

## **Inspector's Response to Document LBL01**

Firstly, I wish to thank the Council for its full and comprehensive response in Document LBL01 to my Initial Thoughts and Questions. Without prejudice to my final conclusions, which will follow my consideration of both the written representations, including statements in response to the forthcoming Matters, Issues and Questions (MIQs) Discussion Note and the discussion at the examination hearings, I see no reason why the examination cannot proceed in the normal way.

I do have a few comments, however, that I wish to make at this stage, to give an indication to the Council and all other parties of the matters on which I still have soundness concerns.

### **1.Strategic considerations**

#### **1.1 London Plan Opportunity Areas**

1.1.1 The Waterloo OA boundary on page 337 and the Vauxhall, Nine Elms and Battersea OA boundary on page 362 are unclear, at least on the black and white copy I currently have.

#### **1.2 Central Activities Zone and Central Services Area**

1.2 In relation to policy ED3, I cannot find any proposed changes in FC026 which refers to the Central Service Area, that is in the main policy, but this may be an oversight on my part.

### **2 Sustainable development**

#### **2.1 Sustainability Appraisal**

2.1 The Council's work on the (February 2013) Sustainability Appraisal is helpful, including both the explanation of the six spatial planning issues and the detailed work on impacts. I am still, however, struggling to get an overall picture of what the key strategic alternatives were for Lambeth, or whether the Council considered that there were no realistic alternatives to the existing adopted Plan, or rather in the earlier 2011 Lambeth Core Strategy/spatial parameters in the London Plan (Intend to Publish version, which is the version I always refer to unless specifically stated otherwise) in which case a note to that effect would assist. I will ask this question in the forthcoming MIQ Discussion Note, and I can wait for a response until that time.

### **3 Indication of the plan period**

3.1 The Council's agreement to indicate the plan period on the cover of the Plan is welcomed.

3.2 I note the Council's view that its housing policies, including policy H1, are considered to be strategic. As the Council states, it notes that paragraph 4.1.12 of the London Plan (Intend to Publish version) refers to the possibility of the

need for a target beyond the 10 year period. My initial view, as stated in my earlier Note (Ref INS01) is that as the Plan's housing policies are strategic, therefore a 15 year figure for housing provision is required. Again, this will be a question in the MIQ Discussion Note and I do not need the figure at this stage. It is also clear from paragraph 67 of *the Framework* that the final five years' housing land supply does not need to be established in the same degree of detail as the first five years.

#### **4 Duty to Cooperate**

4.1 I note the Council's comments about the need to address the London housing shortfall in the next London Plan, which will consider alternative approaches, together with the supporting text from the Planning Practice Guidance. I also note that this approach is agreed with Lambeth's neighbouring Boroughs (SCG 02-09). I will, however, raise this as a question in the MIQ note, especially as the Council's view is challenged by at least one party which has expressed an interest to take part in the examination hearings.

4.2 I also note that the Council does not consider there to be a balance between the London Plan and the individual LPAs regarding meeting the London housing shortfall, or indeed the need for a balance, given its answer to question 4.1.

#### **5 Housing need and provision**

##### **5.1 The final five years of the plan period**

5.1.1 I note that the indicative housing provision for years 11-15 of the Plan, based on the London SHLAA, is targeted at 5,066 (Topic Paper 10, paragraph 2.6). I note that the detailed table in Appendix 2 of Topic Paper 9, gives a figure of 2,650 units for large sites, which is just over half the required amount, with some of the indicative housing provision being reliant on small sites. This would make a total housing provision target over the full 15 years of the plan period of 18,406 dwellings.

##### **5.2 Range and number of housing sites**

5.2.1 Topic Paper 10 sets out a range of housing sites. These can be tested at the hearing sessions. Given that this is a strategic, as opposed to a Part 2 Plan, should this Plan make provision for the major sites and broad locations for growth? As the Planning Practice Guidance states, in relation to broad locations for growth (11-15 years), decision makers will need to demonstrate that there is a reasonable prospect that they are likely to come forward within the timetable envisaged. I will explore this through the MIQs and at the hearings.

5.2.2 Looking at Appendix 1 to Topic Paper 9 (Schedule of large sites: years 1-10), it seems that there is potential for 8,918 units; this falls short of the combined total for the tables at paragraphs 3.7 and 3.10, of 9,904. I note that there is a new category in relation to two allocated sites, accounting for 349 units, and I am not sure whether the planning applications expected by the end of 2020 – 932 units – are included in the Appendix 1 tables. I am also wondering whether the two 'allocated' sites are from the existing, adopted Plan? If so, what is their status in relation to the new Plan?

