

# Planning and Infrastructure Bill: Call for Evidence

Submission by Cllr Andrew Mier

14 April 2025

## **Main Issue:**

To question the powers given to the Secretary of State to make regulations under clause 46 to provide that specified categories of planning application be decided by local government officers, not by a planning committee, and for elected members to have no right to call such applications in for decision by committee.

## **Argument:**

The Planning Committee Reform Working Paper: Planning Committees (published 9 December 2024) was critical of the role and conduct of planning committees. The assumption of the Working Paper was that planning committees are at the heart of the failure build enough houses etc. This premise is hard to sustain when the Paper itself acknowledges that some 97% of applications are already decided by officers.

A national scheme of delegation (to officers) is proposed. Providing consistency across the country about what is usually decided by officers and what by committee may be justified. My concern is that the power given by clause 46 is capable of being used to prevent certain categories of application from **ever** going to committee.

It is usual for councillors to have the right to “call in” an application to committee where that application would otherwise be decided by officers under delegated powers. To give the Secretary of State power to remove that right is dangerous (and unnecessary).

I have not found a clear statement of the government's intention, but the Ministry Factsheet: Planning Committees, published 11 March states -

*“It is vital that while planning committees provide local democratic oversight of planning decisions, they operate as effectively as possible, focusing on those applications which require member input and not revisiting the same decisions. This government intervention, by streamlining the process for securing planning permission, will benefit planning applicants. It will also ensure that planning professionals are fully supported in their role and their skills and experience are put to best use, allowing them to resolve more applications more quickly, in service of residents and businesses.”*

That seems insufficiently clear. Is the Bill empowering, and do ministers intend, a system whereby certain applications cannot in any circumstances be brought to committee? If so I find that misguided.

It has been said (I cannot find a definitive statement) that the intention is that applications complying with the Local Plan will automatically be delegated to officers and not go to committee. If so the proposal seems to show a fundamental lack of understanding of the planning system.

A Local Plan may allocate a site for a certain number of dwellings and may indicate the approximate type of dwelling, but whether an actual application complies with policy will be a matter of judgement and balance based on the characteristics of the individual site and its surroundings. That is not a purely mechanical process. Site allocations are made following a public inquiry before an inspector, but they are necessarily a high-level decision. It is unlikely the Inspector would be able to say beyond doubt that the site is for all time suitable exactly as put forward in the Plan or that the Plan would be so specific as to determine any application. Layout, precise numbers and design of the housing is unlikely to be in the Plan. New facts come to light and policy changes. An allocated site can cease to be compliant with the Framework when policy changes or new facts emerge.

Should there be no possibility of an allocated site application coming to committee then officers will be taking decisions on the interpretation of policy and on factual matters without external scrutiny and without any right of appeal (save the blunt instrument of judicial review – which is not an appeal) Ultimately officers have to be under democratic control. If they are to be the sole arbiters of what complies with the Development Plan then all control and accountability is lost. This will undermine public faith in the planning system and lead to suspicion, well-founded or not, of corruption.

### **Background of Andrew Mier**

Involved in local planning issues for over 20 years.

Member Fairlight Parish Council 2008 – 2015 (Chair for five years)

Member Rother District Council from 2019

Rother DC planning committee member from 2019.

#### **From:**

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