

Basic Conditions Statement
Ashchurch Rural Parish Neighbourhood
Development Plan 2020 – 2031
(Submission Draft ARNDP, July 2021)

Introduction

1. This Statement has been prepared by Ashchurch Rural Parish Council (the Parish Council) to accompany its submission to the local planning authority, Tewkesbury Borough Council (TBC), of the Ashchurch Rural Neighbourhood Development Plan 2020 - 2031 (the Neighbourhood Plan) under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012.
2. The Neighbourhood Plan must meet the following requirements:

Legal matters

(1) The examiner must consider the following: -

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,
- (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- (d) such other matters as may be prescribed.

The Basic Conditions

(2) A draft neighbourhood development plan meets the basic conditions if: -

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- (c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
- (e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

(f) The examiner is not to consider any matter that does not fall within subparagraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).

Legal Requirements

3. The Plan is submitted by Ashchurch Rural Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the Ashchurch Rural Neighbourhood Development Plan Steering Group, which is overseen by the Parish Council.
4. The whole parish of Ashchurch Rural has been formally designated as a Neighbourhood Area under the Neighbourhood Planning Regulations 2012 and was formally approved by Tewkesbury Borough Council on 4 February 2014. The decision notice is attached as **Appendix 1**. The extent of the designated neighbourhood area is attached as **Appendix 2**.
5. The Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
6. The Plan identifies the period to which it relates as 2020 to 2031. This relates to the plan period of the emerging Tewkesbury Borough Local Plan which also has a plan period ending 2031 and the adopted Joint Core Strategy 2031.
7. The Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
8. The Plan relates only to Ashchurch Rural Parish though it makes reference to land outside the parish boundary. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

The Basic Conditions

Having regard to national policies and advice contained in guidance issued by the Secretary of State

9. The Neighbourhood Plan has been prepared having regard to national policies, in particular those set out in the National Planning Policy Framework 2019 (NPPF) and the National Planning Practice Guidance (NPPG) suite. It is contended that the neighbourhood plan accords with the core Planning Principles at the heart of the NPPF.
10. **Table 1** provides a summary of how policies in the neighbourhood plan conform to the NPPF. The NPPF paragraphs set out are those considered most relevant. The table is not intended to be an exhaustive list of all NPPF policies.

ARNDP policy	NPPF (2019) Reference	Commentary
S1: Site allocation at Fiddington	14,59,69,72	This policy formally allocates land subject to a successful appeal – the proposal meets local and strategic housing requirements and provides a good level of supporting infrastructure. Should the local housing land supply return to a figure over 3 years, this policy will put a two year halt to speculative housing development in the parish and will allow the Garden Town and the review of the Joint Core Strategy time to catch up and put up to date strategic policies in place in Ashchurch.
T1: Modal shift for major development proposals	102, 103, 104	This policy sets out clear guidelines and tests to ensure that new development provides a genuine and desirable modal choice that does not favour the private car.
T2: Walking and cycling infrastructure	104	This policy sets out the standards for high quality walking and cycling infrastructure.
T3: Road safety for walking and cycling	108	This policy sets out ways to improve highway safety for existing and future residents.
E1: Employment and traffic	104	This policy seeks to direct commercial traffic arising from new schemes away from sensitive areas and onto the SRN.
E2: Modification of existing B2, B8 and E Class uses	81, 83	The policy seeks to allow small businesses to change and expand in a way that fits in with surrounding development.
C1: Community infrastructure	28, 92, 182	This policy seeks to provide a reasonable framework to guide applicants and decision-makers in how development should provide necessary community infrastructure such as a community hub and cemetery space.
C2: Broadband	112	This policy will help residents to be able to use electronic communications rather than driving in cars for social and economic activities.

V1: Protection of the intrinsic value of the countryside	180 b, 83	This policy seeks to protect tranquillity in the countryside and also give some protection to rural equestrian businesses.
W1: Water management	150a, 155, 163	This policy seeks to manage potential flooding impacts according to the requirements of the lead local flood authority.
H1: Housing in rural areas	77,78, 79	This policy allows small scale housing development in rural areas and identifies how exceptions can be allowed. This policy will be in place until strategic policies for the Garden Town are included in the Development Plan.
H2: Design of housing in the countryside and Claydon, Fiddington, Pamington and Walton Cardiff	124, 127	This policy seeks to ensure good design without being overly prescriptive. This policy will be revisited in the review of the ARNDP when the Garden Town Principles are formalised.

