

Planning for the Future Consultation
Ministry of Housing, Communities and
Local Government
3rd Floor, Fry Building
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LSDC Secretariat
City Hall
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29th Oct 2020

Dear Minister,

1. Introduction and Overview

I write on behalf of the London Sustainable Development Commission (LSDC) in response to the Government's consultation on its Planning White Paper (PWP).

The LSDC provides independent advice to the Mayor of London to embed sustainability into London wide strategies and policies. The commission comprises individuals with a diverse range of knowledge and expertise relating to sustainable development from London's economic, social, and environmental sectors. (further details in appendix 1).

The two greatest threats humanity faces are the climate emergency and ecosystem collapse. Both are essentially irreversible and require urgent and decisive action, with the time window for the necessary action closing rapidly. To that we can add the housing crisis, widening inequality, and the impact of Covid-19 on the economy and jobs, amplifying many of the underlying problems our communities already faced.

The White Paper is entitled Planning for the Future. The future we must plan for is one in which these threats are averted.

The key question therefore is whether Planning for the Future's proposals for reforming the planning system properly addresses these twin emergencies, enabling the social and economic benefits of doing so to be captured? Specifically, does it lay the foundation for an integrated local approach to spatial development, transport planning, digital infrastructure planning, business development and job creation, helping to pave the way towards a decarbonised built environment, a high skill economy, and growth in biodiversity and wild spaces? Unfortunately, the proposals are either silent or vague on these critical interconnections, or highly lacking in detail.

We do not assert that the planning system is the only means by which these goals will be achieved, and we acknowledge that the PWP promises that more details will be fleshed out in due course. But the planning system has such a vital role in addressing these multiple, connected challenges that it is a surprise and great disappointment that the White Paper does not convincingly address them.

There is still time to rectify this by substantially revising Planning for the Future so that meeting these environmental threats and grasping the economic upsides is hard-wired into the proposed changes to the planning system.

Our specific comments are below.

2. Net zero carbon economy by 2050

Locking decarbonisation and adaptation into the planning system

The PWP recognises that planning is ‘central’ to important national challenges, including combating climate change. But the reforms as they’re currently drafted will not ensure that the planning system helps to deliver the Government’s legal target of net zero emissions by 2050.

There is no description of how radical reductions in carbon will be delivered by the new system, nor is there any indication of how national and local climate targets should inform the new local plans and planning decisions under the new system. If this requirement is not to be spelled out categorically in the new planning system, then all new local plans are unlikely to be consistent with a zero carbon future. This will undermine and frustrate action elsewhere in the economy, including at the level of national policy, by ‘locking in’ patterns and forms of emissions-intensive development. Likewise, there’s no description of how the new zones will respond to the dramatic predicted impacts of climate change in terms of flooding and coastal realignment.

The next generation of local plans are the most crucial ever for the climate emergency. During the coming decade, we must cut our emissions by 50%, and be ready to eliminate the remainder over the following 20 years, sooner if possible.

The reformed planning system being consulted on now is the system that will determine whether planning becomes genuinely part of the solution or is officially part of the problem. We do not have time to get this wrong.

Further, the Covid-19 pandemic and transition to net zero carbon will reshape the UK’s economic landscape. The PWP contains little mention of how planning should align with local industrial strategies, and how these will in turn impact on demand for housing and infrastructure.

Compliance with the Climate Change Act

We cannot simply rely on electrification of the economy and decarbonisation of the grid because those things will themselves rely on transformations in infrastructure and dramatic reductions in certain forms of energy use, including in terms of transport and spatial heating – all key areas of influence for planning. And there is also the need to protect and expand green spaces, tree cover and peatland to offset residual emissions in the economy. A crucial question here therefore is whether the moment will be seized to align the Planning Act and Climate Change Act in a direct and meaningful way.

