

Central London Forward: Response to the ‘Planning for the Future’ White Paper

Who we are

Central London Forward (CLF) is the strategic sub-regional partnership for central London, covering the local authorities of Camden, the City of London, Hackney, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

Central London is a critical part of the national economy. The 12 boroughs host around one in 10 of the country’s jobs, and central London’s net contribution to the UK’s tax base helps pay for vital public services across the country. But inequality is pervasive and there are 2.3 million people living in poverty in the capital. Central London remains one of the areas of the country most economically impacted by COVID-19.

Our goal is to improve the lives of residents by working together to drive inclusive growth within central London to ensure they can access the skills, jobs, homes and support required to benefit from our dynamic economy. We do this through our policy research, lobbying activities and employment programmes - including the devolved Work and Health Programme. Our work has focused on employment, skills and infrastructure, and is outlined in further detail in our [Skills](#) and [Inclusive Growth](#) Strategies, as well as our more recent submission to the [Comprehensive Spending Review](#).

This consultation response focuses on aspects of the Planning for the Future white paper which central London has a clear collective strategic voice. As such, we have focused on a limited number of key questions, as well as highlighting our overarching concerns in the Executive Summary. More technically detailed responses have been submitted by our individual member boroughs.

Executive Summary

We welcome and share the White Paper’s ambition to increase access to beautiful, sustainable and affordable homes. It is right that the government seek to open the planning process to the public through greater digitisation and improved methods of community engagement. These goals are positive and recognise the importance of ensuring all residents can engage with our planning processes.

However, we have several concerns about the impact of the reforms on our role as place-makers and our democratic accountability to residents. We are concerned that these proposals could represent a significant and flawed centralisation of the planning system. Local authority planning functions are presented as a primarily regulatory function, which does not take in to account the strategic place-making role of boroughs. This approach is too place-blind to deliver the beautiful and community-led cities, town-centres and villages which the government seeks to create.

CLF supports the Paper's ambition to simplify and speed up the planning process in order to facilitate an increase in building and greater community engagement. But the Paper does not set out how the proposals will work in as historically, architecturally and geographically varied a country as England. The differences of our cities, town centres and countryside should be celebrated and supported.

This is especially true for central London. Central London is a densely built and diverse area, reflecting thousands of years of settlement, an intensely global past and present, and a continued openness to new ideas and ways of living. It would be too much to expect a single set of national policies to be effective in enabling sustainable and effective planning not only in an area as complex and layered as central London, but for all the regions in England. This approach means that little consideration is made in the paper of how the proposals will work within locally specific governance arrangements – it surprising for example that there is no mention of the London Plan.

The government should also consider whether now is the time to introduce such fundamental changes to the planning system. Even if done quickly, without obstacle and with all necessary resource, the process will be highly disruptive for both councils and developers as they work to build, implement and understand the new system. The new approaches will require significant resource and upskilling of staff and high degrees of uncertainty in the short to medium term for developers. Enabling investment, regeneration and adaptation to new ways of working and changes to the high street caused by the pandemic will be a key part of the recovery. The proposals in this paper could in the short to medium term reduce much needed investment as developers pause planning applications to ensure they understand and can work within the current system.

An important next step must be working closely with local government to provide greater clarity on what many of these proposals will mean practically. The focus on simplifying guidance and centralising policy means that it is often unclear in the paper how proposals will work in different geographies and communities.

The Paper also focuses almost exclusively on housing and does not discuss in detail the implications for infrastructure, transport, commercial and retail developments, or waste disposal. Mixed use properties form a significant proportion of many of the new developments in central London and should be considered as part of the scope of these proposals.

The profound and fundamental changes to the planning system which are set out in the Paper will require significant local and parliamentary scrutiny if they are to be implemented effectively. We would be happy to work with the Department to bring together representatives from across central London to discuss the proposals in more detail.

London is already building

It is important to state that central London boroughs and the wider region are already taking significant steps to meet and exceed the challenging housing targets set out in the 'Intend to Publish' London Plan. The 2018/19 pipeline of permitted homes in London is 305,289 - the highest ever recorded. 69,300 homes were granted permission in London in the year to September 2019, higher than the London target in the Intend to Publish London Plan.

It is therefore simplistic to argue that the planning system is the main barrier to development, and any housing delivery test should be measured against planning permissions not completions. We are concerned that the proposed national allocation algorithm places an untenable level of expectation on local areas and fails to take in to account the competing pressures on land within an urban environment. CLF boroughs have some of the most

expensive land values in the country and there is a clear risk that these proposals could result in the highest housing targets being imposed in the most densely built up areas.