Contributes to the achievement of sustainable development

11. The following sustainability assessment has been carried out to identify how the policies in the neighbourhood plan contribute positively to delivering sustainable development. The ARNDP will serve an economic, social and environmental objective and seeks to balance them. **Table 2** summarises the various sustainability outcomes of each policy in the neighbourhood NDP.

Table 2	
Economic Objective	<ul style="list-style-type: none"> • Infrastructure priorities are identified • Housing and employment land with associated infrastructure is allocated in S1 • Transport development principles are set out in Table 3 • Parameters for modification of commercial (B and E class) uses is set out in E2 • Broadband is supported in C2 • Equestrian businesses are identified in Figure 10
Social Objective	<ul style="list-style-type: none"> • Road safety for recreation, PROW and amenity are protected in T3 and • Community infrastructure development principles are set out in Table 4 and protected and promoted in C1 • Rural settlement character is protected in H1 • Design of housing in rural areas is set out in H2
Environmental Objective	<ul style="list-style-type: none"> • Modal shift is facilitated by T1 and T2 • Walking and cycling infrastructure standards are set out in T1 • Traffic from employment uses is managed in E1 • Broadband is support in C2 • Rural character is defined in para. 191 • Quiet routes are identified in Figure 9 • The intrinsic value of the countryside is protected in E1 • Water (flooding) is managed in Policy W1 • Biodiversity net gain is encouraged in Policy V1

General conformity with the strategic policies in the development plan

12. The Development Plan for the NDP is:

- a. Saved policies of the Tewkesbury Borough local plan to 2011
- b. Flood and Water Management Supplementary Planning Document March 2018
- c. Joint Core Strategy 2017 (JCS)
- d. Minerals Local Plan for Gloucestershire (2018 - 2032)
- e. Gloucestershire Waste Core Strategy 2027

13. The Local Plan is currently being reviewed.

14. The following summary was prepared by Mr Derek Stebbings of Intelligent Plans, a Neighbourhood Plan Examiner appointed by Locality. It is copied here because it provides a useful and succinct summary of the planning policy context for the NDP. Mr Stebbings' full report (February 2021) is included in the supporting evidence to the ARNDP.

1. Introduction

- 1.1 I was commissioned on 4 December 2020 on instruction from Locality to undertake a concise period of facilitation work with the Ashchurch Rural Parish Council in order to ensure that the emerging Ashchurch Rural Neighbourhood Development Plan 2020-2031 (ARNDP) can be progressed with the support of Tewkesbury Borough Council (TBC). The provisional completion date for this commission is May 2021.
- 1.2 The brief for this facilitation work is attached as Annex 1, and the key requirement is to *“provide hand holding support to the QB (the Parish Council) to help them navigate the remainder of the plan-making process and to support them to work coherently and constructively with the LPA (Tewkesbury Borough Council) so that the draft NDP can be submitted to the LPA”*.
- 1.3 This Interim Note provides a summary of my assessment and findings following desk-top research undertaken between December 2020 and February 2021, and my recommended advice and actions to enable the ARNDP to be progressed during the next few months.
- 1.4 I have liaised with Cllr. Tony Davies, Vice Chairman of the Parish Council and with Dr Andrea Pellegram MRTPI, the Parish Council’s planning consultant during the course of my work to date.

2. The Planning Context

- 2.1 Thus far my work has focused on developing a full understanding of the wider planning context as it affects the Parish and the ARNDP. I am grateful to Cllr. Davies and Dr. Pellegram for providing me with many documents and their own thoughts on the key issues facing the Parish.
- 2.2 I have also taken into account other documents, including the Health Check of the draft ARNDP undertaken by my colleague Andrew Seaman of Intelligent Plans and Examinations (IPE) Ltd. in September 2020, a number of recent Appeal decisions in the area, prospective planning proposals in the Parish and all relevant adopted and emerging development plan documents for the area.
- 2.3 In summary, the wider planning context for Ashchurch Rural Parish is at present complex and far from being completely clear, and this is not conducive to being able to prepare a Neighbourhood Plan with the necessary confidence and certainty. This situation appears to be further exacerbated by a general reluctance by TBC Officers to engage positively and constructively with the Parish Council and its consultant on the progress of the ARNDP.

