

Appendix 1

Bromley's comments	EiP Panel recommendation	Mayoral Response
DRLP Policy 3.3 Increasing Housing Supply and Table 3.1		
<p>The target figure of 565 per annum for LB Bromley in Table 3.1 (which showed the figure set for each borough) and Policy 3.3 was opposed as the target is set too high and is not realistically achievable. It is considered essential that the figure accurately reflects a reasonable estimate of development capacity and takes into account all existing and future constraints including Green Belt, Metropolitan Open Land and other open space local policies, residential character and garden land.</p> <p>A number of large sites included in the 2009 London SHLAA were identified as unlikely to come forward for development during the monitoring period 2011-2021 resulting in LBB proposing a new figure of 473 per annum. Further analysis submitted to the GLA proposed a further reduced target figure of 462 per annum (4620 ten year target) to be inserted into Table 3.1. The GLA published a Housing Technical Note (August 2010) that reduced the annual target for Bromley from 565 to 500.</p>	<p>Panel recommendations refer to a 'minimum' monitoring benchmark of 34,900 dwellings per annum for London and introduce a range of 34,900-37,400 dwellings per annum (previously 34,900) to take into account increases in projected household formation and lower levels of net migration to surrounding regions. Any alterations to borough targets would be reflected through Early Alterations to the Plan.</p> <p>Borough targets set out in Table 3.1 (Housing Technical Note, August 2010) are agreed. Importantly, borough Development Plan Documents (DPDs) only have to be in general conformity with the London Plan and it will be open to individual boroughs that have evidence to justify any different figures at Examinations of Core Strategies. To avoid any uncertainty and lack of impetus over securing sufficient provision boroughs will roll forward annual targets in Table 3.1 (500 units per annum for the Borough) expressing the rolling target as an indicative figure to be checked and adjusted against any revised housing targets.</p>	<p>The Mayor does not consider it appropriate to include the 37,400 figure as suggested by the Panel. At the Examination in Public (EiP) he gave a commitment to an early review of the way housing targets in the Plan are developed. The result of this review and monitoring could be incorporated into an early alteration to the published Plan. The Mayor refers to this early review which is already underway and the need for alterations to the Plan in an addition to Paragraph 3.19. He also highlights that the figures given are likely to be minima.</p>

DRLP Policy 3.5 Quality and design of housing developments and Paras 1.2.19 and 1.2.21 of the Housing Supplementary Planning Guidance (SPG) EiP Draft

Bromley's comments

Policy 3.5 seeks to secure new housing of the highest quality and protect and enhance residential neighbourhoods. Paragraphs 1.2.19-1.2.26 of the Housing SPG EiP Draft (August 2010) set out guidance on how boroughs and developers should consider development proposals on private garden land.

In the Housing SPG EiP Draft the definition of private garden land in paragraph 1.2.19 is not reflected in paragraph 1.2.21 which refers to presumptions against development on back gardens (rather than private garden land) and Policy 3.5 of the DRLP should be amended to refer to a presumption against development on private garden land.

EiP Panel Recommendation

Policy 3.5 paragraph 3.28 should be modified to refer to the fact that the London SHLAA assumes a theoretical reduction of 90% in the historic level of garden development and therefore no strategic housing land availability obstacle to the formulation of DPD policies that seek to protect private or back gardens from housing development. A suitable evidence base is necessary at a local level to support such policies. The words "presumption against" are replaced with "policies to control" in the last sentence of Policy 3.5A.

Mayoral response

The Mayor agrees to the insertion of wording recommended by the panel to make reference to the fact that the SHLAA assumes a theoretical reduction of 90% in the historic level of garden development (at Para 3.34 of the 2011 London Plan).

The words 'presumption against' have been retained in Policy 3.5. The Mayor considers that as a matter of law, there is no longer a single presumption in favour of development as suggested by the Panel. There is no reason why a sound, evidence based policy should not presume against a certain type of harmful development.

Housing Supplementary Planning Guidance (SPG) EiP Draft - Section 2 Quality and Design

Bromley's comments

LB Bromley considers that the use of standards as set out in Section 2 on Quality and Design in the Housing SPG EiP Draft is overly prescriptive and inappropriate for this type of document and also for the DRLP itself.

EiP Panel Recommendation

Recommendations have not been made on the Housing SPG EiP Draft unless linked to changes in policy within the Plan.