Any activity taken by government to increase homebuilding must also consider the role of developers and work to prevent land banking and delays or failure to act on granted planning permission.

We believe that there is a need for those who set targets to enter dialogue with local authorities and local people who know their neighbourhoods best.

Zoning risks increasing not reducing complexity in current system

Central London is a complex and architecturally dense area in which zoning will be impossible to implement in the way in which it is described in this White Paper. One street or even one section of street may require multiple zones – a process which would not only be burdensome for a council to identify and to develop design guides for but ultimately unhelpful for developers who would need to then submit applications potentially spanning multiple zones. In some areas of central London, it is likely that one side of the street would be classed as a Conservation area and therefore protected, while the other would be classed as ‘renewal’. For different sides of the same street to have a fundamentally different planning regime is untenable. This is confusing for ordinary residents engaging with the system on small development.

The majority of central London is likely to be allocated as ‘Renewal’ or ‘Protected’ and will require the oversight and involvement of our planning teams regardless. This risks the creation of two parallel systems – one for the Renewal and Protected Categories and one for the Growth Category. There will also be a number of ‘windfall sites’ which did not come forward at the Local Plan stage and there will be no guidance or local policy available to get the best development on these.

We are also concerned about the lack of clarity around the ‘Renewal’ category. The ‘gentle densification’ described under this category is a limited form of development – it is unclear if this will work in central London which will require a more varied approach than less densely urban areas.

Lastly, the proposals on zoning could have unforeseen impacts on land value – with areas designated as ‘growth’ being more valuable. This could further exacerbate affordability concerns. This could especially be the case in central London where there is a significant difference in value between residential and other uses.

A focus on digital is welcome – but proposals risk undermining community involvement and local democratic accountability

The proposals in the Paper introduce worrying limitations on community involvement beyond the Local Plan stage and significantly limit the opportunities for residents to be heard. We are concerned that this will reduce overall engagement. This threatens to reduce the ability of residents to comment on individual developments and takes control away from locally elected politicians. Clarity is needed on the role of communities, Planning Committees and Neighbourhood Forums. As the paper rightly argues, buildings and developments are key to a place’s character. Decisions regarding local areas must be made as locally as possible to reflect this.

We welcome the proposals to improve the communication of often complex planning proposals through greater digitization. We look forward to working with government to develop new systems to make the planning system more accessible to all users. As the White Paper rightly identifies this will need to be accompanied by significant investment in

staff skills and software. The government must ensure that local authorities have access to support and resource to implement this.

However, we remain concerned that the proposals could make it more difficult for digitally excluded residents to find information on planning policies. We recommend that a hybrid model is taken with both online and paper-based approaches used.

Replacing CIL and S106 with a National Infrastructure Levy could impact on affordable housing, local government finance and employment and skills provision

Proposals to replace the Community Infrastructure Levy (CIL) and Section 106 (S106) with a nationally set flat rate Infrastructure Levy could be severely detrimental to central London boroughs. The changes present a threat to our borough's delivery of affordable housing as Section 106 is one of the few mechanisms at the disposal of local authorities to deliver affordable housing.

There are also financial concerns relating to these proposed changes to CIL and S106 and the proposals risk a reduction in funding to local government. Shifting requirements for developers to pay their levy only on occupation of the site poses a worrying and unnecessary financial risk to local authorities by requiring them to take out loans which could then be impacted by any issues in the progress of the development. This is unenforceable as once the property is occupied there is no collateral – at present properties cannot be occupied unless the obligations are paid.

The high development costs in central London and the significant variation between boroughs means a nationally set flat rate of levy would be unviable for our boroughs to finance development mitigations such as schools or improved roads. Local authorities must have the ability to set this levy themselves.

Finally, the planning White Paper does not take into consideration how S106 is used by local authorities to improve employment and skills opportunities in their area, or other improvements such as carbon-offsetting by placing obligations on developers. We urgently need more clarity on how changes to CIL and S106 will impact local authority's ability to place obligations on developers.

Borough are ambitious in tackling the climate emergency and building quality homes

It is welcome that the government is committed to net-zero carbon by 2050. But for many of our members this will be a step backwards in their ambition on stricter targets which they are already successfully working to meet with developers and communities. Local areas should be enabled to go above and beyond national targets, not only on net-carbon but in other aspects of the system such as affordability and quality.

