

# LEVELLING-UP AND REGENERATION BILL 2022

## Written Evidence by London Forum of Amenity & Civic Societies

### Proposals for Changes to the Bill: Clauses 83 & 85

1. The London Forum of Amenity and Civic Societies is a volunteer-run network which supports 130 civic and amenity societies across Greater London in assessing Government and Mayoral policies.
2. As well as responding to Government consultations, we have participated in the preparation and examination of five editions of the London Plan since 2000 and advise our members on local plans.
3. We have considerable experience in the development and application of both London Borough Local Plan and London Plan policies, as well as the relationship between them and their relationship with the National Planning Policy Framework (NPPF).

### Current position: Principle of General Conformity

4. The principle of general conformity was included in the Town and Country Planning Act 1990 and was extended through the Greater London Authority Act 1999 to apply both to the Local Plan being in general conformity with the London Plan and the London Plan being in general conformity with national policy.
5. This principle of general conformity works very well and for development management purposes, once adopted the London Plan is the relevant planning policy set for London and, likewise, an adopted Local Plan represents a plan which has been assessed and passed as being in general conformity with the London Plan. This means that, unless a case raises significant strategic issues, London Boroughs can determine cases without the need for Secretary of State intervention. It should be a matter of subsidiarity not an opportunity for imposing national policies which may not be relevant to local circumstances.
6. The London Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.
7. In turn, the London Plan must be in general conformity with national planning policy as expressed in the NPPF. If it is not, the Secretary of State has powers to direct that the Mayor of London makes changes to the London Plan before the Mayor can publish/adopt the plan. The most recent London Plan (adopted in March 2021) was the subject of several such directions. Once agreed, the London Plan becomes the primary statutory plan and Secretary of State intervention, usually by calling in cases, only occurs in exceptional circumstances.

### National Development Management Policies trump local policies

8. The proposal in Clause 83 (2) of the Bill is that even for the slightest "conflict" with any national development management policy, the "conflict" must be resolved in favour of national policy. This is in distinct contrast where any differences can be related to the need to conform generally – which applies not only to local plans but also to the London Plan,
9. This is not being presented as a reserve power but as a potential requirement for the Secretary of State for the slightest "conflict".

## **Our proposal**

10. We object to Clause 83 (2), new sub-clause 5C which reads:

“If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.”

11. This wording is far too rigid and almost requires the Secretary of State’s intervention rather than that he should consider whether the degree of departure exceeds the requirement for general conformity. The use of “must” is too dirigiste and removes any need for assessment in decision making by the Local Plan Inspector or the Secretary of State.

### **Proposal: Amendments to Clause 83 (2) (5C):**

Line 1: Add “significant” after “any”

Line 1: Delete “conflicts” and insert “is not in general conformity”

Line 2: Delete “the conflict must be resolved in favour of” and insert “the development plan policy shall be referred to the Secretary of State.”

**Clause 83 (4) should be deleted.**

### **Clause 85: Spatial Development Strategy for London**

12. London Forum is also concerned by Clause 85, which prescribes or proscribes the content of the London Plan, especially as the detail may be buried in regulations, as proposed in Sub-clause 2E and in sub-clause 3 (10) (a) and (b).

13. The London Plan - the Spatial Development Strategy for Greater London – needs to integrate the contents of various Mayoral Strategies in the form of public investment in London’s infrastructure to support the spatial strategy. This is particularly important since there is no higher-level strategy for such investments and recognising their contribution to London’s development.