Table 3.3 showing minimum space standards in the DRLP is endorsed with some changes recommended that specify "LDFs should incorporate minimum space standards that generally conform to Table 3.3 and the Mayor will seek to ensure compliance with the Table 3.3 standards when determining applications that

Mayoral response

The Mayor is concerned that the wording proposed by the Panel does not fully reflect the legal status that the plan enjoys under section 38 of the 2004 Act as part of the development plan in Greater London, which section 38 (6) makes clear has to be taken into account in making all relevant planning decisions. The Mayor has therefore only accepted the Panel's recommendation in part. The following wording will be added to Policy 3.5B; "...LDF's should incorporate minimum space standards that generally conform with Table 3.3.

	<p>come before him”.</p> <p>Reference to the standards in the text and the title should change from “minimum” to “indicative” and an additional row be added to Table 3.3 to provide for 1 bedroom/studio units with an indicative floorspace of 37sqm.</p>	<p>The Mayor will, and boroughs should, seek to ensure that new development reflects these standards.”</p> <p>The word “minimum” has been retained in the supporting text and in Table 3.3.</p>
<p>DRLP Policy 3.8 Housing Choice and Policy 3.9 Gypsies and Travellers</p>		
<p>Bromley’s comments</p>	<p>EiP Panel Recommendation</p>	<p>Mayoral Response</p>
<p>Draft Replacement London Plan Policy 3.9 The policy required LB Bromley to provide 58 Gypsy and Traveller pitches between 2007 and 2017. This figure far exceeded the requirements of all other London boroughs and LB Bromley objected strongly to this figure of 58 as it had to the Gypsy and Traveller Accommodation Needs Assessment (GTANA 2008) which was the evidence base used by the Greater London Authority in negotiating and drafting the London Plan policy. The GTANA had indicated a requirement of 119 additional pitches for Bromley (2007 – 2017) including a very significant proportion for those currently housed but with a psychological aversion to bricks and mortar. During the pre plan negotiations and throughout the draft London Plan consultation, Bromley has disputed the psychological aversion allowance and argued that capacity should be given more weight than need in determining allocations across the Capital.</p> <p>March 2010 - Minor Alteration to Policy 3.9 issued. This alteration produced a pitch requirement of 17 for LB Bromley and was welcomed, since it addressed both of the key objections LB Bromley had previously raised (above).</p>	<p>The EiP Panel agreed with LB Bromley’s representations that:</p> <ul style="list-style-type: none"> • Gypsy and Traveller provision is a strategic London-wide issue. • Sept 2010 alteration is not an appropriate solution • March 2010 offers a better way forward in respect of the land : capacity ratio <p>The panel, in reaching its target had some sympathy with</p> <ul style="list-style-type: none"> • The GLA equitable delivery argument that Gypsies and Travellers ought not to expect a better level of provision than is feasible for social housing generally (72.5% of identified need) • The need for some allowance for psychological aversion 	<p>The Mayor considers that taking an approach that it not favoured by the gypsy and traveller community or the boroughs would be involved in its implementation and would not appear to be a clear and robust mechanism for setting targets across the metropolitan area. A sub regional approach of the kind suggested would be difficult to implement in a transparent way.</p> <p>The Mayor remains of the view that the available evidence based on three rounds of public consultation and emerging Government Policy means that the most effective and practical way of ensuring provision for gypsies and travellers is to be done at a local level in the context of developing national planning policy.</p>

Additionally LB Bromley made representations regarding the provision of transit sites and Travelling Showmen plots, which would be met sub regionally and would not fall equally on all boroughs. LB Bromley, which has a large travelling showpeople site where additional provision has recently been made, argued that where a borough met one of these needs for the sub region it should be exempt from the other.

September 2010 Minor Alteration to Policy 3.8 Housing Choice (Policy 3.9 deleted)

The Mayor published a further minor alteration deleting the pitch targets altogether and incorporating reference to gypsies and travelling showpeople within Policy 3.8 "Housing Choice", making boroughs responsible *"for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPD's*. LB Bromley welcomed the removal of references to provision for those with a "psychological aversion" to living in bricks and mortar accommodation, but, argued strongly that the absence of a target effectively returns to a policy which seeks to meet needs where they arise without reference to capacity, would not be a strategic approach and would see responsibility falling heavily on the few boroughs, currently making provision, significantly LB Bromley.

Given the two points above one reducing and one increasing the need, the panel settled on a London-wide figure which matched the minimum need of 268 pitches producing a target for LB Bromley of 29 pitches. Furthermore, the panel indicated that provision should be made through cooperation within the sub regional housing partnership groups. The panel noted that some sub regions had traditionally under provided and should bare a greater need, effectively reducing the South East group (including Bromley) such that the LB Bromley provision would be 19 pitches.