Response to the Draft London Plan 2026

Latin Elephant

Introduction

Latin Elephant asks for changes to make the Draft London Plan sound and legally compliant. **Everyday markets and migrant and ethnic economies are social and cultural infrastructure, not surplus floorspace.** The Draft Plan gives pubs and cultural venues a "retain" test and a "no net loss" target. Nevertheless, it asks only that markets be "designated", and it leaves the displacement of small businesses to the discretion of developers.

Latin Elephant is a registered charity (no. 1158554) that has worked since 2012 with migrant and ethnic businesses and communities in Elephant and Castle. We combine research, advocacy, business support, and community arts and heritage work. We convene Protect Our Places (POP), a coalition of eleven campaigns, organisations and communities defending London's markets, town centres and community spaces from displacement. We support POP's separate response.

Elephant and Castle as a test case. The majority of growth policy in the Draft Plan applies here at once. This OA is considered:

- a Brownfield First Opportunity Area, with 5,000 indicative homes and 13,900 jobs (Annex E);
- a location for buildings of 100 metres and over (Table 2.2);
- a major town centre (Annex B), on the edge of the Central Activities Zone;
- dependent on the Bakerloo Line Extension.

Elephant & Castle has already lived through the kind of regeneration the Plan promotes: the demolition of the Heygate Estate, and the closure of the Elephant and Castle Shopping Centre on 24 September 2020. That closure affected around 130 small and micro businesses, the vast majority run by migrants. What happened here shows what the Plan's policies will do elsewhere.

About our response to the consultation, we have elaborated one section for each of the five chapter surveys (Chapters 2 to 6). Each section gives our general comments, followed by supporting information. Annex A sets out our legal compliance points on the consultation, the Public Sector Equality Duty and the Integrated Impact Assessment. We wish to take part in the Examination in Public.

A note on terms. We use **everyday markets** for street and covered markets whose main role is meeting residents' everyday needs for affordable fresh food, goods and services. These are sometimes called traditional markets.

Chapter 2: Making best use of land and achieving Good Growth

General comments

Elephant and Castle is a Brownfield First Opportunity Area, a location for buildings of 100 metres and over, a major town centre, and a growth node for the Bakerloo Line Extension, so the policies in this chapter apply to it with full force. Our experience of the Heygate Estate and the Elephant and Castle Shopping Centre shows what "making the best use of land" means when the people already using that land are not counted as part of its value. We consider this chapter unsound in the respects outlined below, and we propose changes.

1. Good Growth must mean growth that existing communities stay to share in. The first Good Growth objective of the 2021 Plan (GG1 "Building strong and inclusive communities") has been removed, and the objectives have fallen from six to four (Table 1.1). The GLA's own consultation report records strong support for keeping the Good Growth objectives, and warnings that growth which leads to displacement "cannot credibly be described as Good Growth" (Consultation Report, paras 3.20 to 3.21). We ask for GG1 to be restored, with sub-objectives on preventing displacement, protecting social infrastructure (including everyday markets) and sharing the benefits of growth with existing communities. Good Growth should be redefined as growth that delivers prosperity and health for all, including mental health. Development that raises land values or housing numbers while displacing existing communities should not count as Good Growth.

2. Existing communities are missing from the spatial strategy (MBUL1). Paragraph 2.15 lists the "place assets" that plans should build on (natural, cultural, historic, infrastructural and economic) but not the people, businesses and social networks already there. Part A(4) tells plans to "prioritise affordable housing provision and public transport improvements in developer contributions". In practice, this puts re-provision for displaced businesses, everyday markets and community spaces at the back of the queue in every negotiation. At Elephant and Castle, every concession for traders had to be evidenced and fought for. Part A(5) and paragraph 2.17 go further, allowing student accommodation and large-scale shared living in early phases without their affordable housing requirements. We ask the following points:

(a) paragraph 2.15 names existing communities, their businesses and their social and cultural infrastructure, including everyday markets and migrant economies, as place assets;

(b) Part A(4) adds re-provision for displaced businesses and social infrastructure as a priority alongside affordable housing and public transport;

(c) the Part A(5) exemption does not apply in OAs or town centres with a high risk of displacement;

(d) viability assessments, complete section 106 agreements and Community Infrastructure Levy details for strategic schemes are published in full.

3. Optimisation must count what is already there (MBUL2). MBUL2 gives failure to meet optimised densities "very significant weight" (Part C(3)) and says character studies "should not preclude change" (Part A(2)). Nothing in the policy asks what an intensified site already holds. An everyday market, a cluster of migrant-run shops or a community space should be treated as a site-specific constraint and a public benefit to retain, not as under-used

land. We ask for MBUL2 to require plan-makers and applicants to identify existing uses at risk of displacement from the earliest stages of planning, and to show how they will be retained.

4. Tall building locations need anti-displacement plans (MBUL3 and Table 2.2). Elephant and Castle is listed as a location where buildings of 100 metres and over may be appropriate. Such designations raise land values and rents in the streets around them. We ask that every Table 2.2 location is accompanied by an anti-displacement plan, prepared with the community, covering existing residents, businesses and social infrastructure.

5. Heritage must include living heritage (MBUL7). The only mention of "intangible heritage" in the whole Plan is paragraph 2.98, as one topic that local heritage strategies "can" address. The heritage of Elephant and Castle is found in its buildings, but also in its Latin American trades, food, music, languages and places of gathering. The UK joined UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage in 2024. We ask that MBUL7 recognises living and intangible heritage as a material consideration; that local heritage strategies "should", not "can", cover it, co-produced with the communities concerned; that heritage impact assessments for schemes affecting markets and migrant business clusters assess living heritage; and that the Mayor supports legacy business registers for long-standing independent businesses and market traders.

6. Engagement and the public realm (MBUL8 and MBUL9). MBUL8 asks design and access statements to detail engagement with end users and protected characteristic groups, and MBUL9 Part D(4) asks major developments to "involve local communities, including women and girls" in designing public spaces. Both should explicitly include existing occupiers, traders and their customers, with interpretation and translation at Elephant and Castle. The Plan's own glossary counts markets as public realm; therefore, MBUL9 should protect space for street trading, servicing and loading in public realm schemes. MBUL9 Part E rightly asks developments to mitigate impacts "including during construction". This should cover trading, access, and footfall for nearby small businesses, which have been disrupted for years.

