



HOUSE OF COMMONS

LONDON SW1A 0AA

Planning for the Future Consultation
Ministry of Housing, Communities and Local Government
3rd Floor, Fry Building
2 Marsham Street
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27 October 2020

To whom it may concern

I am writing in response to the 'Planning for the Future' consultation, in my capacity as Member of Parliament for Runnymede and Weybridge. This is further to my submission to the 'Changes to the Current Planning System' consultation earlier this month.

There is much to welcome in the proposed reforms which will bring greater speed and transparency to our planning system. The comments below reflect a range of areas on which further exploration or information may assist in ensuring our planning policy is able to deliver the housing we require while respecting our existing communities and natural environment.

Policy Approach

I welcome the proposals to streamline and improve the planning system, speed up Local Plan delivery and deliver on our commitment to build more housing. However, proposals to centre housing targets on where the current need is highest risks entrenching still further the concentration of labour, opportunities and wealth in existing urban centres, predominantly in the South East. Planning policy alone cannot address the issues of affordability. In reforming our planning policy to ensure we produce the housing we need, this should not be based on just today's demand, but also tomorrow's economy.

Our planning system can only address the issue of supply, but this must go hand in hand with our plans to address issues of demand, creating opportunities throughout the country through growth and greater connectivity. I would therefore urge Government to be even more ambitious still and ensure our planning policy supports and builds on the ambitious plans to support levelling up across the UK, as well as our broader commitments to environmental protection.

Housing Requirements

As outlined in my submission to the Changes to Current Planning Policy consultation, while we clearly must do more to meet our target of building 300,000 homes per year, environmental protection must also remain a central priority in our planning and development goals.

The consultation states the new standard method of calculating housing requirements would have regard to 'the extent of land constraints in an area to ensure that the requirement figure takes into account practical limitations that some areas may face'. This is essential to protect not only our Green Belt but also flood plain and areas of outstanding natural beauty which may otherwise be at risk of development.

Unfortunately despite this assurance proposal 4 in the consultation states the standard methodology will ensure 'enough land is released in areas where affordability is worst, to stop land supply being a barrier to enough homes being built.' The consultation also states

the housing requirement figure will expect all other development opportunities to be utilised before development constraints will be taken into account. However, land supply is a barrier to development, and this needs to be acknowledged.

Para 2.29 of the consultation acknowledges that the methodology does not yet adjust for the land constraints and invites proposals on how this should be achieved. Land in Runnymede and Weybridge is comprised of over 70% green belt and around 30% at risk of flooding. If the housing requirements were to be adopted without adjustment, this would require the full housing requirements to be built in approximately 20% of land in my constituency. This would have a hugely detrimental impact on the existing communities in those areas and place a burden on infrastructure that would be impossible to meet.

I therefore call on Government to ensure issues of land supply due to environmental constraints including flood plain and Green Belt are factored in as part of the initial calculation for housing requirements to ensure housing targets reflect development constraints.

Duty to Co-operate

The removal of the duty to co-operate raises concerns over cumulative impact and responsibilities of local authorities to neighbourhood communities. For example, how would the impact of multiple developments in the vicinity of each other, but located in separate boroughs be calculated without a duty to co-operate? Would there be a requirement to consider the impact of a development, say of essential infrastructure, if that impact was beyond local authority boundaries. I would welcome further exploration of this with local authorities and the LGA to ensure there were no unintended consequences of this proposal.

Development in Areas at High Risk of Flooding

Development in areas at risk of flooding increases the risk of flooding events across the area, as water must inevitably go somewhere. I welcome the proposals that would exclude areas at high risk of flooding would be excluded from 'growth areas', 'unless any risk can be fully mitigated'.

Clearly, mitigation of risk will be open to interpretation, and can range from design features in the development itself to flood defences and flood alleviation schemes. However, I would argue that mitigation must also include the potential broader risks to the wider community, not just the site in question. I would welcome further detail and discussion on the precise nature of mitigation here and would strongly support mitigation being interpreted as factors external to the property itself, such as flood defence and alleviation schemes.