5.2.3 Topic Paper 10, para 3.10 table, refers to two allocated sites; I also note that sites 4 - 6; 9; 10; and 11-16 in the submitted Plan, refer to mixed use development with an element of residential development. It would help me to have clarification on which allocation sites are referred to and the residential yields from the above sites. Is there any substantive difference between the two allocated sites and the above-mentioned sites?

5.2.4 Looking at the detailed small site tables (Appendix 3 in Topic Paper 10), I have calculated that there is a combined potential for something in the region of 2,458 small units, which would amount to about 6.15 years' supply, i.e. a long way short of 400 dpa figure for small site developments set out in the Plan over the plan period. [I have factored in the seven sites in table 3 (e) at a perhaps conservative density of 300 dph, compared with the average of 429 dph from the six sites with an estimated number of units]. I also wonder whether one of the sites in table 3 (b) for 186 units (variation of condition at 22-29 Albert Embankment) is a duplication. It also may be the case that table 3 (d) for 24 net units is highly likely to be artificially low because of Covid-19. However, I need to be persuaded that the estimated 400 dpa for small sites is realistic.

### **5.3 Details of 'other sites'**

5.3.1 I would appreciate a further steer on any implementation implications in relation to the 12 'other sites' mentioned by the Council in its previous note.

### **5.4 Principal components of the Plan's housing provision**

5.4.1 In relation to the principal components of the Plan's housing provision, the ground is largely covered in Topic Paper 10. Appendix 6 of this document is particularly helpful. I have a couple of further observations, which again can await the MIQs stage, for the Council to be involved in any extra statements or clarifications. Firstly, the 400dpa allowance for small sites is a crucial component, and for reasons already stated, I remain to be convinced on this figure. Secondly, the non-self-contained accommodation has only two positive entries. Am I correct in assuming that this type of development is covered by policy H13 'Large-scale purpose-built shared living'? Are we talking about two specific schemes and is there a good reason for the second scheme not being programmed for implementation until 2026/2027?

### **5.5 and 5.6 Five-year housing land supply**

5.5.1 Appendix 5 is a useful starting point for assessing five-year housing land supply. I welcome the Council's comments to amend the period to start at 2019/20, in line with the London Plan.

5.5.2 I note the comments in Topic Paper 10 (section 6) regarding the fact that there has been no shortfall in previous years (and therefore no need to make good a deficit over the five-year period or longer). I will follow up the non-completion issue through the MIQs, although I have noted your comment about the headroom figure of 154 dwellings.

## **5.7 Affordable Housing**

5.7.1 Thank you for drawing my attention to the reference in policy H2 to the London Plan policy H5 and to the viability considerations in document EB97. I will explore the document's viability conclusions at the hearings.

5.7.2 Topic Paper 1 (Affordable Housing on Sites Providing Fewer than 10 Residential Units; December 2019) sets out the policy background and the Council's arguments for seeking a financial contribution towards the delivery of off-site affordable housing (AH) on sites providing fewer than 10 units (gross). The London Plan policies H4 and H5 refer to AH on major sites, and *the Framework* (paragraph 63) likewise limits AH provision to major sites. So, we are talking about whether Lambeth's AH need, which clearly is considerable, is significantly greater than the Greater London average to justify policy H2 (a) (iv). I am also aware that another argument in favour of a low AH threshold is where a high percentage of housing is delivered from small sites. I will be framing questions in the MIQs to this effect.

5.7.3 Regarding AH tenure percentages in relation to the London Plan, I note your detailed explanation, although I will open this up for discussion at the hearings.

5.7.4 I have read your evidence to support the deletion of sections (c) and (d), including the references to relevant sections of the PPG, and I shall weigh this against evidence from other parties in their statements in response to the MIQs and at the examination hearings.

## **5.8 Specialist older persons' housing**

5.8.1 I note the Council's detailed comments on this subject and its view that the London Plan policy H13 refers to benchmarks rather than targets. However, whatever is the correct nomenclature, the two Plans seem to have a disconnect here. Again, I will raise this in the MIQs.

## **5.9 Gypsy and traveller accommodation**

5.9.1 I note your helpful comments in relation to the Secretary of State's letter of 13 March 2020.

## **5.10 High levels of complexity**

5.10.1 I have read the Council's detailed response to my initial thoughts. Whilst the Council is correct in stating that most of the housing policies are not the subject of the Secretary of State's direction of changes (13 March 2020), nevertheless, the same letter does express concern over "layers of complexity that will make development more difficult unnecessarily", admittedly not in relation to this Plan, but nonetheless, it is an area which I intend to explore during the hearings.

