



## HOUSE OF COMMONS

LONDON SW1A 0AA

Planning Policy Consultation Team  
Planning Directorate – Planning Policy Division  
Department for Levelling Up, Housing and Communities  
Floor 3, Fry Building  
2 Marsham Street  
London SW1P 4DF

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Dear Sir/ Madam,

I write in response to the Levelling-up and Regeneration Bill: reforms to national planning policy consultation. The planning process, while complex, shapes the communities we live in. It is therefore essential that national planning policy - the framework which governs planning and development - is robust and strikes the right balance between enabling development we need, and protecting the right of residents, the character of our towns and villages, and our natural environment.

Encouraging greater flexibility and engagement in our approach to planning policy will encourage greater, and quicker, adoption of Local Plans. As we have seen in my constituency of Runnymede and Weybridge, where a Local Plan is in place, the benefits to communities is clear. The presumption in favour of development where local plans are not in place gives communities far less say in development decisions.

I therefore welcome the Government's proposals to strengthen the planning process, creating scope for greater community engagement, environmental protections and strengthened enforcement measures. The proposals to clarify protections for Green Belt and other key areas within the formation of Local Plans are especially welcome, as is the greater recognition for the role of neighbourhood plans and the aim to plan for our future housing needs.

Further consideration is needed of the cumulative impact of smaller developments on communities, especially key local infrastructure, and I would welcome additional strengthening of enforcement provisions, as I have set out in previous consultation responses and my previous Planning (Enforcement) Private Member's Bill. However the measures that have been put forward will significantly strengthen our efforts to deliver on our housing aims while protecting our existing communities.

### **Housing targets and Local Plans**

In previous consultation responses I have highlighted the need for a more flexible approach to housing targets within our planning system. While we all wish to see more quality homes built to meet local need, this must not be to the detriment of existing communities. In particular I have called for housing targets to take into account protection of our Green Belt, flood plain and Areas of Outstanding Natural Beauty which may otherwise be at risk of development.<sup>1</sup>

The consultation makes clear that there has been some confusion over how and when it is acceptable to bring forward a plan that does not meet housing needs in full due to recognised constraints such as Green Belt. I therefore welcome the proposed changes to clarify the requirements around this, and the greater protections this will provide.

These include:

- where housing need can be met only by building at densities which would be significantly out-of-character with the existing area, this may constitute an adverse impact which could outweigh the benefits of meeting need in full
- that local planning authorities are not required to review and alter Green Belt boundaries if this would be the only way of meeting need in full
- authorities can propose a plan with a housing requirement that is below their local housing need figure, so long as proposals are evidenced, the plan makes appropriate and effective use of land, and where all other reasonable options to meet housing need have been considered.

Being clearer about how local constraints can be taken into account and taking a more proportionate approach to local plan examination will not only speed up plan-making but provide greater public confidence that the planning system is able to protect existing communities and amenities.

One factor which must be considered as part of this approach, however, is the impact on neighbouring areas. Where a significant proportion of land falls within a protected character, changes must ensure that protecting these areas does not result in requiring overdevelopment of neighbouring areas, in order to still meet calculated housing need.

### **Community engagement**

As highlighted above, planning policy is a key concern to many residents. Not just due to its impact on communities, but also its complicated and technical nature which many often find makes issue of planning policy inaccessible. I therefore welcome the suggestion of the creation of a more accessible and interactive, web-based set of national policies.

Giving communities a stronger say over where homes are built and what they look like is vital. I welcome the Government's plans to give increased weight to neighbourhood plans, introduce Neighbourhood Priorities Statements as a means for communities to formally input into the preparation of local plans, and allow residents to bring forward the development they want to see on their street.

Neighbourhood plans often take a lot of time, knowledge and money to produce. Under current rules they can be overridden in favour of presumption for development if the Local Authority does not have a current plan in place or has fallen short of its housing delivery targets. The efforts of residents and communities to protect and shape their communities should not be able to be overlooked in this way and I welcome the measures announced to give greater weight to Neighbourhood plans as part of these reforms. These include proposing to extend protection to neighbourhood plans that are up to 5 years old instead of the current 2 years.

