



# London Cycling Campaign response to white paper on Planning for the Future

October 2020

## About LCC

London Cycling Campaign (LCC) is a charity with more than 20,000 supporters, of whom more than 11,000 are fully paid-up members. We speak up on behalf of everyone who cycles or wants to cycle in Greater London; and we speak up for a greener, healthier, happier and better-connected capital.

## Introduction

LCC welcomes the opportunity to comment on the Planning for the Future white paper. Our response focuses on the transport, climate change and air quality impacts of the proposals in the white paper.

While the white paper extensively addresses the issues surrounding the speeding up of the planning process and making it easier for developers to progress with projects, **it says much less about the communities of the future and how the new proposals will help deliver the sustainable and emission-free developments the government says it aspires to:**

*“for our children and grandchildren, our reforms will leave an inheritance of environmental improvement – with environmental assets protected, more green spaces provided, more sustainable development supported, new homes that are much more energy-efficient and new places that can become the*

*heritage of the future, built closer to where people want to live and work to reduce our reliance on carbon-intensive modes of transport.”*

*Future of Planning 1.27 p. 21*

The aim of reducing car dependency and the associated carbon emissions, air pollution and damage to health must be a priority in planning for the future. Yet we note that the consultation only mentions ‘cars’ once - in Question 16 where ‘*less reliance on cars*’ is mentioned as one of a choice of priorities for sustainability.

Given the impact motoring and road building have on communities and the design of homes, streets and green spaces it is a serious concern that the Planning for the Future paper pays so little attention to this aspect of planning. Undoing some of the damage done by sixties motoring complexes is costly and wasteful.

As the consultation paper says:

*“improving the process of planning is only the starting point – we want to ensure that we have a system in place that enables the creation of beautiful places that will stand the test of time, protects and enhances our precious environment, and supports our efforts to combat climate change and bring greenhouse gas emissions to net-zero by 2050.”*

*Future of Planning 3.1 p. 38*

Yet removing Section 106 agreements (which can be used for site construction safety agreements as well as providing new walking and cycling infrastructure) and allowing a re-formulated Community Infrastructure Levy to be used for reducing Council Tax instead could serve to undermine sustainable development rather than enhance it.

We would therefore draw attention at the outset to our paper on [Climate Safe Streets, which was published earlier this year](#). In it we examine the policies required to achieve a decarbonisation of road transport in London by 2030, in line with the aims of the Mayor of London and also contributing to the government’s target of zero carbon by 2050.

As we note in that report, road transport accounts for 20% of greenhouse gas emissions and is the one component of emissions that is not decreasing. And we are not alone in highlighting the need to address transport emissions:

*The Climate Change Act 2008, amended in 2019, mandates a reduction in emissions of GHG to “net zero” by 2050, with five year “carbon budgets” as stepping stones to this goal. However, the Government’s “Decarbonising Transport: Setting the Challenge” shows that the trajectory in transport based on current trends and announced measures falls far short of this goal.*

*Transport Planning for a Sustainable Future: the State of the Nations 2020, Transport Planning Society p. 11*

Speeding-up approval of planning applications, the prime aim of the Planning for the Future, may have merit if more affordable homes come on stream but if those developments avoid scrutiny that ensures safety, sustainability and accessibility to good public transport and active travel then wider government aims will not be met.

### **Specific comments**

#### **Classification of Developments**

Creation of development areas, classified in the white paper as Growth zones, where oversight is only conducted at the initial stages can lead to poorly planned and non-sustainable infrastructure as policies and strategies change.

Experience shows that initial broad or outline planning approval for “Growth” zones delegates required detail (reserved matters etc.) to later individual planning applications, where in turn it is argued that, because outline approval was given, they are not subject to scrutiny on details which were delegated at an earlier stage. This can be of particular concern where circumstances or policies may have changed in-between the initial broad approval and the subsequent specific development.

**Example :** The QE Olympic Park in London was granted wide flexibility for developments, and effective self-policing, with an initial, outline level, assumption that “connectivity” across the area needed to be improved. This was subsequently interpreted as implementing several major traffic routes through the Park. In the absence of an existing community on the brownfield site, it has been difficult to constrain road building even though policies to reduce traffic levels have been adopted by local authorities. It is worth noting that from the developer’s perspective relatively high car parking allowances on the site have allowed sales of parking spaces at £20K

### **Section 106**

Section 106 agreements, which the white paper argues should be eliminated, have enabled councils to require and enforce a range of local infrastructure improvements as well as safer work practices. The white paper does not explain how the beneficial and varied functions of Section 106 are going to be replaced when it is incorporated in the revised CIL.

