

London Plan

Briefing on environmental aspects for Just Space

Introduction

With the new London Plan nearing completion this note provides commentary on environmental aspects, taking into account the Panel report (8 October 2019), the Mayor's response to the Panel recommendations (December 2019) and the Intend to Publish version of the Plan (December 2019).

It is encouraging that the Mayor has declined to accept Panel recommendations to amend policies in ways that would undermine the Plan's strong protection for London's Green Belt and Metropolitan Open land, and the Mayor's Environment Strategy which sets a pathway for London to be zero carbon by 2050.

The Mayor's acceptance of the Panel recommendations to lower the overall housing target and in particular the number of homes to be delivered on small sites is welcome as this will reduce pressure on small green spaces and gardens to be developed. Nonetheless the overall level of growth the Plan proposes is significant and questions remain as to whether this can be sustainably accommodated in a way that avoids harm to communities and the environment.

Integrated Impact Assessment (IIA)

The IIA played a key role in the preparation of the plan, its purpose being to promote sustainable development through better integration of sustainability considerations into plan preparation and adoption. The IIA Scoping Report (2017) para 3.1.2 advises "*The aim of the IIA is to help to identify and assess different strategic options and help advise on the most sustainable solutions*".

During the course of the examination a number of us expressed concern regarding the way in which the Integrated Impact Assessment had been carried out, in particular with regard to how the different elements, including the Sustainability Appraisal, had informed comparison of options and conclusions reached. It is disappointing therefore that while the Panel acknowledged the IIA has shortcomings (Panel Report paras 26 and 27), they conclude that it meets legal and national policy requirements (Panel Report, para 28).

Good growth policies changed to objectives

The draft Plan Good Growth Policies set out strategic, overarching principles. Among these were GG2 *Making Best Use of Land*, a positive policy setting out location criteria, subject to amendment and improvement prior to and during the course of the examination; GG3 *Creating a Healthy City* which set helpful criteria which were strengthened through the process of consultation and examination; and GG6 *Increasing efficiency and resilience* again which set out helpful principles.

Disappointingly, the Mayor has accepted a recommendation by the panel to change the Good Growth policies to objectives (PR3). Whether this represents a weakening of the Plan and downgrading of what were envisaged as policies will depend on the extent to which other plan policies take forward the principles and criteria these set out and the weight London Plan objectives are given in local plans and decisions.

Definition of sustainable development

The Panel consider that the definition given in the glossary might give rise to a different interpretation to that set out within NPPF and the Mayor has accepted their recommendation to delete this (PR55).

While not a significant issue, including a definition in the London Plan would be helpful insofar as the draft Plan wording summarised the concept in a way that might be readily understood by a layperson. The NPPF definition has more detail, however, at best can be considered a partial definition and it too is subject to differing interpretations.

Scale and distribution of development proposed

In our consultation response we questioned whether London could sustainably accommodate the level of growth the plan proposed and expressed concern at the potential loss of gardens and green spaces resulting from the plan's emphasis on delivering housing from small sites. The Panel Report acknowledges the harmful impacts that could result from accommodating the scale of development proposed, such as worsening air quality and congestion in some town centres. The Panel question whether targets for delivering on small sites are justified or deliverable and recommend a lower target for small sites (PR10) which in turn reduces the overall housing targets – recommendations the Mayor has accepted (PR8 and PR10).

While the Plan does still propose significant growth and the focus on small sites remains, the lower housing target should help ease pressure for gardens and small green spaces to be developed while providing for suburban intensification and is therefore welcome.

Green Belt

London's Green Belt and Metropolitan Open Land and other green space face massive pressure from encroachment from built development. From Friends of the Earth's perspective, the approach to protection set out in Policy G2 *London's Green Belt* is justified given the importance of the Green Belt, multiple purposes it serves and wider benefits, such as climate resilience, access to nature and open space for city dwellers, flood mitigation, agriculture, woodland and wildlife habitats.

