



EARLEY TOWN COUNCIL

Planning for the Future Consultation

Context

With a population of around 35000, Earley is situated in the historic Royal County of Berkshire. Although on the outskirts of Reading, Earley is within Wokingham Borough. It has an elongated shape which stretches from the River Thames in the north, to the M4 in the south. Good connectivity to London and location within the fast-growing Thames Valley has meant that Earley has increasingly become integrated into the urban sprawl of the nearby hinterland.

Summary response:

Earley Town Council believes the main issues to be:

1. The need for local participation and decision making.
2. Environmental (green space) concerns, with a view to imperatives relating to the climate emergency.
3. Protection of diversity and well-being, both human and wildlife.
4. Affordable, well designed housing appropriately sited.
5. The requirement that developers should contribute a fair share towards residents' housing and infrastructure needs.

Detailed responses to specific questions

Pillar 1 - Planning for Development

Question 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]

We dispute the premise of this question, that the proposals would make it easier to access plans and to contribute views on planning decisions. Instead, it appears the reforms would omit or curtail a vital stage in the existing planning process. Currently, after a planning application is submitted it is subject to public consultation and determination by the local planning authority. Earley Town Council makes recommendations and seeks to engage with local stakeholders as part of this process. It appears that, except in 'Protected Areas', the proposals remove this transparency and opportunity for local engagement in the planning process. We do not understand how the proposals would make it easier for Earley Town Council and our residents to contribute their views.

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

Our top three priorities for planning in our local area and nearby hinterland are:

1. An end to 'over-development'. The new housing needs formula would dramatically exacerbate an already unsustainable situation by roughly doubling the number of new homes that would be built each year in our borough.
2. Participatory, accountable and transparent decision making. Our residents have a right to participate in plans and decisions on planning proposals. There must be robust checks and balances in the planning system to ensure that it serves the public interest, and not favour particular stakeholders such as current landowners and developers.
3. The planning system in all its aspects and outcomes must fully support our borough's Climate Emergency Action Plan (CEAP) in real and meaningful ways.

Question 5: Do you agree that Local Plans should be simplified in line with our proposals?

The classification of land into three types is far too simplistic and would be extremely harmful.

To meet vital social, economic and environmental objectives, Local Plans must be sufficiently detailed and always tailored to meet local circumstances, needs and opportunities.

Earley Town Council believes that categorising land in the manner proposed and conferring 'permission in principle' or 'presumption in favour of development' in Growth and Renewal Areas is likely to leave only Protected Areas with an adequate system of planning development and control.

We are concerned that the logistics of implementing the proposed scheme, including identifying how each area of land would be 'zoned' and creating of a new regulatory system is likely to be very costly and time consuming. The inevitable transition period required could also lead our borough open to costly appeals (including speculative appeals) by developers.

Community-led housing developments should be facilitated in all areas and not focussed, as the proposals suggest, on Growth Areas.

There should be no changes to the current Local Plan system that would reduce the opportunities for Local Authorities to manage development in their locality. Indeed, the NPPF should be further strengthened to support even greater empowerment of local planning authorities and communities to manage development in accordance with local priorities and aspirations. This requires sufficient resourcing of local planning authorities to ensure that they have the requisite number of qualified staff. The current system and the system as to be reformed will only function efficiently and effectively if that issue is addressed.

The way in which different parcels of land might be categorised within Earley is deeply concerning. For instance, we worry that local input into identification of Protected Areas could be inadequate and that eventual designations may not meet local needs and wishes. We are also concerned that the proposals do not provide adequate explanation of the criteria used to designate Growth Areas; and the likelihood that designation of Growth Areas in the Earley hinterland would have very significant impacts on our residents.

If any parts of Earley were designated Renewal Areas, we consider it vital that, wherever appropriate, Protected Areas be included within the wider Renewal Areas. Designation as a Renewal Area must never allow any of our remaining green spaces and other environmentally important areas to be made available for development.

