

# MAKING OF HEALTHY HABITATS: NEGOTIATING PLANNING GAIN IN LIVEABLE LONDON\*)

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*How do we use planning and policy tools to curate liveable cities? This paper examines the role of Section 106 and Community Infrastructure Levy (CIL) in the creation of liveable London, which requires them to contribute to the provision of affordable housing and other community benefits in exchange for planning permission. This paper provides an analytical review of the proposed planning reform, specifically the replacement of Section 106 and CIL with an Infrastructure Levy (IL).*

## **Introduction: One in the Same-Healthy Habitats & Liveable Cities**

All living organisms need healthy and safe habitats to thrive. Humans are no exception. We, like other plants and animals on Earth, depend on adequate sources of food and water, shelter and protection, oxygen along with other abiotic factors, stable and suitable climate conditions, connectivity, and relationships with other living organisms within a broader ecosystem.

The most prevalent example of human habitats? Cities. Humanity relies more than ever upon cities in the pursuit of fabricating safe and healthy places. By

2050, two-thirds of humanity is expected to live in cities according to the United Nations [2018].

Therefore, the making of cities as liveable habitats is of critical importance for the lives of billions of human beings. Akin to healthy and safe habitats, liveable cities are characterized by cultural, social, and economic factors that contribute to the well-being and quality of life of its residents. Liveability factors include, but are not limited to, well-developed and efficient infrastructure; affordable and adequate housing; accessible and high-quality education and healthcare; environmental sustainability; vibrant and inclusive social and cultural opportunities; environments for

economic growth and prosperity; and accessible and safe public life for all [Cities Alliance 2007].

## **Context: Framework and Actors of Habitat Engineering**

In today's western cities, national and local planning frameworks dictate the need for, and requirements of, healthy environments and liveable cities. These aims are often achieved through a joint effort between public and private actors. Guided by national policy aims, local governments and developers collaborate to address urban challenges and improve liveability. These partnerships can

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involve collaborating on infrastructure projects, community development initiatives, affordable housing programs, and the revitalization of underutilized areas. By working together, developers, and governments can leverage their respective strengths to create positive urban transformations.

The United Kingdom (UK), and by extension, London relies upon a systematic framework for controlling and regulating development activities to curate healthy habitats. The planning framework and process are governed by national legislation, policies, and guidelines known as the National Planning Policy Framework (NPPF) [Ministry of Housing, Communities & Local Government, 2021]. In London, specific policies and regulations are established by the Greater London Authority (GLA) and individual London boroughs. This process involves a series of steps and consultations to ensure that proposed developments align with national and local planning policies, as well as the needs and aspirations of communities.

## UK Planning Framework Policy

The UK planning system follows a planned approach, with national, regional, and local development plans guiding decision-making. The national-level planning policy, such as the NPPF and National Infrastructure Plan, provides a policy framework for local authorities to develop their own Local Development Plans (LDPs) [Barton and Grimwood, 2021]. These plans set out the specific policies and criteria for development within each local area.

The NPPF is a key document that sets out the government's planning policies for England. It provides guidance to local planning authorities, developers, and decision-makers in shaping development and planning decisions. The NPPF outlines the government's objectives for sustainable development, including environmental, cultural, economic, social and considerations [Ministry of Housing, Communities & Local Government, 2021].

In particular, the NPPF focuses on various environmental policies and standards to ensure sustainable development and environmental protection. This includes policies related to biodiversity, climate change, flood risk, waste management, and energy efficiency [Ibid]. The framework promotes the integration of environmental considerations into the planning process and encourages sustainable development practices.

Additionally, the policy provides guidance on heritage and conservation. It includes policies for protecting and preserving historic buildings, conservation areas, and designated landscapes [Ibid]. The framework encourages the consideration of heritage assets in development proposals and supports the maintenance of the built and natural heritage.