Pillar One – Planning for Development

1. What three words do you associate most with the planning system in England?

N/A

2(a). Do you get involved with planning decisions in your local area? [Yes / No]

N/A

2(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

N/A

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

N/A

4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

N/A

5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

N/A

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

No.

Central London is a densely built and highly diverse area. One set of generic national policies will not be enough to take in to account the huge variation in local circumstances across the country or even within regions. Coastal areas, industrial hubs, rural communities and urban centres have significantly different planning requirements.

Central London boroughs have different local policy approaches which have been shown to be successful, viable and deliverable, such as car free housing, securing apprenticeships and training for local people through new developments and protecting the character of unique historical and culturally sensitive areas.

These local approaches are also key in insuring that planning has a positive influence for the local community and environment. A useful example of this is basement development - a significant and contentious matter in a small number of London boroughs but of little concern to most of the rest of the country. It would not be appropriate for there to be a national policy on this matter but is a vital policy to us. Given the extraordinarily high land value in many areas of central London, boroughs such as the Royal Borough of Kensington and Chelsea have detailed and unique Basement Policies to account for the unusually high number of basement developments in this area. RBKC's unique policy has greatly reduced conflicts between neighbours and those implementing basement developments and has proved

highly cost-effective. In the five years before the adoption of the policy 266 applications were refused, with the associated appeals. In the three years following adoption this dropped to just 45 refusals and 352 permissions. This level of local nuance must be retained in any new planning system.

If councils do lose the ability to set local policies then national policy will need to be world beating on vital issues such as climate change, affordable housing and inclusive growth and the role of the London Plan will need to be protected if not strengthened. We are also concerned that we would lose the ability to protect employment uses. The strong differential in values for residential use far exceeds those of other uses in central London so there will be an incentive to convert to residential if there is not local policy protection. This could have a strong negative impact on areas with unique and thriving economic uses such as the music industry – a potentially key aspect of economic recovery in central London.

CLF also wishes to note that the White Paper suggests on page 59 an intention to pass the obligation to protect the special interest of some Listed Buildings on to a third party. This is concerning as it would remove decision making from a democratically elected body. There would be a clear conflict of interest where external accredited consultants who could potentially also work for developers are involved in taking such decisions. If any such change is envisaged it should be the subject of further detailed and widespread consultation.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

N/A

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The current approach to strategic planning in London, with boroughs and the GLA cooperating on London-wide and cross borough level, should be retained. In particular, the London Plan provides a framework to assist in the delivery of the homes which the capital needs through borough specific housing targets. The continuing role of the London Plan and other spatial development strategies is unclear in the White Paper and further clarity is requested. The London Plan represents an effective level of coordination which would be difficult to replace by a Duty to Cooperate or some other mechanism.

The future role of the Mayor ‘s office in calling-in strategic planning applications should also be considered.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

No.

CLF strongly disagrees with the proposed introduction of a standard method for establishing housing requirements. Under this method the housing need figure would increase several times over, rising to a figure which clearly does not take in to account the significant restrictions in as dense an urban environment as central London.

The boroughs in London are already densely built up and are also the least affordable. A borough specific allocation based purely on the formula would present an imposable task. London is already delivering a high level of housing given our significant and competing land pressures.

The London Strategic Housing Land Availability Assessment (SHLAA) 2017 identified what CLF believes is closest to the true capacity of what is deliverable in each borough and then fed back into the New London Plan. The 2018/19 pipeline of permitted homes in London is 305,289 - the highest ever recorded. 69,300 homes were granted permission in London in the year to September 2019, higher than the London target in the Intend to Publish London Plan.

Central London areas are less affordable than other areas in the country. This may be in part to unmet housing demand issues, but it is also as a result of an urban and business-focused area being more compact/constrained with limited opportunities for larger scale residential developments. Central London has significant competing land pressures – we are home to many of the UK's greatest economic assets, including high-profile educational institutions, health organisations and other major businesses linked with sectors such as the knowledge economy. If housing requirements/targets were to be set at a national level then consideration needs to be given not only to environmental constraints (heritage and green assets) but also economic constraints relating to competing land pressures (and the need to deliver good jobs and a more inclusive economy) and constraints/opportunities relating to infrastructure provision.