On balance, Earley Town Council believes that relaxation of Permitted Development has already had a significant net detrimental impact within our local community. In the absence of an evidence-based analysis of the probable costs and benefits of further relaxation, we would oppose this proposal.

Question 6: Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Earley Town Council believes that proposals to streamline the development management content of Local Plans and setting out general development management policies nationally will mean that residents and their elected representatives will have much less say over 'development' in our community.

Whilst we support in principle the aspiration to digitise significant aspects of the planning service we have concerns over our governments' demonstrably poor track record with major IT projects; and also whether such a process could be achieved in a way that would be accessible to all and pass important Equalities Impact Assessments.

Question 7a: 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?

Earley Town Council does not feel that there is nearly sufficient detail in the consultation paper to pass comment on the proposal for a consolidated test of 'sustainable development'.

We are also concerned that paragraph 2.7 appears to suggest a sustainable development test would seek to strike 'the right balance' between environmental, social and economic objectives – implying the need for trade-offs. Rather, Earley Town Council believes that sustainability can only be achieved when these objectives are integrated and supported in ways that complement one another.

Proposals to abolish the Sustainability Appraisal system are concerning. Any simplified replacement must fulfil the spirit as well as the letter of all relevant UK law and international treaties to which the UK subscribes. Local and Neighbourhood Plans must also be subject to robust environmental impact assessments.

Question 7b: How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Procedures for dealing with cross-boundary issues need to be reviewed and strengthened. This must include adequate resourcing.

Question 8a: Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

Earley Town Council does not support the introduction of a standard method for establishing housing requirements.

We believe that planning for housing is always best done locally, considering local circumstances that can never be adequately accommodated by any homogenised 'standard method'. For instance, we are concerned that areas in Earley and the immediate hinterland with the greatest affordability constraints, where prices are most expensive compare to incomes, are not necessarily the most sustainable locations to develop.

We do not believe that any standard method can be sufficiently nuanced to properly address requirements for specific types of housing, including the different types of affordable housing and needs for various forms of accessible housing, because this requires detailed local knowledge.

We oppose any proposals that make it easier for developers to avoid making their fair contributions towards our residents' housing needs.

We believe that any presumption in favour of sustainable development could in practice work more as a presumption in favour of development; and seek removal of the Housing Delivery Test because once planning permission has been granted Local Authorities have very limited means at their disposal to ensure developers to build on that land in a timely manner.

Question 8b: Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

The extent of the existing urban area is too simplistic an indicator of housing capacity. For instance, Earley Town Council is concerned that in Earley and the hinterland, large areas prone to flooding have been built on and should not be included in any such estimates of capacity.

Whilst there are many reasons why affordability critical at the macro and micro levels, its complexity does not at all lend itself to being used as an efficient and effective measure of 'capacity'. We do not understand or accept the unsubstantiated line of reasoning that simply building more homes will make them more affordable.

In summary, using the existing urban area and affordability in the manner proposed is not only conceptually flawed, but, modelling available shows would lead to increased housing numbers in Earley and the borough that could not be accommodated without huge social and environmental costs.

Question 9a: Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

Earley Town Council does not support the principle and practice granting 'automatic permission', especially for 'substantial development' (Growth Areas). To ensure transparent, democratic public scrutiny, it is essential that all development proposals must continue to be decided by way of a planning application. The inevitable human and environmental costs of granting automatic permission would be enormous and irreversible.

Whilst Earley Town Council supports the aspiration to achieve 'faster routes for detailed consent', all credible options should still require consulting and assimilating the views of statutory consultees. Any attempt to streamline this, particularly if it was to lessen the voices of local communities, must not compromise the 'quality' of any such developments. We consider it unlikely that robust safeguards could guarantee this.

Additionally, it is vital that planning enforcement must cease to be regarded as the Cinderella of the planning system. We call on reforms arising out of this consultation to address this matter in meaningful ways, that will include measures to ensure planning enforcement is always sufficiently resourced.

