

EXAMINER'S REPORT

DOWN HATHERLEY, NORTON AND
TWIGWORTH

NEIGHBOURHOOD DEVELOPMENT PLAN

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ABBREVIATIONS and ACRONYMS

The following are acronyms and abbreviations used in this examination:

Core Strategy- Joint Core Strategy, Gloucester Cheltenham and Tewkesbury 2011-2031, adopted December 2017.

HRA - Habitats Regulation Assessment.

Local Plan - Tewkesbury Borough Local Plan to 2011, Saved Policies

NPPF - National Planning Policy Framework.

NPPG - National Planning Policy Guidance.

SEA - Strategic Environmental Assessment.

The Council - Tewkesbury Borough Council.

The Parishes - the three Parish Councils responsible for preparation of this Plan.

The Plan - the Neighbourhood Development Plan under examination.

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the three Parish Councils representing the area in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. I have been appointed by Tewkesbury Borough Council (the Council) in consultation with the NF to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

4. I confirm that I am independent of the Parishes and the Council and have no interest in any land, which is affected by the Neighbourhood Development Plan (the Plan).

5. This report is the outcome of my examination of the submitted version of the Plan.

6. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Authority as the Local Planning Authority.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted for the examination

The Down Hatherley, Norton and Twigworth Draft Neighbourhood Plan 2011-2031.
Basic Conditions Statement.
Regulation 14 Consultation Statement.
Regulation 16 Consultation Statement Summary Response Report and all the individual responses.

Revised Draft Screening Statement for the
Down Hatherley, Norton and Twigworth Neighbourhood Plan 25th August 2017.

10 documents titled “Supplementary Information” and referenced
NDPS1 Supporting paragraphs 1-10 and the Basic Conditions Statement,
NDPS2 Supporting paragraphs 11-13,
NDPS3 Landscape
NDPS4 Transport
NDPS5 Flooding
NDPS6 Employment Stats
NDPS7 Extract from the Minutes of Norton PC
NDPS8 Notes from NDP workshops
NDPS9 Expert Evidence –Transport, Landscape and Flood
NDSP10 The argument on the flooding at Twigworth

Local and National Policies and relevant evidence:

National Planning Policy Framework (NPPF)¹; National Planning Policy Guidance (NPPG).
Joint Core Strategy, Gloucester Cheltenham and Tewkesbury 2011-2031, adopted December 2017.
Tewkesbury Borough Local Plan to 2011 Saved Policies.
Tewkesbury Borough Plan Draft Policies and Site Options, February 2015
Tewkesbury Borough Plan 2011-2031, Background Paper, Approach to Rural Sites. February 2015

Other Documents

Documents associated with the planning application_15/01149/OUT I A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space,

¹ The relevant version for this Plan is the NPPF, March 2012.

landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road. I Land At Tewkesbury Road Twigworth.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and if the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.

11. I visited the Plan area on the 31/8/18 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the Plan complies with the following procedural matters²:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13. The Plan had been prepared and submitted by a qualifying body, consisting of the three parish councils of Down Hatherley, Norton and Twigworth. It relates to an area designated as a neighbourhood area by Tewkesbury Borough Council following submission of an application on the 10/6/2013.

14. The Plan sets out policies in relation to the development and use of land and does not refer to “exclude” development. It specifies the period for which it has effect (2011-2031). It does not relate to more than one neighbourhood area.

² Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

CONSULTATION

15. The Steering Group has communicated the progress of the Plan with the local community in a variety of methods from 2013. This has included newsletters hand-delivered and emailed, the parish newsletter "Norton News", Facebook, community events including information displays and workshops. There have been opportunities for the public to give feedback to steering group members at drop-in sessions and events such as the 2014 Norton and Leigh Horticultural Show, the 2014 Down Hatherley Harvest Supper, a number of briefings from 2013-2015 and workshops on topics such as introductory briefing, transport, flood protection, built environment, heritage, community facilities and landscape.

16. The Parishes have submitted a Consultation Statement explaining the formal 6-week consultation³ carried out from 3/11/17 to 15/12/17. This explains the manner in which the Plan was publicised, a summary of the representations and how these were taken into account in the further drafting of the Plan.

17. Letters announcing the consultation were sent to all residents in the Plan area and a series of events were held in each of the Parishes. Consultation response was available by the web site and hard copies of the Plan were made available.

18. Forty-nine responses were received from local people.

19. The Consultation Statement also lists all the organisations that were consulted and summarises their responses.

20. I am satisfied that the "Consultation Statement", demonstrates a good level of consultation, which has targeted all sections of the community and allowed technical consultees and developers to be effectively involved in the emerging Plan.

BASIC CONDITIONS

21. It is necessary to decide whether the Neighbourhood Development Plan meets the "basic conditions" specified in the Act.⁴ This element of the examination relates to the contents of the Plan.

22. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,

³ carried out under regulation 14 of the Neighbourhood Planning (General) regulations 2012

⁴ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

23. The Parishes have submitted a "Basic Conditions Statement", to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

24. The Parishes submit in the Basic Conditions Statement that the Plan complies with NPPF core policies, which ensure the Plan promotes sustainable development. The NPPF establishes that the three components of sustainability are economic, social and environmental and that these underpin all planning policy.

25. In paragraph 7 of the Basic Conditions Statement there is a table, which itemizes the manner in which various policies the Plan meets the components of sustainable development as referred to in the guidance in the NPPF.

26. The Plan seeks to foster the local economy in policy EMP 1 by supporting small-scale development, especially on brownfield sites.

27. In the social respect, the Plan's housing policies H1 and H2 seek to provide a range of housing to meet local needs and policy H4 responds to the requirement for affordable housing. The Plan supports the sustainable housing growth strategy identified in the Core Strategy and emerging Local Plan.

28. In its environmental role the Plan contains policies H1 and H2, which encourage housing to be locally distinctive and respect local character. Policy FP1 echoes national and local policy and responds to the flooding issue in the locality. Policies E1 to E6 seek to protect the landscape, minimise the loss of productive land, protect the natural environment and preserve the historic environment.

29. I am satisfied that the Plan contributes to sustainable development as defined by the NPPF.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

30. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the

Strategic Environmental Assessment Directive⁵ and the Habitats and Wild Birds Directives⁶. These require that consideration should be given to the need for a Strategic Environmental Assessment to assess any significant environmental impacts and /or an appropriate Habitats Regulations Assessment to assess any impact on a site/habitat recognised as protected under European legislation⁷. A neighbourhood plan should also take account of the requirements to consider human rights.

31.The Council made a Strategic Environmental Assessment (SEA) Screening Determination. This was carried out in relation to the criteria recommended in the European Directive. It is concluded that an SEA of the emerging Neighbourhood Plan is not required. This was mainly on the basis that the Plan does not propose any significant development more than that proposed in the Core Strategy which was the subject of an SEA. The Plan does not allocate significant extra development than identified in strategic development plans. It is concluded there is no requirement for an SEA.

32.The Council also provided a screening opinion regarding the need for a Habitats Regulation Assessment (HRA). The County Ecologist advised that the only European designated sites that need consideration would be the Cotswold Beachwood's, Wye Valley and Forest of Dean SAC, Walmore Common (SPA and Ramsar) and the Severn Estuary European Marine Site (SAC/SPA and Ramsar) This considers impact on 12 protected habitat sites within a 75-kilometre radius of the Plan area and notes that an HRA was carried out in relation to the Solihull Local Plan 2013, which concluded there were no significant impacts. It is concluded there are unlikely to be any significant impacts from policies proposed in this Plan and an HRA is not required.

33.I note that the statutory consultees, Natural England, Historic England and the Environment Agency were consulted at two relevant stages in the process and were made aware of the changes to the settlement boundaries and the removal of some site allocations. None of these bodies raised an objection to these screening opinions.

34.I am content that neither an SEA nor an HRA is required.

35.I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a "fair hearing" I consider the consultation process has been effective and proportionate in it's efforts to reach out to different groups potentially affected. Consultation

⁵ Article 3(5) of Directive 2001/42/EC

⁶ European Directives 92/43/EEC and 2007/147/EC transposed into the Conservation of Habitats and Species Regulations 2010.

⁷ Often referred to as Natura 2000 sites and include Ramsar sites - wetlands of international importance, Special Areas of Protection (SAP) - providing protection to bird habitats and Special Areas of conservation (SAC) - protect a variety of plants animals and habitats.

responses have been taken into account in a satisfactory manner during the processing of the plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

36. The Parishes state in their evidence NDSP1 that the Plan takes into account national planning policies and guidance in the NPPF and is in general conformity with local strategic planning policies.

37. NDSP2 states the Plan takes into account the “core planning principles” in the NPPF but does not provide any analysis of how the Plan incorporates national guidance. However, I consider generally the Plan makes appropriate reference to national guidance apart from the cases where I have recommended Plan modifications referred to below.

38. NDSP2 provides more detail to demonstrate the Plan is in general conformity with strategic policies in the Core Strategy and “saved policies” in the adopted Tewkesbury Borough Local Plan (to 2011). The emerging Plan is not yet at a stage where it has to be regarded although evidence produced in connection with it can be used to inform policies as explained in national planning policy guidance (NPPG).⁸

39. NDSP2 highlights two pertinent saved Local Plan policies; LND3, which defines policies for the Landscape Protection Zone, and GRB1, which establishes green belt policies relating to large areas of the Plan. I agree that the Plan is firmly in support of these policies.