7. Legal compliance. We have concerns about the consultation (in particular the second, third and fourth Gunning principles), about whether the Integrated Impact Assessment shows due regard under the Public Sector Equality Duty (section 149, Equality Act 2010), and about the failure to test reasonable alternatives that would strengthen protection for markets and small businesses. These points apply across the Plan and are set out in Annex I of our attached document.

These changes are needed to ensure the Plan is justified (based on the evidence, including the GLA's own), effective (able to deliver its aim of inclusive places) and consistent with national policy, which asks plans to guard against the unnecessary loss of valued facilities and services (NPPF 2024, paragraph 98).

Chapter 2: supporting information

The table sets out the wording we propose. Additions are in quotation marks.

Policy/paragraph	Proposed modification	Why: soundness test
Table 1.1, Good Growth objectives	Reinstate "Building strong and inclusive communities" as an objective, with sub-objectives to prevent the displacement of existing residents, businesses and social infrastructure; protect everyday markets and migrant and ethnic economies; share the benefits of growth with existing communities; and promote prosperity and health for all, including mental health. Add to the justification: "Development that increases land values or housing numbers while displacing existing communities is not Good Growth."	Positively prepared. Justified by the Consultation Report, paras 3.20 to 3.21
MBUL1, para 2.15 (place assets)	Add: "and social assets, including existing communities, their businesses and their social and cultural infrastructure, such as everyday markets, community spaces and clusters of migrant and ethnic businesses."	Justified. Effective
MBUL1 Part A(4)	Add: "Prioritise affordable housing provision, public transport improvements and the re-provision of small and independent businesses, everyday markets and social infrastructure displaced by development in developer contributions"	Effective
MBUL1 Part A(5) and para 2.17	Add: "This flexibility does not apply in Brownfield First Opportunity Areas or town centres where existing communities, businesses or social infrastructure are at risk of displacement."	Justified
MBUL1, new implementation paragraph	"Viability assessments, section 106 agreements in full, and details of Community Infrastructure Levy receipts and spending for strategic schemes should be published, so that communities can see what has been secured and hold delivery to account."	Effective: able to be monitored
MBUL2, new Part A(4)	"Plan-making authorities should identify, from the earliest stages of plan preparation, existing residential, commercial, cultural and social uses at risk of displacement in areas identified for intensification and set out how they will be retained."	Justified. Effective
MBUL2 Part C(1), implementation	Add: "Site-specific constraints include existing everyday markets, community facilities and clusters of small, independent and migrant businesses that should be retained."	Justified
MBUL3 and Table 2.2	Add: "Plan-making authorities should prepare, with local communities, an anti-displacement plan for each location in Table 2.2, covering existing residents, businesses (including everyday market traders) and social infrastructure, before metropolitan-scale tall buildings are allocated."	Effective

Policy/paragraph	Proposed modification	Why: soundness test
MBUL7 Part B and para 2.98	Part B: local heritage strategies "should identify and safeguard living and intangible heritage, including the practices, trades, food cultures, languages and places of gathering of London's communities, and be co-produced with them". New part: "Heritage impact assessments for development affecting everyday markets or established clusters of migrant and ethnic businesses should assess impacts on living heritage." Implementation: "The Mayor will support boroughs to establish legacy business registers for long-standing independent businesses and market traders."	Justified. Consistent with the UK's obligations under the 2003 UNESCO Convention
MBUL8 (design and access statements)	Engagement should be reported with "relevant end users, existing occupiers, including traders and their customers, and protected characteristic groups, using interpretation and translation where needed"	Effective
MBUL9 Part D(4)	"Involve local communities, including women and girls, existing traders and their customers**,** to inform the design of public spaces."	Effective
MBUL9 Part E	Impacts to be assessed and mitigated "including during construction, and including impacts on the access, trading and footfall of existing businesses and markets". Add: "Where everyday markets operate, public realm schemes should retain space for street trading, servicing and loading."	Effective

Evidence:

- **Good Growth.** The GLA's Consultation Report records that respondents "supported the Good Growth objectives in principle" and that, if development leads to poor outcomes "(such as loss of green space, displacement, pressure on services, or declining wellbeing) it cannot credibly be described as 'Good Growth'" (paras 3.20 to 3.21).
- **Negotiating from the back of the queue.** Our 2021 report on the Elephant and Castle Shopping Centre redevelopment describes a process in which "every little gain had to be evidenced, argued and literally fought for". The planning committee deferred the application on 30 January 2018 because it was not policy compliant. It was only through that process that social rented homes in the scheme rose from 33 to 116 (of 979), and a relocation package for traders was secured.
- **Markets are public realm.** The Draft Plan's glossary states that "internal or elevated spaces that are publicly accessible are also considered public realm, such as markets".
- **Living heritage.** The UK ratified the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage on 7 March 2024, and it came into force for the UK on 7 June 2024.

Chapter 3: Delivering the homes and neighbourhoods Londoners need

General comments

Housing and livelihoods cannot be separated. When residents are displaced, local businesses lose their customers and workers; when businesses are displaced, residents lose affordable, culturally appropriate shops and services. We consider this chapter unsound in the respects below, and we propose changes.

1. Elephant and Castle is presented as a benchmark in the Plan. Annex E describes Elephant Park as "setting a benchmark for mixed-use, high-density regeneration". Elephant Park replaced the Heygate Estate, where 1020 council homes were demolished. Of approximately 3000 new homes, just 100 are for social rent. The estate's former community was displaced: tenants were promised a right to return that few could exercise, and many leaseholders left London altogether. Presenting this as a benchmark is not justified. We ask that the description be removed and that HN2 prevent it from happening again.

2. Replacement homes must include a right to return or remain for the original dwellers (HN2).

3. Affordable must mean affordable to the people who live here (HN3).

The Plan's own evidence shows that affordable housing need could represent around 66% of overall supply at a delivery rate of approximately 56,000 homes per year, yet the strategic target remains 50% genuinely affordable housing over the longer term. HN3 should explicitly recognise this gap and treat 50% as a minimum, not a ceiling. As drafted, the requirement to "maximise the delivery of genuinely affordable housing to contribute to London's 50 per cent strategic affordable housing target" is unmeasurable. The reduced Fast Track thresholds (20% in outer London and 25% in mid-London) contradict the GLA's own evidence, which identifies growing need, finds that affordable housing costs are not the principal viability issue, and finds that schemes with affordable housing are often more deliverable. The previous thresholds should be retained. To make delivery measurable, boroughs should be required to publish annual figures for total homes delivered, social rent homes, other low-cost rent homes, intermediate homes, market homes, and homes lost through redevelopment.

