

Fairford Town Council

Response to Planning for the future Consultation (NALC deadline 15 October)

Headline Issues

The headline issues as far as we are concerned are as follows:

- Definition of 'sustainability'
- Local Democracy – Making sure all plans and decisions take due account of local needs and issues/constraints
- Standard housing need formula ("Mutant Algorithm") resulting in the wrong amount and type of housing in the wrong places
- Zoning and quotas for Districts with high proportion of AONB etc.
- Infrastructure provision, delivery and funding
- Need to include Master Plans, addressing infrastructure needs, in requirements for larger developments and Growth areas
- Inter-area issues
- Resources and timescale for producing new plans (including Neighbourhood Plans)
- Resources and timescales for producing local design codes
- Provision and funding of 'affordable' housing of the right type

We consider the main reasons for the perceived 'problems' with current Planning system are:

- Market failures – e.g. affordability for some, land control and fiscal regime favouring housing over other uses
- Focus on simple numbers rather than the type of housing needed and its affordability
- Reduction in resources of local government, and other priorities – Impact on plan making and development control
- Inadequate contributions by developers towards local infrastructure on which true sustainability depends
- Ineffective mechanisms for ensuring local knowledge is taken into account (Complexity of issues on some applications too difficult for Planning Officers/Committees to address?)
- Overbearing evidence requirements on Neighbourhood Planning – (Planning Inspectorate "putting the asbestos back on the roof"?)
- Abolition of Regional Spatial Strategies – Mechanism is needed to deal with cross-boundary issues, not abolition of the "duty to cooperate"
- 'One-size-fits-all' National guidance (and Permitted Development Rights) undermining local policies.

Plan making vs Individual approvals

- It is unclear whether local democracy will be better served by deciding more things at the plan making stage – It is essential to have input of local knowledge at the individual planning decision stage
- The main issue is likely to be with interpretation of policies and how to write them to cover a wide variety while being clear and explicit
- An increased role for Neighbourhood Planning could help this, but this needs to be well supported with professional expertise
- Changes in technology should not exclude some people from access to the decision-making process.

Zoning – Definitions, the scope of policies and the rules for each will be critical

Rural areas vs large urban areas

- Differing needs
- For small centres it may be more important that they can fulfil a full range of needs rather than having a concentration of particular things. Issue of 'critical mass'; also, size of premises may be important.
- Climate Emergency and Post-Covid: Need for more focus on local business facilities
- Local infrastructure

Protecting heritage, character and associated economic benefits

- There has always been change, but need to retain historically important examples/character to maintain 'sense of place'
- Local design codes – Requirements/limitations and legal status of these will be critical; significant resources (and time) may be required to produce these.
- The continuing role of Conservation Area Appraisals and Management Plans (alongside local design codes?) needs to be clarified

Permitted Development Rights

- Avoiding unintended consequences – Need for Article 4 Directions in some circumstances

Design (mainly relevant to 'Planning for the Future')

- How can high quality new design that respects the location be pre-specified in Plans without being over-prescriptive?

Transition arrangements? (Note Use Classes Order)

Responses to specific consultation questions:

1. What three words do you associate most with the planning system in England?

*Complicated (for most people),
Protracted (sometimes),*

Protective

2. Do you get involved with planning decisions in your local area? Yes

(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

3. 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]

Active notification e.g. by e-mail + non-digital for local residents

4. What are your top three priorities for planning in your local area?

Supporting the local economy

Increasing the affordability of housing (*depends on building the right type of housing at the right price*)

More or better local infrastructure

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

NO. The proposals are undemocratic, and give less control to take account of local issues/constraints at the point of decision

6. 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 – The priorities are different in different areas

7. 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 it helps to merge all criteria into one in this way; there are already problems achieving a sensible definition of what is “sustainable” that suits all situations.

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

Dare one suggest Regional strategies? This is primarily about infrastructure of one form or another. One problem is that the main interactions for different things, e.g. housing, employment, may take place with different neighbouring authorities. This is fairly well

served by a general duty to cooperate, although this does not always seem to operate effectively in practice.

8. (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.]

Not sure. It is obviously helpful if a consistent approach is followed. However, this needs to take account of a number of factors, which may vary in importance between areas.

