

# **WINCHCOMBE AND SUDELEY NEIGHBOURHOOD PLAN**

Winchcombe and Sudeley Neighbourhood Plan Examination,  
A Report to Tewkesbury Borough Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

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**Contents:**

**1. Introduction**

**2. Basic Conditions and Development Plan Status**

**3. Background Documents and the Winchcombe and Sudeley Neighbourhood Area**

**4. Public Consultation**

**5. The Neighbourhood Plan: Introductory Section**

**6. The Neighbourhood Plan: Policies**

**7. The Neighbourhood Plan: Other Matters**

**8. Summary**

**9. Referendum**

## **1. Introduction**

### The Neighbourhood Plan

This Report provides the findings of the examination into the Winchcombe and Sudeley Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

The Neighbourhood Plan was produced by a Steering Group working on behalf of Winchcombe Town Council and Sudeley Parish Meeting. Winchcombe Town Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Tewkesbury Borough Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Winchcombe and Sudeley Neighbourhood Area.

## Role of the Independent Examiner

I was appointed by Tewkesbury Borough Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Winchcombe and Sudeley Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that all of the above points have been met.

## Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan is unclear in this regard.

The plan period is not referred to on the Neighbourhood Plan's title page. The heading above the Foreword on page 3 shows the dates 2011-2031, whilst the opening paragraph of the Introduction refers to a plan period of 2015-2031. This is confusing.

However, in considering all of the information before me, it is apparent that the Neighbourhood Plan seeks to cover the plan period 2011-2031. This corresponds to that for the emerging Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury. In this regard, I note that the Introduction goes on to state:

*"The Plan period is designed to align with that of the relevant Joint Core Strategy and forthcoming Tewkesbury Borough Plan."*

As above, it is a requirement for a neighbourhood plan to specify its plan period. Given that there is a stated intention to cover the same period as the emerging Joint Core Strategy, I recommend:

- **Cover page, add "2011-2031" below the Neighbourhood Plan title**
- **Introduction, first line, change to 2011 to 2031."**

Subject to the above recommendations, the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to Tewkesbury Borough Council that I was satisfied that the Winchcombe and Sudeley Neighbourhood Plan could be examined without the need for a Public Hearing.

Public hearings are held at the discretion of the Examiner. The Examiner's role is simply to test the submitted neighbourhood plan against the Basic Conditions. I have done this and set out my recommendations in this Report. I am satisfied that there have been appropriate opportunities for people to have their say and that sufficient information was before me to ensure the adequate examination of the Neighbourhood Plan.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011 and include:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations.

I have examined the Neighbourhood Plan against each of the basic conditions above.

The wording of the basic conditions is the result of careful consideration and paraphrasing can result in mistakes and/or incorrect interpretation of them. In the interests of clarity, I recommend the following change to the Introduction:

- **Page 6, sixth paragraph, third line, change to “...conformity with the strategic policies of the saved Tewkesbury Borough Council development plan. It is relevant to note that, during the plan-making process, a wide range of information was taken into account, including that relating to the first draft Tewkesbury Borough Plan and the emerging Joint Core Strategy.”**

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body’s opinion, the Neighbourhood Plan meets the basic conditions.

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<sup>1</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

## European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

## European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>2</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

*“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”* (Planning Practice Guidance<sup>3</sup>).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

The Sustainability Scoping Report (early June 2014), produced by Winchcombe Town Council, confirms that:

*“Through a screening process, Winchcombe Town Council considered on 5<sup>th</sup> March 2014 whether the proposed Neighbourhood Plan would be likely to generate significant environmental effects. It considered advice from Tewkesbury Borough Council and statutory consultees and determined that there may well be a significant environmental effect requiring Strategic Environmental Assessment.”*

The qualifying body invited the statutory consultees, English Nature, Historic England and the Environment Agency, to comment on the scoping report in April 2014, allowing five weeks for responses.

The scoping report helped to inform the production of an Environmental Report containing a Strategic Environmental Assessment, which was submitted alongside the Neighbourhood Plan.

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<sup>2</sup> Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

<sup>3</sup> Paragraph 027, ibid



I note that the Environmental Report was made available for public comment during the draft plan consultation period. Furthermore, to ensure that it met the legal requirements of the European Environmental Assessment of Plans and Programmes Regulation 2004 regulations, a specialist Strategic Environmental Assessment consultant was employed by Tewkesbury Borough Council to provide advice during the plan-making process. Tewkesbury Borough Council confirmed that the consultant was satisfied that the final Environmental Report for the Neighbourhood Plan meets the minimum requirements of the Strategic Environmental Assessment Directive and Regulations.