The NPPF also includes policies and requirements related to affordable housing provision and community infrastructure. It sets out targets and guidelines for the delivery of affordable homes, the provision of social infrastructure (such as schools and healthcare facilities), and the mitigation of infrastructure impacts arising from new development [Ibid].

Overall, the NPPF offers a cohesive policy framework and sets the broad principles for land use planning and development across the country. It ensures consistency and coherence in planning decisions, while allowing flexibility for local authorities to tailor their policies to their specific areas. The framework guides the preparation of local development plans and informs planning decisions at all levels, aiming to achieve sustainable development and promote the well-being of communities critical to thriving human habitats.

Aside from the NPPF, the national government offers national aims and policies for infrastructure and design. The National Infrastructure Plan delineates the government's priorities and plans for infrastructure development across the country. It identifies key infrastructure projects, such as transport, energy, and digital infrastructure, and provides guidance on their delivery, funding, and coordination [HM Treasury, 2020]. The National Infrastructure Plan ensures that

infrastructure needs align with spatial planning objectives.

In comparison, the National Design Guide provides guidance on achieving high-quality design in new development projects. It outlines the government's expectations for creating well-designed places that are sustainable, inclusive, and visually appealing. The guide emphasizes the importance of context, placemaking, and community engagement in the design process [Ministry of Housing, Communities & Local Government, 2019].

Greater metropolitan and local planning policies are nested under the national aims. In the case of region of Greater London, The London Plan is the strategic planning document for the city prepared by the GLA. It establishes vision and long-term spatial strategy for London's development, focusing on creating a sustainable, inclusive, and vibrant city. It establishes objectives related to housing, transport, economy, environment, culture, social infrastructure, and quality of life [Mayor of London, 2021]. The plan aims to address the city's challenges, such as population growth, housing affordability, transportation congestion, and environmental sustainability [Ibid]. It provides a framework for borough-level planning policies and decisions.

Compatible with the London Plan, each of the 32 London boroughs is responsible for preparing and maintaining a Local Development Plan (LDP). LDPs set out the specific planning policies and proposals for each borough, guiding development decisions at the local level. They define land uses, designations, and development criteria for different areas within the borough [Planning Inspectorate, 2012].

Within this framework, planning applicants may submit their proposals, including plans, drawings, supporting documents, and the necessary fee, to the relevant borough's planning department. The borough planning authority reviews the application, consults with internal and external stakeholders, and assesses the proposal against the London Plan, LDP, and other relevant policies.

In tandem with the London Plan and LDPs, the city also has set up a Cultur-

al Strategy, Energy Assessment, Whole Life Carbon Assessment, Circular Economy Statement, and Urban Greening Factor (UGF). These key documents set out planning policies and deliverables to bolster London's commitment to the cultural, social, and environmental quality of life.

The Cultural Strategy for London encompasses strategies based upon four pillars: Love London; Culture and good growth; Creative Londoner; and World City [Mayor of London, 2018]. These guidelines aim to increase access to culture, including supporting cultural infrastructure and diversity in the arts within London.

The Energy Assessment is the guidance document to achieve net zero-carbon target for all major developments. This document requires all major development to monitor and report energy performance post-construction to ensure developments are aligned with the mayor's net zero-carbon target [London City Hall, 2022].

Whole Life Carbon Assessment offers insight into calculating and reducing the whole life-cycle carbon (WLC) emissions of development, including the carbon emissions resulting from materials, construction, building use, demolition, and disposal. The document outlines how to prepare and submit the WLC assessment [Whole Life-Cycle Carbon Assessments, 2022].

Circular Economy Statement encompasses how to prepare a Circular Economy Statement, as required by the London Plan, to reduce waste and retain the value of resources indefinitely. This policy focuses on the cradle to cradle of development, rather than cradle to grave [Mayor of London, 2020].