40. I consider further that the Plan is in general conformity with the Core Strategy and in particular supports the settlement strategy in Core Strategy policy SP2.

41. I am satisfied that the Plan is in general conformity with strategic policies subject to my modifications below which refer to certain matters of detail.

RECOMMENDATIONS IN RELATION TO BASIC CONDITIONS

General Matters

42. I have made recommendations below, which will allow the plan to conform to “basic conditions”. Where I am suggesting modifications I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction.

43. I have taken into account all aspects of the representations received during the Plan process. In some cases these do not require specific reference or highlight of

⁸ Paragraph: 043 Reference ID: 41-043-20140306

particular issues as they do not in my view effectively raise a concern that the Plan does not conform to basic conditions.

44. In some cases due to the specific and detailed nature of a particular representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of a representation by name.

41. I have explained my recommendations in accordance with the order of the titles on the Plan and expressed them in bold type at the end of the various sections

42. There is a significant underpinning aspect to the report in that the saved policies from the Local Plan i.e. Tewkesbury Borough Plan (to 2011) and the Core Strategy are the current strategic plans that have to be the point of reference in relation to compliance with basic conditions. The emerging Draft Local Plan cannot be considered although evidence it has brought forward may be relevant and merit consideration. This is in accordance with the National Planning Policy Guidance (NPPG)⁹ that states the local planning authorities should share evidence.

43. In a number of cases the proposed draft policies repeat whole or parts of adopted policies or are not suitable as planning policies because they refer to matters outside of planning control. I have recommended these be deleted as policies but in some cases can be retained as community actions or aspirations for the Parishes to pursue with the relevant agencies. In some cases the text can be retained but needs to be clearly distinguishable as a community action and not a policy.

44. The community action points are set out clearly separate from the planning policies and are therefore acceptable. I have not commented in detail on these action points, which are the prerogative of the Parishes.

The NDP Landscape Policies

Policy E1: Landscape Protection Zone,

45. This policy largely repeats the saved Local Plan policy LND3 regarding the Landscape Protection Zone apart from adding that the only development that is acceptable is that relating to existing dwellings. This is not in accordance with saved policy that does allow other forms of development subject to adequate landscape protection.

46. This policy therefore contravenes basic conditions and is not acceptable.

⁹ Paragraph: 043 Reference ID: 41-043-20140306

47. The policy would have more clarity and relevance if it utilised the survey work done by Toby Jones Associates illustrated in the submitted “Supplementary Information NDSP3-Landscape.” This lists various landscape attributes valued by the community which could be referenced in a criteria based policy as notable and to be taken into account in the assessment of development proposals.

48. During my site visit I observed the various landscape attributes referred to in the report and would concur with the view that they all merit specific protection.

RECOMMENDATION 2

**Alter Policy E1 as follows;
“Policy E1 Landscape Protection Zone**

Development in the Landscape Protection Zone (LPZ) must comply with Local Plan policy LND3 of the Tewkesbury Borough Local Plan to 2011 (or any subsequent alternative policy relating to the LPZ). The need to protect the landscape character in the LPZ in general will be taken into account in the consideration of development proposals. The following key landscape features and views have been identified as some of the important elements for protection from harm from intrusive development:

- **The wooded hillside of Sandhurst and Norton Hill, which frames the view west from the village of Norton.**
- **The Green core village area in Norton, which retains an integrity as an unspoilt residential cluster with surrounding green space, in the settlement of Bishop’s Norton.**
- **Riverside meadows, which are characteristic element of the Severn Vale and provide an important function in the flood plain.**
- **Field boundary hedges providing an important landscape feature and a functional part of the agricultural landscape.**
- **Traditional and restored orchards, which help conserve old fruit varieties, and retain a characteristic part of the landscape’s vintage.**
- **Direct view to Gloucester Cathedral at the A38 southerly junction with Norton. This is an important part of Norton’s context, keeping a reference to the distant landmark of the Cathedral.**
- **Views from Sandhurst Hill and Wainlode Hill provide a sense of elevation with panoramic views, including directly onto the River Severn and Vale, and beyond to the Forest of Dean and Wales.**
- **Open views east to the elevated St Mary’s Church at Prior’s Norton, known as the disappearing church due to the changing perspective when driving north along the A38.**

Add the following sentence at the end of paragraph 17:

“This policy states that development will only be supported where it does not impact on the ecology, water environment or landscape quality of the

Landscape Protection Zone. There are a number of important landscape features and viewpoints, which have been identified in this Plan as requiring particular protection in the consideration of development proposals.”

Policy E2: Landscape Protection in open countryside,

49. This policy adds to the Core Strategy policy (SD6) requiring protection of the landscape and encouraging nature conservation (SD9). Saved Local Plan policies also protect general rural areas (LND4) the green belt (GRB 1), encourage nature conservation (NCN1-7) and protection of the water environment (EVT 6 and 7). The effective addition in the proposed policy is the reference to protection of public viewpoints identified on maps M2 and M4.