- (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. Affordability is not necessarily a good indicator of the quantity of development to be accommodated rather than the type and price range of housing required. The extent of urban areas is a constraint on the amount of land available for new development, but the real issue for these areas is then the spatial strategy for further expansion and the associated requirements for connecting, community and 'green' infrastructure.

9. (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. It is very unlikely that such developments do not have particular constraints or significant impacts on infrastructure and neighbouring areas, and these need to be properly planned for, not just left to the 'free market' based on the profit motive with others having to pick up the tab for the impacts. The constraints may have a significant impact on the viability of development, and granting 'permission in principle' without addressing these is simply storing up trouble for the future and likely to lead to corners being cut and unsustainable development. It is also very difficult to anticipate all the issues that may arise with potential particular developments sufficiently to be able to draft policies that will address all these effectively. It might make more sense to require a 'Master Plan' addressing the issues (at least in outline terms) to demonstrate the feasibility of at least one solution before granting permission in principle through a Local Plan (or otherwise).

- (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. Similar issues would apply to development in Renewal areas as for Growth areas.

- (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.]

Not sure.

10. Do you agree with our proposals to make decision-making faster and more certain?
[Yes / No / Not sure. Please provide supporting statement.]

Yes and No. We don't believe that imposing firm deadlines would necessarily have the claimed effect. It is usually the case that 'the devil is in the detail' where there are constraints, and speed (i.e. pressure of deadlines) does not make for better decision making resulting in genuinely sustainable development. Delays are very often due to developers not identifying issues and then having to provide additional information to address these. It would obviously be helpful if a comprehensive list of issues and database of information available on these for all local areas could be provided, although this will take a lot of time and resources to put in place effectively.

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Yes and No. Better use of technology can be helpful, but care is needed to ensure that some people (particular older and disadvantaged) are not excluded from the process. There need to be appropriate standards for the format and accessibility of web based information. We have had instances of application information being split into a large number of poorly labelled documents. The accessibility of previous planning history also needs to be addressed.

12. 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. This seems far too short for anything more than an update to an existing plan, particularly since it apparently includes 10½ months for examination and implementation. 30 months is similar to the timescale required to produce a typical Neighbourhood Plan, but it needs to include time for gathering information, developing outline proposals for 'permission in principle' sites, obtaining consultants' reports and ensuring sustainability, so this is not a realistic timescale for a producing reliable local plan of a new form addressing the necessary issues unless the scope of these is to be considerably reduced. There needs to be a proper discussion about what matters that are best covered (and the level of detail required) at different levels in the plan hierarchy, which may differ in different circumstances (e.g. between large urban and rural areas).

13. (a) Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Yes. This allows local needs to be addressed in a well-informed and accountable way at local level.

(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?

It should be relatively straightforward to make the same digital tools available as for Local Plans, either by making these generally 'accessible' or by resourcing local planning authorities to provide this as a free service to neighbourhood planning groups. This would also help facilitate the integration of neighbourhood plans as part of the 'development plan'.

14. 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 and No. This may be appropriate in some circumstances, but away from large urban areas it is very often the case that the need for new housing in a local area arises incrementally, and it makes more sense if development is phased, with supporting infrastructure provided at a fairly early stage. This helps to make the development more attractive to prospective buyers as well as avoiding creating undue problems for the local area.

15. 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]

Ugly and poorly designed. Most of the recent new developments in our locality are basically a monoculture (with variants) of a 21st century developer's interpretation of a Design Code for the District based on certain traditional features deemed to be typical, but without due regard for the rationale for these or local variations in character, styles and colour of materials (Cotswold stone), and resulting in unnecessarily high landscape impact. The layout is basically urban in form with minimal trees and included amenities and poor connectivity. The design often gives cramped accommodation, building 4 bedrooms where there is only space for 3, in order to maximise profit rather than living conditions. This is an example of what could happen if you rely on a 'presumption in favour of sustainable development', permission in principle and a design code but otherwise give developers a free hand subject to market forces.

16. 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]

*Our priorities would be:
Avoiding building in areas which are prone to flooding (of any kind) or may increase risk of flooding to others,
Lower housing densities, allowing for more trees and green space in gardens etc.,
Preserving green spaces and wider public access,*

*Better facilities for local employment and services, reducing reliance on cars and the need to travel in general,
Improving access and safety for pedestrians and cyclists,
Ensuring supporting infrastructure is in place for necessary facilities: schools, surgery etc.
More renewable energy and improved energy efficiency of new buildings.*

17. 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.]