While automatic approvals for outline planning permission will speed up the planning process, there is also a risk of unchecked cumulative impact. As development in renewal areas would tend to be smaller in scale, the impact on infrastructure or increasing flooding risk in flood plain may seem small when viewed in isolation. I would therefore welcome more detail on how cumulative impact of small developments and densification could be assessed.

Proposals to legislate to widen and change the nature of permitted development raise similar concerns, especially where this development occurs in areas of high flood risk. Allowing 'gentle intensification' in these areas, fast tracked for accordance with design principles, would have a significant impact on any area already at risk of flooding. Cumulative impact of permitted development in these areas can lead to increased problems with surface water flooding, as water has fewer means to escape.

One possible solution would be to impose stricter limits, such as reduction in the size of development, on permitted development in areas of high flood risk, and strict criteria of building materials in the highest risk areas. I would welcome further exploration of how this could protect areas at risk of flooding while supporting our broader planning aims.

Assessing Applications and the Development Management Process

I welcome proposals to simplify the Local Plan process, but would request further information on ensuring that simplification could not result in a loss of essential scrutiny or focus to

building quality housing tailored to local needs, which protects the character of our communities and our local environment.

I would strongly support the alternative option set out in para 2.12 of the consultation to limit auto permission in principle to growth areas. This would retain planning authority input, provide greater scrutiny of development in sensitive locations and ensure the needs of local communities are still reflected in planning and development decisions.

Use of Design Codes

The use of design codes could improve developments while speeding up housing delivery, and are to be welcomed, especially for major developments in growth areas. For diverse urban renewal areas this will be more complicated as development should also protect the unique character of each area. Each local authority area is different, with different communities, different geography, and different housing challenges and varying housing needs. To achieve our aims of more quality and affordable housing which meets local needs, the planning system must retain flexibility to allow for local input so solutions can be tailored to their local communities.

I therefore support the alternative suggestion at para 2.16 of the consultation to allow local authorities a similar level of flexibility to create local development plan policies where appropriate, with the exemption of policies which duplicate the NPPF.

Planning and Democracy

Simplifying the planning process will aid local engagement. Planning is often complex and difficult to navigate. Standardising information and improving accessibility will be real improvements to how the public can engage with the decisions which affect them. But we must also permit them enough time and an appropriate process to review, understand and contribute to key planning decisions in their area.

The current 30 month proposed timeline for New Local Plans allows only a 6 week window for public consultation. Given the impact of these proposals and technical nature of planning, this will not be sufficient to elicit proper community engagement. Cabinet Office principles of consultation state consultations should provide sufficient time for engagement. I believe 12 weeks would be a reasonably time period for scrutiny.

Infrastructure Levy

Plans to simplify and standardise developer contributions are to be welcomed, but we must also ensure both infrastructure and affordable housing receive the funds they require to support our communities. Current proposals would require both priorities to compete for funding from the same Infrastructure Levy source. I would urge Government to ensure separate funding streams for these two essential deliverables, to ensure development supported both essential infrastructure improvements and the provision of affordable housing.

Enforcement

I fully support a review of existing planning enforcement powers and sanctions available. Enforcement of persistent or serious planning breaches can be incredibly complicated, with court processes unwieldy and time consuming. In the same way this consultation aims to streamline the planning system, I would welcome a similar approach to planning enforcement.

For those who seriously or persistently breach planning rules, a new route to criminal prosecution should be considered, with those that meet the threshold entering a fast track process to ensure the worst offenders cannot benefit for months on end while cases are being taken through the courts. Those involved in or linked to such breaches should have to declare their conviction, or close relationship, on any future planning application. In addition, presumption against retrospective planning applications could be sought to disincentivise those who would consider breaching planning rules.

To ensure all planning authorities could support this, a central register could be created and maintained, as there is currently no way of tracking repeat offenders through the planning system.

Summary

This planning consultation sets out an ambitious plan for the reform of the planning system and the delivery of new quality housing for generations to come. I am grateful for the opportunity to feed in my views on how we can ensure this vision delivers the results our communities both need and deserve.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Ben Spencer', with a long horizontal flourish extending to the right.

Dr Ben Spencer MP
Runnymede and Weybridge