

LHU/CIR.H0510PL

11<sup>th</sup> April 2017

Cotswold District Council  
Trinity Road  
Cirencester  
GL7 1PX

Dear Sirs,

**Town and Country Planning Act 1990**  
**Representations on Fairford Submission Draft Neighbourhood Plan 2016 – 2031 on**  
**behalf of Hanson UK Ltd.**

I am instructed to make representations to the Fairford Pre-Submission Neighbourhood Plan on behalf of my client, Hanson Aggregates Ltd. These representations relate primarily to land at Horcott Lakes.

**Introduction**

This response to the Fairford Neighbourhood Plan Submission Draft has been prepared by Pegasus Group on behalf of Hanson UK.

On behalf of Hanson UK, Pegasus Group has discussed initial options for the land at Horcott Lakes with the Town Council. Whilst this still remains at concept stage, it includes significant community benefits including the transfer of the north eastern lake to the Town Council allowing for the creation of an important leisure/recreation area as well as providing opportunities for strengthening the existing, and providing new, footpath links in the area.

As part of this concept, the development of a modest number of bespoke dwellings have been proposed around the main central lake to the west. Following initial discussions, a concept masterplan was provided to the Town Council and this formed part of the Neighbourhood Planning Consultation event.

Pegasus Group recognise and support the opportunity provided by neighbourhood planning to create a positive planning framework at a local level that supports sustainable development. Indeed, Pegasus Group are actively involved in the preparation of neighbourhood plans nationally and have significant expertise in this regard. This response is intended to provide constructive feedback on the Fairford Neighbourhood Plan, as drafted, to ensure that this can proceed to referendum.

## **The Neighbourhood Plan Process**

The Fairford Neighbourhood Plan has been prepared by Fairford Town Council, who form an appropriate qualifying body. The qualifying body submitted an application for the designation of the Fairford Neighbourhood Area on 28<sup>th</sup> August 2013. This was subject to consultation following which, Cotswold District Council approved the designation of the neighbourhood area on 20<sup>th</sup> November 2013.

A Steering Group was formed which has led the preparation of the draft Neighbourhood Plan. The Steering Group has undertaken appropriate consultation with the local community to inform the Neighbourhood Plan including the preparation of a significant evidence base. This includes a Sustainability Appraisal (including Strategic Environmental Assessment). The Steering Group also consulted on the need for a Habitats Regulation Statement and Natural England have confirmed that the Plan will not have any effects on a European designated nature site.

The Steering Group have considered all the evidence and consulted on the pre-submission draft Neighbourhood Plan for the statutory 6 weeks from 7<sup>th</sup> November 2016 to 19<sup>th</sup> December 2016. The Neighbourhood Plan has been further refined prior to submission.

In all regards, it is considered that the draft Neighbourhood Plan has been prepared in accordance with the necessary regulations.

The resultant submission draft Neighbourhood Plan is broadly supported, although certain policies would benefit from further refinement as set out in the following section of this response.

## **The Neighbourhood Plan**

### Planning Policy Context

Paragraph 3.6 suggests that the development boundaries identified in the Cotswold Local Plan (adopted April 2006) remain up to date. This is despite the fact that the housing requirements to which they respond are time-expired; that the emerging Local Plan proposes to review development boundaries; and that the Neighbourhood Plan itself reviews settlement boundaries. These all indicate that the existing development boundaries are out of date and are in need of review (as undertaken by the Neighbourhood Plan). This minor inconsistency should be addressed to provide a clear narrative in the Neighbourhood Plan.

In paragraphs 3.8 to 3.11, the Neighbourhood Plan addresses the conformity between the Neighbourhood Plan and the emerging Cotswold Local Plan. It identifies that the Town Council (on behalf of the community) objects to a number of proposals in the emerging Local Plan and the Neighbourhood Plan identifies alternatives.

It is unnecessary for a Neighbourhood Plan to be in general conformity with an emerging Local Plan under the Basic Conditions, as the latter does not form part of the Development Plan. Indeed, as a result of the objections to the proposals in the emerging Local Plan, the draft policies of the Local Plan should be afforded only limited weight at present (in accordance with paragraph 216 of the NPPF) as they may yet be subject to change. The alternatives represent a fundamental principle of Neighbourhood Planning, namely that the community is empowered to shape their area in the most appropriate way and is to be supported.

#### Policy FNP1 – Development Boundaries

The principle of Development Boundaries accords with national policy as it provides certainty and predictability for the determination of planning applications.

The Development Boundaries are proposed to be extended from those in the Local Plan 2011-2031 and the allocations proposed in the Neighbourhood Plan will deliver a greater number of homes than the allocations proposed in the emerging Local Plan. Therefore, the Neighbourhood Plan can be seen to provide a flexible framework for increasing the opportunities for housing delivery above that which previously existed and that which is proposed. This is consistent with the national imperative to significantly boost the supply of housing.