We urge the government to fundamentally rethink this aspect of their proposals and enable local authorities to set realistic targets based on land capacity as we have done through the London Plan. No amount of new housing will make central London land or housing values the same as elsewhere

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

See response above

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]

No.

We are concerned that development in areas marked for growth will have significant matters to consider that go beyond design and technical issues. A failure to consider acceptability of individual developments for potentially very significant sites will have long term implications, including but not exclusive to local infrastructure, housing, health and wellbeing, sustainability, the public realm, and employment. If the Local Plan were to grant automatic planning permission it is essential that enough information is available for communities to understand exactly what is planned in their area so that engagement is meaningful. For Growth Areas it must be a requirement that masterplans and design codes are prepared as part of the Local Plan so residents can shape the future of their areas. Without this information automatic planning permission should not be granted given it is proposed that consultation and member involvement would be severely constrained later in the process. This will however be an intensive and resource heavy process and will require significant upskilling and preparation by boroughs which must be supported by national government.

This proposal could also have unforeseen impacts on land value. Land in growth areas with a presumption in favour of development will increase land value which risks further exacerbating affordability concerns. This is especially the case in places such as central London where there is a significant difference in value between residence and other uses.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]

No.

Renewal and protected areas are likely to cover a substantial proportion of land in individual local authorities in central London and the idea that a local plan will be able to cover most development scenarios and positively plan for all of this would be very difficult – especially given the proposed time limits for plan production. In complex urban areas such as central London what should be considered ‘protected’ is highly subjective. A case could be made that given our unique character, history and economy the whole of central London could be zoned in this way. Several of our boroughs are concerned that there should not be too great a difference between the planning policies used for protected and renewal areas in order to facilitate a more nuanced and place-lead approach. A restrictive zonal designation process risks both over and underdevelopment.

This also does not take in to account the high proportion of windfall sites which will still require full planning applications or in this case will be developed under generic Development Management policies, risking increasing homogeneity. Again, without detailed information it is difficult to envision how this proposal will work in a local plan and in practice through applications.

The option in proposal 1 is preferred for permission routes in renewal and protected areas whereby applications for development would be determined as they are now, by the existing process.

Renewal

Greater clarification is needed as the term “renewal” implies something different to what is being advocated. “Renewal” indicates a greater scale of intervention than “gentle densification”, smaller scale development and infill in existing built areas. If only ‘gentle’ intensification is encouraged in these areas the inference is that little or no intensification would be possible in protected areas. This needs to be clarified as this could mean very different things to local communities and property developers. Indicating clearer baseline levels would be welcome.

Protected

In principle we welcome the ability to designate “protection” areas and the explicit recognition that these areas must be subject to more stringent development controls. We also welcome the recognition that conservation areas are likely to form a component of these protection areas. However, we would caution against the reliance of design patterns to determine proposals in these areas. By their very nature they will require a detailed and bespoke approach if we are to avoid homogeneity and bland development which does not reflect the special character of an area.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

N/A

10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

No.

As discussed elsewhere in this response we do not believe the proposals made in the White Paper will necessarily ensure a quicker or more certain decision-making process.

Rather than issues with the current system, the quality of applications and/or the lack of necessary information is more often the cause of the delay. Technology, new software and digital services could all help to address the shortcomings in the quality of submissions and where they achieve this, they could free up planning officers time to spend on assessing the merits of a proposal and delivering timely decisions.

There are also many instances in which a slower process can be of significant benefit to the developer and to the community, as the planning teamwork with developers to ensure that developments are acceptable and compliant with policy. There is no benefit to automatic refunds of application fees and waiving the higher risk to local authorities for refusing applications. If an application is submitted and it is deemed to be unacceptable it is better for the Local Planning Authority to work with the applicant in a proactive way to amend the scheme and to get the right outcome for both parties. The imposition of strict deadlines with penalties will not result in better development. Accepting poorer development which will affect its local area for decades solely to take a decision a few weeks sooner is misguided.

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Yes in regard to accessibility and digital changes. No to a reduction in opportunities for communities to engage with the planning process.

CLF strongly supports proposals within the document to increase the accessibility and visibility of Local Plans online. Digital platforms are a positive move in streamlining systems and capturing important data. Proposals to work with local government to increase the resource and skills of local authority planning teams to do this are welcome. However, it is important that other mediums and tools are used to ensure the whole of our local communities are aware of and able to comment on proposals. This is especially important for groups who are more likely to be digitally excluded, such as older and/or disabled people. As such there is a need for proposals to publicised over a range of different mediums including digital tools and more traditional outreach methods such as site notices, information posters and newspaper adverts.