We therefore support the following recommendations made by the TCPA and CSE¹:

- Alignment of the legal objectives of the Town and Country Planning Act and the Climate Change Act
- Carbon reduction as one of the multiple material considerations in the planning process and should be prioritised as such
- National guidance should set out those local planning policies likely to have greatest impact on carbon reduction in line with a net zero carbon target
- National guidance should set out a clear methodology for carbon handling in the plan preparation and development management process. This is needed as national standards should be sufficiently ambitious to that they can respond adequately to the built-up urban

¹ <https://www.cse.org.uk/news/view/2514>

context and specific opportunities such as modal shift to active and more sustainable travel, heat networks etc. or challenges such as urban heat islands and their relationship with air conditioning for example, opportunities for energy generation, or the specific energy costs of significant economic agglomeration of the Central Activities Zone.

3. Net Zero Carbon Buildings

The PWP refers to 'zero carbon ready' homes by 2050 but fails to clarify how the planning reforms will align with, and reinforce, national Building Regulations or indeed what scope of home emissions will be net zero by when. Lots of work has taken place over the past 18 months in the built environment industry to align definitions of net zero carbon buildings – including UKGBC's Net Zero Carbon Buildings Framework Definitions, London Energy Transformation Initiative's Net Zero One Pager, RIBA's 2030 Challenge as well as London's net zero carbon standard amongst others.

There is now widespread acceptance in the UK property industry that all new buildings should be net zero carbon in operation by 2030, with substantially reduced embodied carbon emissions by this date, and that all buildings (both new and existing) should be net zero whole life carbon by 2050.

The Future Homes Consultation last spring was widely criticised for its lack of ambition in setting binding carbon standards for new homes and for the proposal to remove the discretion of local planning authorities to go further as per the GLAs response². National standards should be a floor, not a ceiling, on the ambition of local government, and the PWP provides no clarity on whether local government will retain powers to set higher standards. We strongly believe that local authorities should be allowed to set more ambitious sustainability requirements than national minimum standards on energy efficiency, carbon, and biodiversity net gain. Indeed, the success of the London Plan in tackling climate change has been achieved by setting London-wide ambitious standards which have resulted in substantial carbon reductions beyond that required by Building Regulations.

There is also much more to do to ensure Building Regulations provide an adequate baseline of standards for meeting the PWP's stated ambition to avoid new homes that add to the cost of retrofitting the existing building stock. The London Plan currently requires a 10% improvement over Building Regulations through energy efficiency for residential development (this 'nests' within London's onsite 35% target and wider zero carbon target).

A net-zero compatible planning system must not only require higher construction standards, but also address the issue of how buildings operate. Requirements for the measurement and disclosure of in-use performance should be phased in to address this, and options introduced for alternative compliance with Part L based on in-use performance. The ultimate aim should be to transition towards in-use energy performance as the basis of compliance and this should be reflected across planning. Local authorities must also be empowered to demand remedial action for buildings with higher than permitted emissions. In addition, Building Control Bodies must be adequately resourced and upskilled, with fines for non-compliance significantly increased.

Currently the proposed reforms do not include any reference to addressing the issue of whole life carbon, namely emissions across the entire building's life cycle including through construction. The Government should phase in national requirements for the assessment of whole life carbon, starting

² https://www.london.gov.uk/sites/default/files/fhs_consultation_response.pdf

with larger developments, as is already the case for example in the New London Plan.³ From 2025, it should be a requirement that all developments assess and disclose whole life carbon impacts, and targets for reductions should be phased in, starting with larger developments. From 2030, targets should be introduced for all developments for reductions in whole life carbon.

It is important to note that, despite recent changes to permitted development, most planning applications brought before local planning officers are still small-scale proposals by individual homeowners, such as substantial conversions or projects involving existing buildings. It is therefore important that these proposals do not just focus on new development zones and new buildings, but also seize this opportunity to raise standards in projects that involve existing buildings.

Since the application of planning policies and regulations are handled locally it is equally evident that resourcing is required at local authority level to drive decarbonisation in buildings. The past decade of local authority budget cuts has seen a severe erosion of the competencies that are required to decarbonise local building stock and new builds. For the proposed Planning changes to run in parallel with and contribute effectively to the delivery of the Climate Act necessarily requires a well-resourced and enabled planning and sustainability competence across local authorities.

4. Resilience

The UK remains one of the most nature depleted countries on the planet. Virtually all of our nature-based targets have been missed and are heading in the wrong direction. The planning system is currently doing little to meaningfully improve this. Reform is certainly necessary.