50. Again, I consider the policy would have more clarity and justification if it utilised the survey work done by Toby Jones Associates illustrated in the submitted “Supplementary Information NDSP3-Landscape.” This lists various landscape attributes valued by the community and explains their value.

RECOMMENDATION 3

Alter Policy E2 as follows;

“ Development in the open countryside, outside of settlements shall be in accordance with strategic development plan policies in the Joint Core Strategy, saved Local Plan and any subsequent relevant development plan policies, relating to the protection of the visual amenities in the landscape, ecology and water environment. The following vistas and landscape features have been identified as some of the important elements for protection from harm from intrusive development:

- **Views as identified on Maps 2 and 4.**
- **The enclosed tree-lined drive to Wallsworth Hall.**
- **The openness of parts of the Twigworth A38 corridor allowing an appreciation of the Vale landscape and Twigworth’s context in the Vale.**
- **Field boundary hedges throughout the terrain of the three parishes.**
- **Traditional and restored orchards.**
- **St Mary’s Church and its Glebe field setting.**
- **Open green spaces between the built component of dispersed settlement pattern help keep a sense of undeveloped and rural character.**
- **Ridge and furrow is prominent in certain agricultural fields adjacent to Down Hatherley Lane and Frog Furlong Lane, allowing this historic landscape feature to be appreciated.**
- **Field boundary hedges throughout the terrain of the three parishes, providing an important landscape feature and a functional part of the agricultural landscape.**

**Add a further paragraph after paragraph 17 in the supporting text as follows;
“ The Joint Core Strategy and saved Local Plan include further policies to protect the landscape , ecology and water environment in the open countryside. The consultation on this Plan has identified some particular features and vistas which are valued by the community and where particular care will be taken to prevent harm from intrusive development.”**

Policy E3: Landscape and new developments

51.This policy seeks to ensure that in considering new development it is important to protect trees and other landscape features. There is Core Strategy policy SD6 and are saved local plan policies LND 7, 8 and 9 that protect these features and ensure appropriate landscaping schemes . There is no need for this to be repeated in this Plan.

52.The reference to trees removed prior to planning applications and the need to provide replacement planting is not easily implemented, as there will inevitably be doubt as to the extent of trees felled previously. I do not consider this can be incorporated into the policy.

53.The need to incorporate native species in planting proposals is supportive of nature conservation policies and a local supplement to strategic development plan policies. However, the reference to important public views is vague and difficult to interpret with the clarity required and recommended in the NPPG.¹⁰

54.The reference to the open character of the A38 is again a vague concept which is difficult to interpret.

RECOMMENDATION 4

**Delete Policy E3 and replace with the following policy;
“ New planting of trees and hedgerows shall incorporate a majority of native species”**

Add a new paragraph after paragraph 17 as follows;

“It is important that new landscaping adds to biodiversity and is consistent with the local ecosystem. This can be aided by incorporating landscaping containing native species.”

Policy E4: Minimise loss of productive land

55.The policy is rather unclear as it merely states it will encourage development on brownfield land and implies that this is preferred to development on good quality

¹⁰ Paragraph: 041 Reference ID: 41-041-20140306

agricultural land. The Plan does not map the areas of valued agricultural land. I do not consider the policy is clear enough to be effectively implemented.

56.The protection of good quality agricultural land is already established by Core Strategy policy SD14.

57.The conversion of historic farm buildings is not directly relevant to the “loss of productive land” and effectively covered in saved Local Plan policy HOU4.

RECOMMENDATION 5

Delete policy E4.

POLICY E5: Preserving the Historic Environment

58.The policy does not relate to the title of the section as it relates to the built rather than natural environment.

59.The policy does not add anything to the existing national guidance in the NPPF, Core Strategy policy SD8 and saved Local Plan policies HEN1-24, which establish a presumption in favour of preserving the historic environment and particular assets.

60.The policy refers randomly to two non-designated heritage assets and there has not been a comprehensive survey of these, which could imply that other potential non-designated assets have reduced status. The policy is therefore lacking in sufficient evidence and potentially confusing.

61.The policy should be deleted but it is appropriate to cross–refer to the statutory policies requiring protection of the historic environment.

RECOMMENDATION 6

Delete policy E5.

**Establish a new section titled “Preserving the Historic Environment”
Add the following paragraph under the title:**

“ The local environment is an important historic environment containing a wealth of designated and non-designated heritage assets. A strong framework of national guidance in the NPPF and local development policies protects this environment. ”

Policy E6: Building with Nature

62.The “Building for Nature” scheme aims to promote good practice in the protection and development of green infrastructure. It is a particular scheme that developers can enter into with the Gloucestershire Wildlife Trust.