The Urban Greening Factor guides development by requiring every major development in London to incorporate urban greening as a fundamental element of site and building design [Mayor of London, 2023]. Therefore, developers are required to calculate their UGF score, based upon quantity and quality of urban greening provided by a development proposal, when submitting their application. UGF metrics includes and weights the importance of the square metre area of semi-natural vegetation, wetlands or open

water, and intensive green roof or vegetation over the structure amongst other factors [Ibid].

## UK Planning Process

Planning applications typically go through a four-step process, which may not follow a strict linear process due to the complexity of stakeholders and permissions involved. For the sake of clarity, the process is broken down as follows.

### 1. Pre-application Stage

Before formally submitting a planning application, developers often engage in pre-application discussions with the local planning authority (LPA). These discussions help clarify the planning policies and requirements applicable to the proposed development, identify potential issues, and address concerns early in the process.

A critical part of the pre-application process is public and stakeholder consultations which help determine which development schemes are optimal. Initial or informal consultations are done prior to planning submission, especially for large scale projects. Public consultation can take various forms, including public meetings, site notices, press advertisements, and online platforms. This stage may be prolonged due to the number of different parties in conversation, as public and stakeholder consultations are of critical importance to the process.

### 2. Planning Submission

The next step is to submit a planning application to the relevant LPA. The application typically includes detailed plans, drawings, supporting documents, and a fee. The LPA reviews the application to ensure it meets the necessary requirements, and they may request additional information if needed.

### 3. Assessment and Evaluation

After the application is deemed valid, the LPA initiates a formal public consultation process. This involves notifying

residents, businesses, and stakeholders about the proposed development and providing an opportunity for them to submit comments and objections.

The LPA assesses the planning application based on various factors, including national and local planning policies, environmental considerations, heritage significance, infrastructure requirements, and community feedback. They may also consult with other relevant organizations, such as environmental agencies or transportation authorities, to gather additional information or seek their input.

### 4. Decision-making

The LPA decides on the planning application based on the assessment and evaluation process. There are three possible outcomes: approval, refusal, or approval with conditions. The decision is typically communicated in writing to the applicant and made publicly available. The decision notice will outline any conditions that must be met if planning permission is granted.

If planning permission is granted, the developer can proceed with the implementation of the development in accordance with the approved plans and any associated conditions. This may involve obtaining further approvals, such as building regulations consent, and complying with any legal obligations, including community infrastructure levies or Section 106 agreements [Ministry of Housing, Communities & Local Government, 2016].

If the planning application is refused or granted with unfavourable conditions, the applicant has the right to appeal the decision. Appeals are usually made to the Planning Inspectorate, an independent government body responsible for resolving planning disputes [Planning Inspectorate, 2012]. The appeal process can involve written representations, informal hearings, or formal inquiries, depending on the complexity and scale of the development.

## UK Planning System Comparison

The UK planning system differs from other planning systems by incorporating a high degree of flexibility on a local level under centralized oversight. The planning system operates on a qualitative discretionary basis, where decisions are based on interpretation of critical policies and guidelines. This contrasts a zoning system where land is divided into predefined zones with specific permitted uses and development is allowed as-of-right within those zones, subject to compliance with regulations [Breach, 2020]. In essence, the UK planning system is more descriptive and open to interpretation, unlike the prescriptive zoning planning systems.

The UK planning system operates with centralized oversight by the Planning Inspectorate, an independent body responsible for handling planning appeals and examining the soundness of local development plans [Planning Inspectorate, 2012]. Nearly all appeals are decided by the Inspectors, only a small percentage proposal, which tend to be large and/or contentious proposals are decided by the Secretary of State [Planning Inspectorate, 2023].

### Planning Gain

Another unique aspect of the UK Planning Policy is the inclusion of planning obligations to deliver liveable city environments. Planning obligations are between developers and the borough planning authority, which require developers to provide specific community benefits or contribute financially towards community assets like infrastructure improvements or affordable housing. Similarly, projects are considered in the whole, balancing the perceived harm with the greater planning (public) benefits. This allows for the more descriptive UK planning system that is open to interpretation to function and lead to consensus.