Communication regarding these reforms and how communities can effectively engage with the revised planning policy process will be vital to delivering the maximum benefit of these changes. The introduction of National Development Management Policies may also help provide further clarity, however clear communication regarding its role and function will be essential. It is important that the public understand the difference between this and the National Planning Policy Framework and how the two policies operate alongside each other.

The removal of the Duty to Co-operate between local authorities also needs careful consideration. This duty requires authorities to work effectively on strategic planning matters that cross their administrative boundaries. The new 'alignment policy' which is intended to replace this must ensure early notification to neighbouring authorities of potential development which may impact on shared infrastructure, and neighbouring authorities should remain a statutory consultee on all such applications.

Without this close co-operation and ability to input into development plans, situations may arise where the cumulative impact of developments in the same area, but in different authorities, may not be adequately assessed, causing adverse effects for local residents.

Residents and community groups also raise concerns regarding permitted development,

infrastructure and enforcement, which I have expanded upon below. It is vital these are also addressed if the public are to have confidence and meaningful engagement with the planning system.

## **Infrastructure**

The provision of adequate infrastructure to accompany development has long been a cause of contention regarding planning policy. I welcome the proposed changes to ensure greater provision of community infrastructure by developers, but this must be delivered in a way which addresses some of the specific concerns.

Cumulative impact: Currently the impact of planning applications upon local infrastructure is only assessed in relation to each separate application. While larger developments require significant provision for improvements to local infrastructure, the cumulative impact of multiple smaller developments often appears to be outside the scope of current policy.

Highways Authorities regularly state they cannot assess the impact of multiple developments when responding to planning applications. The impact of development on our sewerage network is not given priority, despite already exceeding the capacity it was initially designed to accommodate in many areas. In areas already affected by issues of sewage flooding, cumulative impact on sewerage capacity should be an essential consideration in any plan or application.

Permitted development also plays a role in this. While it is right that we reduce unnecessary bureaucracy, permitted development can increase burdens on local communities. Permitted development from office to residential use can affect local parking and road capacity. While rights to alter, improve or extend residential homes within the flood plain can have a material impact on surface water drainage.

The cumulative impact of smaller developments can also place pressure on local community infrastructure such as doctors, schools and other public services. I would welcome further consideration of how this cumulative impact of smaller developments can be monitored, assessed and mitigated as part of the new planning policy approach.

## **Enforcement**

Trust in planning policy can only be maintained when rules are seen to be robust and enforced. From the introduction of my Planning (Enforcement) Private members Bill, to amendments previously tabled to the Levelling Up and Communities Bill, I have been campaigning to strengthen planning enforcement and introduce new powers to hold rogue developers to account.

While most people adhere to the rules, the minority who persistently commit planning breaches can cause misery to neighbours and communities, and can cause irreparable damage to our Green Belt. The current planning enforcement system is beset by long delays, with complicated and repeat offences often taking many years to resolve. It simply should not be possible for individuals or companies to benefit or profit from intentionally flouting planning rules.

I welcome the addition of a national planning database, as put forward in my Private Members Bill, which will help to track rogue developers. But further action is needed if Local Authorities are to have the power to hold them to account and deter further breaches of planning rules.

I strongly support measures to improve developer accountability and, in particular, take account of past irresponsible behaviour in decision-making. As proposed in Clause 2 of my Planning (Enforcement) Bill, I believe planning applicants should have to declare previous breaches of planning control to local planning authorities in England.

While anyone can make a mistake, those found to repeatedly breach planning rules or attempt to build without permission should have to declare this, and this information should be material to any consideration of future planning applications. Clear guidance supporting this power would be required to set out the threshold at which an enforcement notice would

need to be declared and the terms under which they could be considered as part of a new application.

I therefore support Option 1 as set out in the consultation. Should Option 2 be preferred, consideration would have to be given of how the decision to decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour, would operate in conjunction with the requirement of authorities to ensure all other reasonable options to meet housing need have been considered when propose a plan with a housing requirement that is below their local housing need figure.

The consultation also highlights concerns about the risk of developers gaming the system regarding environmental standards and targets. Reports have been made of sites being cleared before applying for planning permission in order to lower the baseline from which Biodiversity Net Gain is assessed. I welcome the Department's commitment to work with Defra to review this to ensure these standards can be upheld and delivery the environmental benefits we seek.