63. It is not possible to require developers to enter into the scheme via a planning policy. However, it is appropriate for the Parish Council to have a community action point seeking working with developers and the Wildlife Trust to promote the scheme.

64. Development proposals and landscaping schemes including maintenance regimes can be covered by conditions on planning permissions.

RECOMMENDATION 7

Delete Policy E6 and consider including as a community action point to promote “Building for Nature” standards.

Housing Development

65. The Plan sets out a strategy, which it states is based on the principles of sustainable development. The level of housing development is founded on the Core Strategy policy SP2 whereby Tewkesbury Council is committed to fulfilling the objectively assessed housing need from Tewkesbury and a proportionate share of the need from Cheltenham and Gloucester. The policy establishes a strategy and settlement hierarchy, which serves to direct levels of development. The evidence¹¹ prepared for the emerging Tewkesbury Borough Local Plan disaggregates the share of housing across the Council area.

66. The Plan establishes policies for the three parishes based on the role of the villages in the settlement hierarchy. The strategic planning policy background is explained in the section titled “The case”.

67. I share the concerns of the Pegasus Group that there is insufficient reference to the strategic allocation in the Core Strategy policy A1 for a significant urban extension at Innsworth and Twigworth. Similarly, there should be reference to policy SD5, which removes adjacent land from the green belt to create a “Safeguarded Area” allowing an option for development in a future review of the Core Strategy.

68. Furthermore there should be reference to the grant of planning permission ref: 15/01149/OUT for the 725 dwellings, primary school, community facilities and associated infrastructure.

69. I do not however accept the point made by the Pegasus Group that the policies of this Plan cannot apply to the strategic allocation or the consideration of the reserve matters (details) pursuant to the Outline planning permission, referred to above. Clearly any planning decisions relating to the Strategic Allocation have to comply with strategic development policies of which this Plan will be a part. This Plan’s

¹¹ Tewkesbury Borough Plan 2011-2031, Background Paper, Approach to Rural Sites, February 2015

policies can be applied to the consideration of reserved matters but any planning conditions on the outline permission will take precedence in any decision-making.

RECOMMENDATION 8

Insert a new paragraph after paragraph 24 as follows;

“ 25. Core Strategy policy A1 provides for a significant urban extension at Innsworth and Twigworth. Outline planning permission ref; 15/01149/OUT for the 725 dwellings, primary school, community facilities and associated infrastructure was granted in December 2017 on part of this area. Furthermore Core Strategy policy SD5 removes an adjacent area of land from the green belt to create a “Safeguarded Area” allowing an option for development in a future review of the Core Strategy. These areas are shown on Map M3.

Norton

70. The indicative level of development for Norton is 13 dwellings based on work done in connection with the emerging Local Plan and contained in the Tewkesbury Borough Plan 2011-2031, Background Paper, Approach to Rural Sites, February 2015. However, since this figure was determined there have been planning permissions granted for 52 dwellings. The village is identified in the Core Strategy as a rural service village where some development is required. The policy for this village is based on a settlement boundary defined on Map M1. This is based on a number of criteria including the extant planning permissions, maintaining landscape character and the level of growth anticipated and the acceptable proportion in relation to the size of the village and its function.

71. I am satisfied that this approach in Norton is in conformity with the strategic policies in the Core Strategy and saved Local Plan. The policy effectively allows more development than indicated in the evidence prepared for the emerging Local Plan. The Council is content with this approach and national guidance emphasise that neighbourhood plans can allocate more development than specified in strategic policies provided that it represents sustainable development.

72. However, the settlement boundary as drawn on Map M1 does not include some of the extant residential permissions and the land specified as a site for the extension of the primary school under planning obligations relating to a residential permission. I agree with the Council that this should be corrected in order to give the necessary clarity to the role of the settlement boundary in determining the location of future development. The map should also contain a key to explain the coloured notations.

73. Policy H1 establishes criteria, which will be applied to development in Norton. A number of these criteria require modification for the following reasons.

74.The opening sentence needs to emphasise that the criteria relate to housing development and that the list is not exclusive.

75. The importance of the settlement boundary should be emphasized as the first criterion rather than the tenth. In the interests of clarity there should be reference to the strategic policies that will apply in the Parish outside of the settlement boundary and reference to this in the supporting text. The statement in criteria x that only housing to support a small business is the only type of housing which can be treated as an exception outside the settlement is wrong and contrary to national green belt policy and the rural area policies in the Core Strategy and Local Plan. It is unnecessary to refer to replacement dwellings, domestic extensions and repair and refurbishment in the context of this policy which is concerned with new housing development. This type of development is covered by saved Local Plan policy HOU6 “Refurbishment of Existing Dwellings”.

76.Criterion ii. specifies a “range of house types” should be provided which is too vague for a policy. Core Strategy policy SD11 “Housing Mix and Standards” effectively deals with this issue requiring a range of housing types in accordance with the latest Strategic Housing Needs Assessment. This criteria should be deleted.