### Section 106 Planning Gain Examples

Section 106 Agreements allow local planning authorities to secure certain re-

quirements from developers as part of the planning permission process. These legal agreements are authorized by Section 106 of the Town and Country Planning Act 1990 [Legislation.gov.uk, 2010].

The purpose of Section 106 agreements is to mitigate the impact of development on the local area and ensure that the necessary infrastructure and community benefits are provided alongside new development [Ibid]. They enable local authorities to negotiate and secure various obligations and contributions from developers to address the impacts arising from the proposed development. In practice, planning authorities tend to ask what 'benefits' a scheme adds to the local area. The benefits are required to be both robust and significant, especially in terms of cultural strategies, to enable new construction.

Section 106 agreements can cover a range of obligations and requirements that developers are expected to fulfil. The specific requirements for Section 106 agreements can vary depending on local planning policies, scale, and nature of the development. Common examples include affordable housing, infrastructure, public realm and art, environmental mitigation, and mobility aids [Ibid].

#### *Affordable Housing*

Developers may be required to provide a certain percentage of affordable housing units within their development, typically for rent or sale at below-market prices. The specific affordable housing provision will depend on local policy and housing need.

#### *Community Facilities and Services*

Section 106 agreements may include obligations to provide or contribute towards community facilities and services. This can involve funding or delivering health-care facilities, educational facilities, libraries, sports centres, or other community amenities that are needed to support the local population.

#### *Infrastructure Contributions*

Developers may be required to make financial contributions towards the provision or improvement of infrastructure, such as transportation networks, schools, healthcare facilities, open spaces, or community centres. These contributions aim

to address the additional demand generated by the development and ensure that necessary infrastructure is in place to support the local community.

#### *Public Realm Improvements*

Section 106 agreements may include obligations for developers to undertake public realm improvements. This can involve enhancing the streetscape, creating, or improving public spaces, installing public art, or contributing to the enhancement of the local environment. These improvements aim to enhance the quality of the built environment and contribute to the overall character and attractiveness of the area.

#### *Environmental Mitigation Measures*

Developers may be obligated to implement environmental mitigation measures to address the impact of the development on the natural environment. This can include tracking carbon in operation and during construction, measures to improve energy efficiency, incorporate sustainable design features, manage waste effectively, enhance biodiversity, or mitigate any potential environmental harm caused by the development.

#### *Transport and Access Improvements*

Developers may be required to make transportation and access improvements to mitigate the impact of increased traffic and improve connectivity. This can include contributions towards new or improved public transport infrastructure, pedestrian and cycling facilities, or road upgrades to enhance accessibility and reduce congestion.

### Section 106 Agreement Development Examples

Section 106 agreements may be required for a wide range of developments, especially those that have significant impacts on the local area. The types of developments that typically require Section 106 agreements in the UK include large-scale residential, commercial and offices, retail, mixed-use, regeneration developments including large infrastructure and redevelopment projects [Ibid].

#### *Large-Scale Residential Developments*

Major residential developments, such as

housing estates or apartment complexes, often trigger the need for Section 106 agreements. This is particularly true when the development involves a significant number of units or is in an area with a high demand for affordable housing.

#### **Commercial and Office Developments**

Large-scale commercial and office developments, including retail centres, business parks, or office complexes, may require Section 106 agreements. These agreements can address the additional infrastructure and community needs generated by such developments, including transportation improvements or contributions to local amenities.

#### **Retail and Leisure Developments**

Large-scale retail and leisure developments, such as shopping centres, entertainment complexes, or leisure facilities, may require Section 106 agreements. The agreements can address transportation impacts, public spaces, or contributions to local infrastructure and services associated with the development.