HN3 also ignores the GLA's own evidence on gentrification. GLA Housing Note 10 describes "gentrification pressures" and notes that concentrating new housing in lower-income areas such as Elephant & Castle can cause rent and price increases. We have seen these increases lead to the displacement of racialised and minoritised residents and of the small businesses that are integral to the community and neighbourhood. Large developments with a high proportion of private housing and a lack of affordable homes can have negative socioeconomic impacts, particularly in lower-income areas. HN3 must acknowledge this.

The policy is also not effective because it does not recognise that smaller amounts of affordable homes are less attractive to registered providers. Lower targets will mean more cases where no provider will take on the affordable homes, usually with a s106 provision allowing eventual sale as market housing. The policy should limit

and more tightly regulate such s106 provisions. HN3 must also state that a low level or lack of affordable homes can be “too high a price to pay” and a ground for refusal, especially where local need is particularly high.

4. No early-phase exemptions where communities face displacement (HN3 and HN5, with MBUL1 Part A(5)).

5. New homes must not push out the everyday markets and shops that make a neighbourhood (HN8 and the Agent of Change principle). Housing-led intensification of every town centre (PV3) will put many new homes above and beside everyday markets. HN8 should require new housing near markets to be designed so that it does not compromise their operation. The Agent of Change principle, which the Plan applies to night-time and cultural uses (GLE4 and GLE5), should apply equally to markets.

6. Neighbourhoods are more than housing numbers. One Good Growth sub-objective is to "ensure neighbourhoods provide safe, comfortable and convenient access to a range of facilities and services that address varied household and community needs" (Table 1.1). However, the phrase "strong and inclusive communities" now appears only once in the Plan, in the aim of HN7, qualified by "without undermining viability". We ask that housing growth in town centres and OAs be required to retain the affordable shops, everyday markets and community spaces that existing households depend on, including culturally specific food and services, and that this be monitored.

7. Monitoring over time. The Plan should monitor homes lost as well as homes built, and the outcomes of estate regeneration for existing residents: how many remained or returned, and on what terms. This should be reported over an extended period so that cumulative impacts on a neighbourhood can be seen.

Chapter 3: supporting information

Policy/paragraph	Proposed modification	Why: soundness test
HN8, new part	"Residential development near everyday markets should be designed to protect the market's operation, including early-morning trading, servicing and loading, noise and waste, applying the Agent of Change principle."	Effective
Annex A, new KPI	"Homes lost through redevelopment, by tenure; and outcomes for existing residents of estate regeneration (number remaining or returning, and on what tenure)", reported annually and cumulatively over the Plan period.	Effective: able to be monitored

Evidence:

The Heygate Estate and Elephant Park. 1,212 council homes were demolished on the Heygate Estate; decanting began in 2006 and demolition in 2014. Elephant Park will provide 2,924 homes, of which just 100 are for social rent: 92 of 2,689 on the main site and 8 of 235 at Trafalgar Place. Tenants were promised a right to return that proved of little use, and many leaseholders moved out of London (35% Campaign).

Chapter 4: Growing London's economy in a way that benefits all

General comments

Our 2021 report on the redevelopment of the Elephant and Castle Shopping Centre is cited in the Integrated Impact Assessment as evidence that development displaces small businesses run by Black, Asian and minority ethnic Londoners. Despite this, the chapter leaves those businesses with the weakest protection in the Plan. We consider it unsound in the respects below, and we propose changes.

1. What has happened at Elephant and Castle. When the shopping centre closed on 24 September 2020 after 55 years, around 40 of its 97 independent traders still had nowhere to move to. Around 130 small and micro businesses, the vast majority run by migrants, were directly or indirectly affected. In April 2019 the developer said 28 traders had been left out of its relocation plans. Our count was over 40, because market traders, arch tenants, kiosk traders and traders under the New Kent Road bridge had not been counted. Only 36 relocation applications had then been approved, against around 80 units promised at the planning committee, and relocated traders had to downsize: by our estimate, a net loss of 4,000 square metres of trading space. The relocation fund (up to £634,000 from the developer and £200,000 from Southwark Council) a temporary market for traders at Castle Square, 10 per cent affordable retail with first refusal for existing traders, and a rent cap of 75 per cent of market rent for years 6 to 15, were won only after years of campaigning. Nothing in this chapter would require even that.

2. Markets and migrant economies are invisible. The economy chapter does not mention street or covered markets at all. They appear only in PV3. Its account of growth (paragraph 4.15) lists finance and professional services, technology, creative industries, international education, life sciences and the experience economy. It leaves out the everyday economy of markets, independent shops and migrant and ethnic businesses, which provides jobs, routes into business and affordable goods for many Londoners. We ask that GLE1 recognises everyday markets and migrant and ethnic economies as part of London's economy, and that Part A requires local plans to provide low-cost premises for micro-businesses, market traders and migrant and ethnic businesses.

3. GLE1 Part F leaves displacement to developer discretion. Part F says developments that would displace small and independent businesses "should either re-provide such space in the development where feasible and appropriate in terms of its type, size and cost, including affordable workspace where this exists on site, and/or work with the borough to ensure that appropriate relocation options are available". This is not effective:

(a) "where feasible and appropriate" is undefined, so re-provision becomes optional and viability-led;

(b) "and/or" lets a developer choose relocation instead of re-provision;

(c) "work with the borough" passes responsibility to boroughs, and relocation options being "available" is not the same as being suitable, affordable, agreed or taken up;

(d) "affordable workspace where this exists on site" does not clearly cover market traders, stall and kiosk holders, licensees and sub-tenants, the very businesses left out of the count at Elephant and Castle;

(e) there is nothing on timing, continuity of trading, a right of return, rent levels, how long affordability lasts, or monitoring.

We ask that Part F be rewritten so that development which would displace existing small and independent businesses, including market traders, licensees, sub-tenants and businesses in temporary premises, must: identify and assess all affected businesses and their customers, including an equality impact assessment, from the earliest stages; re-provide suitable on-site space at rents no higher in real terms than before, secured for at least 15 years and preferably in perpetuity; secure continuity of trading and a right of return; allow relocation only as a last resort, agreed with the businesses, nearby and fully funded; and set out all of this in a business re-provision strategy secured by a planning obligation, with outcomes published annually for at least five years.

