



## The Sustainable Communities Act proposal form

### Using this form

This form should be used to submit proposals under the Sustainable Communities Act to the LGA for short listing. Please complete all sections and then **email a copy to [selector@lga.gov.uk](mailto:selector@lga.gov.uk)**. These must be received by **July 31<sup>st</sup> 2009**, and you will receive confirmation that the form has been received.

Once submitted, information within this form may be made publicly available, unless you request for it to be kept private. We will treat information submitted sensitively. If you wish to attach any relevant presentations or graphs etc. please attach them separately in the email.

For questions regarding the act or the role of the Selector, please see our [FAQs](#). Any further questions can be directed to [selector@lga.gov.uk](mailto:selector@lga.gov.uk).

## Section 1: Proposal Summary

### Proposing Authority

Under the terms of the Sustainable Communities Act, all proposals must be submitted by a local authority, or group of authorities, in England. Any group, organisation or individual may originate or develop a proposal. However all proposals will require Local Authority endorsement and submission to the Selector.

Parish councils and other organisations and agencies must seek support and formal endorsement from a proposing local authority (defined in the Act as county councils, district councils (including metropolitan, non metropolitan and unitary authorities), the common council of the city of London or the Council of the Isles of Scilly).

#### 1.1 Lead Authority name

London Borough of Islington

#### 1.2 Is this proposal submitted by this authority alone, or is it a joint proposal with other local authorities? (If joint please list authorities)

Submitted by London Borough of Islington

#### 1.3 Who is the lead contact (s) in the authority for this proposal? Please provide email address and telephone number - *The LGA will direct any enquiries to this contact.*

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## Supporting Organisations

Whilst proposals may only be submitted by a local authority, we acknowledge that local partners and outside organisations may wish to register support for the proposal. This is entirely voluntary.

**1.4 Please provide details below of supporting organisations to your proposal.** Please explain if the organisation is a charity, company, unincorporated association or other body. If a charity or company please provide registration numbers. If a local partnership please explain the relationship to the Local Strategic Partnership for the area.

N/A
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## Summary of your proposal

Please summarise your proposal. You may wish to include:

- The main elements of your proposal
- What issues your proposal is addressing and how it will promote the sustainability of the local community
- Who is affected by this proposal and how?
- Which public bodies might be affected?
- What are the main actions needed from Government?
- What do you expect this proposal to achieve?

**1.5 Please enter your summary below** (*word limit 1000 words*)

Railside land in Islington has significant biodiversity value. In inner London areas such as Islington this land is particularly important as it can make up a significant proportion of the land of value for nature conservation - the 1987 habitat study undertaken by the London Ecology Unit indicated that 75% of the 'wild' land in Islington was railside land. Such wildland provide habitats that can support populations of butterflies, grasshopper, birds and bats. On Islington's railside land plants such as walted thistle and fennel have been found along with breeding birds such as black redstart a national rarity. The land adjacent to rail lines can also function as green corridors which help the movement of species from different sites to others

These railside land areas are under immense pressure from Railway development which often takes place under permitted development rights with little regard for its biodiversity value.

The Town and Country Planning (General Permitted Development) Order 1995 allows railway companies to meet their operational requirements for the installation of signalling systems and other minor trackside developments without the need to apply for Planning permission. The Class permits a wide range of development required in connection with the movement of traffic by rail, as long as the works are undertaken on operational railway land.

Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 provides scope for local authorities to direct/remove permitted development rights and require express planning permission. Article 4 directions require approval by the government and are only allowed in exceptional circumstances. Accordingly, under the current legislation the Council has very limited controls over development on railway corridor land.

The proposal is to give local authorities more control over developments by railway operators to ensure biodiversity is protected and enhanced in these key sites. In particular we would like to be able to require much more robust environmental assessments before any developments take place.

## Section 2: About your proposal

The form asks a set of questions to gather as much information as possible to allow for assessment and short-listing by the Selector. A word-limit is stated for each part of the form.

We appreciate that SCA proposals will vary in range and scope, and some questions will be more relevant than others for any one proposal. Please do not feel that answers are required for every questions or that the full word limit need be used in respect of each and every question box. If you are submitting a joint proposal, please include evidence for all areas.

### Impact on sustainability *(word limit 2000 words)*

#### 2.1 Please explain how your proposal promotes sustainability as defined locally (for example in your Sustainable Communities Strategy or LAA)

Sustainability - protecting our environment and ensuring a good quality of life for all now and for the future - is a key council priority, and a major national and international issue. The council seeks to ensure Islington develops as an environmentally sustainable borough; indeed, we aspire to be the greenest borough in London.

A priority for action identified in Islington's Sustainable Community Strategy is "Improving the quality of the environment and tackling climate change". This proposal is focused on improving the quality of the environment by protecting and enhancing key havens for wildlife and supporting and enriching biodiversity.

It would also contribute to achieving the Strategy's 'Vision for 2020' by contributing to good mental health and better quality lives – since evidence indicates that contact with the natural world significantly improves the quality of our lives, reducing stress and contributing to our sense of wellbeing.