The proposal to only allow for engagement at local plan stage significantly reduces the ability for local people to influence proposals and shape their areas. It would also not be representative of more transient populations. For many people planning proposals only become 'real' and understood once a specific proposal has been submitted – this often seen in application process, where complaints are only made towards the end of the process. While our preference is that a system for community comment on individual developments be retained, it would be appropriate to have as a minimum a multi-stage consultation process for a Local Plan based approach.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Not sure.

A 30 month Local Plan timescale is arbitrary given that we do not know how these plans will work in practice. For example, the White Paper does not define what community engagement – a key part of building the Local Plan – would entail. It is probable that the categorisation process will be hugely contentious in many areas, with many residents and

stakeholder groups wanting to have their say. It may be more appropriate to reconsider these timescales once proposals have been developed further.

The Local Plan process only seems to allow for a single stage of consultation. This is done at Stage 1 when all that is being considered are the three zones. The second time when the public is asked to comment on is at Stage 3 when the plan is already submitted for examination. Given that this new system is about setting the principle of development or granting automatic planning permission and in some cases deciding on the design envelope, the process does not allow meaningful public involvement in any of these matters

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Yes.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

The work of volunteers must be recognised under a reformed planning system. Neighbourhood forums are a key part of our planning system and a vital tool in ensuring that residents can effectively engage. They depend almost entirely on the goodwill and commitment of volunteers who are dedicated to improving their local areas. Currently it takes too long to produce a neighbourhood plan and there is not enough resource to support the process. Neighbourhood Forums want no reduction on the duration of their Neighbourhood Plans based on the amount of effort it takes from dedicated volunteers to get a plan adopted. Greater certainty and more funding will encourage more people to volunteer their time and make sure neighbourhood plans play as full a role as possible in building better and building beautiful.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

CLF borough planning teams feel strongly that changes to the planning procedures alone cannot create the significant increase in housebuilding which this government envisions. The government must use this opportunity to consider the housing market as a whole. There remain too many developers who fail to use granted planning permission in a timely fashion. The government should consider 'use it or lose it' clauses in planning permission with the ability of Councils to step in where the market does not deliver.

Pillar Two – Planning for beautiful and sustainable places

15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]

N/A

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

N/A

17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]

No.

The White Paper states that design codes and guides could be brought forward by local authorities, neighbourhood planning groups and applicants. However the document does not recognise the technical skill required to prepare such codes. A design code must be generated from a site layout or masterplan that takes into account all relevant spatial, physical and policy constraints of the site and promotes development that is likely to be viable. This requires multi-disciplinary skills including design, policy, viability and transport. Codes prepared without experienced site planning skills would be limited to high level principles only and could risk fixing designs in the planning system that lack credibility and are not deliverable.

This will require considerable upskilling and resource to deliver, as well as time.

It will also be challenging in engaging with local communities on this, who are more likely to be interested in actual proposals than more abstract designs.

The focus of the design guides appears to be on new development. We would urge the government to allow local authorities to supplement these with local specific policies to guide smaller extensions, mansards etc. This is particularly pertinent to conservation areas, of which central London have a large number. Such local issues cannot be adequately covered in a generic national policy document. We are also concerned about the lack of consideration of other elements of planning policy beyond housing, including infrastructure, transport and commercial and industrial use.

We would wish to query the lack of reference to Health Impact Assessments (HIAs) in the Paper and ask for greater clarity on if/where these would form part of the planning process under these proposals. COVID-19 has clearly demonstrated the importance of homes and open spaces in maintaining wellbeing, especially in an urban and densely populated area such as central London. HIAs ensure that consideration of the potential physical and mental health impacts development may have on new and existing residents is made and that existing inequalities are not reinforced.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

N/A

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

N/A

20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

Not sure.

It remains highly unclear how this will work in practice. We would be concerned that in the absence of local codes or guides that design decisions will have to be guided by generic and standardised national guidance and codes. This means that local government and communities will no longer be able to challenge or veto design at a local level through undertaking a full contextual analysis. This move could serve to stifle creative, imaginative and innovative architectural solutions and design and the desirable diversity and variations within and between areas. It is hard to imagine how a design code could deliver unusual but very successful projects such as Camden's Coal Drops Yard. Pattern books can be a helpful tool in some circumstances but many of London's most famous buildings have pushed these boundaries and do not conform to them.