#### **Mixed-Use Developments**

Mixed-use developments that combine residential, commercial, and other uses often necessitate Section 106 agreements. These agreements can help ensure the provision of affordable housing, infrastructure upgrades, public spaces, and other community benefits associated with the mixed-use development.

#### **Regeneration and Redevelopment Projects**

Regeneration projects or the redevelopment of existing sites can trigger the need for Section 106 agreements. These agreements may be used to secure affordable housing, public realm enhancements, infrastructure improvements, or other community benefits associated with the regeneration or redevelopment.

#### **Large Infrastructure Projects**

Major infrastructure projects, such as transportation schemes, utilities, or energy developments, often require Section 106 agreements. These agreements may include provisions for transportation improvements, environmental mitigation measures, or contributions toward community facilities impacted by the infrastructure development.

### **Section 106 Negotiation and Enforcement**

Section 106 agreements are negotiated between the developer and the local planning authority. The specific obligations and contributions are typically determined through discussions during the planning application process. Once agreed upon, the Section 106 agreement is drafted, and both parties must give their formal consent before it is finalized. The agreement becomes a legally binding document associated with the planning permission [Planning Advisory Services, 2023]. In the case of large developments, developers do not have planning consent until Section 106 is signed.

Local planning authorities are responsible for monitoring compliance with Section 106 agreements. They ensure that developers fulfil their obligations as specified in the agreement, local council may take enforcement action if obligations are not met. Monitoring can include site inspections, reviewing progress reports submitted by the developer, financial audits, and gathering evidence to ensure that the agreed obligations are being met or other forms of verification [Ibid].

Developers are often required to submit reports or documentation to the local planning authority at specified intervals, providing updates on the status of the obligations. This can include information on affordable housing delivery, infrastructure contributions, or other agreed-upon requirements [Ibid].

In cases where financial contributions are part of the Section 106 obligations, the local planning authority may conduct financial audits to ensure that the developer has made the required payments. This helps ensure that the necessary funds are available for implementing the agreed-upon infrastructure or community benefits.

If a developer fails to meet their Section 106 obligations, the local planning authority has several legal measures available for enforcement. These can include issuing warning letters, enforcement notices, or stop notices, depending on the severity of the breach [Ibid]. Local planning authorities can also seek financial penalties or damages from developers who have

not fulfilled their Section 106 obligations [Ibid]. This can involve taking legal action to recover the owed amount.

In case of disputes or disagreements between the developer and the local planning authority regarding the Section 106 obligations, there are mechanisms for dispute resolution, such as negotiation, mediation, or, if necessary, legal proceedings.

In extreme cases of non-compliance, the local planning authority may consider modifying or revoking the planning permission associated with the development [Ibid]. This can result in significant consequences for the developer and potentially halt or alter the progress of the development.

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

An equally important policy instrument is the Community Infrastructure Levy (CIL) which is a planning charge levied on new developments to fund infrastructure projects and community facilities. It was introduced in 2010 to provide a more consistent and transparent approach to developer contributions [Ministry of Housing, Communities & Local Government, 2023].

The primary purpose of the CIL is to ensure that new developments contribute financially towards the infrastructure needed to support the increased demand generated by the development. This can include funding for schools, transportation, healthcare facilities, parks, and other community infrastructure projects [Ibid].

The CIL is implemented and collected by local planning authorities, such as district or borough councils, county councils, or unitary authorities. Each charging authority has the discretion to set its own CIL rates within the parameters outlined by national regulations.

The CIL is typically calculated based on the size and type of development [Ibid]. It is usually charged per square metre of new floor space created by the development, although other factors such as land value and location may also be considered [Ibid]. The rates can vary depending on the charging authority and the area in which the development is taking place.

Certain types of development may be exempt from or eligible for relief from the CIL. For example, self-built housing, affordable housing, charitable developments, and some types of residential extensions may be eligible for relief or reduced rates [Ibid]. The specific exemptions and relief policies can vary between different local authorities.