#### 2.2 Over which geographic area will your proposal impact? (e.g. neighbourhood, town, city, sub-region)?

Railway land across the London Borough of Islington.

**2.3 Who would benefit from your proposal?**

The proposal would primarily benefit wildlife and biodiversity in Islington by protecting and enhancing local habitats. It would also benefit all those people who live or visit areas close to railside land since contact with the natural world significantly improves the quality of our lives, reducing stress and helping us remain calm. Moreover, since biodiversity underpins the life systems of this planet that provide for all our needs, this proposal would make a small contribution to broader efforts to conserve and enhance biodiversity.

**2.4 What steps will you take to mitigate any adverse affects on sustainability from your proposal (if relevant)?**

No adverse impacts on sustainability are foreseen. Please note that it is not intended to block railway development (we recognise railways as an important form of sustainable transport) but merely to ensure that this form of development is carried out with appropriate regard for biodiversity.

**2.5 What project, activities and changes would take place in your area if your proposal was successful?**

From firsthand experience of dealing with railway companies operating in Islington frequently very little regard is given to the biodiversity value of their sites, for example, the North London Rail Improvement Project currently being implemented. This project involves increasing the number of tracks. From officer site visits the proposed routes for new track had high biodiversity value, yet these areas were cleared before any ecological assessment was carried out and no mitigation measures were proposed or undertaken. As a result it is likely that species such as nesting birds have lost vital nesting habitat and bats (a legally protected species) have lost foraging areas. New powers would enable the local authority to ensure that appropriate assessments are undertaken and mitigation measures put in place so that negative impacts of developments on biodiversity, such as that described above, are avoided or minimised.

**2.6 Does your proposal involve transfers of responsibilities between public bodies in the area? If so what are these? What budgetary implications might be involved?**

N/A

Local authorities are required to 'have regard' to a set of specific issues when deciding whether to support SCA proposals. These are matters listed in Schedule 1 of the Act, as passed by Parliament<sup>1</sup>. It is worth noting that the issues listed in the Act are not supposed to be exhaustive and that ideas can cover anything that promotes the sustainability of the local area.

Many of these matters may not be relevant to any one proposal. If you are submitting a joint proposal please include evidence for all areas.

**2.7 Please identify which, if any, of the issues authorities are required to have regard to, are relevant to this proposal and include any data and information which you feel would be helpful in the assessment process.**

- a) the provision of local services
- b) the extent to which the volume and value of goods and services that are- i) offered for sale, ii) procured by public bodies, and are produced within 30 miles (or any lesser distance as may be specified by a local authority in respect of its area) of their place of sale of the boundary of the public body.
- c) the rate of increase in the growth and marketing of organic forms of food production and the local economy
- d) measures to promote reasonable access by all local people to a supply of food is adequate in terms of both amount and nutritional value
- e) the number of local jobs
- f) measures to conserve energy and increase the quantity of energy supplies which are produced from sustainable sources within a 30 mile radius of the region in which they are consumed
- g) measure taken to reduce the level of road traffic including, but not restricted to, local public transport provision, measures to promote walking and cycling and measures to decrease the amount of product miles
- h) the increase in social inclusion, including an increase in involvement in local democracy

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<sup>1</sup> The Sustainable Communities Act is available here :  
[http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070023\\_en\\_1](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070023_en_1)

- i) measures to increase mutual aid and other community projects
- j) measures designed to decrease emissions of greenhouse gases
- k) measures designed to increase community health and wellbeing  
Yes, this proposal would impact on community health and well-being.
- l) planning policies which would assist with the purposes of this Act, including new arrangements for the provision of affordable housing**
- m) measures to increase the use of local waste materials for the benefit of the community

### Existing Barriers

*(Please do not write more than 1000 words for 2.8 and 2.9)*

#### 2.8 What are the existing barriers to implementing your proposal?

Railside land in Islington has significant biodiversity value and it provides invaluable wildlife corridors. These areas are under immense amount of pressure from Railway development which often takes place under permitted development rights with little regard for its biodiversity value.

The Town and Country Planning (General Development Procedure) Order 1995 (as amended) Schedule 2 Part 17, Part 17- "Development by Statutory Undertakers", Class A -Railway or Light Railway Undertakings sets out permitted development rights for Railway operators. These permitted development rights allow rail operators to carry out development without the need to apply for express planning permission on their own operation land. This includes land railway corridor land.

Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 provides scope for local authorities to direct/remove permitted development rights and require express planning permission. However Article 4 directions require approval by the deputy prime minister and are only allowed in exceptional circumstances. Under the current legislation the Council has very limited controls over development on railway corridor land.

We would like to have more control over developments by railway operators to ensure biodiversity is protected and enhanced in these key sites.

#### 2.9 What actions are needed by Government to make your proposal possible?

To make provision for local authorities to have greater influence over development of railside land where it could significantly impact sites designated as important for nature conservation or otherwise identified as important for biodiversity. This would ideally include a requirement for appropriate and robust assessments of ecological impact to be undertaken and submitted to the local authority for comment prior to any development on railside land. At the very least we would wish the Government to provide an opportunity for a local authority to comment on specific issues related to development on railside land within a statutory time framework (as with telecommunications operators in Part 24 of the GPDO).

