



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

PINS NOTE 03/2016

To: All Inspectors, England

Relevancy: Planning and Enforcement appeals, Secretary of State Casework and Local Plan Examinations

Date of Issue: 26 April 2016

Currency: review on 26 October 2016

MINOR ALTERATIONS TO THE LONDON PLAN (MALP)

Action

1. Inspectors should be aware that on 14 March 2016, the Mayor of London published (i.e. adopted) [Minor Alterations to the London Plan \(MALP\)](#). From this date, the MALP are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for Greater London. The MALP update the London Plan in respect of [Housing Standards](#) and [Parking Standards](#).
2. Planning appeals must be determined on the basis of the development plan as it exists at the time of decision.
3. Inspectors are required to consider the policy position and if such matters raised in the MALP need to be addressed as part of the appeal then, in the interests of natural justice, the Inspector should consider the need to seek the parties' views. S/he should then ask the case officer to issue an appropriate letter as necessary (see Annex A for text).
4. It may also be the case that Inspectors are contacted by the Despatch team asking them to consider the impact of the MALP for any unissued decisions.
5. For appeals proceeding via Hearing or Inquiry, the matter can be addressed at the event. Writing out to the parties in advance may be appropriate depending on any time constraints. It is for the Inspector to consider the wording in those cases as they may wish to specifically identify relevant MALP passages.

Background

6. The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2036. It forms part of the development plan for Greater London. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications by councils and the Mayor.

7. The London Plan has been updated to incorporate the Minor Alterations. It also incorporates the Revised Early Minor Alterations to the London Plan (REMA), which were published in October 2013 and the Further Alterations to the London Plan (FALP) which were published in March 2015.

8. Case Officers will initially correspond with the LPA when requested to send a letter by the Inspector on the basis that it allows the case officer to establish whether

- there is no policy change relevant to the appeal proposal introduced by the new policy document
- relevant policy content is effectively the same, but new policies are in place. (This may occur where the wording of any 'replacement' policy simply replicates policy content from the replaced plan document, e.g. the plan may have been given a new reference/number)
- the LPA's decision is no longer supported by the original policies quoted in the decision (and possibly already provided with the questionnaire)
- there are entirely new policy objections to the proposal.

9. If the LPA identifies relevant matters, casework staff will then write to the appellant asking for their views according to current desk instructions. The time limit for response being 7 days (from the date of the letter, not 7 working days).

10. For Local Plans casework, Inspectors should refer to the step-by-step guide at Annex B

11. Please contact XXXX if you have any queries on this note generally. For specific casework queries please contact XXXX (Planning Appeals, XXXX (Enforcement Appeals), XXXX (SoS Casework) or XXXX (Local Plans queries). Non-salaried Inspectors may wish to approach XXXX with any queries in the first instance, on which XXXX will liaise with XXXX.

Annex A

Text of letter to be sent to LPAs

It has been brought to my attention that Minor Alterations to the London Plan (MALP) have recently been adopted. As you will appreciate, planning appeals must be determined on the basis of the development plan as it exists at the time of the Inspector's (or the Secretary of State's) decision.

If you consider the reasons for refusal/LPA's planning objections are supported by newly adopted MALP policies please supply copies of the relevant extract(s), stating the date on which each new policy was adopted and which of the policies originally relied upon it replaces.

Alternatively, if you consider the reasons for refusal/LPA's planning objections might no longer be supported as a result of the MALP policies please clearly explain the LPA's current policy position in respect of this appeal.

In order to avoid any unnecessary delay to the progress of this appeal please ensure that you provide a full reply within seven days of the date of this letter. Please note we must receive a response to this letter.

Local Plans

1. Inspectors should seek to minimise delays, while giving parties an opportunity to make representations in the interests of fairness. The first guiding principle in development plan work is where possible to ensure that sessions where representations may currently rely on parts of the London Plan that have been superseded or amended by the Minor Alterations to the London Plan (MALP) are re-programmed, and substituted with sessions not so affected, or that space is provided for relevant issues to be revisited before the examination is completed. As the starting point, the London Borough Council should be invited to consider the implications of the MALP for its plan that is undergoing examination, having regard to the requirement for general conformity with the London Plan.

2. Preparation before the pre-hearing meeting (PHM) (if applicable) – At the PHM (or in any event, in the Inspector's Guidance Notes for the Examination), make it clear that sessions where representations may currently rely on previously existing parts of the London Plan will be scheduled so as to give all parties the opportunity to take into account in their representations the potential effect of the MALP.

3. Preparation after the pre-hearing meeting (PHM) and relevant sessions scheduled – Defer discussion of policy topics where representations potentially reflect previously existing parts of the London Plan until the parties have been given an opportunity to consider the potential effect of the MALP as in step 2. Substitute with sessions not so affected.

4. Examination hearings in progress – Programme discussion of policy topics where representations potentially reflect previously existing parts of the London Plan to allow an opportunity to consider the potential effect of the MALP as in step 3 (if not possible go to step 5).

5. Examination hearings in progress where previously existing London Plan policy-related issues are the current topic - Continue on the basis of the MALP but where necessary, after canvassing the views of the parties, allow a suitable adjournment as in step 4.

6. Examination hearings in progress but previously existing London Plan policy-related issues are already dealt with – Inform examination parties that it will be necessary to re-open the issue(s) to allow an opportunity as in step 5.

7. Report is being prepared - Seek the views of the parties on the implications of the MALP. Be prepared to re-open the issue(s) to allow an opportunity as in step 6.

8. Report completed but not yet sent for fact check – On the basis that one of steps 1 to 7 has already been implemented, proceed to send

the report. If none of the steps before 8 have been completed, return to step 7.