2.4 Current Status of Relevant Development Plan Documents

The current adopted Development Plan documents (excluding Waste and Minerals) for the TBC area comprise the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) (adopted December 2017) and the Saved Policies from the Tewkesbury Borough Local Plan up to 2011 (adopted April 2006).

2.5 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)

The JCS contains the strategic policies for Gloucester, Cheltenham and Tewkesbury, and the ARNDP must ensure that it is in general conformity with those policies. The key policies that potentially affect Ashchurch are Policies SP1, SP2, A5 and REV1, as below. Other policies are of importance but are not central to the major issues concerning Ashchurch at the present time.

2.6 Policy SP1 (The Need for New Development) is as follows:

"1. During the plan period, provision will be made to meet the need for approximately 35,175 new homes and a minimum of 192 hectares of B-class employment land to support approximately 39,500 new jobs.

2. This is to be delivered by development within existing urban areas through District plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch. This strategy aims to locate jobs near to the economically active population, increasing sustainability, and reducing out-commuting thereby reducing carbon emissions from unsustainable car use.

3. The housing requirement for each local authority will be as follows:
i. Gloucester at least 14,359 new homes;
ii. Cheltenham at least 10,917 new homes;
iii. Tewkesbury at least 9,899 new homes."

2.7 Policy SP2 (Distribution of New Development) includes the following relevant clauses regarding Tewkesbury:

"4. To meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provision for at least 9,899 new homes. At least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement

5. Rural service centres and service villages as identified in Table SP2c below will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts including existing levels of growth over the plan period.

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Over the plan period to 2031:

- i. The rural service centres will accommodate in the order of 1860 new homes, and;
- ii. The service villages will accommodate in the order of 880 new homes;

6. In the remainder of the rural area, Policy SD10 will apply to proposals for residential development.”

Within Table SP2c, Ashchurch is not listed as a Rural Service Centre or Service Village.

- 2.8 Policy A5 (Ashchurch) is a strategic allocation of land for employment purposes at Ashchurch, and states:

“The Strategic Allocation identified at Ashchurch (as shown on Policies map Plan A5) will be expected to deliver:

- i. Approximately 14 hectares of employment generating land;
- ii. A green infrastructure network of approximately 5 hectares including a green corridor along the route of the Tirle Brook and a woodland belt at the southern boundary of the site to minimise harm to views from Oxenton Hill and contribute to water quality enhancements;
- iii. Adequate flood risk management across the site and ensure that all more vulnerable development is located wholly within flood zone 1;
- iv. Primary vehicle access from the A46 and a secondary access from Fiddington Lane;
- v. Measures necessary to mitigate the traffic impact of the site, including the use of travel plans to encourage the use of more sustainable transport modes. This shall include consideration of the operation of the Strategic Road Network;
- vi. Development that does not prejudice future highway improvements to the A46. This may include requirements to safeguard sufficient land to allow for the delivery of future highway infrastructure improvements around the A46 and M5 Junction 9;
- vii. High quality public transport facilities and connections within and adjacent to the site. This may include measures that will help facilitate an enhanced rail passenger service from Ashchurch for Tewkesbury station and bus advantage measures along the A438 / A46 corridor where practical;
- viii. Safe, easy and convenient pedestrian and cycle links within the site and to key centres and the railway station, providing segregated links where practical.”

- 2.9 Policy REV1 (Gloucester and Tewkesbury Housing Supply Review) sets out the need for an immediate review of the JCS, and states:

“A partial review of the housing supply for Gloucester and Tewkesbury will commence immediately upon adoption of the JCS. On adoption, the authorities will publish a Local Development Scheme to set out the timescales for completion. The review will cover the allocation of sites to help meet any shortfall in housing supply against the JCS housing requirements for the respective authorities.”