Policy FNP1 is therefore supported in principle.

#### Policies FNP6 and FNP7 – Infrastructure

Whilst the intention of these policies are understood, the policies duplicate national and higher order policies of the Local Plan and so are not required in the Neighbourhood Plan.

#### Policy FNP8 – Traffic

This policy requires that:

**“All development proposals must...mitigate any harmful effects of additional road traffic on the Town Centre and on heritage assets in the Parish.”**

However, this is inconsistent with paragraph 32 of the NPPF which requires that development should only be prevented or refused where residual impacts are severe. It is recommended that the policy wording is amended accordingly.

#### Policy FNP14 – Design

Policy FNP14 is overly prescriptive and fails to recognise that different design styles can complement the existing built form. This is contrary to paragraph 59 of the NPPF and should be removed. However, an alternative policy with reference to design codes may be appropriate.

#### Policy FNP17 – Housing Mix

Policy FNP17 requires that there is an emphasis on 2 and 3 bedroom homes to provide for first time buyers and older downsizing households.

A significant proportion of first time buyers may not be able to afford to access 2 or 3 bedroom homes, and one or two person downsizing households may only require (or desire) one bedroom accommodation. Similarly, if larger accommodation is restricted this will compromise the ability of larger households to find appropriate accommodation in the Parish. The policy therefore needs to be applied with sufficient flexibility to provide choice and competition in the market (in accordance with paragraph 47 of the NPPF).

Indeed, such a prescriptive policy will not be appropriate for all households or for all sites. For example, the proposed allocation at Horcott Lakes has been developed on the basis of executive housing (as identified in the concept plan upon which the Parish Council rely) and any reduction in house sizes would have implications for the extent of any infrastructure which would be able to be provided on-site.

#### Policy FNP22 – Horcott Lakes Allocation

Policy FNP22 allocates a site at Horcott Lakes for the restoration and aftercare of former minerals extraction sites, a new community area, visitor facility, footpath improvements, biodiversity improvements, renewable energy provision, and a low density executive housing scheme of 20 units.

The allocation of this site is supported including the significant contribution that this will make to the recreation, leisure, tourism, biodiversity and renewable energy provision in the town.

It has been agreed with the Parish Council that such executive housing is appropriate on-site and yet this is absent from the policy as drafted. In the absence of a requirement for executive housing within the policy, it is unclear how an application which accords with the concept plan

would be determined. The result is that the policy may be undeliverable without the necessary wording change to specify that executive housing will be appropriate on this site.

The concept plan supports the provision of the new community area, visitor facility and associated car parking with land to be transferred to the Town Council (or other appropriate body). However, the policy (as drafted) also requires the delivery of the visitor centre and that a financial endowment is provided to assist in funding the ongoing management.

Discussions to date with the Town Council have identified that the lakes, footpaths and the land for the visitor centre would be provided as part of this scheme. A financial contribution towards the construction of the visitor centre may be appropriate depending on the viability of the overall scheme.

The importance of securing reasonable and proportionate contributions in Development Plans is highlighted in Paragraph 173 of the Framework and National Planning Practice Guidance (NPPG) Paragraph 001 (Reference ID: 10-001-20140306) which states that;

**"...plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened."**

The NPPG continues to state that;

**"Local Plans should present visions for an area in the context of an understanding of local economic conditions and market realities. This should not undermine ambition for high quality design and wider social and environmental benefit but such ambition should be tested against the realistic likelihood of delivery."**(my emphasis)

The policy, as worded, requires contributions which are not fairly and reasonably related to the proposed development and would not be provided by the scheme. Such a requirement would render the allocation undeliverable, with resultant harm to infrastructure across the town.

The concept plan already proposes to deliver elements of this masterplan including the footpath connections and the transfer of land to the Town Council and make significant environmental improvements but the provision of this facility and its ongoing maintenance is not part of the scheme.

This level of obligation would potentially affect the deliverability of this scheme and the wider benefits that it would deliver. The policy should therefore be reworded to require contributions which are proportionate and reasonably related to the wider development.

## **Conclusions**

Hanson UK are broadly supportive of the Neighbourhood Plan (as drafted) subject to a limited number of minor changes to the wording of policies, as set out throughout this response.

Hanson UK are particularly supportive of the identification of the land at Horcott Lakes as an allocation under Policy FNP22, which provides significant community benefit.

