



CHOBHAM PARISH COUNCIL

The Clerk, Chobham Parish Pavilion, Recreation Ground, Station Road
Chobham, Woking, Surrey GU24 8AJ

Tel: 01276 856633

Email: planning@chobhamparishcouncil.org Website: www.chobhamparishcouncil.org

28th October 2020

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

By email: planningforthefuture@communities.gov.uk

Dear Sir/Madam

Planning for the Future White Paper Consultation

Chobham Parish Council is one of four Parish Councils within the administrative area of Surrey Heath Borough Council. Chobham has an area of 2,313 hectares which represents 24.32% of the total area of Surrey Heath. It had a resident population of 3,799 as of the 2011 Census.

The Parish Council has reviewed the Planning for the Future consultation and its representation is set out below. In addition to the responses to the prescribed questions, the Council wishes to make the following general points:

- The Parish Council supports the principle of modernising and streamlining the planning system, but it is against any reforms which undermine local democracy and remove or reduce the opportunity for local communities to have their say. It is noted that no new rights for the public are proposed, and in many cases the various proposals seek to diminish existing participative rights. The principles of Localism, introduced in 2011, aimed at making the planning system more democratic and more sensitive to local needs, appear to have been abandoned in these proposed planning reforms.
- The role of Parish and Town Councils in the planning system has been all but ignored in the White Paper. In the 83-page document there is only one mention of Parish Councils, in connection with them receiving a share of the Community Infrastructure Levy.
- There appears to be disproportionately little concern given to Green Belts, countryside, environmental issues, diversity of local areas, village identity, the

implications of COVID-19, health and wellbeing, the needs of rural communities, flood resilience, agriculture, nature, wildlife and heritage in these proposals.

- A question-led consultation without any opportunity or invitation for free comments is overly prescriptive. It is noted that many of the proposals set out do not have corresponding questions. Respondents should not be restricted when making representation and should be encouraged to make comments on any aspect of the paper as well as general comments.
- For many of the proposals, too little information and evidence is included to enable a fully informed response, and the Council may take a different position when further information is made available.
- The proposals appear to overly benefit developers and prioritise speed over all other considerations, while weakening planning controls and overlooking the real needs of communities. It is far from clear that the reforms would lead to improved outcomes on the ground.
- No detail is provided regarding the proposed strengthening of enforcement powers and sanctions and there are no consultation questions on the subject of enforcement or appeals. The importance of a robust enforcement function in any planning system should not be underestimated.
- It is unclear how the government proposes to ensure that larger sites will “include a variety of development types from different builders”. There is a clear risk that major developers will simply diversify their brand offerings to give the appearance of variety. No consultation questions have been included on this topic.
- The Parish Council does not agree with the planning application fee being refunded for applications which are successful at appeal. As with the proposed automatic refund of the planning fee for failing to determine the application within the time limit (Q10), it is felt this may lead to applications not receiving appropriate attention, or being “waived through” in order to avoid the risk of lost fees.

Consultation questions and Chobham Parish Council's responses:

Q1: *What three words do you associate most with the planning system in England?*

Chobham Parish Council has no comment on this question.

Q2: *(a). Do you get involved with planning decisions in your local area?*

[Yes / No]

Yes, Chobham Parish Council is a consultee on planning applications within its boundary and sends its representations to the Local Planning Authority (LPA), Surrey Heath Borough Council.

(b). If no, why not?

[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

N/A.

Q3: *Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and*

planning proposals in the future?

[Social media / Online news / Newspaper / By post / Other – please specify]

The Parish Council would like to continue receiving electronic notification of plans and proposals from the LPA.

For members of the public, it is important that the current system of postal notification is continued for neighbours, and that a range of publication measures are used to notify the public about large applications.

Q4: *What are your top three priorities for planning in your local area?*

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street/ Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

1. Protection of the historic rural village character and Green Belt.
2. Improving the flow and safety of traffic movement.
3. Responding to the needs of local residents and businesses.

Q5: *Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]*

No. There is no evidence provided in the consultation to support the proposal that a 3-zone based system is a beneficial approach compared to other alternatives, and the planning system is about much more than allocating land. It offers little flexibility and would remove the opportunity for development to evolve and respond to changing circumstances.

There appears to be no provision for the mixed use complexity, small pockets of land and nuances which exist in most areas, or the fact that the natural environment and wildlife havens do not fit into “zones”. It significantly limits the opportunity for communities to be involved and have their say in detailed matters, and will potentially require frequent, costly, amendments.

