



Planning for the Future Consultation
Ministry of Housing, Communities and Local Government
3rd Floor, Fry Building
2 Marsham Street
London SW1P 4DF

By email to: planningforthefuture@communities.gov.uk

28 October 2020

Dear Sir or Madam

Planning for a Future with Clean Air

CAL's response to the Planning White Paper

Clean Air in London (CAL) campaigns to achieve, urgently and sustainably, full compliance with World Health Organisation (WHO) guidelines for air quality throughout London and elsewhere. Planning for our towns, cities and communities, for our transport and infrastructure and for our green spaces directly affects air quality. Good air quality is essential for life, health and the wellbeing of future generations. Thank you for the opportunity to respond to this consultation:

<https://www.gov.uk/government/consultations/planning-for-the-future>

Current Planning Law and Policy

The planning system in England, while claimed by Government “to ensure that the right development happens in the right place at the right time to the benefit of communities and the economy...”, has so far, in fact, failed to ensure clean air in our cities and towns and near roadsides where people live and work. On the contrary, it has enabled development which will or might increase levels of pollution even in areas which are still in breach of the legal limits necessary to ensure population health e.g. 10 years after those legal limits were required to be met for nitrogen dioxide (NO₂) under Directive 2008/50/EC and the Air Quality Standards Regulations 2010.

Government proposals

The Government is now proposing changes in planning which will govern decisions at national, local and individual level - yet in 80 pages of proposals and discussion the Government's Planning White Paper contains only *one* mention of air – and that just as [“Places affect us from the air that we breathe to our ultimate sense of purpose and wellbeing”] (paragraph 1.7 on page 13).

A: The need for change

This approach needs to change because from the point of view of ensuring healthy people and communities, now and in the future, it is vital that the planning process includes an essential objective of achieving clean, healthy air in the local area, indoors and out, and in areas beyond which are affected by local emissions. It needs to be recognised that what we now see as land use law and policy is also “air” or “atmosphere” use law and policy. In that light, planning law should be formed as a vital tool for: protecting the health of communities now; ensuring the health and survival of future generations; and as a necessary support for the achievement of the Government's goal of net zero emissions by 2050.

Furthermore, homes and buildings are responsible for producing approximately 78 per cent of greenhouse gas emissions in a city like London (paragraph 9.2.1 of the ‘Intend to Publish’ version of the London Plan). It will not be enough to set targets or requirements just for major new development because this would address less than one per cent of the building stock per annum. Instead, strict standards must be set for all development including refurbishments if we are to avoid the need to suddenly upgrade the entire legacy building stock shortly before the global carbon budget is exceeded.

What CAL wants to see:

- **AT NATIONAL LEVEL: Planning law and policy must ensure minimum standards so that development plays its part in: (a) ensuring that air pollution is reduced to, at a minimum, levels below the World Health Organisation guidelines for air quality; and (b) meeting the goal of net zero emissions by 2050.**
- **AT LOCAL LEVEL: Local authorities and neighbourhoods must be allowed to plan for and mandate higher standards for development, buildings and emissions than the minimum set at national level e.g. aiming to achieve net zero before 2050. This must encompass all development including refurbishment.**
- **AT INDIVIDUAL LEVEL: Planning law and policy must enshrine precisely and explicitly: the right to breathe clean air; full information about air pollution; full participation in local planning decisions; and incentives to reduce and eliminate emissions at their source.**

B: An opportunity for change – the designation of areas

The Planning White Paper proposes and supports clear rules (as opposed to discretion) which would apply in a planning context and includes the proposed power to designate areas in categories for “Growth”, “Renewal” or “Protected”.

CAL welcomes the opportunity to set immutable standards for developments and buildings with the goal of complying fully with WHO guidelines for air quality and reaching zero emissions.

In CAL’s view an approach to planning through area must take into account local air quality and the need to bring down the level of pollution. It must treat local air pollution and greenhouse gases together to do so successfully and avoid the pitfalls of the past e.g. Combined Heat and Power units in cities.

What CAL wants to see:

- **No area designated for “Growth” if it is in breach of air pollution limits, or at risk of being in breach.**
- **The Government must set zero and ultra low emission standards for appliances in premises e.g. energy generation, heating and cooking. This should be done by the Department for Business, Energy and Industrial Strategy.**

C: Biodiversity

A healthy air and atmosphere needs to be supported by green spaces and the protection of biodiversity. All areas, however designated, must include green spaces, trees and the encouragement of biodiversity. Existing green spaces in urban areas, including Local Green Spaces, must be protected.

The tree population in cities and towns must be protected in planning law and policy in accordance with good arboricultural practice for urban forests. It must be regenerated with healthy and diverse species with a balanced age structure to ensure its resilience to climate change, diseases and pests.

D: Democratic involvement – the right to information, participation and challenge to decisions about the environment

While CAL supports immutable regulations which would ensure minimum standards for emissions of or connected with buildings and other development it views the regulations as a “floor” and supports the democratic involvement of the public, their representatives and campaigning groups, in planning for their communities and environment and locally to be able to improve on minimum standards.

Local authorities, neighbourhoods etc

In CAL’s experience it is the provision of accurate information about the environment, the ability to participate fully in locally and nationally in decisions which affect the environment and the ability to challenge (e.g. inaction over polluted air) which helps achieve the outcome of environmental protection. CAL therefore fully supports the democratic principles enshrined in international law in the Aarhus Convention and the enactment of those principles precisely and explicitly in domestic planning law and policy.

What CAL wants to see:

- **People and their communities must be fully consulted: in setting planning frameworks at the national level; and in the formation of local plans, neighbourhood plans and individual planning applications.**
- **Legal binding minimum environmental standards, covering clean air, emissions, biodiversity, green spaces and other environmental protections must be set at national level through legislation and/or the national plan.**
- **Local planning authorities and communities must be empowered, through their local plans and their ability to write policies and define standards, to improve on the national minimum standards e.g. aiming to achieve net zero before 2050.**

I would be pleased to discuss this response with you.

Yours faithfully

Simon Birkett
Founder and Director
Clean Air in London