**Example:** Camden Council uses Section 106 to require and enforce the implementation of Construction Management Plans for construction sites. These include a requirement that developers adhere to Construction Logistics and Community Safety (CLOCS) standards such as provision of safe vehicles and traffic marshals to address work related road risk.

### **Community Infrastructure Levy(CIL)**

The white paper proposes to have nationally set levy rates, replacing both Section 106 agreements and the current CIL system, the income from which could be spent either on housing and infrastructure or, for example, reducing council tax. It also proposes to delay payment of CIL until occupation rather than on commencement.

**These proposals could undermine the whole principle of the Community Infrastructure Levy by allowing ‘gaming’ by both political parties and developers and by forcing councils to borrow against an undetermined future income.**

CIL has previously been used to improve local infrastructure or build affordable homes. Diverting mandated CIL income into reducing council tax could be seen as assisting party-political election strategies. Diverting the money to infrastructure in contested wards could similarly be seen as party-political. Disregarding the construction of potential public transport and active travel infrastructure, which could be a political choice, could undermine national de-carbonisation targets while serving, for example, the interests of those who wish to sell, cheap to build, car parking spaces where public transport connections are poor.

For developers the principle of payment on occupancy provides the opportunity to delay commencement until it suits them. For a council any obligation, or wish, to deliver infrastructure or public transport facilities means a necessity to borrow money against a CIL contribution (based on a percentage of the development’s value) which is unknown at the outset and whose payment will only come once the premises are occupied.

A single nationally-determined CIL rate could also enable developers to vary usage (while avoiding a higher CIL) in specific locations post completion, for example changing affordable housing into market rate housing or work units into dwellings.

## **Oversight**

We note that the white paper advocates new tight deadlines for planning approvals but acknowledges that council staffing is inadequate to meet demand

*“we know that local authority planning departments are under great pressure – with spending per person on planning and development down 60 per cent and shortages of specialist skills such as design and ecology. And the technology in local planning authorities to support modern services is not there”*

*Future of Planning 5.12 p 56*

**We did not note any proposal for a solution to the above problem in the white paper.**

The challenge for council officers, and politicians, can, in the case of large developments be exceedingly large with single planning applications on a “Growth” site extending to several hundred documents all filed separately with unclear headings and searchable only individually. Developers and their consultants can be well versed in countering existing guidance and this can be overlooked without diligent scrutiny.

**Example:** The application for the MSG Sphere concert venue , one of hundreds of planning applications in the QE Olympic Park, identified local policies setting standards for minimum levels of cycle parking and maximum levels of car parking, and then sought to provide a very small fraction of the cycle parking and to exceed the permitted level of car parking. It was fortunate that both local volunteers and local authorities noted the inconsistency in this application and brought it up but we cannot know what failings have been overlooked in the many other, less noticeable, applications.

## **Design Codes**

We note and welcome the government’s intention to publish a National Model Design Code to supplement the National Design Guide, “*setting out more detailed parameters for development in different types of location*” including :

*“high quality cycling and walking provision, in line with our wider vision for cycling and walking in England” .*

It is obviously not possible to comment on the future Design Code. However, the very low priority given to sustainable transport and active travel in the Planning for the Future documents raises concerns. Mentioning cars only once for example implies that allocation of most of our road space for the storage and movement of a low occupancy, high emission vehicles is not a planning issue. Ignoring car dependency in the planning context will likely result in failure to provide for alternative, low-emission transport modes.

**[LCC's Climate Safe Streets report](#) explains the importance of mobility hubs (for shared transport services, e-charging, freight deliveries and community use) as well as consolidation hubs (for larger freight, major developments and re-fuelling).** Such hubs must be an integral part of Planning for the Future and the government should be signalling to local authorities that they need to be allocating or securing land for such purposes and that this must be addressed in both Local Plans and in individual developments. We note that the government recently commissioned a Consolidation Hub study and we urge that its findings are considered in Planning for the Future.