The funds collected through the CIL are intended to be used for infrastructure projects and community facilities that directly support the development and the local area. Local authorities are required to have a CIL spending strategy in place, outlining how the funds will be allocated and prioritized. This strategy should involve consultation with the community and stakeholders to ensure transparency and alignment with local needs.

Local authorities are required to report on the collection and spending of CIL funds annually. This helps to ensure transparency and accountability in the use of the contributions received from developers. The reports provide information on the amount of CIL collected, the projects funded, and any unspent balances.

## UK Planning Reform

The UK government announced a series of proposed planning reforms in 2020 with the aim of simplifying and modernizing the planning system to accelerate the delivery of new homes, stimulate economic growth, and address housing affordability [Barton et al., 2020]. Specific details evolve daily, but the key themes and objectives of the reform include, but are not limited to, zoning, digitization, infrastructure funding, streamlining process, and community engagement [Ibid].

Specifically, within the reform, the central UK government proposed changes to developer contributions for infrastructure funding. This included the replacement of the existing system of Section 106 agreements and the Community Infrastructure Levy (CIL) with a new Infrastructure Levy (IL) [Ibid]. The aim was to simplify and standardize developer contributions, providing more consistency and transparency across different areas.

Overall, the 2020 planning reform proposals aimed to speed up the planning process by streamlining decision-making and reducing bureaucracy. This included shortening the timeframes for planning applications and appeals, promoting greater use of digital technology for faster and more efficient processing, and increasing the role of technology in decision-making.

## Reforms: Section 106 & CIL to IL

The planning reform is designed to streamline the planning process throughout the UK, to enhance the liveability of its cities, such as by developing more community approved and desperately needed housing and urban infrastructure. However, London councils have been wary of the policies, particularly the introduction of the IL.

To understand the critiques leveraged at the introduction of the IL, it is important to note the designated uses of CIL and Section 106 in an urban context. These two mechanisms provide an avenue for councils to receive contributions from developers. However, there are key differences in terms of the scale and scope of contributions. CIL is used in practice by councils to deliver community-wide infrastructure, not restricted to the spatial context of the development in question during the planning process. The dynamic rate of CIL, proportional to square meters of development and varying rates within boroughs, provides councils the flexibility to redistribute funds to areas and communities in need of infrastructure. In comparison, Section 106 is a funding mechanism that is site specific, as it is bound to be used on site or within the proposed development. Section 106 is a tool apt at enhancing site specific placemaking and amenities.

CIL and Section 106, therefore have two different and specific functions as policy tools. CIL is a policy tool to provide for general community infrastructure needs. Section 106 is a policy tool to enhance the site and community impacted by development. However, IL conflates two different coin-purses by combining these two distinct planning needs and funding mechanisms of communities under a single levy.

Unlike the negotiated community amenities provided by Section 106 based upon number of units, or the lump sum of money CIL rates raise based upon the number of square metres, IL is based upon the value of development. Unlike the more tangible metrics of existing planning aid, the estimated value of development hinges upon viability and land value of the development.

To account for the potential difference in value of a scheme calculated during pre- and post-development, IL permits the developer to pay the levy at the end of development process. The current premise of IL begins with a provisional estimate of the value of the development, based upon square metre of floor space. During the development process, councils are expected to borrow from national treasury lending services known as the Public Works Loan Board (PWLb) [Ibid]. Near the end of the development process, but before occupancy, the developer is required to make a payment based upon the provisional value of the development. This fee is based on both the initial estimate and up to date information regarding the development's value. After occupation, there is a final payment between the developer and council to settle the difference between the provisional value and real price of the development and account for the actual increase in services. This final payment provides an avenue for councils to adequately cover the real cost of services related to the new development [Ibid].