The Panel conclude there would be a shortfall of industrial land recommending this be addressed by modifying the plan to refer to boroughs considering whether the Green Belt needs to be reviewed through their local plan to provide additional industrial capacity and/or new locations in the context of policy G2 (PR30) and to refer to a London-wide Green Belt review to ensure that medium to longer term industrial needs can be met (PR31).

In rejecting Panel recommendations PR30 and PR31 the Mayor responds:

“From an industry perspective, policies E4-E7 provide a positive and justified strategic framework to meet current and future demands for industrial uses. Specifically, the Plan’s no net loss approach should ensure the retention of industrial floorspace capacity within designated locations, while the proposed intensification, co-location and substitution processes should encourage a more efficient use of existing industrial land to provide additional industrial capacity” and

“ the Mayor does not want to encourage a major shift of industrial activity to the outskirts of London as this is likely to give rise to negative impacts on the London economy and increase vehicle miles, congestion and pollution.”

The Mayor’s response is in our view justified. London’s industrial land requirements are best met through measures to safeguard and make better use of well-located existing industrial land and resist losses – as the Plan proposes. Were the Panel recommendations taken forward they would undermine the plan’s unequivocal protection afforded to the Green Belt and commitment to enhance it.

With regard to the Panel recommendation to amend the Plan to refer to the Mayor leading a strategic, comprehensive review of the Green Belt in London as part of the next London Plan (PR35), rejecting this recommendation, the Mayor writes:

“including a commitment to review Green Belt in this plan potentially pre-judges any future spatial strategy and risks undermining the objectives and delivery of this plan. The Mayor considers that any review of London’s Green Belt must only be as part of a comprehensive strategic appraisal of London’s spatial development options that focuses on the most sustainable outcomes. This is a matter for a future iteration of the London Plan.”

A further recommendation is made by the Panel to amend Policy G2 *London’s Green Belt* by deleting the reference to the Mayor supporting the extension of the Green Belt and opposing its de-designation (PR36). Since both changes, if taken forward, would weaken the policy we are therefore pleased that the Mayor has declined to accept this recommendation.

Disagreeing with the Panel that the policy is inconsistent with the NPPF, the Mayor’s response reaffirms his commitment to providing strong protection for the Green Belt in recognition of the important roles it plays, including preventing urban sprawl and driving the re-use of previously developed land, noting *“The strong protection of the Green Belt is also important due to the multiple important environmental functions it performs within the context of a climate and ecological emergency.”*

Metropolitan Open Land

As with the Panel recommendations on Policy G2, their recommendations on G3 MOL (PR37 and PR38) would similarly weaken the policy if taken forward. Again, the Mayor does not accept these, highlighting the multiple benefits and importance of MOL to Londoners which warrant the highest level of protection and noting, *“Ensuring the quantum of MOL is maintained will be important to not undermine the wider objective of more than 50% green cover in London.”*

In response to Panel recommendation PR46 in regard to MOL and Waterways the Mayor has moved paragraph 9.14.8 - *“Additional stretches of the River Thames should not be designated as Metropolitan Open Land, as this may restrict the use of the river for transport infrastructure related uses”* – to the supporting text of policy G3 (para 8.3.3) adding new text *“In considering whether there are exceptional circumstances to change MOL boundaries alongside the Thames and other waterways, boroughs should have regard to policies Policy SI 14 Waterways –strategic role to Policy SI 17 Protecting and enhancing London’s waterways and the need for certain types of development to help maximise the multifunctional benefits of waterways including their role in transporting passengers and freight.”*

This new text is of some concern since, depending on how paragraph 8.3.3 is interpreted, ie what type of development is considered necessary to maximise the multifunctional benefits of waterways, MOL alongside certain stretches of the River Thames may become more vulnerable to inappropriate development.