77.Criterion iii. Does not add to the requirements of this Plan’s Landscape Policies and is therefore unnecessary.

78.Criterion v. is a partial repeat of the requirements in the NPPF and Core Strategy policy INF 6 relating to infrastructure provision. It should be deleted as it creates confusion.

79.Criterion vi. is a partial repeat of the complex requirements in the NPPF and Core Strategy policy INF 2 relating to flood protection. It should be deleted as it creates confusion.

80.Criterion ix should include reference to the Council’s Core Strategy policy SD4 ‘Design Requirements’ which requires parking guidance in the “Gloucestershire Manual for Streets’ be taken into account. The use of the term “suitable” is too vague.

81.The remainder of the criteria are acceptable and do not partially repeat other policies but rather emphasise other policy requirements in a general manner

RECOMMENDATION 9

On Map M1adjust the settlement boundary to include sites 4 and 9. Add a key to all the maps(1,2,3 and 4) explaining the coloured notations.

Policy H1

Alter the opening sentence to the policy as follows;

“The following are criteria which will be applied in the consideration of planning applications for housing development in Norton parish. Other criteria and policies may also be relevant including policies in this Plan, the Joint Core Strategy and the Local Plan.

The application:”

Delete criterion x and include the following replacement criterion but numbered as i.

“I Development should be within the village settlement boundary as defined on Map M1. Outside of the settlement boundary development will only be allowed as an exception if it conforms to policies in the Core Strategy or Local Plan.

In the supporting text after paragraph 35 as follows:

“ The Core Strategy and Local Plan allow certain housing development as an exception in the open rural area including green belt beyond the settlement boundary. This includes some building conversions, development necessary to support agricultural or other essential rural activities and affordable housing to meet local needs.”

Delete criterion ii, iii,v and vi.

Alter criterion ix. as follows;

“ix. It includes safe vehicular access and appropriate parking taking into account guidance in the ‘Gloucestershire Manual for Streets’ or similar document to serve the needs. Expansive unbroken areas of hard surface should be avoided where possible.”

In paragraph 41 remove “ with the exception of those qualifying under criterion x’.

Twigworth

82.The village is the subject of a strategic allocation of land under policy A1 of the Core Strategy relating to land immediately to the south of the village. This is a mixed-use allocation including 2295 homes and 9 hectares of employment land.

The village was initially designated a rural service centre in the draft Core Strategy but this was removed in January 2017 and in the adopted Core Strategy it is part of the wider countryside where only limited development is acceptable.

83.A settlement boundary is proposed around the village to the north of A38 and the strategic allocation is recognised on Map M3. As a matter of detail certain corrections are needed to the Maps M3 and M4 to properly represent the Core Strategy proposals map regarding the strategic allocation and Safeguarded Area.

84.Policy H2 establishes the criteria, which will be taken into account in the consideration of housing proposals in Twigworth. This allows housing development

within the settlement boundary and immediately adjacent to it when it is a logical extension of the built form and is not a harmful encroachment into the countryside. The aim of this policy is to allow a restricted amount of development on a flexible basis but in locations, which minimise the encroachment of the village into the open countryside.

85.The principles established in policy H2 are acceptable as this development strategy for the village is in general conformity with the Core Strategy and saved Local Plan policies.

86.There are, however, a number of modifications required to the policy mainly to establish greater clarity as to the manner in which development proposals will be considered. Some of these modifications are similar to those referred to in relation policy H1.

87.The opening sentence needs to emphasise that the criteria relate to housing development and that the list is not exclusive.

88.Criterion iii. specifies a “range of house types” should be provided which is too vague for a policy. Core Strategy policy SD11 “Housing Mix and Standards” effectively deals with this issue requiring a range of housing types in accordance with the latest Strategic Housing Needs Assessment. This criteria should be deleted.

89.Criterion iv. Does not add to the requirements of this Plan’s Landscape Policies and is therefore unnecessary.

90.Criteria v. and vi. are a partial repeat of the requirements in the NPPF and Core Strategy policy INF 6 and INF 2 relating to infrastructure provision. These should be deleted as they create confusion.

91.Criterion viii. should include reference to the Council’s Core Strategy policy SD4 ‘Design Requirements’ which requires parking guidance in the “Gloucestershire Manual for Streets’ be taken into account. The use of the term “suitable” is too vague.

92.The reference in criterion ix to the acceptance of development that does not have a ‘severe’ impact is vague. A more precise form of words is required.