A hypothetical example of this process in action may unfold as such: a new housing scheme is proposed. Initially, the residential development is determined to have a provisional value of £1 million pounds. Based upon the square metre of the floor space and anticipated rise in services, the developer is expected to pay the council £400,000 in development fees at the end of development process. The Council will borrow at least £400,000 from the PWLB to provide services required for a liveable city. Near the end of the process and before occupancy, the originally £1 million-pound residential development is now worth £1.2 million-pounds. Therefore, the developer is expected to pay the council £600,000 pounds to invest in services and infrastructure in the

borough. Post occupancy, the residential development is valued and sold for £2-million pounds. Therefore, the developer will settle the balance and pay an extra £200,000, for a grand total of £800,000 paid to the council to make up for the actual service cost.

This chronological order places the onerous of debt onto councils by allowing developers to pay their share of fees near the end of the planning process. In doing so, councils are expected to borrow against other levy revenues to provide local services and infrastructure improvements. Due to the risk-averse and underfunded nature of councils, it is likely local planning bodies will opt to not borrow or spend in advance to avoid over borrowing leading to an overall reduction in infrastructure spending.

The IL is anticipated to increase gain and provide a non-negotiable planning process, and therefore is worth implementing despite the uncertainty within councils about the practical administration of IL. Preliminary research supports the assertion that IL will increase revenues for greenfields but not for brownfields, in which there are existing buildings and/or soil remediation required on site [Whitehead, 2020]. In the London context, the difference in the IL's ability to fund services on greenfields and brownfields is significant, given the existing development in the city [Ibid]. Equally important to London is the claim to eliminate negotiations during the planning process. This is unlikely due to the complexity and challenges of sites within the city. Given the scale and scope of London, it is likely that developers and planners will continue to negotiate to achieve their aims.

Critiques are also lodged at implementing the IL when the current planning gain policy tools are wildly used and understood, especially within London boroughs. Councils are trained and equipped to use Section 106 and CIL to get policy compliance for important community needs, like affordable housing. Not only is there uncertainty about implementing a new levy to replace existing effective policy tools, but there are questions regarding the difference between a value-based and unit/square metre approach. Both approaches are

based upon the gap between the developer's profit and the council planning fees, therefore the new policy may be redundant. Hence, there is overarching concern about the implementation of evaluations and administrative changes, given the policy sets out to accomplish the same objective.

These concerns may be addressed given the IL policy is currently undergoing consultation, with councils expressing their support and concern about the policy to the national government. As it stands, the concerns and critiques have not been adequately reflected in changes to the bill. However, it is expected that questions regarding the administering of IL, such as the details of provisional evaluation, thresholds for services and debt ratios, and level of permitted local flexibility designated by the IL will be answered at a later stage.

## **State of UK Planning Reform**

Since the introduction of the "once-in-a-generation" planning reform in August 2020, known as the Planning for the Future, has gone through several iterations.

Rumblings of the planning reform began in June of 2020 when then, Prime Minister, Boris Johnson, commented on house building delays and argued that Britain would "build better and build greener but we will also build faster" [Planning for the Future, 2020]. The white paper Planning for the Future was subsequently published and promoted early consultation with local communities, protection of green space, "zero carbon ready" homes, quicker construction of housing, and establishing a clearer, rules-based planning system to fast-track development [Ibid]. The Housing Ministry aimed to prioritize quality, design, and the environment in the context of pandemic economic recovery. The proposed reforms received mixed reactions, with support from the house building industry and criticism from planning and conservation stakeholders [Ibid].

Following the whitepaper's release, the national government launched a consultation on the current planning system. The

consultation focused on gathering feedback on delivering first homes, developer contributions, and calculating housing need concluded in October 2020. In response to the consultation, the national Government amended the whitepaper in December 2020, including reviewing the housing need calculation strategy.

The following February, the Levelling Up whitepaper was published and contained a significant number of proposals related to planning. The document supported the IL, brownfield development, and design, but downplayed the public's ability to comment on new development – thus conflicting the previous planning initiatives. Similarly, the whitepaper removed any mention to the zoning proposals set out by the initial planning reform in favor of keeping the plan-led system.

