

**Sustainability Appraisal**

**M1. Does the Integrated Impact Assessment (IIA) and Addendum Report (NLP/CD/04 & 05) meet legal and national policy requirements relating to sustainability appraisal and strategic environmental assessment? In particular:**

**a) Is it suitably comprehensive and has it sufficiently evaluated reasonable alternatives and does it provide a basis for future monitoring?**

**b) Have the recommendations made within the IIA been adequately addressed within the Plan?**

**Suitably comprehensive:**

The Mayoral Decision MD2025 that approved expenditure on the Integrated Impact Assessment and Habitats Regulation Assessment, in its Annex 1 IIA Project Brief, required a separate Equality Impact Assessment (p8 para 1.2) , an identifiable Health Impact Assessment (p10 para 2.15) and a specific Community Safety Impact Assessment (p10 para 2.16). The Project Brief continued: *“Specific results and outcomes related to health, equalities, and community safety are to be clearly documented within the final IIA report. This will allow particular audiences to focus on the impacts they are most concerned about. It will also help the Mayor refine his proposed policies. As with previous revisions or alterations to the London Plan, this approach should build on past assessments that have been undertaken for the London Plan and other Mayoral strategies”*. These stipulations have not been fulfilled and these matters have been subsumed within a mass of largely uncritical text.

Just Space, as previously set out in its response to the Mayor’s IIA draft Scoping Report (<https://justspacelondon.files.wordpress.com/2017/03/london-plan-ia-scoping-report-comments-by-just-space-march-2017.pdf> ) and in its response to the public consultation draft IIA (<https://justspacelondon.files.wordpress.com/2018/02/ia-just-space-response.docx> ), has criticised the under representation of equalities or health in the assessment. At the Examination, Just Space would be prepared to contribute, elaborate and respond to the debate as appropriate.

**Reasonable alternatives:**

Reasonable Alternatives have not been correctly identified.

The IIA’s identification of alternatives found within Section 2.4 Strategic Options amount to alternatives within the 6 Good Growth policies that open the draft plan. Note that it is actually within the Non-Technical Summary that a fuller summation of the Strategic Options assessments is found. The IIA reduces this to basic tabulated format in Section 2.4. Confidence in this assessment is, therefore, reduced by this diminution of this key information within the IIA. Indeed, the IIA does not meet the requirements of the ‘SEA

Directive<sup>1</sup>, in particular Article 5 Annex 1<sup>2</sup>, as the tables do not outline the reasons for selecting the alternatives dealt with. Note that Section 8 appraisal of Strategic Options concerns itself to the chosen preferred options only. There is not a clear, focused and concise account of the 'storyline' of how the alternatives were considered.

The text of the Directive and the Regulations<sup>1</sup> are the fundamental starting point for they give considerable weight to the consideration of alternatives, identifying, describing and evaluating "*reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme*"<sup>3</sup>. The European Commission guide<sup>4</sup> on implementing the Directive provides further information on how alternatives should be considered. Paragraph 5.13 is particularly instructive by distinguishing alternatives within plans (e.g. different uses of areas) from those for "*plans or programmes covering long time frames, especially those covering the very distant future, alternative scenario development is a way of exploring alternatives and their effects. As an example, the Regional Development Plans for the county of Stockholm have for a long time been elaborated on such a scenario model*". While elsewhere this paragraph says "*different alternatives within a plan will usually be assessed*", taking on board the guidance for high level long-term city-wide plans which the draft plan clearly is, requires assessments of alternatives that embrace different futures and different realisations of London. The exercise needs to at least include the geography of development, capacity, regional role and sectoral bias which were tested for the London Plan adopted in 2004.<sup>5</sup> The spatial options tested that gave rise to the Good Growth policies are too narrowly framed and do not fulfil the requirements for 'reasonable alternatives' appropriate for a spatial development strategy for such a major capital city.

1. The Strategic Environmental Assessment Directive (Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment) was transposed into domestic law by the Environmental Assessment of Plans and Programmes Regulations 2004 ("The SEA Regulations").

2. Article 5 Annex 1 (h) "*an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.*"

3. Article 5.1/ Regulation 12(2)(b).

4. Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment.

5. Greater London Authority SDS Technical Report 17 – Scenario Testing, August 2002

## Monitoring:

Assessment is a continuous process beyond the preparation of the draft Plan. Consequently, there is a need to reflect on the fitness of the IIA for the later stage, i.e. 'Stage E'<sup>1</sup>.

The IIA and the Addendum are virtually silent on monitoring except for some references within certain individual policy assessments. They do not attempt to include commentary or assessments of the plan's *Chapter 12 Monitoring*. The IIA Scoping Report<sup>2</sup> did attempt the subject of *Monitoring and Difficulties Encountered* recognising that it is a requirement of the SEA Directive to establish how the significant effects of implementing the plan will be monitored. But in this report the monitoring proposals were thinly developed and its para 7.5.6's promise of a "*full list of suggested indicators presented in Appendix G*" could not be found.

The ODPM 2005 guidance's para 5.E.3 does note that "*the Directive's provisions on monitoring apply when the plan is being put into effect, rather than during preparation and adoption. However, preparations for monitoring will need to be considered in the course of preparing the plan*". Again, MHCLG SEA and SA guidance<sup>3</sup> advises that "*Stage B should also involve considering ways of...monitoring significant effects*". The IIA is now at Stage D.

To date there has been no evidence presented that preparations for monitoring have been considered except in the most cursory way. This is all the more concerning because the methodology of the draft plan is one of "*plan, monitor, manage*"<sup>4</sup>, notwithstanding that the explicit reference to this has been deleted in the Minor Modifications.

It has not been adequately demonstrated that there is a reasonable certainty that the IIA will be fit for the continuing effective monitoring of the effects of implementing the Plan throughout the Plan's life following formal publication. And the opportunities for community participation in the monitoring, with its potential for finer 'softer' nuanced monitoring and reporting, could be lost, thereby diminishing the democratic accountability and value of this whole plan-making and assessment process.

1. IIA section 3.1 Stages of the IIA Process para 3.1.4 p.12. ODPM A Practical Guide to the Strategic Environmental Assessment Directive September 2005, Appendix 10. SEA Directive Article 10(1).
2. IIA Scoping Report February 2017 Section 7.5 pp171-172.
3. MHCLG SEA and SA guidance 9 Feb 2015, para 017 ref. ID: 11-017-20140306.
4. Consultation draft plan November 2017, para 0.0.14.

## **IIA recommendations adequately addressed in the plan:**

Just Space, as previously set out in its response to the Mayor's IIA draft Scoping Report (<https://justspacelondon.files.wordpress.com/2017/03/london-plan-iaa-scoping-report-comments-by-just-space-march-2017.pdf> ) and in its response to the public consultation draft IIA (<https://justspacelondon.files.wordpress.com/2018/02/iaa-just-space-response.docx> ), has been critical of deficiencies in analysis, biased evaluation, undemanding 'soft' scrutiny of policy and apparent lack of definite consequences from the IIA. Just Space at the Examination would be prepared to contribute, elaborate and respond to the debate as appropriate.