

Draft London Plan Legal, Procedural and General Matters

M5. Irrespective of matter M4, did the Mayor engage constructively, actively and on an on-going basis during the preparation of the Plan:

a) With all relevant local authorities and other prescribed bodies in London (including the bodies prescribed under regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and

This seems questionable in view of the scale of objections to the DLP that have been received from many of the London Boroughs, especially in relation to some of the housing targets. We are aware that many of the London Boroughs have questioned their ability to deliver the targets proscribed in the DLP owing to the very optimistic land supply assumptions that underpin the London SHLAA.

The NPPF 2012 in paragraph 178 expects effective cooperation to address strategic priorities. Housing is one of those strategic priorities. Joint working on areas of common interest needs to be undertaken diligently for the mutual benefit of neighbouring authorities.

The DLP also fails the positively prepared and effectiveness tests of the NPPF.

b) all relevant local authorities and prescribed bodies outside London on strategic and cross boundary matters in the wider South East?

No. The Mayor asserts that the DTC does not apply to the process of London Plan preparation because the London Plan is not a local plan as defined by Section 38(2) of the Planning and Compulsory Purchase Act 2004. This is explained in paragraphs 5 and 10 of the GLA's response to PQ7. Instead, the Mayor argues, in terms of the preparation of the London Plan, he only has a duty to inform and consult under the GLA Act (para. 19). This is a much weaker test than the DTC because the DTC requires tangible and positive planning outcomes. This is explained in the PPG. For example, the PPG states at paragraph 010 Ref ID 9-010-20140306:

“Cooperation between local planning authorities, county councils and other public bodies should produce effective policies on strategic cross boundary matters. Inspectors testing compliance with the duty at examination will assess the outcomes of cooperation and not just whether local planning authorities have approached others.”

We consider the Mayor to be wrong on this point, and that the DTC does apply to the preparation of the London Plan as we have argued in our representations and under M4. Even if the Mayor is correct in a strict legal sense, he ought to have assumed responsibility for the DTC from a practical point of view and to ensure positive and effective planning outcomes.

We refer to our representations and our statement for M6 for a more detailed examination of the failure of the Mayor to engage effectively with the WSE. This demonstrates the Mayor's reluctance to plan positively to address the housing shortfall in London.

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