The document was closely followed by the Levelling Up and Regeneration Bill, which contained a mix of the less controversial policies introduced by the previous whitepapers. The bill touched on national housing targets, brownfield developments, the proposed IL, among other development related topics.

As of Summer 2023, the Levelling Up and Regeneration Bill has passed the House of Commons and is currently in the report stage in the House of Lords [Levelling-up and Regeneration Bill, 2021]. If the bill is passed by the House of Lords, it will enter the final stages for consideration of amendments and then sent to the acting monarch for Royal Assent. Meanwhile, consultations for the planning reform continue and the initial stages of the NPPF consultation begin.

Akin to the political turmoil the UK national government has faced in recent years, the planning reforms have gone through continued scrutiny and appraisal. However, the clear need for livable cities and towns remains a common thread throughout this process.

## **Making of Liveable Places**

As the planning form debate shows, the making of liveable cities is often fraught with policy challenges, particularly when

there are multiple levels and degrees of legislation. The making of liveable cities is first a policy, second a tangible challenge to conjure.

Therefore, Section 106 and Community Infrastructure Levy (CIL) play critical roles in the creation of liveable London. These policy tools provide a path for planners and local council to incentivise developers to meet the needs of a healthy habitat. The planning gains, such as but not limited to affordable housing, health-care and educational facilities, community centres, green spaces, biodiversity, and pedestrian and cycle facilities, realize the liveability factors of urban spaces.

Given Section 106 and CIL are under review with the introduction of IL, it is important now more than ever to understand the gravity and importance of the policy in creating liveable conditions for all. We do so in this article by synthesizing the aims and critiques of IL in comparison to existing planning gain policy.

To summarize, Section 106 and CIL require developers to contribute to the provision of community benefits and infrastructure improvements in exchange for planning permission. This process requires negotiation and a high level of local oversight. Planning reforms introduced in 2020 combine Section 106 and CIL under one levy known as IL. This policy intervention aims to streamline the planning process and make the planning process more financially viable for developers by placing the financial risk on councils. As detailed above, there are several critiques and concerns regarding the chronological order and implementation of the IL policy, given the effective use of Section 106 and CIL. As this article demonstrates, especially in the UK, local, occasional regional, and national policy bodies must negotiate conflicting aims and policy methods to produce liveable cities.

Looking forward, as habitat engineers, humans have a responsibility to engage in effective and viable policies to create both healthy habitats and liveable cities. The process to get to liveable cities has immense value as it enhances quality of life, stimulates economic growth, promotes environmental sustainability, fos-

ters social inclusion, prioritizes health and well-being, and cultivates cultural vibrancy. By focusing on these aspects, cities can create harmonious, thriving environments that cater to the needs and aspirations of their residents.

Especially in the anticipated urban boom of the next 30 years, the way we dictate policy, plan, and collectively decide how to ensure and grow liveable areas in the UK and beyond is of the utmost importance.

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**Budování zdravých sídel: plánování Londýna vhodného pro život profituje z vyjednávání při vydávání územního rozhodnutí, Savannah Willits**

Jak využít politik a nástrojů územního plánování k vytváření měst vhodných pro život? Tento článek zkoumá roli § 106 (zákonu o plánování) a poplatku na rozvoj veřejné infrastruktury (Community Infrastructure Levy – CIL) při utváření Londýna vhodného pro život. Tyto předpisy požadují, aby žadatelé o vydání územního rozhodnutí přispívali na zajištění dostupného bydlení a dalších veřejně prospěšných zařízení. Text analyzuje navrhovanou reformu v oblasti územního plánování, v jejímž rámci by měl být § 106 a CIL nahrazen příspěvkem na infrastrukturu (Infrastructure Levy – IL).