No. National codes are appropriate for things such as energy efficiency of buildings and some design aspects of infrastructure such as roads and sewerage systems, but design is better dealt with by local codes, which in some cases need to be even more local than District level in order to preserve important aspects of local character and 'sense of place'.

18. 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.]

Yes. However, it is important that the focus of this should be on codifying local character, distinctiveness and variations rather than developing national standards (other than at a level of principle and approach). The resourcing of this is critical, based on the evidence that we have already run into a problem of our local authority not apparently having sufficient resources to support the development of Conservation Area Appraisals and Management Plans.

19. 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 would be beneficial as a strategic objective. However, the real question will be how the implementation of this can make best use of the resources of other organisations such as the RIBA.

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

*We agree that good designs are likely to find more support from local communities. However, this is dependent on making good design a criterion for planning acceptability and also having an appropriate process for defining this.
There is a danger that District level design codes miss important points of local style and can lead to 'monoculture' that is out of keeping with the character of the particular area. Even at individual development level this can lead to the same problem and poor 'pastiche'. This is often the result of replicating 'typical' features out of context.*

To properly achieve the objective, it is probably necessary to have the continued involvement of the local authority's 'officer for design and placemaking' through the design and implementation process.

There clearly needs to be a high quality of design input into standard designs intended for replication. Otherwise, the effect will simply be mass replication of poor designs.

It would also be helpful to have more realistic visualisation techniques as part of the design approval process, using technology that is now available, as line drawings often give little idea what the development will look like in reality.

21. (22 in web accessible document) 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]

More and better local infrastructure (including green space and amenities such as play facilities)

More space for shops, employment and community facilities

22. (23 in w/a) (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.]

No. There has been much talk about the need to provide adequate infrastructure to go with new housing development, but this proposal seems to do little to address the existing problem that little CIL and section 106 money seems to find its way back to address local impacts and needs, particularly in smaller communities affected by development. It is the mechanism for this that fundamentally needs to be addressed. Section 106 is actually a useful mechanism to secure particular local infrastructure needs, with greater flexibility than CIL, but it has been confounded by imposing standard CIL rates regardless (without discretionary exemptions).

With the proposal, smaller communities are likely to have smaller developments which are less likely to meet the threshold to generate funds for infrastructure, so the question arises where the funds are to come from to address their associated infrastructure needs. This seems entirely contrary to the assumed objective of encouraging smaller local builders and the local economy and the interests of smaller towns and rural communities. Another large part of the problem seems to be inflated expectations about the value of land and the profits of developers.

- 22(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]

Set locally to reflect local circumstances and the infrastructure needed to come with new development.

22(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.]

More value.

22(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.]

This really depends on the timing of payments and the measures to ensure their payment by developers.

23. 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.]

Not sure. This depends on circumstances. Should it depend on the difference in rates for the different uses?

24. (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, in principle, although needs will vary. 'Affordable' housing and infrastructure are not alternatives; 'Affordable' housing needs supporting infrastructure as much as 'market' housing does, although it does not generate funds for this. Both have to be funded from somewhere, but it isn't clear why other development should have to pay for all of this.

24(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. Is either method commercially secure?]

24(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.]

Not sure. Need to be sure that in-kind delivery will actually be delivered.

24(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.]

It would need to be to and agreed standard/specification.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?
[Yes / No / Not sure. Please provide supporting statement.]

No. The neighbourhood share of CIL is only 25% for those that have neighbourhood plans and less for those that do not. This does not amount to very much when the local impacts and additional needs arising from the new development may be significant and previous developments have not made a proper contribution. Most if not all of the New Homes Bonus payments seem to have been absorbed by local authorities and spent elsewhere despite the stated intention that local communities should be consulted about how this money was spent (which we never have been). There is a need for more transparency in the assessment of local and wider infrastructure needs and how much of the funds raised are actually spent on the local element. Also, local communities are generally at a considerable disadvantage compared with larger authorities when it comes to planning and implementing local infrastructure projects, so they need practical support on this.

- 25(a) If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. There may be instances where improvements to local infrastructure are more important than affordable housing.

26. 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?

Yes. There is a potential impact on provision to meet the needs of elderly and disabled in local communities.