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. In this regard, the Basic Conditions Statement establishes that:

*“There is no European site (as defined in the Conservation of Habitats and Species Regulations 2012) or any offshore marine site (either alone or in combination with other plans or projects) in or near the area of the draft Neighbourhood Plan.”*

The Environmental Statement recognised that the nearest site to the Neighbourhood Area is Dixon Wood Special Area of Conservation (SAC), which is located around 3km to the north west of the Winchcombe parish boundary. With respect to this site, the Environmental Statement notes:

*“Having considered the types of development proposed in the NP, the location of that development, and the distance from the SAC, it is considered unlikely that the W&S NP will have an impact on this site.”*

The Environmental Statement also set out that the Neighbourhood Plan is not likely:

*“...to have a significant impact on a European site alone or in-combination with other plans/projects.”*

The statutory consultees were all consulted on the Environmental Statement and notably, English Nature confirmed that it did not:

*“...anticipate significant impacts on statutory nature conservation sites such as SSSIs or European protected sites”* (Natural England, 15<sup>th</sup> January 2014).

Consequently, it was determined that the Neighbourhood Plan does not require an Appropriate Assessment in this regard.

Further to all of the above, national guidance establishes that ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

*“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance<sup>4</sup>)*

Tewkesbury Borough Council has considered the Neighbourhood Plan’s compatibility with EU obligations and has no concerns in this regard. Furthermore, none of the statutory consultees have expressed any concerns in this regard.

Taking everything into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

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<sup>4</sup> Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

### **3. Background Documents and the Winchcombe and Sudeley Neighbourhood Area**

#### Background Documents

In undertaking this examination, I have considered various information, in addition to the Winchcombe and Sudeley Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Tewkesbury Borough Local Plan to 2011 (Adopted March 2006) (Saved Policies)
- Documents relating to the emerging Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury / Tewkesbury Borough Plan (2011-2031)
- Basic Conditions Statement
- Community Engagement Statement
- Sustainability Scoping Report
- Environmental Report
- Supplementary Note about the Environment Report
- Winchcombe Town Landscape and Visual Sensitivity Study
- Consultancy advice on the potential for food shopping in Winchcombe
- Market Town Benchmarking 'Winchcombe 2013 Report'

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Winchcombe and Sudeley Neighbourhood Area.

#### Winchcombe and Sudeley Neighbourhood Area

A plan showing the boundary of the Winchcombe and Sudeley Neighbourhood Area is provided on page 36 of the Neighbourhood Plan.

The boundary of the Neighbourhood Area incorporates the whole of the two parishes of Winchcombe and Sudeley.

Further to an application made by Winchcombe Town Council and Sudeley Parish Meeting, Tewkesbury Borough Council approved the designation of Winchcombe and Sudeley as a Neighbourhood Area on 3<sup>rd</sup> July 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

#### **4. Public Consultation**

## Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

## Winchcombe and Sudeley Neighbourhood Plan Consultation

A Consultation Statement was submitted to Tewkesbury Borough Council alongside the Neighbourhood Plan, in line with legislative requirements. As required by the neighbourhood planning *regulations*<sup>5</sup>, this sets out who was consulted and how, together with the outcome of the consultation.

Community engagement commenced during 2012, when postcards asking for people's views about Winchcombe were distributed. Over a hundred responses were received. Two meetings in the first part of 2013 were attended by 70 people and were followed up with the creation of a dedicated Neighbourhood Plan website. I note that since its creation, the website has received more than 25,000 views.

An exhibition, attended by a thousand people, was held in January 2014. Sixteen boards were presented. These displayed summaries of evidence collected and asked for people's views. More than 250 responses were received. Consultation relating to the Environmental Report took place during 2014 and the draft Neighbourhood Plan was finalised for public consultation at the end of that year.

During the consultation period, Town Councillors managed a drop-in desk, located in Winchcombe Library, for a full week. Also, a copy of the policy wording and justification in the draft plan was distributed to every household and business premises in Winchcombe, Greet and Sudeley.