4. Markets deserve the protection the Plan gives pubs and cultural venues (GLE4 and GLE5). Pubs with value to local communities must be retained (GLE4 Part B(4)). Cultural spaces must be re-provided with "similar affordability for end users" (GLE5 Part D), with continuity of use and a right of first refusal for the existing operator (paragraph 4.55), and an Equalities Impact Assessment where protected groups are affected (paragraph 4.56). Both are monitored with a "no net loss" target (KPI 11). Everyday markets have none of this. We ask that markets receive the same tests, that they are named as cultural facilities under GLE5, and that KPI 11 becomes "Cultural venues, pubs and markets", measured so that cumulative losses over an extended period are visible.

5. Class E flexibility should not erode affordable retail (paragraph 4.14). Class E lets affordable shop units drift to higher-value uses without planning permission. Paragraph 4.14 already allows conditions to safeguard health, sport and creative uses. It should expressly allow conditions to safeguard affordable retail, market space and units let to existing traders.

6. Affordable workspace misses the traders who need it most (GLE7). Affordable workspace is triggered only by offices, research and development, light industrial, data centres and storage (Part A). Housing-led schemes in town centres, where markets and independent shops are, trigger nothing, although most community groups asked for all Class E uses to be covered (Consultation Report, paragraph 3.59). Part E exempts affordable workspace provided "on a temporary or meanwhile basis pending the redevelopment of the site" from re-provision, so traders already displaced once into temporary space, as at Castle Square, can lose protection a second time. Part D allows off-site provision and payments in lieu, which move the benefit away from the people displaced. We ask that GLE7 is triggered by major mixed-use and residential schemes in town centres, with affordable retail and market space as eligible uses; that the Part E exemption does not apply where occupiers were displaced from the same or a nearby site; and that **off-site provision or payments in lieu are not accepted where existing affordable or market space is lost**. Moreover, the 2021 Plan's requirement to "secure affordable commercial and shop units" (Policy E9) should be restored.

7. Access to employment must include enterprise (GLE8). The Plan records an 11 percentage point employment gap between White Londoners and Black, Asian and minority ethnic Londoners, but its response is limited to jobs and training in construction and end uses. For many migrant Londoners, self-employment in markets and small shops is the route into work. GLE8 should support local enterprise, business support in community languages, and local procurement from existing small businesses.

8. Monitoring. None of the current economic indicators (KPIs 9 to 12) measures small businesses, everyday markets or displacement. We ask for indicators on the net change in market pitches and floorspace, on businesses displaced and re-provided at equivalent affordability, and on the share of displaced businesses still trading two years later, reported by the protected characteristics of business owners where data allows.

9. Equality assessment. The IIA acknowledges that displacement affects businesses run by Black, Asian and minority ethnic Londoners, citing our research. It then scores GLE1 as having a minor positive effect on equality because of the Part F wording (IIA paragraph 6.160; Appendix A, paragraph A.80). No evidence is given that this wording works, and our evidence shows that it does not. See Annex I of our attached document.

These changes are needed for the Plan to be justified (the GLA's own evidence points the other way), effective (Part F cannot achieve its purpose as drafted) and consistent with national policy, which asks plans to retain and enhance existing markets (NPPF 2024, paragraph 90(c)) and to guard against the unnecessary loss of valued facilities and services (paragraph 98).

Chapter 4: supporting information

A. Proposed replacement for GLE1 Part F

The current text:

F. Developments that result in the potential displacement of existing small and independent business uses should either re-provide such space in the development where feasible and appropriate in terms of its type, size and cost, including affordable workspace where this exists on site, and/or work with the borough to ensure that appropriate relocation options are available.

Our proposed text:

F. Development that would result in the displacement or potential displacement of existing small and independent businesses, including market traders, stall and kiosk holders, licensees, sub-tenants and businesses occupying temporary or meanwhile premises, must:

(1) identify all affected businesses, on the site and in its immediate vicinity, at the earliest stage of plan-making and pre-application engagement, and assess the impacts on them and on their customers, including through an equality impact assessment;

(2) re-provide space within the development that meets the needs of those businesses in terms of type, size, location, servicing and cost, at rents and service charges no higher in real terms than they paid before redevelopment, secured in perpetuity or for no less than 15 years;

(3) secure continuity of trading, through suitable temporary premises on or near the site before any business is required to leave, and a right of return to the re-provided space;

(4) only where on-site re-provision is shown not to be possible, secure relocation to suitable premises nearby, agreed with the businesses affected, with relocation, fit-out and any additional rent costs met by the developer; and

(5) set out these measures in a business re-provision and relocation strategy, prepared with the affected businesses and their representatives before the application is determined, secured by planning obligation, with outcomes monitored and published annually for at least five years after re-provision or relocation.

Proposed implementation text:

Viability should not be used to reduce the requirements of Part F. The count of affected businesses should include everyone trading on the site, whatever the form of their occupation, and should be checked with the businesses and local community organisations. Plan-making authorities should identify, in local plans and site allocations, clusters of small, independent, and migrant and ethnic businesses at risk of displacement, and set out how they will be retained.

B. Other suggested modifications:

Policy/paragraph	Proposed modification	Why: soundness test
GLE1 Part A	Add to the range of business space: "including low-cost premises for micro-businesses, market traders and migrant and ethnic businesses"	Positively prepared
GLE1, para 4.15	Add: "and the everyday economy of markets, independent shops and migrant and ethnic businesses, which provides jobs, routes into enterprise and affordable goods and services"	Justified
GLE1, para 4.14	Add “affordable retail, market space and units let to existing traders to the uses that conditions may safeguard”	Effective
GLE7 Parts A and C(3)	Trigger affordable workspace in major mixed-use and residential development in town centres, with affordable retail and market space as eligible uses	Justified by Consultation Report para 3.59
GLE7 Part D	Add: "Off-site provision or payments in lieu should not be accepted where existing affordable workspace, affordable retail or market space is lost on the site."	Effective
GLE7 Part E	Replace "unless the existing affordable workspace has been provided on a temporary or meanwhile basis pending the redevelopment of the site" with "including where it has been provided on a temporary or meanwhile basis to accommodate businesses displaced from the same or a nearby site"	Effective
New part (restoring 2021 Policy E9)	"Where justified by evidence of local need, development plans should secure affordable commercial and shop units, including units for existing traders."	Justified