Areas such as London, which reflect thousands of years of habitation and a multitude of architectural styles and uses, would require an unwieldy number of codes which would be difficult to implement in practice. Even 'standard' models would need to be tailored every time they would be used – an immensely resource intensive process.

It is also of significant concern to us that fast-tracking proposals which comply with a nationally set design code does not meet the Paper's other stated ambition to enable more community engagement at an earlier stage.

A focus on beauty is welcome and key for a city space in which tourism, leisure and hospitality play such a key part of our economy. It should not come at the price of poor function, and must not inadvertently result in buildings which are of low quality or do not meet environmental standards. We are wary of increasing the scope of Permitted Development Rights in central London, which would be a core feature of the fast track for beauty process. This would allow wholesale redevelopment of housing sites under permitted development so long as standard models of housing are employed. In a significant proportion of the most central London boroughs residential development is through infill sites, where relations with neighbours and adjacent heritage sites can be difficult and constrained. These sites are also likely to be high density and multi-use. All these factors make Permitted Development Rights an inelegant tool for 'fast-tracking beauty'.

Pillar Three - Planning for infrastructure and connected places

21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

N/A

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]

No.

The White Paper incorrectly assumes that local authorities solely benefit from Section 106 (S106) and the Community Infrastructure Levy (CIL) financially through developers' contributions. This was not the intention of either the CiL or the S106. Removal of S106 would prevent local planning authorities using this vital mechanism to manage other aspects of a development and we strongly object to this.

There is a threat that these changes will reduce delivery of affordable housing. S106 agreements are one of the few mechanisms at the disposal of local authorities for facilitating the delivery of affordable housing.

The proposals set out in the paper suggest that developer contributions will be levied at the site's point of occupation and local authorities will be able to take out loans against these levies. This is significantly different to the present system where CIL and most S106 monies are paid on the initiation of the development. By shifting to a system where local authorities must take out loans to mitigate the impact of the development, councils will be forced to take on unnecessary financial risk. Threats of financial risk to the local authority include delays to the development, which frequently occur during large scale construction projects. We recommend that the government remove the proposal that developer contributions will only be paid at the site's point of occupation. We recommend that the current system where it is levied at the start of construction is maintained.

S106 is also an important part of how local authorities deliver more opportunities for employment and skills training in their areas – particularly in London with widespread developments and construction. Planning officials can place obligations on developers to bring jobs and skills training to residents such as requiring developers to deliver a specified number of apprenticeships and/or trainees or employ residents as a percentage of their workforce. Reforms to S106 pose a risk to local authorities using this useful tool to deliver better opportunities for local people. The paper makes no reference to S106 use in relation to employment and skills. We urgently need clarity on this.

CLF's boroughs make good use of Section 106 agreements to improve local employment. Examples include:

- Haringey currently have 30 sites which are obligated to have 20% of their peak workforce be Haringey residents, and provide 1 apprenticeship per £1 million of development cost. ([Haringey, 2018](#))
- In Camden, S106 spend on local employment initiatives such as King's Cross Recruit and King's Cross Construction Skills helped in 2018/19 to support 228 local people into apprenticeships, and a further 128 local people into construction jobs ([Camden, 2019](#)).

- The Elephant Park development in Southwark is employing over 1500 local people, and a Construction Skills Centre established jointly by developer's Lendlease and Southwark trains over 2000 people per year. ([Lendlease, 2020](#)). Southwark require one new apprentice or in-work NVQ per each 2000sqm on developments 5000sqm or more. ([Southwark, 2015](#)). Contributions like these to improving employment and skills is vital especially in the current context, where we have seen over 38,000 fewer apprenticeship starts between March and July this year, including a 44% reduction in Construction and Planning apprenticeships in this period.
- Since Lambeth's adoption of their new Employment and Skills SPD in 2018, Lambeth residents have secured 403 job starts, 44 apprenticeships, and 80 work placements on Lambeth development sites. Their S106 employment and skills commitments have facilitated strong connections with schools, providing essential careers advice and routes into construction opportunities.

Non-financial uses for S106 go beyond skills and employment – for example, carbon offset funding is currently collected by the Camden through the S106 process. The process works well and as there are agreed calculations established from viability assessment then these are not subject to negotiation. They offer an alternative way to reduce the impact of a development when it is impracticable or less viable to deliver carbon savings on site and provide flexibility to developers once minimum on-site requirements have been met. The funding raised is then available to use locally to help deliver carbon savings including innovative opportunities

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]

Locally.