A special session at the Annual Parish Meeting was held for members of the public to raise questions relating to the Neighbourhood Plan. Formal responses to the consultation period were considered during March-August 2015, including regular reports to the Town Council in public session. This culminated in the production of the Neighbourhood Plan, which was approved by Winchcombe Town Council and Sudeley Parish Meeting, for submission to Tewkesbury Borough Council in November 2015.

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<sup>5</sup>Neighbourhood Planning (General) Regulations 2012.

It is clear from the evidence provided that the plan-making process was widely advertised. People and organisations were provided with plenty of opportunities to have their say and views were proactively sought.

In addition to the dedicated website, information was disseminated via the local magazine, Winchcombe Matters and through the Town Council website. Formal notices were provided on town noticeboards, views were sought via social media, email and door-to-door leaflet drops. There was also coverage relating to the plan-making process on Winchcombe Radio and in the Gloucestershire Echo.

The Consultation Statement demonstrates that matters raised were considered and that the reporting process was transparent. There is a significant volume of evidence to show that the Neighbourhood Plan reflects the views of local people.

Taking everything into account, I am satisfied that the consultation process was comprehensive and robust.

## **5. The Neighbourhood Plan – Introductory Section**

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The Neighbourhood Plan is presented in a way that is clear and simple to navigate. The introductory sections are succinct and provide a short, sharp introduction to the most important part of the Neighbourhood Plan – its Policies.

As a general point, the two Maps at the rear of the Neighbourhood Plan are poorly reproduced. As a consequence of this, it is extremely difficult to read the Key relating to Policy Areas and in addition, it is difficult to make out precise boundaries. It is essential that Maps are legible if they are to be included.

I recommend:

- **Ensure that the reproduction of the two Maps on pages 35 and 36 is clear, such that the key and the features it relates to, are legible**

A recommendation is made above with regards adding the plan period to the front cover.

In plain English, the Foreword describes how the Neighbourhood Plan was developed and why it sets out the Policies that it does. The description is candid in making it clear that the process was not easy and that the decisions that have been made, whilst they could not satisfy everybody, have been based, to some considerable degree, on consensus. The Foreword makes it clear that the Neighbourhood Plan has emerged through a major community effort and that its overriding aim is to improve Winchcombe and Sudeley.

In the interest of removing out of date information, I recommend:

- **Page 3, delete from “The next step...” to “...local councils can make now”**
- **Delete “draft”, second paragraph from bottom of page 3; from the first and fourth lines of the fifth paragraph on page 4; and from the first line of the penultimate paragraph on page 4**

The Contents page is concise, appropriate and helpful. No changes recommended.

I make recommendations with regards information on page 6 pertaining to the plan period dates and the development plan, earlier in this Report.

For clarity, I also recommend:

- **Page 6, delete “draft” from line one and from the penultimate line**



## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

I note that the Policies within this section are easily distinguishable from the supporting text. This is to the benefit of clarity and presentation.

The following section considers each of the Policies in the Neighbourhood Plan against the basic conditions.

## General policies for sustainable development

### **Policy 1.1: Development to respect the distinctive character of Winchcombe and its surrounding area**

The Framework establishes that:

*“The purpose of the planning system is to contribute to the achievement of sustainable development”* (Paragraph 6).

Whilst the first Policy of the Neighbourhood Plan has some regard to this, as worded it presents a long checklist of various requirements, some of which will not be relevant to all planning applications, some of which are unclear and some of which do not have regard to national policy. Also, the Policy effectively summarises later Policies in the Neighbourhood Plan, but in so doing, is so brief that it results in the creation of conflict with national policy, as well as within the Neighbourhood Plan itself.

For example, stating that new development *“must generally, where relevant”* demonstrate good quality design fails to provide clarity, in terms of what will be relevant and when. This is an imprecise phrase that fails to provide a decision maker with a clear indication of how to respond to a development proposal (Paragraph 154, the Framework). Also, it fails to properly reflect a later requirement in the Neighbourhood Plan for all development to be reflective of local character.

No justification has been provided in respect of the conflict with national and local planning policy in respect of Policy 1.1’s requirement for development to protect and enhance landscape, agricultural land, views and trees and woodland; or to provide new natural resource areas, playing fields and open spaces. Neither national nor local policy seeks to establish any such requirement.

