

PLANNING AID

INFORMATION & COMMENT ON PLANNING AID IN PRACTICE

Published with every fourth issue of the weekly Planning Bulletin

No 9 12 JUNE 1981

Five tricks for highwaymen

Two main aims of the "new style" development plan system (T&CP Act 1971) were to integrate road and land use planning, and to give the public a bigger voice in plan-making. But a two-year battle over a £7 million Greater London Council road scheme in the City of Westminster has shown that these aims can easily be cast aside. As the law stands, highway authorities can in certain circumstances do as they please without regard to statutory plans, let alone public objections raised during the preparation of these plans. Tim Pharoah reports.

The whole story of the Vauxhall Bridge Northern Approach scheme (VBNA) and the related Millbank Estate redevelopment could fill a book. Here we confine ourselves to those aspects which expose loopholes in the planning system. Objectors to road schemes in particular need to be aware of the lessons learnt from the VBNA saga.

The Greater London Council proposes to build an underpass for the Embankment route to Central London where it intersects with the Inner Ring Route at the north side of Vauxhall Bridge. This will increase traffic capacity by 50-60% in the radial direction, and about 20% in the orbital (Ring Route) direction. The London Amenity and Transport Association believes that there are powerful strategic arguments against this proposal. First, it will benefit primarily car commuters to Central London, whereas both GLC and Westminster City Council policy is aimed at restraining this type of traffic. The junction is congested mainly in the morning and evening peak hours (i.e. by car commuters) and the proposed underpass is of restricted height so that it can only be used by small vehicles (i.e. mainly cars). Second, the increase in traffic capacity will in itself generate more traffic and thus make the accepted objectives of traffic restraint, and promotion of public transport use, more difficult to achieve.

The whole VBNA scheme includes other major road works in conjunction with redevelopment by the Crown Estates Commissioners who own most of the surrounding area, but these will not significantly alter the traffic capacity and so are not open to the strategic objections that apply to the underpass.

The London Amenity and Transport Association (LATA) and local objectors have had to fight hard to get their arguments heard. In 1976 LATA was pleased to note that the approved structure plan for London (the GLDP) included restraint of car commuting to Central London,

promotion of public transport, and statements to the effect that the transport strategy would be developed in close liaison with the London Boroughs in the preparation of their local plans. In July 1977 the GLC approved a road scheme at Millbank which provided for an underpass at some future date. They were busy with "consultations" over this scheme when (in April 1978) the Westminster District Plan appeared, containing the statement that: "For the next 10 years the GLC has no proposals for new roads or improvements to the Metropolitan Roads for which it is responsible . . ."

At the district plan inquiry in Spring 1979, LATA pointed out that the GLC did in fact have three road proposals in Westminster, including VBNA. Four months later the GLC approved the Millbank underpass, but did not consult any of the objectors to the district plan inquiry. Westminster's proposed modifications to the district plan appeared in October 1980 and contained the VBNA scheme, including the underpass. LATA and over 30 local people (including two MPs and Harold Evans) objected to the scheme. Intensive lobbying of Westminster councillors persuaded them (against their officers' advice) to hold a public inquiry into the modifications. Round one to the objectors.

Meanwhile the GLC went out to tender for the construction of the VBNA scheme, intending to sign contracts before the Tory administration expired in April, and disregarding Westminster's public inquiry into the scheme, booked to start on 31 March 1981. LATA and the other objectors directed their campaign of protest to the relevant GLC committee — phoning the committee's members day and night was one of its tactics. On 4 March, the day of the GLC meeting which was to decide whether to proceed with the scheme, I appeared on Thames TV lunchtime news attacking the GLC's attitude. Thames TV also filmed an interview with the committee chairman Sandy

Sandford. He seemed to change his mind, for a few hours later at the meeting he announced that there would be no further progress on the scheme until Westminster's inquiry had been held (cheers from the packed public gallery). Round two to the objectors; or was it? During the public inquiry it became clear that the GLC intended to proceed to sign the construction contracts as soon as the inquiry had been held, but before its outcome was known.

Objectors could get no assurances from Sandford or the Tory leader, Horace Cutler, that they would await the inspector's report. We were left with one alternative. On 16 April, LATA and the Pimlico Residents Action Group jointly issued a notice of intention to seek an injunction to prevent the GLC from going ahead before the outcome of the inquiry. Advice from local lawyers and a judge had indicated that any contracts signed subsequent to receipt of this notice would be ineffective should the injunction succeed. This proved too much for Sandy Sandford, who replied in writing that no contract would be signed in advance of the inspector's report. Round three to the objectors. Now we await (a) the inspector's report, (b) Westminster's views and decisions on the report and (c) the new Labour-controlled GLC's reaction (if any) to both (a) and (b).

What lessons can be learned from all this? First, highway departments can (given political support) plan road schemes that are plainly in conflict with their own structure plan policies.

Second, highway authorities legally can ignore the contents of statutory local plans.

Third, the provisions of the General Development Order 1977, which enable highway authorities to enlarge road capacity without planning permission, severely limits the ability of the public to object to schemes such as VBNA.

Fourth, where the highway authority owns the land (in the case of VBNA, the land was provided by the Crown Estates in return for planning permission for their redevelopment scheme), a public inquiry will not be held, since no compulsory purchase orders are required.

Fifth, by clever timing, highway authorities can avoid public scrutiny of their road schemes by announcing them as proposals after a local plan inquiry. By the time they are put forward as modifications to the local plan, it may be too late for objections to halt the construction of the scheme.

In the case of VBNA, the objectors were experienced, influential, and had legal advice to hand. But only by constant vigilance and the closeness of GLC elections did they manage to out-manoeuvre the GLC and ensure that natural justice prevailed.

A full account and details of the London Amenity and Transport Association are available from Tim Pharoah, Department of Town Planning, Polytechnic of the South Bank, Wandsworth Road, London SW8 2JZ. Tel: 01-928 8989 ext.7007.



Twenty-four acres of land under the elevated section of the Westway in London have been taken over by the North Kensington Amenity Trust for community uses and industrial units. The trust is run jointly by local community groups and the council. Further details from Roger Matland, NKAT, 1 Thorpe Close, London W10 5XL. Tel: 01-969 7511.