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

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Dear Sirs,

### **Government Consultation: Planning for the Future**

Thank you for the opportunity to comment on the Government's proposed changes to the planning system. Limpsfield is a small parish council in Surrey, but one which in 2019 successfully completed a Neighbourhood Plan and which has recently commissioned a Conservation Area Appraisal and Management Plan for the historic centre of the parish.

Rather than try to respond to every detail contained in the paper, we have sought to focus on the principles on which the reform has been based. We believe that the fundamental direction which the Government seeks to take is wrong. It would, in our view, reduce rather than increase local involvement in the planning system and limit the ability of local communities to influence the scale and form of new development in the area in which they live or work.

#### **Our View of the Current System**

The current system is broadly based on the principle that town planning decisions are taken, wherever possible, at a local level. Local plans are prepared by the local council, neighbourhood plans are prepared by parish councils or local groups, planning applications are determined by the local council and infrastructure needs are determined by the local council. This reflects the fact that each town, each village, each road and each area of countryside is different. Each has its own character and our democracy is such that those elected locally, and therefore answerable directly to the local electorate, are considered to be in the best place to control and manage the development which takes place. Quite rightly, those decisions are taken in the context of national guidelines and regulations and are subject to scrutiny at a national level. Difficult decisions have to be made and, inevitably, there will be those who do not agree with those decisions. However, there are long-standing and effective mechanisms for ensuring that decisions can be challenged whether by appeal or, in some cases, through the courts.

The system has changed over the years, sometimes for the better, sometimes for the worse. Regional bodies have come and gone, county-wide structure plans have come and gone, neighbourhood plans have been introduced, the role of development management has become more limited as 'permitted development' rights have been extended. That does not mean that the system is fundamentally

flawed in the way implied by the White Paper or that the problems alluded to, such as the rates of housing delivery, are actually the result of that system. The development process is far more complex.

There is undoubtedly scope for reform. However, whilst couched in terms designed to suggest that the proposed changes will result in greater local democracy, the effect of those changes would in our view be the opposite

### **Simplifying local plans**

By focussing on just three categories of land (growth areas, renewal areas and protected areas), the proposals undermine the ability of local plans and local people to respond to the particular opportunities and challenges of their local area.

All three 'designations' are fraught with complications.

In 'growth areas' outline permission will be automatically secured; given the heavily limited timescales for the preparation of local plans, the ability of the local planning authority and the local community to ensure that major new development delivers what is needed for the local area will be heavily constrained.

In 'renewal areas', the suggestion is that there could be 'gentle densification'. This is a vague and possibly meaningless term which groups together most of our urban land and takes no account of the rich variety of areas which make up our towns, cities and villages. Difficult decisions have to be made. In some areas, quite significant amounts of development can take place without the need for a 'growth area' designation; in others 'gentle densification' would destroy the inherent character of the area. The reality, again, is a reduction in the ability of the local authorities and the local community to influence how and where new development takes place

Even the concept of 'protected areas' has its problems; most areas warrant protection in one form or another; some warrant more protection than others and the type of protection needed will vary from place to place. The proposed system reduces the flexibility with which the local community can determine what is right for those different areas.

### **Rules not policies**

Whilst superficially attractive, the reality of a move to rules rather than policies is that it will reduce the scope for determining what is right at a local level - both in terms planning policy and development control. The concept of 'rules' reduces or removes the 'judgement' which is such an important process in the planning process. Even some of the most straight-forward of proposals require judgement in order to ensure that the development is right for the area in which it is to take place.

It would appear that most of the 'rules' will be determined nationally. Inevitably this means that they will be very broad and the scope for local communities to identify local 'rules' which relate to their area and the environment in which they live and work will be heavily limited.



## **Community engagement**

Our own experience in producing a Neighbourhood Plan demonstrates the value of these plans in engaging the local community and securing a balanced approach to the delivery of new development. At the referendum, 50% of the local residents voted with 87% of those voting being in favour of the Plan. We consider this strong endorsement reflects, in large measure, the fact that local people felt that they had had a direct influence on the planning policies for their area. This is not something which, we believe, could be achieved by the heavily regulated, top-down approach being proposed by the White Paper.

More generally, consultation and engagement are already deeply engrained in the planning process and most planning officers and planning authorities work hard to ensure that the views and opinions from the local community are drawn into local and neighbourhood plans. Undoubtedly changes can be made as new technology introduces different methods of communication. However, we are concerned that the focus on new technology will have a regressive effect, marginalising those who do not or cannot engage in modern technologies.

We are also concerned that, with the role of local plans (and neighbourhood plans) reduced and with changes to the underlying system, consultation will no longer be seen by the local community as a real opportunity to influence development. This runs the risk of bringing the whole system into disrepute.