2.10 Saved Policies from the Tewkesbury Borough Local Plan up to 2011 (adopted April 2006) (TBLP)

The saved Policies from the TBLP (saved from March 2009) largely comprise the suite of Development Management policies for the Borough, and need not be recited in this Note.

2.11 Emerging Development Plan Documents

Following the adoption of the JCS in December 2017, a review was commenced immediately. An Issues and Options consultation document was published in October 2018 for Regulation 18 consultation. The document included the following statements directly relating to Ashchurch:

"Ashchurch

It is noted in the adopted JCS that the housing shortfall for Tewkesbury was exacerbated by a decision during the examination process of the Defence Infrastructure Organisation (DIO) to stop the release of the MoD Ashchurch site, a proposed strategic allocation. However, the JCS sets out that there remains development potential in the wider Ashchurch area to help meet the housing requirements of the area and there was a commitment in the plan to continue to explore this.

Tewkesbury Borough Council was successful in securing Homes England capacity funding to support the delivery of growth in the area both within and beyond the current JCS plan period.

This work continues to explore the potential of the MoD land as well as other sites in the wide Ashchurch area. To take this forward, Tewkesbury Borough Council has commissioned strategic-scale master planning work for this area to provide a comprehensive assessment and approach to development potential which addresses key issues such as place making, transport infrastructure, community facilities, social and green infrastructure. This work is being undertaken to help inform the JCS Review.

The Ashchurch area is of particular strategic importance in helping to meet the housing and employment needs. In terms of location, it holds an advantageous position next to M5 junction 9 giving it direct motorway access and so making it particularly attractive as an area of employment growth. It is also positioned around the 'Ashchurch for Tewkesbury' railway station, providing significant opportunities for sustainable transport movements.

The 'Ashchurch Concept Masterplan' has been produced to show how future development could come forward in this area."

2.12 The current published timetable for the next stages of the JCS Review is as follows:

"We are preparing a draft plan for consultation, which is expected to commence in late Summer, early Autumn 2021. The proposed timescale for the plan's preparation is as follows.

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Preferred Options Consultation Summer/Autumn 2021

- *Pre-Submission Consultation Winter 2022*
- *Submission to the Secretary of State Spring 2023*
- *Examination Summer 2023*
- *Adoption Winter 2023*

It will be noted that the Review will not reach its final stages until 2023.

2.13 Preparation of the Tewkesbury Borough Plan (TBP) commenced in 2013, and following statutory public consultation at the Regulation 18 and 19 stages, the new Local Plan (dated October 2019) was submitted for Examination in May 2020. The Hearing Sessions as part of that Examination will commence on 16 February 2021, and the Inspector’s Report on the Examination might be expected in mid-2021.

2.14 The TBP includes the following statements regarding Ashchurch at paragraphs 2.10 and 2.11:

“2.10. The Joint Core Strategy identifies a housing shortfall for Tewkesbury Borough against its requirements. As such the Joint Core Strategy commits to an immediate review of Tewkesbury Borough’s housing land supply to meet this. This review is to be focussed around the Tewkesbury town/Ashchurch area as the primary opportunity area for strategic scale growth. It is not the role of the Tewkesbury Borough Plan to meet the shortfall identified by the Joint Core Strategy, this is the subject to an immediate review of that plan to deal with this at a strategic scale. However, it is recognised that the Borough Plan could contribute towards meeting some of this housing need.

2.11. The Borough Council commissioned a consultant team to undertake masterplanning work for the Ashchurch area to inform the immediate review and identify sites for further housing and employment growth. The area has also been awarded Garden Town status by the Government and will help to unlock and delivery growth in this location. As this work is ongoing the Tewkesbury Borough Plan does not identify any allocations in the Ashchurch area so as to not prejudice the outcome of this masterplanning and Garden Town work.”

2.15 The TBP also contains a number of Borough-wide Policies and site-specific policy notations which affect Ashchurch Rural Parish, for example the designation of two Rural Business Centres, and which the ARNDP will need to take into account. None of these need to be recited in this Note.