Policy/paragraph	Proposed modification	Why: soundness test
GLE5 Parts A(1) and B(1), para 4.54	Name everyday markets as cultural facilities, and as candidates for listing as Assets of Community Value	Effective
GLE8, new Part B(4)	"support local enterprise and self-employment, including business support in community languages and local procurement from existing small businesses."	Positively prepared
Annex A, KPI 11 and new KPIs	Rename KPI 11 "Cultural venues, pubs and markets". Add KPIs for: net change in market pitches and floorspace; businesses displaced and the share re-provided at equivalent affordability; the share of displaced businesses still trading after a meaningful period following displacement, as defined in the monitoring guidance; affordable retail and market space secured. Report by owners' protected characteristics where data allows, annually and cumulatively	Effective: able to be monitored

C. Comparison between protecting pubs, culture and everyday markets

	Pubs (GLE4)	Cultural venues (GLE5)	Everyday Markets (PV3 Part E)
Retention test	"Retain existing public houses where they have a heritage, economic, social or cultural value to local communities" (B(4))	"Protect existing cultural facilities" (B(1))	None: "designate" only
Loss allowed only if	"No realistic prospect… supported by compelling marketing evidence" (B(6))	Replacement to be considered where loss is "unavoidable" (A(2))	No test
Re-provision	Pub use kept in redevelopment (B(5))	"At least an equivalent amount… with similar affordability for end users" (D)	None

	Pubs (GLE4)	Cultural venues (GLE5)	Everyday Markets (PV3 Part E)
Existing operator		Continuity of use and right of first refusal (para 4.55)	None
Equality check		Equalities Impact Assessment where protected groups are affected (para 4.56)	None
Monitoring	KPI 11: no net loss	KPI 11: no net loss	None

D. Evidence: Around 130 small and micro businesses were directly or indirectly affected, the vast majority run by migrants; 72 per cent of Latin American retailers in the area were of Colombian origin, and over 40 per cent of the businesses were women-owned (Latin Elephant, 2021).

Chapter 5: Creating a greener, healthier and resilient city

General comments

This chapter aims to create a healthier city and reduce health inequalities. Nevertheless, it cannot be done while ignoring the health impacts of displacement and who bears the environmental costs of growth. We consider it unsound in the respects below, and we propose changes:

1. Displacement is a health issue. The Plan's own IIA acknowledges that "stark health and socioeconomic inequalities, including ethnic inequalities, remain" in London (IIA Non-Technical Summary, paragraph 1.67). Losing a home, a business, or the everyday market where people meet and buy affordable food harms physical and mental health and personal economies, especially for older people, migrants with limited English, and people on low incomes. Nonetheless, the Plan's references to health impact assessment do not mention displacement. We ask that health impact assessments for major regeneration schemes assess the effects of displacement and the loss of social networks, including on mental health, and that their findings shape whether and how schemes proceed.

2. Air quality: protect the people most exposed (GHR10). The IIA notes that "poorer and Black, Asian and Minority Ethnic communities are more likely to live in areas with poorer air quality". At Elephant and Castle, market traders and street-level businesses work long hours beside some of the busiest junctions in south London, and have lived with years of demolition and construction. GHR10 rightly asks plan-makers to consider the "sensitivities of particular populations or communities including those with protected characteristics". We ask that this expressly includes outdoor and street-level workers such as market traders, and that construction management plans for major schemes assess and mitigate the dust, noise and access impacts on neighbouring small businesses and traders.

3. Heat risk must include outdoor trading and small premises (GHR4). Everyday markets, kiosks and small shops are among the places most exposed to heat, and their occupiers can least afford cooling. GHR4's requirements for shade and green infrastructure in public and communal spaces should explicitly cover market spaces.

4. Greening without displacement (GHR7 and GHR8). New parks and greening improve health, but they also raise land values and rents. Elephant Park's new park is part of the scheme the Plan calls a benchmark. However, few former Heygate Estate residents are there to enjoy it. We ask that greening and new accessible green space in OAs be planned with existing communities and paired with anti-displacement measures, in order that the people who lived with poor air and little green space can benefit. Community food growing should be supported.

5. Everyday markets are climate and health infrastructure. Markets sell fresh, affordable food within walking distance, use little packaging and support repair and second-hand trades. If they close, people travel further for food and lose access to culturally appropriate diets. We ask that Chapter 5 recognises everyday markets as part of a healthy, low-carbon food system, and that the loss of a market is treated as a health and environmental impact.

Chapter 5: supporting information

Policy/paragraph	Proposed modification	Why: soundness test
Chapter 5 reasoned justification (paras 5.2 and 5.7), with MBUL6 para 2.89	Add: "Health impact assessments for major regeneration schemes, including in Brownfield First Opportunity Areas, should assess the effects of displacing existing residents, businesses and social infrastructure, including the loss of social networks and effects on mental health, and their findings should inform whether and how schemes proceed." The Plan's only reference to health impact assessment is in the context of design review (para 2.89).	Justified; effective in reducing health inequalities
GHR10, plan-making evidence on vulnerability and exposure	After "sensitivities of particular populations or communities including those with protected characteristics", add: "and of people who work outdoors or at street level for long hours, such as market traders".	Justified; legally compliant (equality duty)
GHR10, construction (Part D and implementation)	Add: "Construction and demolition management plans for major schemes should assess and mitigate the impacts of dust, noise, access restrictions and loss of footfall on neighbouring small businesses and market traders, agreed with those businesses."	Effective
GHR4, heat risk in public and communal spaces	After "providing shaded areas", add: "including everyday market spaces".	Effective

Policy/paragraph	Proposed modification	Why: soundness test
GHR7 and GHR8, implementation	Add: "In OAs, new and improved green space should be planned with existing communities and accompanied by measures to prevent the displacement of existing residents and businesses (see MBUL1 and GLE1). Opportunities for community food growing should be supported."	Effective; justified
Chapter 5 reasoned justification, new paragraph	"Everyday markets are part of a healthy, low-carbon food system, providing fresh and culturally appropriate food within walking distance with little packaging, and supporting repair and second-hand trades. Their loss should be treated as a health and environmental impact."	Justified

Evidence:

- About Health inequalities, The IIA Non-Technical Summary (para 1.67) states that "stark health and socioeconomic inequalities, including ethnic inequalities, remain", and that the impacts of poor air quality "do not fall equally across the city; poorer and Black, Asian and Minority Ethnic communities are more likely to live in areas with poorer air quality".
- About the Plan's own aims, Chapter 5 says green infrastructure plays "a vital role in supporting physical and mental health, reducing health inequalities" (para 5.7), and that air pollution is "a key driver of health inequalities in London" (para 5.9).