However, the policy needs to be revised to provide a deliverable scheme as follows:

### **FNP22 HORCOTT LAKES**

**The Neighbourhood Plan identifies Horcott Lakes, as shown on the Policies Map, as an area for improvements to recreation, leisure, tourism, biodiversity and renewable energy generation and for an enabling housing scheme:**

**Development proposals within the area should be made as part of a masterplan covering the whole allocation. The masterplan and its specific proposals will be supported, provided it adheres to the following principles:**

- i. The masterplan has full regard to the implementation of measures put forward as part of the approved restoration and aftercare schemes associated with former mineral extraction operations;**
- ii. Enabling a new community area, visitor facility and associated car parking on land in the north eastern part of the site;**
- iii. Provision of footpath improvements and new footpath links around the perimeter of the lakes;**
- iv. The creation and securing of areas for biodiversity improvements;**
- v. The retention of existing landscaping with additional landscaping as appropriate;**
- vi. The installation of a solar panel scheme, provided the arrangement, orientation and height of the panels, together with any necessary mitigation measures, minimise its visual**



prominence in the landscape and its effects on the biodiversity of the lakes; and

vii. The delivery of a low density housing scheme of up to 20 executive dwellings that is of a high environmental standard, that includes implementation of an appropriate foul drainage strategy and fully respects the environmental constraints. The vehicular access shall be from Rhymes Lane with including additional pedestrian and cycle links.

The masterplan should set out the appropriate provisions to manage the levels and flows through the Horcott lakes and adjacent watercourses to reduce flood risks there and downstream to acceptable levels. It should also demonstrate how the design, scale and layout of the development, together with associated screening by trees/hedges, will minimise the visual prominence of each development proposal in the landscape.

**The Allocation is expected to make the following obligations:**

1. **Transfer of the land for the community area (including the NE lake shown on the Proposals Map) to the Town Council**
2. **Provision of footpath links**
3. **Contributions towards the delivery of the new visitor facility.**

Overall, we support the direction of the FNP and the inclusion of the Horcott Lake site to deliver a range of significant contributions to the Town and trust that the comments are received in this manner. I trust that the above is self explanatory, however, should you require any further information please contact me at the above address.

Yours sincerely

**Laura Humphries BA (Hons) MA PGCert UD MRTPI**  
**Principal Planner**  
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## **Fairford Neighbourhood Development Plan Pre-examination consultation (Regulation 16 Consultation)**

Fairford Town Council has prepared a Neighbourhood Development Plan. The Plan sets out a vision for the future of the town and parish and planning policies which will be used to determine planning applications locally.

Copies of the Neighbourhood Plan and supporting documents are available to view on the Cotswold District Council's website: [www.cotswold.gov.uk/neighbourhoodplanning/consultations](http://www.cotswold.gov.uk/neighbourhoodplanning/consultations)

Hard copies are also available for inspection between 9:00 and 17:00 Monday to Friday at the Council offices on Trinity Road, Cirencester, Gloucestershire, GL7 1PX.

Copies are also available for inspection at:

**Fairford Community Centre**  
*Monday – Friday 10:00 – 13:00*

**Fairford Library**  
*Monday 9:30 – 17:00*  
*Tuesday Closed*  
*Wednesday 9:30 – 17:00*  
*Thursday 9:30 – 19:00*  
*Friday Closed*  
*Saturday 9:30 – 13:00*

**All comments must be received by 17:00 on Tuesday 11<sup>th</sup> April 2017.**

### **There are a number of ways to make your comments:**

- Complete this form and email it to: [neighbourhood.planning@cotswold.gov.uk](mailto:neighbourhood.planning@cotswold.gov.uk)
- Print this form and post it to: Neighbourhood Planning, Cotswold District Council, Trinity Road, Cirencester, GL7 1PX
- We will accept other comments in writing (including electronic, such as e-mail, provided that a name and address is supplied. We cannot accept anonymous comments.

All comments will be publicly available, and identifiable by name and (where applicable) organisation. Please note that any other personal information provided will be processed by Cotswold District Council in line with the Data Protection Act 1998.

### **How to use this form**

Please complete Part A in full, in order for your representation to be taken into account at the Neighbourhood Plan examination.

Please complete Part B overleaf, identifying which paragraph your comment relates to by completing the appropriate box. Please repeat this section for subsequent comments relating to other sections of the plan.



<b>PART A</b>	<b>Your Details</b>
<b>Full Name</b>	Laura Humphries
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<b>Organisation (if applicable)</b>	Pegasus Group
<b>Position (if applicable)</b>	Associate Planner
<b>Date</b>	11.4.2017

## **PART B**

**To which part of the document does your representation relate?**

<b>Paragraph Number</b>		<b>Policy Reference:</b>	FNP1, FNP6, FNP7, FNP8, FNP14, FNP17 and FNP22
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**Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)**

Support  Support with modifications X Oppose  Have Comments

<b>Please give details of your reasons for support/opposition, or make other comments here:</b>
<b>Please refer to covering letter</b>
(Continue on separate sheet if necessary)

<b>What improvements or modifications would you suggest?</b>
<b>Please refer to covering letter</b>
(Continue on separate sheet if necessary)

Please make sure any additional pages are clearly labelled/ addressed or attached.