2.16 The Tewkesbury Garden Town Proposal

Following the adoption of the JCS in 2017, TBC (as lead authority) has successfully proposed the development of a “*transformational garden town for Tewkesbury, focused on the development of the*

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Ashchurch area to the east. The project will deliver 10,195 new homes with 35% affordable housing and create 8,464 jobs with a new local centre by 2050.” The project is being taken forward by TBC in partnership with Homes England, Cheltenham Borough Council, Gloucester City Council, Gloucestershire County Council, and the Ministry of Defence (MoD)/Defence Infrastructure Organisation (DIO) (as a major landowner).

- 2.17 The TBC Bid document (dated November 2018) for the project is attached at Annex 2 and provides further information on the intended outcomes for the project. It may be noted that there is little content on community engagement within Ashchurch and no mention of the emerging ARNDP. The bid was approved by the Government in March 2019 with support funding of ca. £750,000 to take the project forward.

- 2.18 The Vision for the Garden Town is to:

“Reimagine Ashchurch as the 'modern' part of the historical Tewkesbury with a complete mix of housing options, expanded employment, transport improvements and a new centre located around the station and St. Nicholas Church. Ashchurch possesses the foundations to help deliver a vision for sustainable growth of the town, utilising the excellent transport links to the M5 and its prime location as a high-tech employment area, thereby encouraging people to live and work locally.”

- 2.19 Annex 3 to this Note comprises the Homes England Briefing Note (dated June 2019) for the project, including an illustrative masterplan. A key infrastructure requirement, a new bridge to replace a level crossing across the main railway Bristol-Birmingham line at Northway to provide improved access to the proposed Housing Zone, has been the subject of a successful Housing Infrastructure Fund (HIF) bid (£8.1 million) and a planning application for the new bridge was submitted in October 2020. It is understood that a contract has been placed for its construction.
- 2.20 There is now planning permission for over 1,000 new dwellings within the area of the proposed Garden Town. This includes planning permission granted on appeal by the Secretary of State for a residential development (up to 850 dwellings), a primary school, local centre (comprising up to 2,000 m² gross internal floor area) (A1, A2, A3, A4, A5 and D1 uses) with no single A1 comparison unit exceeding 500 m² gross internal floor area, supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities (including changing facilities and parking), demolition of existing buildings, new access to the A46(T) and Fiddington Lane (Application Ref: 17/00520/OUT).
- 2.21 In granting planning permission on 22nd January 2020, the Secretary of State noted that, *“Work has begun on an emerging Tewkesbury Local Plan. Since the close of the Inquiry into this*

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appeal, a pre-submission version of the plan was consulted on between October and November 2019, but it is yet to undergo Examination. The Secretary of State notes that the area was designated as a Neighbourhood Plan area in 2013, and that there was a Regulation 14 draft consultation in 2018. All parties agree that this should not be afforded any weight at this stage, and there is no 'made' Neighbourhood Plan covering the site."

- 2.22 A more recent Appeal decision at Gotherington dated 12 January 2021 (Application Ref.19/01071/OUT), by which planning permission was granted for up to 50 dwellings, included an assessment by the Inspector that the current 5 Year Housing Land Supply for TBC is only 1.82 years.
- 2.23 The landowner (Robert Hitchins) who owns the site where planning permission was granted on appeal in January 2020 is now progressing a planning application for 460 new dwellings on land to the south of that site.
- 2.24 Planning permissions exist for residential developments for over 200 new dwellings at three other sites along the A46 within the Parish.
- 2.25 There is significant pressure for further housing allocations within the emerging TBP and the JCS Review, and this pressure is reflected in the Hearing Statements made by various parties to the forthcoming Examination. Typical of this are the following submissions made by Gladman, a well-known land promoter:

"Disappointingly, the timetable for the preparation of the JCS has slipped and adoption is now not anticipated until late 2023. As stated previously, Gladman consider this date to be ambitious and delays in the eventual adoption are highly likely.

The shortfall in housing land in Tewkesbury is considerable and this needs to be addressed as a matter of urgency. Whilst it is recognised that the TBP does not allocate any strategic sites, the shortfall in housing land is of such magnitude that it needs to be addressed through strategic scale allocations in the JCS Review.