## **Testing Local Plans**

Whilst superficially attractive, the reduction in testing actually reflects the heavily reduced role of local plans and the subservience of the local democratic process to nationally established rules and requirements.

Removal of the test of 'soundness' reflects the fact that local plans will be able to do much less to ensure that development meets the needs and expectations of the local community.

Similarly, the removal of the 'duty to cooperate' is a backward step. Rather than an increase in local autonomy, it is largely a reflection of the much reduced role of local communities in determining the scale and nature of development in their areas - if local authorities and local communities are effectively told how much development should take place in their area and how it should take place, there is much less need for cross-boundary cooperation. Even where there is scope for the local authority to determine the scale and nature of new development, the lack of a duty to cooperate undermines the principle that new development should take into account its impact on areas wider than just those within a particular local authority's boundaries.

## **Limiting the extent of local plans to the setting out site- or area-specific parameters and opportunities.**

Whilst the White Paper seeks to increase the involvement of the local community, these proposals directly undermine this by restricting the role of local plans and reducing the ability of local people genuinely to influence what happens in their area.



## **Focusing on Design and Sustainability**

The focus on design and sustainability is welcome and the increased role of design codes and guidance is an important initiative which is supported. However, the proposals need much more careful thought.

The easy use of the phrase 'those who want to build beautifully' is an example of the potential pitfalls – what does this actually mean, who is the arbiter of what is 'beautiful', does beauty include the impact of a proposal on surrounding properties or the countryside, how will local councils and local people be involved in determining what is considered 'beautiful' on a case by case basis?

Moreover, the current increase in permitted development rights appears to be part move away from a focus on design rather than towards it.

## **Improving infrastructure delivery**

The principle that a greater proportion of the uplift in land value should be captured is by no means new and is to be supported.

However, by creating a nationally based scheme, the proposals appear to remove the power of the local community, through their elected representatives, to establish the scale of infrastructure needs in their area and the extent to which new development should or is able to contribute to meeting those needs.

Whilst the total amount collected under the national infrastructure levy may be more, the extent to which it will be available in the areas of greatest local need is unclear. Moreover, the more limited scope for the negotiation of local legal agreements to secure the provision of key infrastructure may well mean that developments with high infrastructure costs will be able to proceed without those costs being properly met.

## **Making land available for homes and development**

The creation of binding housing requirements at a national level would appear to remove the ability for local communities to engage properly in determining the future of their areas. The amount of development which can, and should, reasonably be accommodated in an area is probably one of the most contentious and hotly debated issues in a local plan. The replacement of that debate by a nationally determined requirement based on an 'algorithm' (which by its very nature can not take into account the detailed character and potential of local areas) is a fundamental change and one which fails to deliver what planning has sought to achieve over many years - the right amount of development in the right place.

## **Neighbourhood Plans**

Given the changes to local plans, it seems likely that future neighbourhood plans would be narrower than at present. We believe this is a backward step. Neighbourhood plans have enabled small



communities to make a direct impact on the way development affects their area and this would be reduced.

The support for the use of design guides is welcome although it is arguable whether 'rules' could be set successfully in the way suggested. Whilst guidance can be given extra weight, rules are difficult to impose when each house in a street is different and the relationship between each house and its neighbour is different.

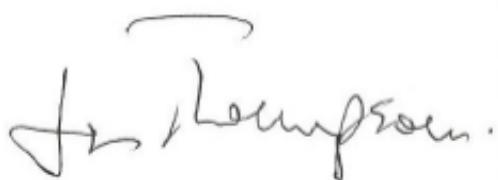
### **Development Management**

With these changes to the plan making process, development management is in danger of becoming little more than a 'tick-box' exercise, bound by rules and heavily constrained by increased 'permitted development' rights. And yet development management is a critical point in terms of community engagement. However well engagement in the plan-making process is handled, the submission of a planning application is and will continue to be the point when many individuals become directly involved. It is the point at which the individual has the opportunity and the right to be heard about a specific proposal. It is the point at which planning officers and local authorities are held to account in a public forum as they balance issues and make judgements which have an immediate and direct impact on people's lives. In the new system, the scope for objection and debate would be severely reduced, with the balance firmly tipped in favour of the developer or applicant.

### **Concluding Comment**

In conclusion, we believe that the Government should withdraw its current proposals and work towards a system which genuinely retains and strengthens the role of local communities in determining what is right for their areas. The concept of each planning authority having a chief officer for 'design and place making' is a good one. However, that chief officer needs to have a system which enables him or her to do that job effectively. We believe that, with imaginative thinking, this should be possible without constraining the ability of the system to deliver the development that the country needs.

Yours faithfully,



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CC - Claire Coutinho MP - House of Commons - Cllr Cameron McIntosh – Surrey CC  
Cllr Claire Blackwell – Tandridge DC - Cllr Philip Davies – Tandridge DC