Also, later Policies in the Neighbourhood Plan consider matters related to heritage and design and Policy 1.1’s brief bullet point approach to heritage does not have regard to the detailed land use planning policy approach to protecting the nation’s heritage, as set out in Chapter 12 of the Framework, *“Conserving and enhancing the historic environment.”*

However, notwithstanding all of the above, I recognise that the intention of Policy 1.1 is to demonstrate how the Neighbourhood Plan seeks to contribute to the achievement of sustainable development and the changes recommended below reflect this aim and meet the basic conditions.

I recommend:

- Delete the text of Policy 1.1 and replace with ***“Development should respect local character and where relevant, must protect and enhance the Cotswolds AONB. Development should protect areas of ecological importance and proposals to enhance biodiversity are encouraged.”***
- Delete penultimate sentence of the supporting text (second paragraph on page 8)

## **Policy 1.2: Development to minimise loss of productive land**

In Paragraph 112, the Framework recognises the importance of taking into account the economic and other benefits of the nation's best and most versatile agricultural land. In so doing, national policy places a preference on the use of poorer quality agricultural land in preference to that of a higher quality, when consideration is being given to proposals for significant development.

Policy 1.2 fails to have regard to national policy. Rather, it seeks to impose a blanket approach to protecting the "*productive potential*" of all agricultural land and woodland.

Further to the above, no evidence has been provided to demonstrate that "*encouraging*" the development of brownfield land and unused/underused buildings will protect the productive potential of agricultural land and woodland.

As set out, Policy 1.1 could prevent sustainable development from coming forward and there is no substantive evidence to the contrary. I recommend:

- **Delete Policy 1.2**
- **Delete supporting text to Policy 1.2**

### **Policy 1.3: Avoiding development on land at risk of flooding**

The Framework states that:

*“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”* (Paragraph 100).

Chapter 10 of the Framework, *“Meeting the challenge of climate change, flooding and coastal change,”* goes on to require land use planning policies to apply a sequential, risk-based approach to the location of development, to avoid, where possible, flood risk to people and property.

Policy 1.3 fails to have regard to the Framework. Rather than apply a sequential test, it simply states that development *“will not be permitted”* in areas at high or medium risk of flooding from surface water.

The approach set out in Policy 1.3 could prevent necessary development from coming forward – for example, the development of flood control infrastructure. There is no national or local policy support for such development needing to demonstrate the absence of alternative locations and no justification for such an approach is provided in Policy 1.3 or its supporting text.

In addition to the above, I note that, in Policy 1.3, the use of the phrase *“will not be permitted”* runs the risk of pre-determining planning applications without due consideration of what may be relevant matters. It is an approach that may prevent development from contributing to the achievement of sustainable development.

There is no doubt that flooding is a major issue and a significant concern for the community in the Neighbourhood Area, as it is for communities throughout England. However, Policy 1.3 does not meet the basic conditions and hence the recommendation below.

I note that the Framework seeks to address climate change and flood management and I am also mindful that the emerging Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury includes a specific flood risk policy, incorporating a sequential test (draft Policy INF3).

It is also relevant to point out that the Neighbourhood Plan also seeks to include a *“flood reduction”* Policy, which is considered later in this Report.

Taking the above into account, I recommend:

- **Delete Policy 1.3**
- **Delete supporting text to Policy 1.3**

## **Policy 1.4: Sustainable Connections**

Policy 1.4 seeks to prevent any housing or business development unless it can be demonstrated that each individual home/business unit is directly linked by lit pedestrian and cycle routes to shops, employment zones, community facilities and public transport stops. This is an onerous approach and no substantive evidence is provided, in support of the Policy, to demonstrate that it has regard to national policy, is in general conformity with local strategic policies or that it contributes to the achievement of sustainable development.

The Policy also requires unspecified existing routes to be *“upgraded where necessary to make them attractive and safer for pedestrians and cyclists.”* In addition to failing to specify these routes, no indication of when such upgrading will be necessary and who will pay for and manage this upgrading, and on what basis, is provided.

Evidence has not been provided to demonstrate that the requirements of Policy 1.4 are necessary, directly related to development and fairly and reasonably related in scale and kind to development. Consequently, there is nothing to show that the Policy requirements have regard to Paragraph 204 of the Framework in this regard.

Policy 1.4 could prevent sustainable development from coming forward. It does not meet the basic conditions. I recommend:

- **Delete Policy 1.4**
- **Delete supporting text to Policy 1.4**

## **Policy 1.5 Important Open Space**

Policy 1.5 seeks to prevent any development on land identified as “*Important Open Space*.” This comprises an extensive tract of countryside to the north of Winchcombe.