Therefore, there is an urgent need for progress to be made on the JCS Review to ensure that the shortfall in housing supply in Tewkesbury is addressed as expeditiously as possible. The Inspector's Report on the TBP therefore clearly needs to state that progress on the JCS Review must be made with some urgency so that Tewkesbury can provide for the full housing needs of the Borough as set out in the adopted JCS."

- 2.26 It will therefore be noted that the current planning context, as it affects the TBC area as a whole and Ashchurch in particular, is in significant flux at the present time. Whilst there has been progress on the emerging TBP and more limited progress on the emerging JCS Review, the proposed Tewkesbury Garden Town is still subject to

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significant advance consultancy work to support its proposals, and there remain substantial, unfunded infrastructure requirements to support its delivery including M5 junction improvements and A46 capacity improvements. The TBP may be adopted later in 2021 but the JCS Review is unlikely to be adopted until late-2023.

end

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15. The review of relevant Development Plan policies and emerging strategies above shows that many of the Development Plan policies are out of date and will shortly be replaced. Therefore, the review (below) of Development Plan policies will focus specifically on the JCS which is an up to date Development Plan document and the Emerging Local Plan which is currently in its local plan hearing and should be adopted at some point in 2021.
 16. The analysis below will not consider the saved policies from the Tewkesbury Local Plan nor the minerals and waste polices and plans since they are not of relevance for the purposes of the ARNDP.
 17. The **housing need requirement** was not provided as explained in the last page of the appendix Planning Policy Context.
 18. The conformity of the JSC is shown in **Table 3** .
 19. The conformity for the emerging local plan is shown in **Table 4**

Table 3: Joint Core Strategy 2011 – 2031 (2017)		
NDP Policy	JCS policy	Justification of conformity with JCS policy
S1: Site allocation at Fiddington	SP2, SD10	This policy help meet identified needs for additional housing under JCS SP2 by allocating land for housing and associated infrastructure.
T1: Modal shift for major development proposals	SD4 vii	This policy provides local detail for JCS SD4.
T2: Walking and cycling infrastructure	SD4 vii	This policy provides local detail for JCS SD4.
T3: Road safety for walking and cycling	SD4v, INF1	This policy seeks specifically to reduce conflicts between sustainable and motorised modes of transport. It gives local specificity to these JCS policies.
E1: Employment and traffic	SD4vii	This policy seeks to provide local guidance on how highway safety from commercial activities can be protected and conflicts reduced.
E2: Modification of existing B2, B8 and E Class uses	SD1	This policy allows for growth and expansion of existing businesses as well as small and medium sized enterprises and is therefore in conformity with this JCS policy.

C1: Community infrastructure	INF4	This policy sets out how INF4 should be interpreted in Ashchurch Rural parish.
C2: Broadband	INF6	This policy sets out a clear requirement for infrastructure to support online communications.
V1: Protection of the intrinsic value of the countryside	SD14 (2) vii	This policy seeks to protect the special characteristics of the countryside.
W1: Water management	SD3, INF2	This policy sets out how surface water should be managed to add detail to this policy as well as the TBC Flood and Water Management SPD (March 2018)
H2: Design of housing in the countryside and Claydon, Fiddington, Pamington and Walton Cardiff	DS4	This very flexible NDP policy gives advice on JCS policy on “context, character and sense of place” but will give way to a more strategic approach in the Review of the ARNDP that will take account of the Garden Town design principles.

Table 4: Tewkesbury Borough Local Plan 2011 – 2031 (tracked changes version 2020)		
NDP Policy Number	Emerging Local Plan policy	Justification of conformity with emerging Local Plan policy
S1: Site allocation at Fiddington	RES1, RES2	This NDP policy would under normal circumstances be contrary to these policies which do not make a strategic allocation in Ashchurch Rural parish nor is the parish within the settlement hierarchy. However, there is no up to date policy for the purposes of NPPF 11 because there is no 5 year housing land supply. For this reason, this site was allowed on appeal and has been allocated in this NDP.
T1: Modal shift for major development proposals	TRAC1, TRAC2	The NPD policy sets out how TRAC1 should be delivered in Ashchurch Rural parish. It provides the standards for TRAC2.
T2: Walking and cycling infrastructure	TRAC2	T2 provides additional standards for walking and cycling in support of this policy.
T3: Road safety for walking and cycling	TRAC 2	T3 provides local detail for TRAC2.
E1: Employment and traffic	TRAC6	E1 seeks to direct traffic towards the A46 which will be enhanced by TRAC6.
E2: Modification of existing B2, B8	EMP2, EMP3, EMP4,	These policies are aligned.