Green infrastructure, open space and urban greening

The Panel consider that national policy expectations for the natural environment would be met and exceeded by policies G1 to G9 and that these *“will also contribute to the Mayor’s commitment to make more than half of London green by 2050”* (Panel report para 445).

Commenting on the Mayor’s aspirations to increase tree canopy cover, the Panel note (para 465): *“The Mayor is seeking to increase tree canopy cover in London by 10% by 2050. This is a challenging but realistic target which policy G7, together with other green infrastructure policies, will assist in achieving. In particular, it underlines that borough development plans should identify strategic locations for planting to maximise potential benefits as well as protecting and maintaining existing trees and woodlands.”*

It is disappointing that the Panel consider there to be no justification for including a London-wide protection for residential gardens and recommend no modification to address this given the increased pressure gardens face from the emphasis on small sites to accommodate housing (Panel report para 447).

Urban Greening factor

While Policy G5 *Urban Greening* contains laudable aims – major development should contribute to the greening of London – a number of us expressed concern about how the methodology the London Plan proposes to achieve urban greening would work in practice and whether there was a risk that a rooftop garden or green wall might be deemed an adequate substitute for accessible green space at ground level. While the Panel acknowledges there are different views on the UGF scoring, they don’t address our specific concerns and view the approach as robust with the exception of industrial and warehouse development which they recommend be excluded as they believe applying the policy (G5) to this sector would inhibit development of B2 and B8 uses (PR39, PR40).

The Mayor has accepted the recommendation to modify the policy to exclude B2 and B8 development adding text to explain that *“these uses will still be expected to set out what measures they have taken to achieve urban greening on-site and quantify what their UGF score is”* (para 8.5.5)

and that “*further guidance to support implementation of the Urban Greening Factor*” would be developed.

Biodiversity

The Mayor has accepted in part the Panel recommendation to amend (PR41) Policy G6 *Biodiversity and access to nature* to make the policy consistent with the NPPF which proposed the following modification to Part C: “*Where harm to a SINC (site of importance for nature conservation) is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts... deliver off-site compensation based on the principle of biodiversity net gain of equivalent or better biodiversity value where possible”.*

The Mayor’s amendment to the policy omits ‘where possible’ and ‘of equivalent or’ explaining that “*Whilst the inclusion of ‘where possible’ makes sense as a general principle in the context its inclusion in the mitigation hierarchy is not appropriate. The avoidance of harm and impact and consideration of what is appropriate is already built into the hierarchy and to weaken it would undermine the principle of off-site compensation being a last resort and disincentivise exploring on-site mitigation first.*”

The Mayor’s response to the Panel recommendation makes sense. Adding the phrase ‘*where possible*’ would detract from rather than support policy implementation. Moreover, the amendment makes clear that where biodiversity is lost as a result of development compensation should deliver *better biodiversity value*.

Food growing

Disappointingly the panel makes no recommendation to strengthen Policy G8 *Food Growing* to acknowledge the role of agriculture and farming in the Greater London area referring to the Mayor’s Food Strategy and saying the approach to best and most versatile agricultural Land is covered by national policy and does not need to be covered in the plan.

Minimising greenhouse gas emissions, energy infrastructure and managing heat risk

The Panel considers the approach set out in the sustainable infrastructure policies to be justified and makes no recommendations to modify the policies. They conclude the policies would “*contribute effectively to achieving a healthy city as well as wider legal duties in respect of climate change*” (Panel Report para 476).

Air quality

The Mayor has accepted the Panel recommendation (PR42) on Policy SI1 *Improving air quality*.