Chapter 6: Place visions and place-based approaches

General comments

This chapter decides what happens to our area. It contains the Opportunity Area policy (PV1), the town centres and markets policy (PV3) and, in Annex E, the vision for Elephant and Castle itself. We consider it unsound in the respects below, and we propose changes.

1. The Elephant and Castle vision recognises our community but does not protect it (Annex E). It says regeneration should build on the area's cultural and community assets, "recognising the significant Latin American community and the need for a diverse retail and community offer". Recognition is not protection. For Southall, the same annex says "it is essential to retain and preserve Southall's heritage and cultural assets as it develops", and supports "community-led approaches to regeneration". Elephant and Castle's Latin American community deserves the same. We ask that the vision state: "It is essential to retain and support Elephant and Castle's Latin American and other migrant and ethnic communities, businesses and cultural assets as the area develops. New retail and leisure floorspace in the town centre should include affordable space for traders displaced by redevelopment, with a right of return, and regeneration should be community-led". Moreover, we ask the following points:

(a) the description of Elephant Park as "a benchmark for mixed-use, high-density regeneration" is removed.

(b) the proposal for "active links through the railway arches" does not displace the independent businesses that trade in them;

(c) the aim to "strengthen the area's cultural identity" names its Latin American identity, and the "vibrant evening economy" includes the existing Latin American restaurants, bars and venues;

(d) because Elephant and Castle is a location for buildings of 100 metres and over (Table 2.2), and the Bakerloo Line Extension will raise land values further, this OA needs to have an anti-displacement plan prepared with the community.

2. Opportunity Areas must be planned with existing communities, not around them (PV1). PV1 Part B(5) says "the involvement of community voices, particularly those from underrepresented groups, should be sought". Seeking is not the same as involving. We ask that communities, in particular migrant, Black and minoritised and working-class residents and traders, must be involved from the earliest stages of OA frameworks and site allocations, with funding, interpretation and translation provided. Part B(1) promotes "site assembly", which is how markets and small businesses get swept into comprehensive redevelopment: site assembly should not result in the loss of markets or affordable business space. Part B(7) encourages meanwhile uses. Where meanwhile space houses businesses displaced from the area, it should be treated as their established premises when re-provision is decided.

3. Designating markets is not protecting them (PV3 Part E). Part E asks plan-making authorities only to "designate street and covered markets on their Policies Map" and to "develop policies to retain and enhance them". There is no test a planning committee can apply when a market is threatened. Meanwhile PV3 Part A(3) promotes "all town centres as locations suitable for mixed-use and housing-led intensification", and Part A(4) supports turning "surplus commercial space" into housing. In any conflict, those clauses will win. We ask that Part E requires boroughs to safeguard, not only designate, everyday markets, with: no net loss of a market's capacity; continuity of trading during redevelopment; a right of return for existing traders at rents no higher in real terms than before; an equality impact assessment for any proposal affecting a market; markets kept in public ownership where they are publicly owned, with governance that includes traders and customers; and support for new markets where people lack access to affordable fresh food. Paragraph 6.24 should add affordability (rents and service charges per pitch or unit, secured over time) and the mix of goods sold to the measures of a market's capacity. A market can keep its stall count and still be priced out of existence.

4. Define everyday markets and what makes a market strategic (paragraph 6.27 and the glossary). The Plan never defines a market. Its only examples of markets of strategic importance (Portobello Road, Borough, Brick Lane, Columbia Road and Camden) are valued as attractions "for Londoners and visitors". We ask for glossary definitions of a market and an everyday market: one that mainly meets residents' everyday needs for affordable fresh food, goods, and services, often serving migrant, Black, minoritised, and working-class communities. Criteria for strategic importance should include serving diasporic communities across London, selling affordable and culturally specific food and goods, long-standing cultural value, and clusters of independent and migrant-run businesses, not just visitor appeal. Elephant and Castle's Latin American traders meet these criteria.

5. A London Markets Register and a community right to nominate. We ask for a new annex, similar to Annex B for town centres, that lists London's markets, their capacity, and the strategic criteria they meet, updated

through the Annual Monitoring Report. Communities should be able to nominate markets for designation and protection, rather than waiting for a borough to act, as the London Assembly recommended in its 2025 report on social value in planning and regeneration (Recommendation 7).

6. Surplus space, frontages and land assembly (PV3 Parts A(4) and B(3)(iv), paragraph 6.25). Covered markets and shopping centres with everyday markets and independent traders inside, like the Elephant and Castle Shopping Centre, can be labelled "surplus commercial space". Part A(4) should exclude everyday markets and affordable retail space. Findings that frontages are "surplus to demand" (Part B(3)(iv)) should assess social value and equality impacts, not only market demand. Town centre partnerships (paragraph 6.25) should include trader associations and community groups as equal partners, and land assembly must not result in the loss of markets.

7. The "Agent of Change principle" should also protect markets. Housing-led intensification will bring new homes next to markets that open early, are serviced by van and are noisy. The Plan applies the Agent of Change principle to night-time and cultural uses. It should apply equally to everyday markets, so that **new residents cannot force a market to close or cut its hours.**

8. Affordable fresh and culturally appropriate food (PV3 Part D). Part D(2) rightly asks boroughs to improve access to goods and services in areas that are poorly served. It should refer expressly to affordable fresh and culturally appropriate food, which everyday markets provide.

9. Data. There is no published London-wide data on who trades and shops in London's markets, so the effects of this chapter on protected groups cannot be assessed or monitored. Latin Elephant would welcome working with the GLA to pilot such data collection at Elephant and Castle.

