

Response to London Plan IIA Scoping Report Consultation

from Just Space and Southwark Law Centre

Question 1: Have there been any significant omissions of plans, policies, programmes or sustainability objectives relevant to the scoping of the IIA?

1. Given the multiple limitations – of land, of opportunities, of investment, of public funds, of carbon budget and planetary limits – the IIA (and London Plan) must be grounded in evidence of need.
2. The proposed approach makes many broad assumptions that limit the scope of assessment. There is an assumption that all forms of housing delivery are inherently a benefit, which ignores key considerations, including: whether that housing actually meets need (which SHMA and AMR evidences strongly suggests it does not; and the empirical evidence of the disproportionate number of empty and underused homes at the upper price end suggests similarly); how it might increase local rents and displace local communities (including local businesses); the finite amount of land available in London and the need to maximise public benefit of each site; the huge environmental impact of development. There needs to be a first-principles assessment of the inability of the current system to deliver in line with need and the good growth objectives in the current London Plan (i.e. growth that is socially and economically inclusive and environmentally sustainable). The simplistic and un-evidenced approach of central government – that housing unaffordability is fundamentally a function of supply – cannot be simply absorbed and regurgitated if the core objective of the IIA is to be met.¹
3. Similarly there is an assumption that increased density and tall buildings should be pursued without any detailed evidence or justification. Tall towers may be less viable than other forms of development, due to lower building efficiency, disproportionate energy use and higher build costs. They are also likely to prove less adaptable to climate change for the increased likelihood of extreme weather events. The evidence is that London’s housing stock has increased faster than its population over the previous 30 years, and that while overall housing targets have been met over the past 25 years, the affordable housing proportional target has not been met: in other words, we have over-provided on market housing but significantly under-provided affordable housing. Given that, the merits of increased housing delivery at the very least needs to be assessed against the uplift (or lack thereof) of affordable housing, environmental inefficiency and impacts to surrounding communities. The prompt questions to IIA Objective 2 (housing) fails to ask whether the (policy) option will provide the opportunity to deliver additional affordable/ social housing (whether through the speculative housing model or through public funding).
4. There needs to be a retrospective assessment of the extent to which current planning policies including new kinds of density and building height policies have impacted on land values and

¹ “the purpose of the IIA is to promote sustainable development through better integration of sustainability considerations into the development of the London Plan” 1.17

how these have changed over the lifetime of the current plan. This should include an assessment of ‘mission creep’ by developers that has eroded policy application over time – for example, profit margins have crept higher, and failure to deliver policy compliant tenure and size mixes is increasingly justified on the grounds of viability (despite the presumption that viability testing should be the exception rather than the rule).

5. There needs to be a distinction and clarification between viability and the assessment of the adequacy of affordable housing proposed. A lower level of affordable housing that is technically policy compliant on the grounds of viability may still be considered unacceptable in the context of the specific site and local need (the Schneck High Court case affirms this principle²). Often, committee members are led to believe that they cannot refuse a proposal on the grounds of lack of affordable housing where it is aligned with viability.
6. The approach also involves a largely blanket approach for affordable housing targets and viability inputs, including financial return. There needs to be more acknowledgement of the different development typologies and land uses in London, and how this will impact returns and ability to deliver affordable housing. There must be testing of a range of profit requirements and benchmark land values against different development typologies and policy requirements.
7. Viability testing should assess different approaches to implementation of the London Plan and how this might impact on outcomes. This could include looking at greater investment from the public sector including land (at nil cost) and funding the delivery of infrastructure, affordable housing and other policy benefits. Direct delivery including working in partnership with the private sector should be tested with lower returns assumed as public sector investment will reduce risk
8. The proposals omit a broader assessment of the viability system more generally. Many of the flaws identified in the University of Reading 2017 paper, ‘Viability and the Planning System: The Relationship between Economic Viability Testing, Land Values and Affordable Housing in London’, remain true: e.g. “a complex process and one that is capable of manipulation through the use of a wide variety of input data”, is ultimately “only of use as a negotiating tool”.
9. There needs to be more express acknowledgement of the potential for the ‘emergency measures’ to be baked into the London Plan long-term. The IIA must include an analysis of how the emergency measures affect not only housing delivery, but also affordable housing delivery – both quantum and percentage, house prices, and developer profit. This should include robust testing against alternatives models, including fixed affordable housing requirements.
10. Our experience has shown that development has resulted in an extensive displacement of small and independent businesses, contrary to the London Plan objectives to support them and include them in growth. This has especially impacted businesses run by and serving those from global majority ethnic groups. This is relevant to assessments of equalities, good growth and socioeconomics, but has been overlooked in the proposed IIA scope. The assessment must include a retrospective review of impacts under the existing plan, and an exploration of alternatives systems to better improve outcomes. Similarly, the effects of the dispersal of poverty through gentrification should not be mistaken for the eradication of that poverty or the