There appears to be no opportunity for zones to be re-categorised depending on upon how development proceeds on neighbouring or nearby zones (e.g. an either/or approach which would allow one of two zones to be developed, but not both).

The planning system already includes systems for limited zoning in appropriate areas. There is no evidence to show that the time is right for a major overhaul of England’s planning system, particularly in the wake of COVID-19 when living and working patterns are likely to be changing for good.

An entire remodel of the planning system would be complicated and require a lengthy and costly transition period, which would create uncertainty and risks of negative consequences during a time when clarity is critical for the economic recovery. It is unclear whether the new systems would be trialled in pilot areas first before being introduced nationally.

Q6: *Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?*

[Yes / No / Not sure. Please provide supporting statement.]

No. It is agreed that duplication of policies at national and local level is unnecessary, but it is felt that national policy should remain the over-arching guide, with more specific policy detail provided at a local level to respond to local needs. An overly

standard approach for the whole of England would not be desirable, due to the need to maintain the local variety and styles which give areas their individual characters, while allowing flexibility for exceptions. It also appears that the proposals as set out would diminish community involvement in the process at individual application level, which would not be appropriate. Furthermore, there is a risk that a more standardised process will undermine public confidence in the system and contribute to apathy to a greater extent, and be vulnerable to elements being “patched up” or replaced by successive governments, i.e. in the same position as now.

Q7: (a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

[Yes / No / Not sure. Please provide supporting statement.]

Not sure. Further detail is required on what the consolidated test would look like. If development is to become more rules-based rather than decisions being taken mainly on a case-by-case basis then Local Plans should be subject to greater, not lesser, scrutiny and must be environmentally sound. The Council also cannot agree with the abolition of the Duty to Cooperate without a clear indication of what would replace it for strategic cross-boundary issues.

(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The Duty to Cooperate (or an equivalent or even more robust replacement) must be retained in order to have joined-up strategy across boundaries, particularly with regard to housing distribution and infrastructure. Not all strategic matters can be considered wholly within a single authority’s area.

Q8: (a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

[Yes / No / Not sure. Please provide supporting statement.]

No. It is agreed that the housing requirement should be determined by local demographic, taking into account area constraints (e.g. Green Belt, protected areas, environmental concerns, social factors), but an arbitrary baseline of 0.5% is proposed which fails to take into account the potential impact of COVID-19, previous development patterns and other influencing factors.

Consideration should be given to avoiding the potential for large housing developments being permitted, remote from existing services and communities, in order to “meet the numbers” if transition arrangements are too onerous on authorities with a large increase in need figures. There is particular concern around the lifting of the previous “cap”, which could see some authorities’ numbers increase exponentially.

LPAs and various groups have expressed significant concerns about the methodology through their responses to the Changes to the Current Planning System consultation, and weight should be given to these responses. Government policy should also increase Councils’ powers to find ways to bring more existing empty homes into use and discourage land-banking by developers.

(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

[Yes / No / Not sure. Please provide supporting statement.]

Not sure. Worsening affordability may in some cases be due to temporary factors (such as higher prices for new developments) that even out over time, and while affordability and the extent of existing urban areas may be given weight in

calculations, this should be in combination with factors other than market forces. Existing urban areas may have already recently seen development in response to affordability need, and these two factors may therefore have some crossover and not be unique indicators.

It should be noted that “affordability” may be a misnomer in some areas (particularly in the saturated South East) where even discounted housing is not genuinely affordable.

Q9: (a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

[Yes / No / Not sure. Please provide supporting statement.]

No. Outline permission should always be subject to public consultation. There is no justification for removing or reducing democracy in planning reforms. It is also unlikely that the proposed new simplified Local Plan process would cover all elements required for outline permission.

(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

[Yes / No / Not sure. Please provide supporting statement.]

No. The proposed streamlined and faster consent routes restrict community involvement in the process.

(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

[Yes / No / Not sure. Please provide supporting statement.]

No. This appears to completely circumvent public involvement in the planning process. Speed of development should not be at the expense of public engagement.

Q10: Do you agree with our proposals to make decision-making faster and more certain?

[Yes / No / Not sure. Please provide supporting statement.]

No, not all of them. While some of the proposals would be welcomed (greater digitisation, shorter and more standard applications, more consistent conditions), there is significant concern that the proposed automatic refund of the planning fee for failing to determine the application within the time limit may lead to applications not receiving appropriate attention, or being “waived through”. The automatic granting of permission for applications which have reached the time limit is completely inappropriate and may lead to either swathes of undesirable development and environmental decline, or increased refusals. Not all delays are within the control of the LPA. There must be flexibility to deal with unforeseen and changing circumstances, and a genuine commitment to working with local communities.