93.The remainder of the criteria are acceptable and do not partially repeat other policies but rather emphasise other policy requirements in a general manner

RECOMMENDATION 10

Alter maps M3 and M4 to properly represent the Core Strategy Strategic Allocation and Safeguarded Area as depicted on the Core Strategy Proposals Map. The Strategic Allocation should include the existing development up to

the A38 boundary including the Nursery, Yew Tree Farm, Orchard Park Caravan site, the Court Cottages and The Hawthorns as confirmed by the Council in its Regulation 16 consultation response. The extent of the map should be altered to include the full areas of these allocations.

Alter the opening sentence to the policy as follows;

“The following are criteria which will be applied in the consideration of planning applications for housing development in Twigworth parish. Other criteria and policies may also be relevant including policies in this Plan, the Joint Core Strategy and the Local Plan.

The application: ”

Delete criteria iii, iv, v and vi.

Alter criterion viii. as follows;

“ix. It includes a safe vehicular access and appropriate parking taking into account guidance in the ‘Gloucestershire Manual for Streets’ or similar document to serve the needs. Expansive unbroken areas of hard surface should be avoided where possible.”

In criterion ix replace “severe” with “harmful to traffic safety”

Down Hatherley

94. There is no growth planned for Down Hatherley and the Plan correctly refers to existing national development plan policies i.e. Core Strategy and saved Local Plan policies.

Representations on Housing Policies

95. The regulation 16 stage final consultation on the draft Plan provoked some responses which merit consideration in this report.

96. Gladman Developments Ltd. suggest that the use of a settlement boundary approach in Twigworth in particular precludes sustainable development and the ability to meet the housing demand in the area. I consider the approach in the Plan as a whole is in conformity with the development strategy in the Core Strategy and allows for development at levels indicated in the relevant evidence¹² in the emerging Local Plan. The level allowed in Norton is above that specified in this evidence and the policy H2 relating to Twigworth has adequate flexibility to accommodate a level of development appropriate for the settlement, which is not identified for growth in the Core Strategy.

¹² Tewkesbury Borough Plan 2011-2031, Background Paper, Approach to Rural Sites, February 2015

97. Gladman Developments Ltd. has further requested the Parishes show support for their land interest as a potential housing site. This request is irrelevant as the land is part of the strategic allocation in the Core Strategy, which is recognised in this Plan.

98. Harrislamb on behalf of CB Collier have made representations on behalf of the owner of a site to the north of the old Tewkesbury Road in Norton, immediately adjacent to the proposed settlement boundary. They assert that this is sustainable development and that given there is a general need to boost housing supply and plans can promote more than the identified housing need, the site should be allocated for development. It is further submitted that the evidence used to determine the housing supply and apportion to settlements is not based on adopted plan and is out of date.

99. I do not accept that the evidence to apportion housing to settlements is out of date. There have been no identified significant changes since it was produced and the Council has not objected to its validity. The possibility that the emerging Local Plan may generate new evidence is not a reason to reject that currently available. Furthermore, although the proposed site is adjacent to the settlement and may be considered as sustainable, there is a need to Plan properly and the establishment of the settlement boundary has been done in a considered and rational manner. This represents appropriate strategic planning for the rural area.

100. In a similar manner SF Planning are promoting a site at Cold Elm immediately adjacent to the primary school. It is submitted that the Plan ignores the need to review the housing supply identified at the Core Strategy examination and required under policy REV 1 in the Core Strategy. I have not been made aware the review has been completed and consider the evidence used for housing supply as stated above is satisfactory.

101. The criteria used to define the settlement boundary are satisfactory and the fact that the Cold Elm was once considered suitable for development is not relevant in the context of this Plan, as submitted. I note that the site could be regarded as extending ribbon development, which is contrary to the criteria identified by the Parishes for defining the settlement boundary

102. There is no evidence at this stage to suggest that the school requires further land than that reserved for expansion as part of the Bayhill development (Council ref: 16/01172/FUL).

Policy H3 Residential extensions and outbuildings

103. This policy does not add anything to saved Local Plan policy HOU8 "Domestic Extensions".

104. The reference to the need to protect "public views" from adjoining properties is too vague and beyond the remit of planning considerations.

105.This policy should be deleted.

RECOMMENDATION 11

Delete Policy H3.

Policy H4: Affordable Housing

106.Affordable housing provision is covered by Core Strategy policy SD12. The policy is therefore unnecessary. However, this is a useful cross–reference to a significant strategic policy and there is benefit to retain reference in the interests of clarity and the comprehensive rendition of strategic housing policy.

RECOMMENDATION 12

Amend the format of Policy H4 such that it is not a policy but a cross – reference to the strategic policy. Retain the text apart from “Policy H4: Affordable Housing”.

Mobile homes, Chalet and Camping Sites

107.The policy states that proposals for mobile homes and chalets will be considered in the same manner as “any other development”. This is vague but one presumes other development means other forms of residential development. This is a part repeat of saved Local Plan policy HOU12 relating to “Mobile Homes”.

108.The policy refers to “appropriately allocated sites” to accommodate transient holiday accommodation which is confusing as there are no specifically allocated sites of this nature.