² [2022] EWHC 3335 (Admin)

reduction of inequalities, processes often obscured by bald measurements purportedly showing reductions in poverty within a gentrified locality. Policies and projects professing ‘regeneration’ are too often experienced by the poor and excluded through displacement and the destruction of critical social networks which help mitigate exclusion and poverty.³

11. Assessments of social and health outcomes tend to be too abstracted, and often boiled down to crude financial outputs. This overlooks an assessment of which demographics use a site pre- and post-development, i.e. whether groups have been displaced, priced out, or otherwise excluded.
12. Increasingly in major developments WLCCAs reveal that the carbon emissions generated by materials and construction in the first years of development are greater than the carbon emissions from use of the constructed buildings over their lifetime. Since “the purpose of the IIA is to promote sustainable development through better integration of sustainability considerations into the development of the London Plan”, there is a need to consider the impact of the London Plan on reducing carbon emissions from construction (through the use of materials which sequester carbon, for example), and assessing the benefits of development against the carbon cost – including the development of buildings which in all likelihood will remain underused or unused (for example, the evidence that few of the flats in the carbon-heavy Vauxhall Tower are used as homes⁴). Furthermore, there is a key omission / limitation in the assessment of environmental impacts: assessment of carbon efficiency is based on the parameters proposed by the developer, and fails to include a broader analysis of alternative scheme designs and uses for the site.
13. Current policies around the Circular economy and the retrofit and reuse of buildings are effectively discretionary to the whims of landowners and developers: the case of 72 Upper Ground SE1,⁵ for example, the developer refused to consider the demonstrably possible repurposing of a structurally sound 20-storey office block to create 200 homes as well as 60,000m² of office, simply because the developer wished to maximize the quantum of office development. Again, given that the purpose of the IIA is to promote sustainable development, it should assess the extent to which proposed London Plan policy provides a robust framework to indicate when the consideration of retrofit alternatives are required.
14. Just Space argued in 2018 that the IIA for that draft Plan failed to meet the requirements of the Equality Act and this was one of the arguments which, together, persuaded the Panel to insist that the Mayor’s team go back and do further work.

Question 2: Is the baseline data collated relevant and of sufficient detail to support the IIA, or is there additional key baseline data that could be used that has not been identified?

15. Given affordability pressures of housing (acknowledged at 4.32), baseline data should include the change in land values over the plan period and an assessment of how current policies have impacted on them. This should include data on whether policy DF1 has worked in terms of ensuring that developers take into account policy requirements when acquiring land.

³ In particular with regard to IIA Objective 6, prompt questions 7 and 8

⁴ [The London skyscraper that is a stark symbol of the housing crisis | Housing | The Guardian](#)

⁵ [Called-in decision: Former London Television Centre, 60-72 Upper Ground, London \(ref: 3306162 - 9 February 2024\) - GOV.UK](#)

16. There needs to be more rigorous assessment of how land value uplift is captured and shared, especially the split between private and public sector. This needs to include exploring different tools and alternatives for measuring and sharing the uplift.
17. There needs to be more data collected on the types of landowners who currently own identified development sites across London and an analysis of what motivates them to understand land supply. Sites in public ownership should be included in this database with a detailed assessment of the capacity of these development sites to support the delivery of the Plan. The role of the public sector in land assembly, including CPO, should also be considered.
18. There needs to be a stronger focus on a retrospective analysis across the existing plan period to inform a consideration of lessons learned to take forward into the new plan.
19. Viability testing should assess different approaches to implementation of the London Plan and how this might impact on outcomes. This could include looking at greater investment from the public sector including providing land (at nil cost) and funding the delivery of infrastructure, affordable housing and other policy benefits. Direct delivery including working in partnership with the private sector should be tested with lower returns assumed as public sector investment will reduce risk
20. More data is required to support the ever increasing returns sought by private developers. The justifications given by developers need to be rigorously assessed. An appropriate range of returns needs to be tested against different typologies. This should be sense-checked against returns available from other types of investment including alternative development opportunities in the UK or overseas – noting that the current viability system may offer an inaccurate depiction of returns for the purpose of this exercise.
21. Data should be provided on how additional building height impacts viability, affordable housing delivery (in terms of quantum and percentage), and environmental efficiency. For example GLA LPG ‘Optimising Site Capacity: a design-led approach’ says:

*As tower height and dwelling numbers increase, servicing the building becomes more complex and energy demand and Whole Life-Cycle Carbon emissions increase. **Taller buildings do not always result in more affordable homes**, as additional height can increase development costs. This can be more evident in lower-value locations. On such sites, alternative lower-rise build types may be more appropriate and may enable the delivery of development that is more sustainable.⁶*
22. Data should be collected on the displacement of small and independent businesses from development, and the net loss/gain of such businesses over the current plan period. This should include an analysis of the proportion of such businesses run by and serving global majority ethnic groups.
23. Data should be collected on the extent to which both (i) development proposals have properly and fully considered retrofit/repurposing/refurbishment options, and (ii) whether such

⁶ https://www.london.gov.uk/sites/default/files/2023-06/Optimising%20site%20capacity%20-%20A%20design-led%20approach%20LPG_0.pdf pg 44

considerations result in a greater proportion of developments actually retrofitting or repurposing buildings rather than demolishing them, thereby providing an analysis of the (in)effectiveness of existing policies to secure retrofit.

24. Data should be collected on carbon inefficiencies of recent development, particularly tall buildings (in terms of carbon emissions due to construction, from using the building after construction, and from the future re-use or demolition of the building) against alternative typologies of development, incorporating the research of Prof Philip Steadman and his team.

Question 3: Do you agree with the key sustainability issues that have been identified for London?

25. No – for the reasons below and in response to other questions.
26. There needs to be a more fundamental assessment of the current system's inability to reduce carbon emissions, and in particular to secure retrofit / refurbishment over demolition. There needs to be stronger policies mandating retrofit in certain instances, and requiring stronger evidence to be presented by developers and more robust scrutiny.
27. In particular there must be scrutiny of the push for densification and tall buildings.
28. There must also be a broader comparison against different development typologies and uses, rather than testing efficiency within a given parameter chosen by a developer.
29. In our experience, developers are often permitted to delay the detail on the assessment and mitigation of environmental impacts until after committee and after grant of outline planning permission. This undermines the democratic process and ability for full scrutiny by both the planning committee and the public. While there are usually conditions and obligations requiring approval by officers down the line, limitations on officer capacity and enforcement regimes means this is unlikely to be meaningful in practice. Even councillors are often excluded from reserve matters decisions.
30. There must also be a more robust framework for the assessment of indirect environmental impacts.
31. The Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA), requirement will not be satisfied without a genuinely strategic evaluation of the alternative(s) which the London Plan implicitly rejects. This sort of analysis is missing from the draft. How would such an alternative be formulated? We imagine that the years spent harvesting Londoners' views and aspirations in the Planning for London Programme will have given the LP team a strong basis for this. Our own proposal would be to conceptualise the London Plans to date as prioritising economic and employment growth to sustain agglomeration in the city and region with consequential fostering of real estate values and rents leading to intensified inequalities. We are in process of working up an alternative strategy prioritising the meeting of human needs and the stabilisation of land and housing prices. Such a city would be more polycentric and less nationally dominant than today's

London, and would better address the iniquities which have rendered London the most unequal city on the planet with a Gini Coefficient of 0.75.⁷

Question 4: Do the IIA objectives and assessment questions provide a sound framework against which to assess the sustainability performance of the emerging London Plan?

32. The objectives and assessment questions fail to properly focus on the equitable sharing of land value uplift between private and public sectors. NPPG on Viability says at para 11: “In plan making and decision-making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission”. This needs to be more clearly stated as an objective.
33. The framework needs to include bigger-picture assessments of whether development is actually meeting need. This must include an assessment of the potential harms of largely private housing development, including increase local rents, displacement, and social exclusion.

Role of IIA in the planning process

34. Impact assessments should be designed and working at the outset of the planning process so that successive iterations can alert the planners to likely adverse impacts and suggest mitigations. It is a complete mistake to delay the whole process until the draft plan is complete.
35. Just Space argued this in the 2019 EiP and it is one of the set of criticisms which persuaded the Panel of inspectors to require the mayor to do further work and then, when that further work appeared, to send the Mayor’s team back to prepare a serious study of how each policy would impact each of the protected groups. The resulting report⁸ would have enabled the plan to be improved in many ways had it been produced two years earlier. It should be referred to in this IIA scoping study and in Appendix B.
36. We are somewhat encouraged by Appendix B of the present draft Scoping Study which does at least provide some baseline survey of some of the key inequalities of London.

⁷ [Cities With the Most Income Inequality](#)

⁸ Summary of the specific implications of the Plan for each of the 9 groups with protected characteristics, GLA April 2019 https://www.london.gov.uk/sites/default/files/nlp_ex_33c_appendix_3_summary_.pdf