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30 April 2020

Dear Mr Carless,

You will be aware that we have previously written to the Council requesting further information in relation to housing matters. We advised in those letters (INS01-INS03) that there may be further requests as our initial preparation continued. We can confirm that there are several areas of the Plan and the supporting evidence base that we are seeking further information and justification on. These are set out under the following headings.

**Sustainability Appraisal / Strategic Environmental Assessment**

We have now had an opportunity to review the Integrated Impact Assessment (IIA) (PD4) and are seeking further clarification and justification in relation to a number of matters associated with the Sustainability Appraisal / Strategic Environmental Assessment (the SA). These are set out in the following table.

Plan Reference	Clarification Sought
Area Spatial Strategies	<p>The Plan relies on eight area spatial strategy areas to deliver the majority of its needs. Most of these have been described as being ‘carried forward’ from the currently adopted development plan. Given that this Plan would replace the currently adopted development framework and is therefore a ‘new’ Plan, we would like further clarification on whether there are any alternative overall strategies to the identification of the area spatial strategies that would allow the Plan to meet its identified needs and therefore represent a reasonable alternative(s)?</p> <p>Having regard to the context set out by regional and national policy and any constraints that these bring, are there alternative <u>uses</u> that could have been considered within each area spatial strategy and should therefore have been assessed as a reasonable alternative(s)?</p> <p>The assessment tables for the area spatial strategies set out that they have ‘no effect’ as they represent a spatial</p>

	<p>illustration of the other policies in the Plan. We would like clarification on whether the area spatial strategies in some cases go further than this and result in effects not already assessed under other policies in the Plan.</p>
Policy SP3	<p>This represents a new area spatial strategy area. We require further justification with regard to whether there are any reasonable alternatives that should have been assessed, including, but not limited to, its boundary and transport routes and layout.</p>
Policies SP3, B1 and B2	<p>The emerging London Plan at Policy E7 allows the consideration of mixed-use developments within Locally Significant Industrial Sites through a plan led or masterplanning process. The IIA and the legal compliance statement (SD30) suggest that this was not considered a reasonable alternative because it is not a requirement of the emerging London Plan. We require further justification for this approach to substantiate the Council’s position.</p>
Policy PLAN 1	<p>There is no discussion in the IIA of reasonable alternatives for this Policy. Are there any differing approaches or policy requirements that should have been assessed?</p>
Policy H3	<p>The IIA includes the consideration of alternatives to Policy H3, which includes the Mayor’s ‘threshold’ approach that would require major development proposals to provide a minimum of 35% affordable housing (or 50% on public sector or industrial land). Further, proposals which would not meet the minimum threshold or other criteria must provide viability evidence to determine the maximum amount of affordable housing that can be provided; and would be subject to various review mechanisms including a late stage review.</p> <p>We would like the Council’s view in relation to whether another alternative should have been appraised that would</p>

	<p>allow the consideration of viability evidence alongside the affordable housing targets/thresholds set out in Policy H3.</p> <p>In addition, the NPPF sets out that affordable housing should not be sought from developments of under 10 dwellings. On this basis, we would like the Council's view on whether a reasonable alternative to this effect should have been assessed?</p>
Policy H7	There is no discussion in the IIA of reasonable alternatives for this policy. Are there any differing approaches or policy requirements that should have been assessed?
Policies SC2, SC3, B4 and B5	There is no discussion in the IIA of reasonable alternatives for these policies. Are there any differing approaches or policy requirements that should have been assessed, such as different thresholds with each policy?
Policy R1	The policy sets out that residential development will not be allowed in Primary Shopping Areas. Given that the NPPF does not exclude residential uses in town centres, what is the Council's justification for not considering an alternative that would allow some residential development in such areas?
Policy R2	The policy at Part A sets out percentage minimums of A1 uses for the Angel, Nag's Head, Finsbury and Archway town centres. What is the Council's justification for not considering different percentages as a reasonable alternative(s)?
Policies R3, R6, R7, R9 and R11	There is no discussion in the IIA of reasonable alternatives for these policies. Are there any differing approaches or policy requirements that should have been assessed?
Policies R1, R10 and BC2 (Cultural Quarters)	The IIA under Policy R10 sets out that there was an alternative considered which was to have no cultural quarters designated but this was discounted as unrealistic because they are promoted in the London Plan. Is ruling

	<p>out this alternative justified, given it is not a requirement to identify cultural quarters?</p> <p>In addition, should the SA have considered the cultural quarter designations themselves against reasonable alternatives and/or boundaries?</p>
<p>Policies DH1 and DH3 (Tall Buildings)</p>	<p>Have all reasonable alternatives been considered? What is the Council’s justification for not considering an alternative for ‘areas’ or ‘zones’ where tall buildings might be acceptable or a combination of specific sites and a criteria based approach?</p> <p>The policies take a strict approach to tall buildings in the Borough. Given there appears to be a shortfall in housing and business floorspace delivery over the Plan period, what is the justification for omitting such considerations from the assessment and therefore scoring Policy DH3 ‘no effect’ against IIA Objectives 5 and 8?</p>
<p>Policy Assessment Tables</p>	<p>Do the tables provide a sufficient depth of assessment to allow a robust conclusion to be reached?</p> <p>The assessment tables within the IIA include commentary on the assessment of likely significant effects of the policies. The heading sets out that this includes consideration of short/medium/long term effects, secondary effects and permanent / temporary effects. However, there appears to be no reference of such effects in the commentary throughout the IIA. We require further explanation to explain why this is the case and whether this affects the robustness of the SA.</p>
<p>Cumulative Assessment</p>	<p>In many cases the assessment is brief. We require further justification on whether the approach to the cumulative assessments is sufficient to ensure a robust SA.</p>