Yet the Government's proposals may only protect what is already protected and result in no net gain in protected/enhanced land. At worst the system will result in further net loss of protected or biodiversity rich land.

Until more detail is provided around what falls under 'protected' it is impossible to say whether the outcome of the proposals will be positive or adverse.

At minimum, the PWP must mesh with the Prime Minister's recent pledge to protect 30% of UK land.

The PWP discusses the potential for Local Plans to categorise land to most effectively support climate change mitigation and adaptation. This is welcome, but only one brief example of how this might apply is given.

Despite the recognition that planning is central to meeting climate targets, there is little recognition of the need for local plans to be 'climate ready'. While proposals for a zonal approach refer to flood risk, there is no specific mention of other environmental challenges such as drought, coastal erosion and overheating. The assumption is that local and national design codes, and national development management policy, will address these critical issues. There is little clarity on the role of strategic planning. For example, with ever more evidence of accelerating sea level rise, there may be a need for more stringent planning restrictions on building in a low-lying areas.

5. Meeting the UN's Sustainable Development Goals

³ <https://www.london.gov.uk/decisions/add2363-london-plan-whole-life-cycle-carbon-assessments>

The PWP commits to sustainable development, in the form of a proposed new Sustainable Development Test. But no definition of this is advanced or examples given of how it may be interpreted in at least broad terms.

Like all member states, the UK is committed to meeting the UN's Sustainable Development Goals by 2020, taking action to meet them both at home and abroad. These goals provide a clear set of internationally agreed benchmarks and indicators. The LSDC argues in its recent report *-The role of the UN Sustainable Development Goals in London's green and fair recovery*⁴ that they should be used as policy guiderails and performance metrics by all levels of government. Indeed, the business sector is often ahead of governments in defining its approach to sustainability in terms of the SDGs.

If housing growth levels are to be set predominantly on the basis of demand indicated by property values, how will the housing requirements factor in environmental limits such as air pollution, carbon emission reduction commitments and water stress? In the context of binding housing targets, how is weight to be ascribed to the three components of the test: economic, social and environmental issues?

Will the consideration of the environmental component of sustainability include objective measures against actual sustainability indicators including water stress and other ecosystem services, the loss of protected species and habitats and carbon emissions? If not, how will this system deliver environmentally sustainable development within planetary boundaries? In growth zones in particular, where schemes will be allowed automatically, how will a development's environmental impacts be judged and controlled? How will a net gain in biodiversity in these areas be measured and ensured?

Fundamentally, if a new Sustainable Development Test does not have at the heart of it a meaningfully measurable test of whether a new development will be zero-carbon, then it will not deliver sustainable places.

A more integrated systems approach to the design, construction, operation, maintenance and through-life development of new infrastructure is needed for areas of major change and development.

The LSDC argues that the systemic, integrated approach of the internationally agreed SDGs offers the best basis for constructing the new Sustainable Development test.

A concern is that a simplification of the Environmental Impact Assessment process⁵ will result in a weakening of protections significantly and more detail is required in order to ensure that as a mechanism it is more robust and produces better outcomes for nature than the current process. The current system is too complicated and costly, and many local authorities don't have the skills or resources to do it properly anyway so again it does need a shake-up. Again, whether this will be positive or negative will wholly depend on what the replacement system looks like.

We believe that a landscape scale assessment mechanism needs to be built into the three-tier land designation system to ensure that wider landscape level impacts are better understood from new developments, including the impact of greater footfall and population levels to local green and

⁴ https://www.london.gov.uk/sites/default/files/lcdc_-_sdgs_and_londons_green_fair_recovery_1.pdf

⁵ Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

protected spaces, the impact of increased vehicle usage, demand for resources such as water, locally produced energy, access to facilities such as schools, shops etc.

6. Community Involvement

The PWP represents a top down approach to the problem of housing delivery, with the potential to remove democratic scrutiny. The three allocations of land type also favour more middle class areas which may have more land categorised under protection status with more urban and deprived areas earmarked for either growth and renewal but whose communities are less conversant with the planning system and less likely to be involved in upfront processes.

The PWP does not provide a single new right for community participation or a single new opportunity for a democratic moment in the plan-making process but rather reduces both rights and opportunities to participate. There is no basis to the claim that this system will 'democratise' planning.