This change in our view weakens the policy as the reworded policy now states that “*Development proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people, should demonstrate that design measures have been used to minimise exposure*” rather than “*Development proposals... which do not demonstrate that design measures have been used to minimise exposure should be refused.*”

Hydraulic Fracturing

The Mayor has decided to retain Policy SI11 *Hydraulic fracturing (Fracking)*, disagreeing with the Panel that it conflicts with national policy. In rejecting the Panel recommendation (PR44) to delete the policy, the Mayor's reaffirms his opposition to shale gas exploration and extraction in London, highlighting its inconsistency with other strategies, responding that it is vital to have a London wide planning policy on this and raising several other points which justify retaining the policy including:

- the London Plan has to have regard to being consistent with the Mayor's other strategies, including the Environment Strategy, which sets out a clear pathway for London to be Zero Carbon by 2050;
- specific support for hydraulic fracturing has been withdrawn from the 2018 NPPF following the High Court challenge (*Stephenson V Secretary of State HCLG 7.3.19*);
- significant developments with regard to scientific evidence and uncertainty surrounding impacts (OGA report);
- adoption by the government of a zero-carbon target;
- government moratorium on fracking.

Sustainable drainage

The Mayor has accepted the Panel recommendation (PR45) to amend Policy SI13 *Sustainable drainage* (part C) as follows: *"Development proposals for impermeable surfacing should normally be ~~refused~~resisted. unless they can be shown to be unavoidable, including on small surfaces such as front gardens and driveways."* The Panel consider that *"In requiring that development proposals for impermeable surfacing should be refused, [the policy] would unjustifiably restrict local decision making. This should be modified to enable an appropriate planning balance to be undertaken by boroughs."*

In our view, this change of wording weakens the policy and is unjustified. Permeable surfacing should be used in the vast majority of new developments to ensure future development is resilient and helps address, not exacerbate, impacts from extreme weather events such as high rainfall, storms and flooding.

Aviation

The Panel made a number of recommendations relating to wording on aviation matters which the Mayor has rejected. This includes recommendation PR47, to add 'Northwest Runway at Heathrow Airport' to the list of indicative transport schemes in Table 10.1, to add a new paragraph to the reasoned justification to describe the proposed Heathrow Airport expansion scheme as set out in the Airports National Policy Statement ("ANPS") and to explain that the ANPS will be the primary basis for making decisions on any development consent applications for that scheme.

In rejecting this recommendation, the Mayor explains: *"Because table 10.1 reflects the schemes needed to deliver the [Mayor's Transport Strategy] adding "Northwest Runway at Heathrow" is fundamentally inconsistent with its purpose as well as the MTS. In addition, the Mayor does not*

consider it is necessary to set out the role of the ANPS in decision making as this is set out in relevant national policy and legislation”.

The Mayor has rejected the Panel recommendation to delete Policy T8 *Aviation* (PR53) and supporting text noting that:

“The absence of Policy T8 would leave a policy vacuum, in which there would be no effective basis for assessing aviation-related development in London;

In the absence of T8, there would be no London-wide strategic planning policy for other airports in London, or other schemes coming forward at Heathrow;

The Mayor considers that T8 is not inconsistent with national policy and can operate alongside the ANPS;”

The absence of Policy T8 and introduction of the Inspectors’ recommendations into the London Plan would leave inconsistencies between the Mayor’s strategies policy, potentially breaching the requirements of section 41 (5) of the GLA Act 1999.”

The Mayor’s retention of Policy T8, albeit in amended form, is welcome. This makes clear his opposition to Heathrow expansion unless criteria are met in regard to noise and air pollution and ensuring regulatory and technology benefits are shared with communities. Also welcome are the Mayor’s proposed amendments. These include deleting the first paragraph of T8, which expressed support for increased aviation capacity in the south east and adding additional text ‘[should] include mitigation measures’ to criterion B.

Freight

In connection with the need to promote sustainable freight, the panel recommend a helpful amendment to replace ‘rivers’ with ‘waterways’ which the Mayor has accepted and an additional sentence in Policy T7 *Development plans and development proposals should facilitate sustainable freight movement by rail, waterways and road* (PR52). While ideally the amendment would prioritise rail and waterways over road, criterion f of the policy does seek to deliver a mode shift from road to water or rail where possible.

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