Question 9b: Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

Earley Town Council believes that the proposals regarding consent arrangements for Renewal and Protected Areas would remove existing opportunities for democratic public scrutiny and result in development that is not appropriate to our local needs and aspirations. In particular, we consider it vital that public participation in the planning application process continues to ensure that our local residents have a say in what types of housing, including affordable housing, are built and where, infrastructure development, and in foregrounding our borough's Climate Emergency Action Plan in all planning decisions.

Question 9c: Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

Although, with many caveats, New Settlements might be beneficial in some localities in other parts of England, Earley Town Council does not believe they should be promoted in our borough, where already far too much of our limited remaining greenspace is being built upon every year.

In other parts of the country where New Settlements might be considered, we believe that strict environmental impact assessments must be applied and that such settlements must achieve a 'Green' gold standard.

Question 10: Do you agree with our proposals to make decision-making faster and more certain?

The principle of making decision-making faster and more certain is sound. However, its implementation raises significant concerns. The breadth and depth of detail required for planning authorities to make informed decisions will always remain considerable – particularly with respect to large and complex developments. Reiterating an important point made in answer to Question 5, the local planning system can only function well when local planning authorities are sufficiently resourced to include the requisite number of qualified staff

Proposals to include arbitrary word limits in sections within planning documents are crude and often likely to lead to outcomes that will later be regretted.

Earley Town Council is very concerned at proposals to delegate planning decisions to Officers where the principle of development has been established. Delegated powers should only continue in respect of minor and demonstrably non-contentious applications. We are in no doubt that the proposal as it stands would lead to large developments in our Town hinterland over which our residents have not been consulted and would not support.

The principle of greater digitalisation of the application process is laudable, but 'the devil will always be in the detail'. As stated in response to Question 6, the government does not have a good track record with regards to large IT projects. In our answer to Question 6, Earley Town Council also stated that implementation would have to pass robust Equalities Impact Audits.

Earley Town Council is concerned that the greater 'standardisation' likely to be prerequisite to greater digitalisation would not allow for sufficient nuance to take into account local needs and aspirations; and is also concerned that accompanying use of algorithms takes away essential human judgements. We note that the resulting social, economic and environmental costs can be enormous and often irreversible.

We do not support the proposal that applicants be entitled to an automatic rebate of their planning application fee if successful at appeal, as this has the potential to deter cash strapped Local Authorities from refusing to grant permission for applications they consider to be poor. Rebates should only apply where the Planning Inspectorate has deemed the planning authority's refusal unreasonable in terms of material planning grounds.

The principle of incentivising planning authorities to determine applications within statutory time limits is supported, but where time limits are commonly exceeded careful consideration must be given to the addressing the specific reasons why this is happening. Earley Town Council is against automatic and arbitrary financial sanctions.

Question 11: Do you agree with our proposals for accessible, web-based Local Plans?

Earley Town Council supports appropriate use of digitised web-based Local Plans. However, print copies and opportunities for face-to-face discussions must continue to be available.

Digitisation must not result in any dilution of our Local Plans, which must continue to be detailed and bespoke to ensure they are able to respond adequately to local residents' views and to local circumstances.

Question 12: Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

Earley Town Council believes that Local Plans should be kept up-to-date and produced in a timely manner, but that this must never be at the expense of 'quality'. 'Timeliness' can sometimes depend on factors that may be beyond the control of the local planning authority and therefore should not be subjected to unjust sanctions if timescales are not met through no fault of the local planning authority.

For reasons elaborated in earlier answers, we are alarmed that the possibility of removing the 'right to be heard' is mentioned. Public examination of planning applications is beneficial for many reasons – not least that it helps to foster greater consensus and ceteris paribus leads to better plans, policies and development outcomes.

Question 13a: Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Earley Town Council supports the retention of Neighbourhood Plans as we believe they have important roles to play in helping to address local needs and views, and can foster community ownership of and engagement with the planning process.