The only additional opportunity comes from the PWP unevidenced assertion that digitising information will encourage community participation. Digital information can indeed potentially lead to more openness and will hopefully make planning more accessible, but it does nothing on its own to give communities more control over their future. That is only secured through clear democratic process and through clear individual civil rights.

We need a comprehensive and democratic planning system capable of dealing with the health, housing and climate crisis and ensuring that decisions are democratic and accountable. The current planning system has many faults, but it has consistently delivered more approvals for housing than the industry can build. It also needs to be more democratic not less.

The PWP places a strong emphasis on how new technology can be used in the planning process. This could be a welcome development if it makes data easier to access and plans easier to understand and engage with. Making processes more accessible is welcome, but technology on its own doesn't make the planning process more democratic and we need to make sure we are not excluding those who are less technologically able.

Many people have got involved in neighbourhood plans since they were created but it's not clear from the PWP how they fit into the new system. There is a real risk that the current effort devoted to neighbourhood plans could be bypassed and it's vital that the government makes clear what the future scope and power of neighbourhood plans is going to be. Given that neighbourhood plans are time and resource intensive, and almost entirely developed by volunteers it is vital for local democracy that these plans deliver real additional power to communities to tackle the climate emergency in their own area.

Changes to the levy system such as S106 and CIL, are one key concern with regards to delivering additional social value as part of development. Significant resources both time and personnel would also be required of local authorities to engage communities upfront as part of Local Plan development. This is a real concern in terms of delivering high levels of community engagement.

The government wants to see new local plans in place by the end of this parliament, which is in place in four years' time. This is based on new local plans taking 30 months to be in place. This is very ambitious and will mean that there will need to be a new planning law in 2021 along with revised national policy.

Because of the controversial nature of the PWP proposals and the other reforms to the planning process we are calling on the government to seriously reflect on people's concerns and reach a proper consensus between all the sectors before changes are made.

It is very undemocratic in that it only gives communities one shot in areas of growth and change. Moreover, if local authorities (LAs) and communities don't come up with design codes the PWP proposes that national design codes should be imposed. Local authorities also need to be sufficiently resourced to deliver their responsibilities effectively. Achieving these local plans and design codes requires investment and time. Producing fast and hap-hazard prescriptive plans will lead to bad and unsustainable designs. There is a further problem that the design codes have to be sufficiently flexible to keep up with changing desires while maintaining innovation, this is especially problematic as citizens are only invited to participate in this early stage and then would have no further input later.

It is vital that we have a system which integrates both up-front public consultation at the plan making stage, with an opportunity to constructively shape development at the project level. Removing consultation from the project stage risks undermining the considerable work and investment in delivering social value underway across the industry and would negatively impact both public trust and developer certainty.

7. Ambition

The PWP's ambition is apparently to 'simplify' the planning system primarily in order to deliver more housing. Many commentators have pointed out that planning is not the problem, but housing delivery is. London grants planning permissions annually that are well above its housing targets. Also, currently it has 305,000 homes with planning permission – the highest on record, which are not being built.

There are proposals which are welcome, particularly the new emphasis on design. But we must make the point that this has been anticipated by the mayor. The London Plan has a new chapter on design with development management policies for design as well as a new housing design guide providing constructive guidance for how to implement the design policies and as context for borough design codes.

The London Plan goes beyond energy standards (with reference to proposal 18⁶). Regional government has a significant role here. London's standards for the environment and housing are higher than the rest of country. This raises the bar for LAs, who can still go above and beyond if they wish.

Environmental standards and/or targets are embedded in the London Plan and its supplementary planning guidance documents, including as regards carbon emissions, energy, water, ecology protection, air quality and waste. The Committee on Climate Change (2019) identified the London Plan as an example of a regional authority driving improvements. Similarly, the Place Alliance housing design audit found that, of 142 large scale housing-led developments, Greater London was the best performing region on good housing design.

London is also already able to innovate, to push standards up across the whole of the capital. For example, any development where 35% units are affordable homes with tenures that meet the London Plan's requirements, do not need to pass the 'viability' tests. Dense urban areas need

⁶ Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

bespoke approaches. Nationally set policies wouldn't deliver as much housing as bespoke, locally/regionally developed policies.