<p>Site Allocations</p>	<p>No reasonable alternatives were assessed with regard to the Site Allocations. The IIA notes that there were no alternatives, as not allocating the sites was unreasonable. However, we request clarification on whether any of the allocated sites could have been allocated for alternative uses in accordance with the relevant overarching area spatial strategy it falls within and if so, whether such alternative uses should have been assessed? Further, are there any of the 'other important site' allocations that could have been allocated for other uses and therefore been appraised against reasonable alternatives?</p> <p>Are the assessments of each site sufficiently detailed to be robust? The IIA sets out that there are many unknowns, is this justified?</p>
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**Meeting Business Floorspace Needs**

The Employment Land Study 2016 (EB4) identifies a need for 400,000 square metres (sqm) of additional office floorspace over the Plan period. This has been updated in the Employment Topic Paper (SD16) to 443,000 sqm to take into account losses in floorspace between 2015 and 2018. The topic paper also sets out at Table 13 that when extant planning permissions and the anticipated delivery from the Plan’s site allocations are taken together, along with a 20% lapse rate (to existing permissions only) that there would be delivery of 311,571 sqm over the Plan period. This represents a shortfall of 131,429 sqm. We would like the Council’s view on whether a 20% lapse rate should also be applied to the capacity that would be delivered from the site allocations that do not benefit from extant planning permission and what effect this would have on anticipated supply.

The topic paper suggests at Paragraph 7.41 that the shortfall is not a significant issue because: *“The site capacity assumptions might be underestimated on some sites. In reality proposals on some of the allocated sites could potentially deliver considerably more office floorspace than the current assumptions suggest; the scheme might deliver more when it is built”*.

In response to our initial questions in relation to housing, the Council’s reply (LB01) at Table 2 set out that *“It is acknowledged that tall buildings may not be delivered in all of the identified locations neither may the maximum heights be deemed appropriate when it comes to decision making on specific sites. In addition, it is noted that the proportion of the site at maximum height is a variable and this was considered having regard to site specifics therefore it is acknowledged that in reality a detailed design may result in capacity variations based on this factor*

*alone*". Does this suggest that estimated capacity figures could reduce as well as increase in some cases? Is there sufficient certainty and evidence to suggest that such an approach would without reasonable doubt meet the identified shortfall of office floorspace?

Paragraph 7.41 of the topic paper also suggests that there will be further 'windfall office' proposals on other sites not currently identified in the Plan. Is there likely to be a reliable source of windfall capacity within the Plan period? Please can the Council provide evidence of previous windfall delivery of office floorspace (over the past 10 years if possible)?

If we were to find that the shortfall in office floorspace is unlikely to be met through increased capacities at the detailed design phase or through windfall opportunities, how else might the Council seek to meet the identified need and how could this be achieved during the examination?

On a related matter, the Site Allocations Document at Table 1.2 and the Bunhill and Clerkenwell Area Action Plan at Table 4.2 set out capacity assumptions for the spatial strategy areas and other important sites for office floorspace. Please can the Council provide a breakdown of this to each site allocation with a short explanation of how the assumed capacity was established and if this has been discussed and agreed with the landowner/developer.

**The Deliverability of the Site Allocations and the Position of Landowners / Developers**

It is clear from the Regulation 19 consultation responses that the landowners / developers of 36 site allocations do not support the allocated uses or have said that their site is not available. These are listed below:

1) KC2	19) NH14
2) KC3	20) FP3
3) KC4	21) FP4
4) KC5	22) FP5
5) VR2	23) FP7
6) VR5	24) FP9
7) VR6	25) FP13
8) VR10	26) FP15
9) AUS1	27) ARCH2
10) AUS3	28) ARCH3
11) AUS6	29) ARCH6
12) AUS7	30) HC3
13) AUS8	31) OIS10
14) AUS11	32) OIS12
15) AUS12	33) BC5
16) NH3	34) BC13
17) NH5	35) BC28
18) NH13	36) BC33

We are concerned that this brings into question the deliverability of these sites and would like to seek the views of the Council on this issue. We would also like the views of the Council in relation to whether the lack of support for the above sites or their allocated uses and therefore the question this raises over their deliverability, undermines the overall strategy of the Plan to meet its identified needs. In this regard, we would also like to know if all of the above sites were to be found unsound what effect would this have on the overall delivery of houses, office floorspace and retail floorspace over the Plan period.

### **Meeting Retail Needs**

The Retail and Leisure Study 2017 identifies that there is an additional need for 6,341 sqm (net) of convenience floorspace and 12,247 sqm (net) of comparison floorspace over the Plan period.

The site allocations include numerous sites where retail is set out as an acceptable use. However, it is unclear what floorspace capacities these sites are likely to deliver and therefore if these will be sufficient to meet the overall identified need. Please can the Council provide this information. In the event that there would be any shortfall, please can the Council set out how this could be addressed during the examination.

We are mindful that there is still some outstanding information in relation to our last two letters (INS02 and INS03). Therefore, we are requesting that all of the outstanding requests and additional information sought in this letter is provided by Friday 29 May 2020. Given the current difficult times, if the Council consider that meeting the deadline will not be possible, please let us know through the Programme Officer and an alternative date can be agreed. We would also like to thank the Council for their helpful responses to date.

Kind Regards,

*Jonathan Manning*

*Robert Parker*

INSPECTORS