## **6 Economic development**

### **6.1 Affordable workspace**

6.1.1 I have read the detailed notes from the Council, applying to what is a complex issue. However, I am still interested in understanding why applying policy ED2 to the net increase in floorspace is not a solution to a viability problem that several of the parties consider to be critical. I will raise this issue in the MIQs and consider carefully the points made in the relevant statements.

### **6.2 Key Industrial and Business Areas**

6.2.1 Firstly, the Council is correct in that the relevant policy here is ED3 and not ED4; thank you for pointing this out. Secondly, the Council needs to look at this policy in the light of the changes to the Use Classes Order (see section 8 below). Nonetheless, it does seem strange that a policy which includes the name 'business' in its title, is now the subject of deleting the word 'business' from the policy. Again, I will seek views on policy ED3 through the statements in response to the MIQs.

### **6.3 Jobs for local residents**

6.3.1 Whilst I am sympathetic with the overall aims of the Council in seeking to encourage local employment, neither London Plan policy E11 (Skills and Opportunities for all) nor section 6 of *the Framework* (Building a strong, competitive economy) makes any reference to specific targets, and despite the detailed response to my initial concerns I remain to be convinced that policy E15 is sound. No doubt, we will debate this policy at the hearings.

## **7 Environmental issues**

### **7.1 Waste policies**

7.1.1 In response to the Mayor's concern regarding self-sufficiency, I note the proposed potential change to policy EN7(a) to include an explicit commitment to contribute to the Mayor's target for London's waste capacity and net self-sufficiency by identifying sufficient capacity and land to meet Lambeth's identified waste needs, including the Borough's apportionment target, which is set out in SCG01.

7.1.2 I note the Council's comments regarding its proposed area-based approach to waste planning, including the intensification of existing waste sites and identifying locations for new waste facilities. I also note the Council's cautious approach due in part at least to its reliance on the market to deliver new waste facilities. However, I note the Council's commitment to work proactively with the GLA to engage with operators to encourage delivery of additional waste management capacity in the Borough, and the proposed changes (SD17a) to this effect. The Council's comments in this increasingly difficult area are noted.

## **7.2 Decentralised energy**

7.2.1 The Council's explanation is noted. Policy SI3 of the London Plan appears to encapsulate the main elements without being too onerous and I am not at this point persuaded that there is a requirement for a separate Borough policy.

## **8 Use Classes Order changes**

8.1 Changes to the Use Classes Order have recently been announced and the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 will come into effect on 1 September 2020, amending the Town and Country Planning (Use Classes) Order 1987.

8.2 There is the potential that these amendments to the Use Classes Order could have implications for a number of policies and allocations involving uses which are now subject to change. As a result, it is necessary that the MIQs consider these changes with reference to a number of policies, including in relation to business use. I would also welcome any initial comments from the Council at this stage. Due consideration should also be given to how these changes may impact the policies in Section 6: Economic Development, Retail and Town Centre Uses and the detailed site policies included in Section 11: Places and Neighbourhoods

## **9 Next steps**

9.1 Firstly, I am appreciative of the Council's work in its detailed and timely response to all my Initial Thoughts and Questions. No further work is required from the Council at this stage, with the exception of any comments it wishes to make in relation to the Use Classes Order changes. As I have stated, I am satisfied from the Council's response that I can now progress with the examination.

9.2 I also need to point out that the possibility exists, through the MIQ responses and/or the hearings debates, that new areas of soundness issues may come to the fore.

9.3 My next task is to issue a Guidance Note covering the way the examination is to be progressed and the likely dates of the hearings, and in due course, the detailed agendas. The Guidance Note will be accompanied by my MIQ Discussion Note.

9.4 In the light of Covid-19, a key consideration, clearly, is whether the examination hearings are going to be conducted in the traditional way, where we have 'round table' discussions within a physical room/s somewhere within Lambeth, probably with an element of 'distance' or virtual links with participants who for whatever reason are unwilling to participate within the same room or space as other participants. The alternative option for the Council to consider is whether to conduct the entire hearing sessions virtually in the event of a lockdown, a course of action that many Councils are now adopting.

9.5 I have therefore asked my Programme Officer, Carmel Edwards, to seek the Council's views on which method (or methods) is/are considered to be

preferable. Whichever way is chosen, I will still need to visit Lambeth and carry out a number of site visits, some of which may be accompanied, if necessary.

9.6 As soon as I have the Council's response to the matters I raise in the above paragraphs, I shall issue the Guidance Note and MIQ Discussion Note.

*Mike Fox*

Inspector