that there will be questions at EIP as to whether the new Draft has strayed into non-strategic areas of policy.

5.7 The NPPF and NPPG, which both post-date the 1999 Act, give some guidance as to what makes a spatial or land use policy ‘strategic’. If the Inspector of the new London Plan takes a different view from the Plan’s authors, the question will re-emerge as to whether the Mayor has no statutory role in giving guidance in respect of neighbourhood plans. Neighbourhood plans have to conform with the *strategic* policies in the London Plan, and the question remains as to whether each and every draft London Plan policy meets the NPPF and NPPG criteria as being ‘strategic?’

5.8 If this question is left in doubt, how is a neighbourhood forum (and an Examiner of a neighbourhood plan) to know which London Plan policies are strategic and require general conformity? This question arises regularly in relation to Local Plan policies when neighbourhood plans are independently examined.

5.9 NPPG advice expands on the requirement for local planning authorities to *“set out clearly their strategic policies for the area”*. LPAs are asked to *“provide details of these to a qualifying body and to the independent examiner”* (Paragraph: 077 Reference ID: 41-077-20140306). The NPPG sets out some ‘useful considerations’ for determining whether or not a policy is strategic (Paragraph: 076 Reference ID: 41-076-20140306).

5.10 The draft new London Plan makes no reference to these matters, and offers no confirmation or justification that each and every one of its policies is deemed ‘strategic’ for the purposes of the application of paragraph 184 of the NPPF in relation to neighbourhood plans. We do not see that this can simply be assumed, without justification in the London Plan document.

5.11 If a London Borough seeks to vary or modify a London Plan policy in its Local Plan, an inspector will consider the question of general conformity at EIP stage. The NPPF requirement that neighbourhood plans must be in ‘general conformity’ with ‘strategic’ policies’ applies to the London Plan as well as Borough Local Plans. This requirement is expanded on in the NPPG. The drafting of the London Plan therefore needs to address these requirements, and to provide answers for the growing number of neighbourhood forums preparing plans across London.

5.12 It is arguable that the Mayor has a statutory responsibility to observe NPPF paragraph 184 and to provide explicit guidance as to which London Plan policies are deemed ‘strategic’, taking into account NPPF and NPPG requirements as set out

above. The question should at least be asked and answered, as part of the London Plan document.

5.13 A second potential set of potential statutory responsibilities for the Mayor relates to the 'duty of support' to neighbourhood planning. National Planning Practice Guidance explains this as follows:

“provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order as required by [paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#).”

5.14 This duty is not precisely defined, the relevant section of the Act stating that a local planning authority “*must give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for neighbourhood development orders in relation to neighbourhood areas within their area*”. A requirement for financial support is specifically excluded.

5.15 This 'duty of support' applies to the two Mayoral Development Corporations as a result of statutory orders which give these bodies the same planning functions and responsibilities as the Boroughs, in relation to neighbourhood planning. Under normal principles of delegation, the parent body of these two Corporations (i.e. the Mayor) would be subject to this same duty. Given the unique set of legislation under which the Mayor and GLA operate, this may or may not be the case.

5.16 We suggest that this is a question which should at least be clarified at the EIP on the new London Plan. The resultant position should then be explained in the final Plan.

5.17 If it shown to be the case that the Mayor has no statutory role or responsibilities whatsoever in relation to neighbourhood planning in London (other than in the case of the Mayoral Development Corporations) this does not mean that it makes sense for the London Plan to ignore the potential of London's neighbourhood plans as a vehicle for achieving its spatial policy objectives. Paragraph 3 above explains why we feel that it would be a major missed opportunity for the new London Plan to ignore the potential of neighbourhood plans in London.

5.18 Nor does it mean that the Mayor should fail to give active encouragement and support, to neighbourhood planning as a meaningful form of involving Londoners in the planning process for the capital. On the contrary, we look forward to a final London Plan that demonstrates (within its policies and its text) the contribution that neighbourhood plans can make in achieving housing, employment, environmental and social objectives.

Neighbourhood Planners.London

Neighbourhood Planners.London exists to support neighbourhood planners in London and raise the profile of neighbourhood planning in the capital. We're a voluntary initiative in response to direct experience of the first wave of neighbourhood planning in London.



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info@neighbourhoodplanners.london