Chapter 6: supporting information

A. Proposed replacement for PV3 Part E

E. Plan-making authorities must identify, designate and safeguard all street and covered markets, including everyday markets, on their Policies Map, having regard to their functional and operational capacity, footprint and social value. Local plans and development proposals should:

(1) resist development that would result in the loss of a market, or a net reduction in its functional or operational capacity or its affordability, unless the market is re-provided on site or nearby with equal or better capacity, affordability and accessibility, agreed with existing traders;

(2) secure continuity of trading during redevelopment, and a right of return for existing traders at rents and service charges no higher in real terms than before, on secure leases (protected by the Landlord and Tenant Act 1954 wherever possible), in perpetuity or for no less than 15 years;

(3) require a market impact assessment and an equality impact assessment, prepared with traders and customers, for any proposal affecting a designated market;

(4) keep publicly owned markets in public ownership, with transparent governance that includes traders and the communities who use them;

(5) support new and expanded markets in town centres, high streets and neighbourhood centres, especially where people lack access to affordable fresh and culturally appropriate food; and

(6) apply the Agent of Change principle to protect the operation of markets from new noise-sensitive development.

New implementation text: "Local communities and trader associations may nominate markets for designation. Plan-making authorities should consider nominations and publish the reasons for their decisions".

B. Paragraph 6.24 (market capacity)

Add: "Functional capacity also includes the affordability of pitches and units (rents, licence fees and service charges) and the mix of goods and services sold, including affordable fresh food. Affordability should be maintained in perpetuity or for long-term, with increases for existing traders limited to inflation."

C. Paragraph 6.27 and the glossary

Replace paragraph 6.27 with:

Markets play a vital economic, social and cultural role. Everyday markets provide affordable fresh food, goods and services, low-cost routes into business, and places of connection, care and belonging, particularly for migrant, Black and minoritised, and working-class Londoners. They contribute to the vitality, character and heritage of town centres, high streets and the CAZ. Markets are of strategic importance where they meet the criteria in the glossary. These include everyday markets serving communities across London, as well as markets that are also visitor destinations, such as Portobello Road, Borough, Brick Lane, Columbia Road and Camden.

New glossary entries:

- **Market:** a place where a number of independent traders regularly sell food, goods or services from stalls, pitches or small units, outdoors (a street market) or in a building (a covered or indoor market). This term includes an everyday market.
- **Everyday market:** a market whose main role is meeting residents' everyday needs for affordable fresh food, goods and services, often serving migrant, Black and minoritised and working-class communities.

D. Annex E: the Elephant and Castle vision

Current text	Proposed text
"Elephant Park has delivered nearly 3,000 new homes alongside a new park, setting a benchmark for mixed-use, high-density regeneration."	"Elephant Park has delivered nearly 3,000 new homes alongside a new park. Future development should learn from the loss of social rented homes and the displacement of the Heygate Estate's former community."
"Regeneration should also build on the area's established cultural and community assets,	"It is essential to retain and support Elephant and Castle's Latin American and other migrant and ethnic communities, businesses and cultural assets

Current text	Proposed text
recognising the significant Latin American community and the need for a diverse retail and community offer."	as the area develops. New retail and leisure floorspace should include affordable space for traders displaced by redevelopment, with a right of return. Regeneration should be community-led, and an anti-displacement plan should be prepared with the community, given the area's designation for tall buildings and the expected effect of the Bakerloo Line Upgrade and Extension on land values."
"creating active links through the railway arches to enhance access to Elephant Park"	Add: "while retaining the independent businesses that trade in the arches"
"Development should also strengthen the area's cultural identity and support a vibrant evening economy."	"Development should also strengthen the area's cultural identity, including its Latin American identity, and support a vibrant evening economy that includes its existing Latin American restaurants, bars and venues."

E. Other modifications:

Policy/paragraph	Proposed modification	Why: soundness test
PV1 Part B(5)	"Communities, particularly migrant, Black and minoritised and working-class residents and traders, **must be involved from the earliest stages** of Opportunity Area frameworks and site allocations, with funding, interpretation and translation provided."	Effective. Consistent with national policy on early engagement
PV1 Part B(1)	Add: "Site assembly should not result in the loss of markets or of affordable business space."	Effective
PV1 Part B(7)	Add: "Where meanwhile space houses businesses displaced from the area, it should be treated as their established premises when re-provision is decided."	Effective
PV1, new part	"Opportunity Area planning frameworks should include an anti-displacement plan, prepared with the community, covering existing residents, businesses and social infrastructure."	Justified. Effective
PV3 Part A(4)	Add: "excluding everyday markets and affordable retail space, which should be retained"	Effective
PV3 Part B(3)(iv)	Add: "Findings that frontages are surplus should assess social value and equality impacts, and should not apply to designated markets."	Justified
PV3 para 6.25	"Partnerships should include trader associations and community groups as equal partners. Land assembly must not result in the loss of markets."	Effective

Policy/paragraph	Proposed modification	Why: soundness test
PV3 Part D(2)	Add "including affordable fresh and culturally appropriate food" after "provide access to goods and services"	Positively prepared
New annex: London Markets Register	List London's markets, their capacity and the strategic criteria they meet, updated through the Annual Monitoring Report	Effective: able to be monitored

F. Evidence

- **Southall precedent.** Annex E says "it is essential to retain and preserve Southall's heritage and cultural assets as it develops, including places of worship", and that Southall's retail offer "should be supported through enabling community-led approaches to regeneration".
- 73% of Talk London respondents valued "market squares and traffic-free spaces" in their town centres, second only to cafés, restaurants and pubs (Consultation Report, para 3.17; the survey option combined markets with squares and traffic-free spaces). The GLA's own engagement workshops found that "markets are valued for their role in creating inclusive spaces but are felt to be in decline" (Consultation Report, Appendix B). Nevertheless, the Consultation Report's account of how town centre policy responded to these views (paras 3.115 to 3.117) does not mention markets.
- The London Assembly's April 2025 report recommended that the next London Plan should enable communities to designate markets with demonstrated social value as protected assets, with lease guarantees, affordable workspace minimums and community-led management options (recommendation 7), and should explicitly protect existing street markets (recommendation 10).
- The NPPF (December 2024) asks planning policies to "retain and enhance existing markets and, where appropriate, re-introduce or create new ones" (para 90(c)).

Annex I: Legal compliance and soundness

This applies to all five chapters' responses. We consider the Draft Plan unsound against each test of soundness, and we raise three legal compliance concerns: the consultation, the Public Sector Equality Duty, and the assessment of reasonable alternatives.

1. The tests of soundness

The NPPF (December 2024, para 36) states that "local plans and spatial development strategies" are sound if they are positively prepared, justified, effective and consistent with national policy. The Draft Plan says it has taken into account the draft NPPF of December 2025 (para 1.1), whose draft policy PM14(2) sets equivalent tests for spatial development strategies: positive, appropriate, effective, and consistent with national policy. Our representations meet both formulations.