Because the London Plan standards are uniform across London, developers can't play one borough off against another, this avoids a 'race to the bottom'. London's situation as a dense urban area is unique, and already the GLA provides a framework for London boroughs to excel the standards of the rest of the country. Therefore, London should not be asked to compromise its standards and dilute the policies which stand behind them.

LAs should be given the ability to go beyond national policy to push standards and drive innovation particularly in the areas of design codes and housing standards.

The GLA, through the London plan and its relevant SPGs (such as good quality homes for all Londoners – a new London housing design guide out for consultation now) already lays out guidance on how boroughs and stakeholders can apply the policies that are set out in the chapter on design in the London Plan. The London Plan and SPGs recognises the unique nature of London as a dense urban area, while also giving recommendations on how local authorities can carry out their own characterisation studies and site appraisals and can therefore be considered a framework for local authorities to produce design codes. The types of buildings that are appropriate for London as well as means of optimising site capacity will be specific to London's circumstance, priorities and needs, and therefore London requires its own specific guidance. The GLA's London Plan provides a framework which sets a bar, whereby local authorities can go further, if they wish, on issues such as space standards, outdoor space, size-mix and energy and other environmental standards.

It is not clear whether the approach to design codes proposed in the PWP, while fitting in with local character, will reflect the functionality of buildings in detail e.g. accessibility for disabled people or how 'identikit' homes are to be avoided. High design standards and requirements are more far-reaching than just beauty. It is not clear how a 'fast track for beauty' works.

We believe that the types and mix of homes needed in London are by nature different from the rest of the country. How would national design codes deal with the variation and specificity of different areas e.g. Hull and Cornwall. How could it apply to a whole 'growth' area?

While we acknowledge that design codes on specific sites are positive. However, front-loading this work by encouraging LAs to divvy up each bit of land and come up with corresponding design codes so early could lead to poor quality development.

In terms of the duty to co-operate, the Mayor has a strong coordinating role in relation to development which work across boundaries within London. But currently there is no mechanism for coordinating the big strategic infrastructure issues covering London's functional urban area (which covers most of the wider South-East) i.e. airports, surface transport, labour markets and travel to work areas, housing numbers, energy, waste, water. Therefore, a better solution is needed for the duty to cooperate to work between London and the wider South East.

8. Conclusion

The LSDC recognises the good intentions of the Government in seeking to reform the planning process to deliver faster, better outcomes for everyone. We also note the positive statements on decarbonisation and enhancing the natural environment. However, we do not believe the present proposals take the systems approach necessary, nor show the necessary ambition, to ensure spatial development from now onwards is commensurate with the existential threats we face. The corollary

of this is that they miss the opportunity to fully realise the potential of the planning process to build a high-skills, green economy. We urge the Government to think again.

Yours sincerely,



Dr Ashok Sinha

Chair, London Sustainable Development Commission

Appendix 1

LSDC Membership

- **Dr Ashok Sinha** - LSDC Chair - Chief Executive, the London Cycling Campaign
- **Maria Adebowale-Schwarte** – Founding Director, Living Space Project, Director of Foundation for Future London
- **Syed Ahmed** – Director of Energy for London
- **James Cameron** - Chairman, Overseas Development Institute
- **Cllr Rowena Champion** - Executive Member for Environment and Transport, London Borough of Islington, London Councils Rep
- **David Elliott** - Chief Executive of Trees for Cities
- **Nicky Gavron** – Labour, Assembly Member, London Assembly Rep
- **Julie Hirigoyen** – Chief Executive of the UK Green Building Council
- **Nick Mabey** - Chief Executive of E3G
- **Malini Mehra** - Chief Executive of GLOBE International
- **Prof Richard Templer** - Director of Innovation, the Grantham Institute: Climate Change & the Environment
- **Dr Paul Toyne** - Independent Strategic Sustainability Adviser and Practice Leader Sustainability, Grimshaw Architectural Practice
- **Charlotte Wood** – Environment Agency Rep
- **Dimitri Zenghelis** – Project Leader for the Wealth Economy project, Cambridge University and senior visiting fellow at the London School of Economics