Question 13b: 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?

Neighbourhood Plans should reflect design preferences of our local residents. When determining planning applications, significant weighting should be given to planning authorities Design Guides. These must also be updated regularly in response to changes in matters such as 'best practice' and the imperatives of the Climate Emergency. However, 'design' should not be determined solely by residents. Broader planning considerations must continue to be integral to the neighbourhood Plan process, rather than omitted or constrained in the manner proposed.

Question 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?

Earley Town Council would support measures to tackle the current 'land banks' by requiring developers to implement the extant planning permissions. We believe that developers should be required to 'use it [the planning permission] within a specified period of time, or lose it'.

Given, for instance, that the lead-in time for a development of 100 houses is likely to be longer than that for a development of 5 houses, Earley Town Council would support consideration of different but still enforceable time limits for different types of development.

Proposals to provide for a greater variety of building types and developers may assist, but we believe other measures must be explored, including a review of penalties available.

Pillar 2 - Planning for beautiful and sustainable places.

Question 15: What do you think about the design of new development that has happened recently in your area?

Earley Town Council considers that far too much of the recent development in our Town does not match the needs of our local residents. Much of it does not provide residents with the quality of life that they deserve. Too many homes, of the wrong type, in the wrong places have been built. Protections for our precious remaining green spaces must be made 'absolute'. Infrastructure is often inadequate. Extensions to existing buildings are adding to pressures on our roads, parking and local services. Very little of the new development meets even rudimentary 'sustainability criteria' and is often odds with our borough's Climate Emergency Action Plan.

Question 16: Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

Earley Town Council also considers sustainability to be a core and cross-cutting theme. However, the government must be honest about the challenges, including needs for some unpopular decisions, that this entails. We believe that examples of 'co-benefits' of sustainable policies and practices should be elaborated, and that the government must think and act strategically about how best to increase levels of public understanding and engagement with matters of sustainability as they apply to all aspects the planning process.

Question 17: Do you agree with our proposals for improving the production and use of design guides and codes?

Design Guides and Codes should be vital. However, effectiveness is dependent on their content (including the processes by which this was arrived at), timeliness, and enforcement. Guides and Codes should consider micro and macro-level issues. At the micro level they must include unambiguous instructions on matters such as parking standards and amenity space. The micro level must also support macro-level matters including Equalities and the Climate Emergency.

Question 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?

In the absence of specific details about the remit and powers of this organisation, Earley Town Council is unable to make a recommendation on the proposal for a new body to support design coding.

Question 19: Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

We would endorse any meaningful actions that would enhance the role of design in supporting the strategic objectives for Homes England. This must include measures to embed design quality and environmental standards in Homes England's activities and programmes of work.

Question 20: Do you agree with our proposals for implementing a fast-track for beauty?

Earley Town Council does not support proposals to 'fast track for beauty'. In the context of planning, 'beauty' can still be a disputed and ambiguous concept and thus requires public scrutiny. A 'beautiful' development that is not sustainable and or compliant with the Local Plan and our borough's Climate Emergency Action Plan should never be 'fast tracked'.

We are also cognisant of the inherent dangers in the proposal to change the nature of permitted development so that it enables ['beautiful'] popular and replicable forms of development to be fast tracked. Besides 'beauty' all such developments need to be of good design and meet our local community's specific needs – including the need to address our Climate Emergency and requirements for different types of housing.

Pillar 3 - Planning for Infrastructure and connected places

Question 21: When new development happens in your area, what is your priority for what comes with it?

Earley Town Council's priorities in terms of new development are: to put a halt to 'over-development'; protect and enhance the quality of life of our residents – including access to green spaces and promotion of biodiversity; ensure that all new development will result in the right types of houses (including affordable and accessible housing) in the right numbers in the right places; for all new developments to be designed and implemented in a manner that ensures they are an integral component of our borough's Climate Emergency Action Plan.

Question 22a: 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?