and E Class uses		
C1: Community infrastructure	COM1	The NDP policy provides an additional test to the emerging LP policy but there is not a conflict between them.
C2: Broadband	COM2	These policies are aligned and the NDP policy will be a “back up” policy since it is likely to be adopted before the LP policy.
V1: Protection of the intrinsic value of the countryside	RCN4	The NDP policy seeks to retain existing equestrian businesses which are important to local people and does not conflict with this LP policy which is aimed at new development.
W1: Water management	ENV2	The NDP policy is subservient to the emerging LP policy and functions as an interim policy whilst the LP proceeds to adoption.
H1: Housing in rural areas	RES3, RES4, RES10	The NDP policy and the LP policies allow for limited development in existing settlements and for existing residential buildings. The NDP policy adds local detail how this should occur in the parish.
H2: Design of housing in the countryside and Claydon, Fiddington, Pamington and Walton Cardiff	RES4, RES5, RES7, RES10	This NDP policy provides flexible advice on design in rural settlements and adds a level of local detail.

Does not breach and is otherwise compatible with EU Obligations

Strategic Environmental Assessment and Habitats Regulations Assessment (SEA Directive 2001/42/EC and Habitats Directive 92/43/EEC)

Screening

20. ARPC requested a SEA and HRA screening opinion from the planning authority in July 2020. This is copied in **Appendix 8 of the Consultation Statement**.
21. The SEA Screening opinion is attached as **Appendix 9 of the Consultation Statement**.
22. The opinion concluded:

Although consultation responses have not been received from Gloucestershire County Council with regard to highways, archaeology and flooding; following an analysis of the information presented and the fact that opinion is undivided, it is concluded that a SEA and HRA of the Ashchurch Rural Neighbourhood Plan are required. Although planning permission has been granted on appeal, and an Environmental Impact Assessment undertaken; there is an allocated site for major development and therefore there is a need to consider the strategic impacts of that site and the Plan; the other plan policies in relation to the approved site, and ultimately to consider the Plan as a whole. A HRA is considered necessary for the protection of the Cotswold Beechwoods Special Area of Conservation and migratory fish species who may be affected by the allocated site.

23. Accordingly, ARPC commissioned AECOM to prepare HRA and SEA reports.

HRA

24. The HRA was completed in December 2020 and is included in the background documents to the ARNDP. It concluded:

All potential impact pathways could be screened out during the test of likely significant effects. As such, there is no potential for likely significant effects on any European sites as a result of ARNDP policies and allocations. No Appropriate Assessment was required. There is no need for the ARNDP to include further policy and/or mitigation requirements to avoid impacts on the integrity of any European sites.

25. No changes were required to be made to the ARNDP as a result of this HRA Assessment.

SEA

26. The SEA was completed in March 2021 and is included in the background documents to the ARNDP. It concluded:

*8.1 No significant deviations from the baseline are anticipated in relation to the SEA themes of biodiversity and land, soil and water resources. As a result, **broadly neutral effects** are concluded for these themes. This largely reflects the fact that the ARNDP does not propose further development over and above that which is already committed (with the Land at Fiddington having recently gained planning permission).*

*8.2 **Minor positive effects** are considered likely overall in relation to the remaining themes of climate change, landscape, historic environment, population and communities, health and wellbeing and transport. This reflects the additional policy provisions in the ARNDP which seek to; extend and enhance green infrastructure provision, protect the rural character of the plan area, increase accessibility, promote modal shift and support key rural transport infrastructure, increase road safety, and maximise the opportunities associated with the strategic growth anticipated through the emerging JCS Review (such as new infrastructure provision).*

*8.3 Furthermore, the ARNDP allows for ongoing investigation into the overall level and location of future growth in Ashchurch, while also providing a solid framework of policies which identify localised priorities in terms of transport, community facilities and design, and an evidenced localised vision for future development. In this respect the flexibility in the ARNDP in responding to the ongoing strategic scale work is considered for its potential to **support positive cumulative effects**.*

Repeat of Regulation 14 Consultation following receipt of SEA and HRA reports

27. Mr Stebbing, as part of his recommendations to facilitate the ARNDP, suggested that Regulation 14 consultation should be repeated to account for the changes that would be introduced through the SEA and HRA processes. However, neither SEA nor HRA reports recommended any changes to the ARNDP.