109.The policy also repeats Core Strategy policy SD 13 relating to “Gypsies, Travellers and Traveling Show People”.

110.On the above basis, therefore the policy is confusing and unnecessary as it partly repeats other strategic policies. It should be deleted.

RECOMMENDATION 13

Delete policy C1.

Transport and Accessibility

111.This section is all related to community action points some of which are based on survey work commissioned by the Parishes.

112.The section opens with an objective expressed in bold type. This may be mistaken as a policy and create some confusion. I recommend explaining this phrase

RECOMMENDATION 14

At the start of the section delete the text in bold type and include as a new paragraph the following;

“The Parishes wish to create a road network throughout the three parishes which is accessible, safe for all users and environmentally sound.”

Flooding

113. The section opens with an objective expressed in bold type. As explained above, this may be mistaken as a policy and create some confusion. I recommend explaining this phrase.

114. There should be a reference to the national guidance and local development plan policies, which relate generally to flood prevention.

115. Gloucestershire County Council¹³ has made a valid point that the proposals for the management of surface water including Sustainable Urban Drainage Systems (SUDS) will be considered in relation to the requirements of the NPPF and various technical guidance.

116. The Parishes are clearly concerned that SUDS systems need to be installed and maintained to the highest standards. The County Council has pointed out that these schemes will be assessed in relation to national guidance, local policies and established technical standards. The policy is seeking to establish that these systems are properly maintained in accordance with a service and maintenance plan. I do not consider that this requirement can be enforced as a planning condition or obligation. The NPPG states in relation to planning conditions¹⁴ that conditions should be relevant to planning, enforceable and reasonable. A maintenance regime is a detailed complex programme, which is difficult for a Planning Authority to monitor in perpetuity and is unreasonable in terms of commitments required of developers. The monitoring process invokes areas of legislation outside of planning and relates to technical standards operated by the flood prevention agencies including the Environment Agency.

117. The maintenance requirement in the policy should be deleted. The concern of the Parishes to ensure these facilities are properly maintained could be a community action whereby the Parishes liaise with the flood prevention agencies when required. However, the approval of details to ensure surface water holding facilities are safe and can be enjoyed and accessed by the public as part of public open space can be retained in the policy as part of design recommendations.

¹³ in its response under regulation 16 of the Town and Country Planning (General) Regulations 2012

¹⁴ Paragraph: 003 Reference ID: 21a-003-20140306

RECOMMENDATION 15

At the start of the section delete the text in bold type and include as a new paragraph the following;

“The Parishes wish to ensure that flooding and surface water runoff are appropriately managed.”

In paragraph 65, check the spelling of “feasibility”.

Change all references to “SuDs” to “SUDS”.

In paragraph 65 after (SUDS) insert a footnote to explain that this acronym is short for “Sustainable Urban Drainage Systems”.

After paragraph 64 insert a new paragraph as follows;

“ Flood prevention is a significant planning issue in the area. Development proposals will be carefully assessed in relation to national guidance in the NPPF and local strategic development policies.”

At the end of paragraph 66 add the following extra sentence;

“The management of surface water including Sustainable Drainage Systems (SuDS) will be considered in relation to the requirements of the NPPF and various technical guidance by the lead Flood Authority.”

In paragraph 67 after “NDPS9 section 3” insert a footnote to explain, “This is the Neighbourhood Development Plan evidence document relating to “Flood” issues.”

Alter Policy FP 1 as follows;

“In cases where sustainable drainage measures require provision of a surface water holding facility, whenever possible these should be part of public open spaces where the public can enjoy safe access to them.”

In the first community action bullet point delete ‘through the planning authority’ insert “through the flood prevention agencies”.

Rural economy and other development

118.The policy is a part repeat of saved Local Plan policies EMP2 “Employment Uses in Settlements outside Allocated Sites” and EMP 4 “Rural Employment Policies”. It misses out various nuances and caveats contained in these policies and is therefore confusing.

119.The policy should be deleted.

RECOMMENDATION 16

Delete the text in the Policy EMP1 policy box on page 28 this as a policy.

Add at the end of paragraph 72 “in accordance with national guidance and adopted local strategic planning policies.”

SUMMARY

120.I have completed an independent examination of the Neighbourhood Development Plan.

121.The Parishes have carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning Regulations 2012.

122.I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the National Planning Policy Framework and local development plan policies.

123.Subject to these modifications, I am satisfied that the plan meets the Basic Conditions, as follows:

- a) Has regard to national policies and advice contained in guidance issued by the Secretary of State.
- b) The making of the plan contributes to sustainable development.
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
- e) The making of the plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012).

124. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

125. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

126. I am therefore pleased to recommend that this Neighbourhood Development Plan as modified by my recommendations should proceed to a referendum.