### **Better environmental outcomes**

I welcome the many commitments to sustainable development and protecting our natural environment. From our plan for Net Zero, transitioning away from petrol and diesel cars, to our plans for a green economy and our ambitious targets in the Future Homes Standard, we are enshrining clear environmental commitments across Government departments. Ensuring this is reflected in our planning system is also key.

The National Planning Policy Framework already places environmental objectives at the heart of the planning system, making clear that planning should protect and enhance our natural environment, mitigate and adapt to climate change, support the transition to a low carbon future and take full account of flood risk and coastal change. The Environment Act has further strengthened the role of the planning system. It has introduced:

- a requirement to demonstrate at least 10% biodiversity net gain on all development sites, other than a small number of exemptions, which will become mandatory from November 2023.
- Local Nature Recovery Strategies, which will map important habitats and areas for nature recovery and enhancement.
- a new duty on planning authorities to consult the Secretary of State for DLUHC before granting permission for development affecting ancient woodland.

I also support the plans to measure and reduce emissions in the built environment. I would welcome further detail on these proposals, including further measures to encourage active transport, EV charging, especially in commercial developments.

### **Protecting agricultural land**

The Consultation highlights the need to provide additional protection for the Best and Most Versatile agricultural land. In addition to this I believe the importance of agricultural land in and around urban areas also plays a key role and consideration should be given for enhancing existing protection. Not only does this land, such as Crockford Bridge Farm in my constituency, provide fresh, local produced produce, it also plays a key role in educating children who may otherwise not have access to or experience of such an environment.

### **Social housing**

The consultation also sets out the Government's aim to increase the amount of social housing available over time, and types of housing which we are likely to require in future as demographics change. I support efforts for local planning authorities to give greater importance in planning for Social Rent homes, as well as affordable home ownership.

In high cost areas such as Runnymede and Weybridge, housing costs pose a real barrier to those on lower incomes accessing decent and stable housing. Ensuring increased provision

of affordable rented properties would significantly help to address this. Evidence should be sought from social housing providers, including local authorities who have retained their housing stock such as Runnymede Borough Council, as to how this can be delivered alongside provision of affordable home ownership.

### **Older people's housing**

With changing demographics, ensuring authorities are planning for future needs and an aging population is important. Often residents do not want to move to bespoke older peoples housing due to preconceptions they may have, or the requirement to move away from their existing support network.

Within the existing specific expectation that the needs of older people are met within planning policy, I agree further regard should be given to the range of housing and services that may be required. However I would urge the Department to ensure local authorities can retain flexibility in order to adapt to changing need.

A clear example of the benefits of this comes from my local authorities, working in partnership with the North West Surrey Health and Care Alliance. Following a lower demand for Council owned retirement living properties in Runnymede, they, along with other local councils, entered into a partnership arrangement to use this surplus to help free up hospital beds and speed up patient discharge from hospital. This benefits the resident, the NHS and local housing providers, in response to a specific need.<sup>2</sup>

Encouraging additional planning for additional housing to meet the needs of an aging population is important, but I would encourage authorities to look at options such as the example above where properties can be repurposed, or designed to be multi-purpose, in order to respond to changing levels of need.

### **Flood risk**

The final area I wish to respond to is the issue of planning for areas at risk of flooding. I have already highlighted concerns regarding the possible impact of permitted development. As an area that suffered catastrophic flooding in 2013/14, ensuring planning policy mitigates any adverse impact on our communities is essential.

I welcome the Department's review of planning policy for development in areas at flood risk, undertaken jointly with Defra and the Environment Agency. As the review highlighted, it is important that all sources of flooding and risk should be considered, not just coastal or river flooding, but sewage flooding and surface water flooding issues.

I look forward to the publication of the Government's finding from its review concerning Sustainable Drainage Systems (SuDS). The review is looking into how policy implementation will support the objectives of alleviating pressures on the sewer network and reducing flood risk, as well as improving water quality, amenity, biodiversity, and rainwater harvesting. If implemented, this would introduce standards for new sustainable drainage systems as well as making connection to public sewers conditional of approval that the drainage system meets the national standards.

This is vital for the many communities affected by issues of flooding and I will monitor developments on this closely.

Yours sincerely,



**Dr Ben Spencer MP**  
**Runnymede and Weybridge**