Test	Where the Draft Plan falls short
Positively prepared (positive)	It plans for the needs of new residents and businesses, but not for the needs of existing communities and businesses for affordable premises, everyday markets and social infrastructure.
Justified (appropriate)	It does not follow the GLA's own evidence: what Londoners said about markets (Consultation Report, para 3.17 and Appendix B) and the displacement documented in the IIA (para 6.160). Reasonable alternatives that would strengthen protection were not considered (IIA paras 6.366 to 6.367).
Effective	PV3 Part E and GLE1 Part F cannot achieve their stated purposes as drafted, and the Plan has no means of monitoring markets, small businesses or displacement (Annex A).
Consistent with national policy	National policy asks plans to "retain and enhance existing markets" (NPPF, para 90(c)) and to "guard against the unnecessary loss of valued facilities and services" (para 98(c)). The draft NPPF asks plan-makers to engage communities so that issues are "identified and addressed as early as possible" (draft policy PM6(d)).

2. About the Gunning principles

The Gunning principles (R v London Borough of Brent, ex parte Gunning, 1985), endorsed by the Supreme Court in R (Moseley) v Haringey LBC [2014] UKSC 56, require that consultation takes place at a formative stage, gives sufficient information for intelligent consideration, allows adequate time, and that responses are conscientiously taken into account.

Principle	Concern	What we ask
1. Formative stage	Earlier feedback on markets and displacement did not change the approach (see principle 4), which raises the question whether these policies are still open to change.	Show that the policies on markets and displacement remain open to change, and explain any changes made in response.
2. Sufficient information	The Plan cites no evidence on London's markets: their number, condition, ownership, traders, customers, or the outcomes of past relocations. The IIA appraises the equality effects of PV3 without that evidence. The supporting documents are long and technical (the IIA alone runs to 499 pages) and, as far as we are aware, are not available in community languages. Five separate chapter surveys, each limited to 20,000 characters, split cross-cutting issues such as displacement across chapters and add to the burden on small community organisations.	Publish evidence on markets and on the outcomes of past business relocations; provide summaries in community languages.
3. Adequate time	Thirteen weeks, from 16 July to 15 October 2026, including the summer holidays, is short for traders who work long hours and for volunteer-led groups to respond to a plan of this scale.	Hold targeted engagement with market traders and migrant communities, in community languages, before the Examination in Public.
4. Conscientious consideration	73% of Talk London respondents valued "market squares and traffic-free spaces", and GLA workshops found markets "valued for their role in creating inclusive spaces but… in decline". Nonetheless, the Consultation Report's account of how town centre policy responded (paras 3.115 to 3.117) does not mention markets. At IIA scoping, a consultee raised "gentrification and its impacts on existing communities" and received the reply "Comments noted"; another said the displacement of businesses run by and serving global majority communities "has been overlooked in the proposed IIA scope". **The final IIA contains no analysis of gentrification.**	Publish a response showing how comments on markets and displacement have been taken into account.

3. The Public Sector Equality Duty

Para 1.4 of the Draft Plan states that the Mayor has had regard to the Public Sector Equality Duty (section 149, Equality Act 2010). The duty must be exercised "in substance, with rigour, and with an open mind", on sufficient information (R (Bracking) v Secretary of State for Work and Pensions [2013] EWCA Civ 1345). The equality assessment does not meet that standard:

- PV3 is scored as having a significant positive effect on equality, partly because it "encourages plan-making authorities to designate markets" (IIA para 6.362). Designation alone protects no market.
- The equality assessment of PV3 (IIA Appendix A, paras A.99 and A.110) considers public realm, safety and night-time noise. It does not consider the main way PV3 could harm people with protected characteristics: housing-led intensification and the redevelopment of "surplus" space, which push up rents and remove markets used mostly by minority ethnic traders and customers, and by older and disabled people who depend on local, affordable shopping.
- GLE1 is scored as having a minor positive effect on equality (IIA para 6.160; Appendix A, para A.80), although the same paragraphs acknowledge that displacement affects businesses run by Black, Asian and minority ethnic Londoners, citing our own research (Latin Elephant, 2021). The positive score rests on Part F's "where feasible… and/or relocation" wording, with no evidence that it works.
- There is no data on who trades and shops in London's markets, so effects on protected groups cannot be assessed or monitored.

Despite the socio-economic duty in section 1 of the Equality Act 2010 not being in force in England, we ask the Mayor to assess and monitor effects on socio-economic disadvantage as if it were a protected characteristic. We ask for a revised Equality Impact Assessment and IIA addendum, published before the Examination in Public.

We wish to be invited to the Examination in Public to have the opportunity to explain clearly the changes we are seeking and provide up-to-date evidence from our work with migrant and racialised independent businesses in Elephant and Castle.

Sources and evidence

Consultation documents (GLA)

- Draft London Plan 2026, web version (published 27 July 2026, updated 11 September 2026)
- Integrated Impact Assessment of the Draft London Plan (June 2026), including the Equality Impact Assessment (Appendix A) and scoping comments (Appendix B); and its Non-Technical Summary
- Draft London Plan Consultation Report (July 2026)

Elephant and Castle

- Latin Elephant (2021), *Supporting migrant and ethnic economies throughout regeneration in London* (cited in the IIA as references 16 and 59)
- 35% Campaign, Heygate Estate
- Latin Elephant, About us

Policy and reports

- London Assembly Planning and Regeneration Committee, *Social value in planning and regeneration* (April 2025)
- The London Plan 2021, Chapter 6: Economy (Policies E2, E3 and E9)
- National Planning Policy Framework (December 2024), paras 36, 90(c) and 98
- Draft National Planning Policy Framework (December 2025), draft policies PM6 and PM14
- ICOM UK, "UK becomes the 183rd State to join UNESCO's 2003 Convention for the Safeguarding of Intangible Cultural Heritage"
- Local Government Association and The Campaign Company, *New Conversations 2.0: LGA guide to engagement* (February 2019), section on the Gunning principles
- Planning Advisory Service, note on the tests of soundness at examination

Case law

- R v London Borough of Brent, ex parte Gunning (1985) 84 LGR 168
- R (Moseley) v London Borough of Haringey [2014] UKSC 56
- R (Bracking) v Secretary of State for Work and Pensions [2013] EWCA Civ 1345