Q11: Do you agree with our proposals for accessible, web-based Local Plans?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, subject to the Local Plans being genuinely accessible and inclusive to all, for example:

- All text to be in a format which allows automatic translation into languages other than English.
- Text and images accessible to assistive technology for users who are blind or visually impaired.
- Use of computers and assistance available at accessible locations for those who have no access to the internet or no support to use it.

- Means of access for people with disabilities which prevent them from using the internet, and for people with no desire to access material electronically.

It is important that planning reform legislation which relies on new digital tools is not passed before the necessary technology has been robustly tested and rolled out to all authorities across the whole of England with appropriate training.

Q12: Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

[Yes / No / Not sure. Please provide supporting statement.]

No. In order to meet a 30 month limit, councils are likely to require additional staff and resources, and public consultation would likely need to be reduced. No detail is provided as to where the required funding will come from and how this will work in practice. Again, speed should not be given priority over public involvement.

It is also felt that the quoted timescales for the current preparation of Local Plans (“an average of seven years”) fails to take into account the difficulties created by the government’s constant changes in planning systems and the “moving goalposts”.

There is no justification for removing the automatic “right to be heard” so that public participants are invited to hearings only at the discretion of the inspector.

Q13: (a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, and Neighbourhood Plans should continue to provide communities with an opportunity to help shape the planning vision at a strategic level for their areas, and not be reduced to merely a vehicle for design guides and codes. Neighbourhood Planning would also benefit from increased focus to consider the issues raised by the National Association of Local Councils in its October 2018 report (“Where Next for Neighbourhood Plans?”). A particular concern is that Neighbourhood Planning is currently more accessible to areas which have the means to take on private consultants and additional resources.

(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

The Parish Council suggests a separate consultation takes place regarding the future of Neighbourhood Plans, to include digital and technological development, to enable this topic to be given greater focus. There is certainly scope for more modern technologies to be used in their development.

Reflecting community preferences about design is a key element of Neighbourhood Plans in their existing form and consideration could be given to including these community preferences within the Local Plan itself to ensure they carry substantial weight.

Q14: Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, it is agreed in principle that faster build outs should be emphasised. The Council would support commencement of development to be required earlier than the current 3 year timescale, and other measures (possibly financial penalties) aimed at avoiding scenarios where development does not progress beyond the minimum required to be considered to have made a lawful commencement of works.

Q15: What do you think about the design of new development that has happened recently in your area?

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

Recent development in Chobham Parish has covered a broad range of designs and it is not possible to generalise. Some of the best examples are where developers have given high regard to local character and heritage, and some of the worst are where local priorities have been ignored or development has taken place via permitted development routes.

Q16: Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

It was thought that the introduction of the “golden thread of sustainability” in the 2012 National Planning Policy Framework would introduce a new way of considering the implications of development, yet developments are still being proposed and built in unsustainable locations, remote from day to day services.

It would be inappropriate to prioritise certain sustainability measures over others. Tackling the climate crisis should be the priority at all levels and in all areas, and given increased weighting in the system to avoid it being outweighed by “other benefits”. If unsustainable development is being allowed at individual application level or via permitted development, then it cannot be considered to be at the heart of proposals.

Q17: Do you agree with our proposals for improving the production and use of design guides and codes?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, the principle of using local design guides and codes is a sound one, but in practice the drawing up of such guides and codes will be dependent on how much time and resource is available. It is not clear in the proposals whether any new design guides and codes will also apply to permitted development and this should be clarified.

As stated in 13(b) local design guides and codes which have been developed in co-operation with the community could be included within the Local Plan to ensure they receive proper focus.

Q18: Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

[Yes / No / Not sure. Please provide supporting statement.]

Not sure. Given the challenges local authorities are likely to face, it may be more appropriate for the authorities themselves to determine exactly what skills and resources they will require. More details on the remit of the new body and the chief officer roles would need to be provided before further comment can be made.

Q19: Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, this initiative would appear to be sensible.

**Q20: Do you agree with our proposals for implementing a fast-track for beauty?
[Yes / No / Not sure. Please provide supporting statement.]**

No. Beauty is subjective and in any case, “pre-established principles” of beauty would ultimately lead to standardisation and a loss of distinctiveness, innovation and unique development. It is suggested that there may also be potential for legal challenge with this type of approach.

