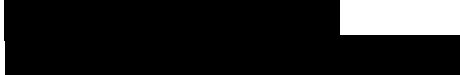


**Mary Hassell**

Senior Coroner  
Inner North London  
St Pancras Coroner's Court  
Camley Sreet  
London  
N1C 4PP

Date: 18 October 2024

By email and post:



Dear Madam,

**Inquest arising from the death of Malika Hibu**

I write on behalf of the Mayor of London (the Mayor) with regard to the Senior Coroner's Regulation 28 Report to Prevent Future Deaths (PFD) dated 7 August 2024 following the inquest arising from the death of Malika Hibu.

I am the Assistant Director of Planning & Regeneration at the Greater London Authority (GLA), and I am responding to the PFD report on the Mayor's behalf.

**The Senior Coroner's PFD report**

Malika tragically died on 17 February 2024 and the inquest into her death concluded on 17 July 2024. The Mayor was not an Interested Person in the inquest.

Firstly, I want to take this opportunity to offer our sincere condolences to the family and friends of Malika.

The PFD report is addressed to the Chief Executive of the Peabody Trust, the Chief Executive of Islington Borough Council, the Secretary of State for MHCLG and the Mayor. The PFD report raises the following matter of concern:

*'The railing next to the canal afforded no protection against the water for a small child. In fact, an adult could easily fit through it.'*

1. *Peabody Housing Association owned the development where Malika lived. However, I heard evidence that Peabody:*
  - *did not know where its ownership boundary finished;*
  - *did not risk assess the barrier to the canal;*
  - *did not act on complaints made by residents about the barrier;*
  - *having noticed in October 2023 that the barrier was unsafe, did not attempt to make it safer and did not make any significant attempt to ask anyone else to make it safer.*

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2. *I also heard that when the planning application for the 2015 housing development was considered in the first place, no consideration was given to the safety of the barrier as part of the development.*

*I have been told that the government has announced a consultation on the national planning policy framework (NPPF). I have also been given to understand that section 12 sets out policies relating to the achievement of safe, inclusive and accessible spaces. It has been put to me that paragraph 135(f) could include a requirement that when development takes place in proximity to open water, railways and other hazards, special regard should be paid to ensuring the safety of children, young people and vulnerable adults.*

I outline below a response to this area of concern raised by the Senior Coroner.

## **The Mayor's responsibilities for planning**

The Mayor is required to prepare a Spatial Development Strategy for London, known as the London Plan. This is a statutory requirement under the Greater London Authority Act 1999 ("the Act"). Here is a link to the current London Plan published in March 2021: [https://www.london.gov.uk/sites/default/files/the\\_london\\_plan\\_2021.pdf](https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf)

The London Plan, together with each borough's own Local Plan (and any made Neighbourhood Plans covering the area) form the statutory development plan against which planning applications are assessed in London. The Mayor's policies within his London Plan are required by the Act to only deal with matters which are of strategic importance to Greater London, leaving the detail and specific content to the Local Plans for each respective borough in London which must be in 'general conformity' with the London Plan.

The London Plan reflects the overall strategy for how London can develop sustainably and contains a number of strategic policies relevant to matters of safety, accessibility and inclusion. There is a clear emphasis in the plan on an inclusive approach to accessibility, seeking to ensure that developments take account of the needs of London's diverse populations, and provide independent access for all, including, children and young people, older people, disabled people and those with other protected characteristics.

This is an important aspect of policies that relate to design, housing quality and standards and social interaction e.g. play and informal recreation, and aligns with the Mayor's Good Growth objective on building strong and inclusive communities. There is also a policy related to the use and enjoyment of waterways in London, which seeks to protect and enhance inclusive public access to waterways.

## **The Mayor's powers in relation to planning applications**

All planning applications are submitted to the relevant local planning authority within London i.e. the 32 borough councils, City Corporation, London Legacy Development Corporation and the Old Oak & Park Royal Development Corporation.

The Mayor is consulted on all planning applications that are of 'potential strategic importance' (PSI) to London. These are commonly known as 'referred' applications. An application is referable to the Mayor if it meets the criteria set out in the Town and Country Planning (Mayor of London) Order 2008 (the 2008 Order). Once a planning application has been submitted, and if it meets

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the criteria for a PSI application, the local planning authority is required to refer it to the Mayor who then has six weeks to provide comments on the application, assessing whether it complies with the London Plan policies. This is a consultation response known as Stage One.

The application is then considered by the local planning authority at its planning committee, where it decides whether to grant or refuse permission. Following its consideration, the local planning authority is then required to refer the application to the Mayor for his final decision, known as a Stage 2 referral. The Mayor has 14 days to make a decision whether: to allow the local planning authority decision to stand; to direct refusal; or to take over the application, thus becoming the local planning authority.

We have looked at the original planning application for the development where Malika lived and we do not believe it would have been referable to the Mayor as it would not have met any of the criteria for a PSI application. The Mayor does not have any powers to comment or intervene on proposals that do not meet the criteria set out within the 2008 Order. Those proposals are the responsibility of the local planning authority who will assess the application against the Development Plan.

## **The National Planning Policy Framework**

The PFD report refers to the possibility of amending the National Planning Policy Framework (NPPF), specifically paragraph 135(f) to potentially include a requirement that when development takes place in proximity to open water, railways and other hazards, special regard should be paid to ensuring the safety of children, young people and vulnerable adults.

The NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and is also taken into account in the preparation of the Mayor's London Plan.

It would be the responsibility of the Secretary of State for Housing, Communities and Local Government to consider any proposed changes to the NPPF. The PFD report refers to a consultation on the NPPF. This consultation opened on 30 July 2024 and closed on 24 September 2024 and was in relation to some very specific questions. The Mayor submitted a response to the consultation which focused on the strategic aspects of the consultation.

As the Mayor must taken into account the NPPF in preparation of the London Plan, the Mayor would obviously carefully consider any changes made to the NPPF by the government in the preparation of his next London Plan.

## **Proposed changes to the London Plan**

The GLA is currently in the early stages of reviewing the London Plan. The current timescales for this include a consultation on a revised London Plan in the second half of 2025, followed by examination in public of the revised version in 2026-27, followed by the adoption of the revised London Plan in 2027.

The Mayor will consider the concerns raised in the PFD report through his review of the London Plan and members of the public will also have an opportunity to submit any comments as part of the consultation. However, as noted above, the London Plan contains strategic and overarching policies and does not provide prescriptive detail as to how developments should address specific safety concerns relevant to a particular location.

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## **Conclusion**

Please contact me if I can be of any further assistance and thank you for raising your concerns with the Mayor.

Yours faithfully



Assistant Director of Planning and Regeneration