## Part 3: Local Authority Endorsement

This section should be completed by the proposing local authority. (Under the terms of the act this means a county council in England, a district council (including metropolitan, non metropolitan and unitary authorities), a London borough council, the Common Council of the City of London or the Council of the isles of Scilly)

### 3.1 Have consultation requirements been met? (500 words max)

Please confirm that your authority has met the statutory requirements for consultation on this proposal, via one or more panels of local representatives and persons from under-represented groups constituted in accordance with the Act and statutory guidance as set out in [Strong Safe and Prosperous Communities](#).

You may wish to describe who has been involved in discussions and development of the proposal (*e.g. council, local community organisations and residents groups, parish or town councils, local partnership bodies, local or national organisations, political parties, church and faith organisations, local businesses or chambers of commerce and others*).

If you have not done so already please give brief details of relevant panel meetings.

Please note if you are submitting a joint application please provide details of consultation and local support across all areas.

We told our local communities about the SCA through the Council website, our borough-wide resident magazine; residents' eBulletin; the Members' Bulletin; and directly to a range of community and third sector groups. This generated over 100 ideas to be put forward by residents, community groups as well as some staff members and councillors.

Council officers examined all the original proposals to sift out ones that appeared to go against existing council policy; where the council already has powers to take the action proposed; or where the proposal does not fall within the scope of the SCA for some other reason.

These proposals then went to a newly formed SCA panel to consider. This panel included residents from groups that councils have traditionally struggled to engage or forum members of such groups, including a blind resident, a resident with learning disabilities, and a resident (with an interpreter) who spoke English as a second language. The panel held its meeting on Monday 29 June and members looked in detail at a number of proposals each in some detail. Their comments and indications of interest or enthusiasm enabled us to sift further the proposals which were considered by, and agreed by, our Council's Executive.

**3.2 What are the views from this consultation? You may wish to provide evidence of local support for your proposal?** This might include petitions or letters of support from the public, local councillors, Members of Parliament, businesses, public bodies and agencies? Please describe this evidence below. *(The local authority submitting the proposal is likely to wish to review such material and to summarise its content. Onward submission to the Selector of all original documentation will not normally be required).*

Our SCA Panel supported this proposal, which has now been approved by the Council's Executive.

Proposals may include a change/transfer of functions from one person to another. If this is relevant to your proposal please confirm that the duties under clause 2, subsection 3 of the act (consulting with organisations affected by a change in location of a function) have been carried out.

**3.3 Please give brief details of consultation with any affected organisations**

N/A

**3.4 Confirmation of council support**

The process for formal endorsement is a matter for local discretion; however we anticipate that authorities will wish to gain political endorsement and clearance for the proposal through the relevant processes at local level. Please give details of how formal approval has been attained.

The proposals were agreed at the Council's Executive meeting on 9 July 2009.

**3.5 General comments**

This is an opportunity for the local authority to express any additional comments or views on the proposal: This may include: *(1500 words max)*

- the council's view of levels of local support for the proposal
- any local opposition or objections that the Selector should be aware of
- relevance of the proposal to the area's Sustainable Community Strategy and Local Area Agreement
- outcome of any local authority discussions with agencies or public bodies affected
- potential regional/national significance of the proposal, if replicated elsewhere
- any major resource implications for the council or its local partners
- any other factors influencing viability and achievability of the proposal

It is absolutely vital we protect, maintain and enhance our biodiversity. Biodiversity underpins the life systems of this planet that provide for all our needs: the food we eat, the air we breathe, many of the clothes we wear and many of our medicines. We are also part of the natural world and contact with it significantly improves the quality of our lives, reducing stress and helping us remain calm – enjoyment of the biodiversity supported by railside land does not of course require that land be publically accessible as land and properties overlook it and wildlife sustained in these areas will move beyond it.

Islington is one of the most built up of all London Boroughs, and protecting our spaces for nature and maintaining residents contact with nature is therefore of greater importance. Protecting rail side land will also conserve vital wildlife corridors which allow species to move freely between different habitat areas. This is key to helping species survive the impacts of climate change.

The protection of biodiversity is a statutory duty of all public authorities under the Natural Environment and Rural Communities (NERC) Act 2006, and this amendment would allow us to better fulfil this duty.

## Part 4: Assessment by the Selector

SCA proposals will be assessed by the LGA as Selector. This will include consideration, short listing and negotiation with the Secretary of State via the LGA Selector panel made up of councillors from the four parties represented on the LGA

The LGA Selector Panel is committed to undertaking the role in a transparent manner; as such reasons for decisions on proposals will be made available.

There will be no appeals process in relation to decisions of the Selector Panel.

**4.1 Do you confirm your agreement to abide by the outcome of the Selector's assessment and decision-making processes?**

Yes

**4.2 Would your council, accompanied by the originators of the proposal, wish to make a short verbal presentation to the Selector Panel, should this opportunity be available?**

Yes

Thank you for completing this form.

Please email it to [selector@lga.gov.uk](mailto:selector@lga.gov.uk) by 31 July 2009.