Other than in highly sensitive areas (such as Conservation Areas, listed building settings and other protected areas), in the Council’s experience, the particular aesthetics of a building are not usually what drives opposition to development. It is more likely to be infrastructure burden and effects on residential amenity.

It is concerning that the government seeks to widen and change the nature of permitted development within a reformed planning system which already proposes far reduced procedures. Under a redesigned, “slimmed down” planning system there should be no need for greater permitted development rights which bypass the system and it could be considered to reduce them instead.

Q21: When new development happens in your area, what is your priority for what comes with it?

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don’t know / Other – please specify]

The priority in the Chobham Parish Council area is the provision of infrastructure to support the development and mitigation for any adverse impacts.

Q22: (a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, it would make sense to consolidate the two levies, provided the modelling supports that there will be no reduction in its yield, and provided there will be no reduction to the amount passed to Parish Councils. It is suggested that levy amounts also be more transparent throughout the application and development process, and that local authorities retain the ability to seek additional contributions via agreements where deemed necessary.

(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

Locally, to allow rates to be set in response to the local market and needs, and account for any specific mitigation measures such as the Strategic Access Management and Monitoring (SAMM) element of the Thames Basin Heaths Special Protection Areas Avoidance Strategy.

(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

Not sure. Infrastructure and investment requirements will vary area by area and there may be a case for capturing the same amount of value in some areas, but greater value in others with additional needs.

(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

[Yes / No / Not sure. Please provide supporting statement.]

No. It would be preferable for the levy to be collected in instalments at intervals during a development project to allow the infrastructure to be delivered as the development progresses, with developers securing loans if necessary. Otherwise it is the local community taking on the risk of the loan and funding any associated fees/interest.

Q23: *Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?*

[Yes / No / Not sure. Please provide supporting statement.]

Yes. All homes, including homes created via permitted development rights, should contribute towards delivery of infrastructure.

Q24: *(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?*

[Yes / No / Not sure. Please provide supporting statement.]

Yes. Given the government commitments to delivering affordable homes, there would appear to be no reason to reduce the amount of affordable housing secured through the levy and, preferably, through on-site provision. Greater transparency in the process would also be welcomed.

(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

[Yes / No / Not sure. Please provide supporting statement.]

Not sure. It is felt this is best answered by individual LPAs. The Parish Council would, however, wish to see measures put in place to ensure affordable housing legally remains as such in perpetuity.

(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

[Yes / No / Not sure. Please provide supporting statement.]

Yes. It would be completely inappropriate for local authorities to overpay and thereby use public money to increase commercial developers' profit margins.

(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

[Yes / No / Not sure. Please provide supporting statement.]

The quality of affordable homes should be covered under minimum standards set by relevant design guides and codes.

Q25: *Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?*

[Yes / No / Not sure. Please provide supporting statement.]

Yes, within appropriate guidelines, but again subject to there being no reduction in the amount passed to Parish Councils and subject to public engagement (not merely public consultation) to determine how the community would prefer to see the funds spent.

(a). If yes, should an affordable housing 'ring-fence' be developed?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, this would ensure there is no reduction in the amount of affordable housing secured through the levy.

Q26: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

The potential for undermining the delivery of rural exception sites and other types of affordable housing may disproportionately impact some protected groups who are more likely to require access to social housing.

The move towards more digitised delivery of Local Plans and other elements of the planning process is likely to exclude members of the public who are less able to access information electronically, who choose not to, or who cannot afford to.

The proposed reductions or removals of public participation in the planning system may disproportionately affect people from disadvantaged groups.

With such a comprehensive review of the planning system, the potential impacts on people with protected characteristics could be significant. The Council would expect to see the government undertake its own impact assessment in this regard, and would welcome seeing this published for comment alongside any future consultations on planning reforms.

Chobham Parish Council notes that responses will not be acknowledged unless specifically requested. It requests that this letter of response is please acknowledged.

If the Council can provide any further information or clarification on any of the points in the above response please do not hesitate to contact me.

Yours faithfully



Ms C L Cooper
Planning Administrator

cc:

Cllr Mike Goodman, Surrey County Councillor

The Rt. Hon Michael Gove MP, Member of Parliament for Surrey Heath

Cllr Emma-Jane McGrath, Surrey Heath Borough Councillor

Mrs Jenny Rickard, Executive Head of Regulatory, Surrey Heath Borough Council

Cllr Pat Tedder, Surrey Heath Borough Councillor

Cllr Victoria Wheeler, Surrey Heath Borough Councillor