Earley Town Council opposes the proposals relating to the Community Infrastructure Levy and Section 106 because, as drafted, they could lead to a reduction in developers' contributions to infrastructure and to provision of affordable housing.

Question 22b: Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

If, notwithstanding our objections to the proposals in response to Question 22 (a), an Infrastructure Levy was to be introduced, Earley Town Council would comment as follows:

Different options for setting Infrastructure Levy rates need to be independently and carefully examined, with the aim of producing an objective assessment of the benefits and costs of each option. These evaluations must include explicit consideration of all critical factors, including probable impacts on the local areas, adequacy of funds likely to be raised under each option, and transparency. It is possible that a 'one size fits all' approach across the whole of England might not be appropriate. Earley Town Council does not believe any decision on this matter should be made until these studies have been conducted and subjected to public consultation.

Question 22c: 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?

We believe that because of the urgency of addressing issues relating to the insufficient stock of affordable housing, situation in which we are constantly trying to 'catch up' in terms of infrastructure provision, and environmental imperatives, any Infrastructure Levy should aim to capture more value, to support greater investment in affordable housing, infrastructure, our local community and the environment.

Question 22d: Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

On balance Earley Town Council would only support local authority borrowing against the Infrastructure Levy to support infrastructure delivery and under strict rules that would ensure transparency and do not place council tax payers at undue risk.

Question 23: Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Earley Town Council reiterates its objection to the proposals in Question 22 (a). With that caveat, if an Infrastructure Levy were to be introduced Earley Town Council believes that any reformed Infrastructure Levy should capture changes of use through permitted development rights. We are concerned that permitted development rights often result in poor quality housing and can have significant impacts on the wider community. Assuming permitted development rights continue, Earley Town Council does not consider it logical or justifiable that a developer should be able to avoid paying an Infrastructure Levy simply because the works were 'permitted'.

Question 24a: 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?

The current system is failing to meet the demand for different types of affordable housing. Any reforms must ensure that the current shortfalls are fully addressed. Earley Town Council believes that this may require a reformulation of existing viability tests (and closing of 'loopholes'); increased payments by developers towards affordable housing; and higher levels of direct public investment in affordable housing.

We strongly disapprove of proposals in the recently concluded 'Changes to the Planning System' consultation that would reduce the requirements on small and medium size housing companies to provide affordable housing.

Question 24b: 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?

Earley Town Council believes that except in the most extenuating of circumstances affordable housing should always be provided on site, rather than secured as in-kind payments. We support the option of 'right to purchase' at discounted rates for local authorities.

Earley Town Council believes that the presumption should always be that affordable housing will be built as an integral part of new developments in order to help ensure a suitable mix of the different types of tenures that are needed in diverse communities.

Question 24c: If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

Earley Town Council is not clear exactly what is meant by mitigation against local authority overpayment risks where a delivery-in-kind approach is taken and therefore reserves judgment on this matter.

Question 24d: If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

Supporting affordable housing quality is essential. Earley Town Council does not feel qualified to pass judgment on specific aspects of the adequacy of current provisions or, therefore, to be able to identify and evaluate possible additional steps that might usefully be taken.

Question 25: Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Earley Town Council does not see a need for relaxation of the current restrictions on how developer's contributions are spent. If this was to happen under the proposed Infrastructure Levy

we would wish the specific proposals to go to separate public consultation before any final decision was agreed.

Question 25a: If yes, should an affordable housing 'ring-fence' be developed?

An affordable housing 'ring fence' should be included and sufficient to make a significant contribution to the local need for different types of affordable housing.

Question 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?

Earley Town Council believes many of the proposals will impact disproportionately on our most vulnerable residents. Reasons include, but are not limited to: issues relating to public accessibility to some of the technologies being mooted; and the reduced opportunities for residents and their local elected representatives to be engaged in the planning process in ways that currently offer important opportunities to address the needs and wishes of vulnerable individuals and groups.

This concludes the comments of Earley Town Council

Dated: 21st October 2020