A nationally set single rate flat rate levy would be untenable for delivering the affordable homes, infrastructure, and employment and skills support that CIL and S106, set by local authorities, currently brings to London. In 2018/19 London was responsible for 28% of all developer contributions. The higher cost of development in London means that area-specific levies are a prerequisite of these plans having any viably positive impact on the city. Without an area-specific levy these plans would be severely damaging to local authorities' ability to deliver the benefits of developments for their residents. A national rate is likely to be based on average assumptions and would have to be set at the lowest possible level to ensure that low value areas across the country are able to seek and benefit from the Infrastructure Levy. Whilst there may be merit in a national single rate in terms of simplicity and clarity, this will not reflect local development values and therefore reduce the amount of developer contributions to deliver infrastructure for high value areas. This will particularly be the case for central London.

A locally set levy (that does not preclude authorities' ability to set obligations) would be the preferable outcome. Local authorities would therefore be able to tailor the levy to their needs. Within London there is significant variation in land value. For instance residential land in the Royal Borough of Kensington and Chelsea is estimated at £161 million per hectare compared to £7.6 million in Bexley ([MHCLG, 2019](#)) This has implications for the development costs of mitigations to reduce the impact of developments on an area such as building new schools or improving roads. A London-wide set levy would not cater to the vastly different needs and costs of different areas of London, giving each local authority the ability to set their levy is the only viable means of bringing in developer contributions.

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

Same amount overall or more value

The Infrastructure Levy should aim to capture the same or more value to support both financial and non-financial investment in physical and social infrastructure.

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]

N/A

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

N/A

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]

N/A

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]

N/A

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]

N/A

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

N/A

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

Yes.

While guidance from central government would be welcomed, local authorities should be able to set and implement the policies which define how the Infrastructure Levy is used in their areas.

25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

This should be decided at a local level.

Response to 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.

Whilst the clarification and reduction in the complexities and duplication of Strategic Environmental Assessment and Environmental Impact Assessment (EIA) and related regimes is supported there are concerns that this could be used to dilute and undermine the importance of adequately assessing environmental impact. There is also conflict in automatic approvals for sites that would need to be subject to EIA.

Overall, planning policy should not restrict a local authority in its aim to go beyond the National Objective levels and aim for the more stringent World Health Organisation guidelines to protect the health of residents, workers, and visitors. For example, overheating will be an issue everywhere but is of particular concern in London and other built up areas due to the effect of the urban heat island. If consideration of overheating is not effectively built into the design then the increase in active cooling will also further contribute to the build-up of heat. This will then cause problems for those who are vulnerable and those who are not able to afford to cool their homes.

In addition, we recommend a presumption against the demolition of existing buildings. While a new building may be more efficient in pure regulated energy terms, it generally takes a significant amount of time for the embodied carbon from the demolished building to be saved in the new building. The whole life carbon impact of any development should be considered, to take account of the embodied carbon within the existing building

There is insufficient coverage given to recognising the value of private trees and the need to change the current system to allow greater protection of existing trees.

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.

The improvements to energy efficiency nationally are a welcome and positive move. It is welcome that the government is committed to net-zero carbon by 2050. But for many of our members this will be a step backwards in their ambition on stricter targets which they are already successfully working to meet with developers and communities. Local areas should be enabled to go above and beyond national targets, not only on net-carbon but in other aspects of the system such as affordability and quality.

Delivering change

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

There are number of aspects of the White Paper which need to be considered through the lens of the Equality Act 2010. As stated earlier in our submission, we have significant concerns that the move to a digital-only system will reduce the opportunities for people who are digitally excluded to comment on developments and planning in their area. Protected characteristics including disability, race and age should all be considered here. Populations which are more likely to be transient, including young people and recent immigrants, are less likely to have the opportunity to comment on Local Plans as opposed to individual development. Centralisation of the planning process, and reduction in the ability of councils

to shape planning policy to the needs of local communities, could also have a negative impact on addressing inequalities.

The loss of S106 may also result in a reduction in employment and skills provision in London. This could lead to a negative impact on the labour market outcomes for vulnerable groups as support to enter and progress in work is reduced.

We would have welcomed a full equalities assessment of the proposals being published at the same time as the white Paper. We anticipate that the government will undertake this as an important next step before taking these proposals further.