28. The ARNDP Regulation 14 draft (May 2021) only contains amendments relating to the 2020 Regulation 14 consultation responses and the Health Check, as described in the Consultation Statement.

29. SEA is an iterative process. The ARNP was reconsulted under Regulation 14 so that consultees have an opportunity to consult upon the findings of the SEA and HRA. The second Regulation 14 consultation ran from 10 May to 21 June 2021 and is described fully in the Consultation Statement.

Human Rights Legislation

30. The Neighbourhood NDP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning in the context of human rights are: protection of property, right to respect for private and family life and prohibition of discrimination. The NDP complies with the requirements of the Human Rights Act 1998. All reasonable attempts were made to ensure that all Ashchurch Rural Parish residents and all relevant stakeholders were given the opportunity to contribute to and comment upon the ARNDP.

Appendix 1

DECISION NOTICE

COMMITTEE: Executive
DATE: Wednesday, 8 January 2014
DATE NOTICE PUBLISHED: Monday, 13 January 2014
CALL-IN PERIOD TO EXPIRE ON: Midnight on Monday, 20 January 2014

In accordance with Scrutiny Procedure Rule 14 the following decisions are subject to the 5 working days call-in period unless stated otherwise. Decisions which are "called in" will be dealt with in accordance with the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution. Decisions which are not "called in" under the Scrutiny Procedure Rules will be incorporated within the Minutes and will be subject to approval at the next ordinary meeting of the Committee.

Officer Key: CE - Chief Executive
 DCE - Deputy Chief Executive
 BS - Borough Solicitor

ITEM 6	SIX MONTH FORWARD PLAN	ACTION
	RESOLVED: That the Committee's Six Month Forward Plan be NOTED .	
	Subject to call-in period - No - Item to Note.	

ITEM 7	MEDIUM TERM FINANCIAL STRATEGY	ACTION
	RESOLVED: That it be RECOMMENDED TO COUNCIL that the Medium Term Financial Strategy 2014/15-2018/19 be ADOPTED .	DCE
	Subject to call-in period - No - Recommendation to Council.	

ITEM 8	REVIEW OF DISCRETIONARY RATE RELIEF POLICY	ACTION
	RESOLVED: That the revised Discretionary Rate Relief Policy be APPROVED .	DCE
	Subject to call-in period - Yes - No action to be taken prior to the expiry of the call-in period.	

ITEM 9	ALLOCATIONS PROCEDURE AND SELECTION TO POSTS PROCESS	ACTION
	<p>RESOLVED: That the Allocations Procedure and Selection to Posts Process be APPROVED effective from 1 February 2014.</p> <p>Subject to call-in period - Yes - No action to be taken prior to the expiry of the call-in period.</p>	CE

ITEM 10	DISCIPLINARY PROCEDURE	ACTION
	<p>RESOLVED: That the revised Disciplinary Procedure be APPROVED effective from 1 February 2014.</p> <p>Subject to call-in period - Yes - No action to be taken prior to the expiry of the call-in period.</p>	CE

ITEM 11	DESIGNATION OF NEIGHBOURHOOD PLAN AREAS FOR ALDERTON PARISH, ASHCHURCH RURAL PARISH, HIGHNAM PARISH AND TWYNING PARISH	ACTION
	<p>RESOLVED: That the designation of neighbourhood plan areas covering Alderton Parish; Ashchurch Rural Parish; Highnam Parish; and Twynning Parish be APPROVED.</p> <p>Subject to call-in period - Yes - No action to be taken prior to the expiry of the call-in period.</p>	DCE

Appendix 2