In preventing any development on this land, the designation is more onerous than any national or local land use planning policy designation. For example, the designation of a Green Belt or a National Park still allows for sustainable development to come forward.

National policy establishes a “*presumption in favour of sustainable development*” (Paragraph 15). Policy 1.5 prevents sustainable development and fails to have regard to national policy.

I note that the supporting text to Policy 1.5 refers to the gap between Winchcombe and Greet. It goes on to state that Policy 1.5 is in general conformity with Tewkesbury Borough Local Plan Policy LND5. However, Policy LND5, which itself pre-dates the Framework by several years, does not prevent any form of development. Consequently, Policy 1.5 is not in general conformity with Policy LND5.

Taking all of the above into account, Policy 1.5 does not meet the basic conditions.

I recommend:

- **Delete Policy 1.5**
- **Delete supporting text to Policy 1.5**

## **Policy 1.6: Local Green Spaces**

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

*“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”*

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

*“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)*

Consequently, when designating Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

I have considered each of the open spaces identified in the Proposals Map (although I make comments in this specific regard, below) and referred to in Policy 1.6. I find that, subject to my comments below in relation to plans, the two sites meet the above criteria.

The presentation of the areas of Local Green Space on the Proposals Map on page 35 is entirely inappropriate. Notwithstanding an earlier comment that the Map itself is illegible, it fails to show the clear boundaries of each Local Green Space. For example, during my site visit, I noted that part of the “Dell” indicated on the Proposals Map appeared developed.

In addition to the above, the wording of Policy 1.6 fails to have regard to national policy. As above, national policy is entirely clear that the management of development within Local Green Spaces should be consistent with policy for Green Belts. The wording of Policy 1.6 does not reflect this requirement.



Taking the above into account, I recommend:

- **Provide a new Map to follow Policy 1.6, at a scale that clearly shows the boundaries of each Local Green Space on an Ordnance Survey plan**
- **Delete Policy text and replace with *“The “Dell” and land between the River Isbourne and the B4632 are designated as Local Green Space (see Map below), where new development is ruled out other than in very special circumstances.”***

## Development for a thriving economy

### **Policy 2.1 New Commercial and Light Industrial Development**

Paragraph 28 of the Framework establishes that it is a core planning principle to:

*“support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.”*

To some degree, Policy 2.1 has regard to the above, but as worded, the Policy introduces a series of restrictions that would limit the scope for sustainable economic growth.

Unlike national policy, Policy 2.1 limits development to *“small business”* use. This is not a national policy requirement and no justification is provided as to why economic growth needs to be constrained in this way. I find that this part of the Policy could prevent sustainable development from coming forward and there is no substantive evidence to the contrary.

The Policy goes on to encourage the re-use of buildings – an approach that has regard to Paragraph 28 of the Framework – although no justification is provided for the provision relating to buildings being *“structurally sound.”* This reference does not have regard to national policy and in this regard, I am mindful that sustainable economic development might provide an opportunity to improve the structure of existing buildings in a viable manner.

The Policy’s general reference to the local road system does not provide an applicant or a decision maker with clarity and I note that Paragraph 32 of the Framework states that:

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

I make a recommendation in this regard below.

Taking the above into account, I recommend:

- **Policy 2.1, change first sentence to *“New or expanded businesses uses will be encouraged within...Farm.”***
- **Delete footnote 1, re: small business.**

### **Policy 2.2: Postlip Paper Mill**

Policy 2.2 is a positive land use planning Policy that supports the sustainable development of Postlip Paper Mill.

The Policy contributes to the achievement of sustainable development. No changes are recommended.

### **Policy 2.3: Retail development**

The Framework requires positive policies to ensure the vitality of town centres (Paragraph 23). It goes on to state that town centres should be recognised as the heart of communities.

In addition, Chapter 8 of the Framework, “*Promoting healthy communities*,” requires policies to plan positively for the provision of community facilities, such as local shops and other local services “*to enhance the sustainability of communities*” (Paragraph 70).

Policy 2.3 provides a supportive Policy for retail uses in Winchcombe, thus encouraging new retail development. However, by imposing a blanket “*strong opposition*” to any conversion of existing shops, the Neighbourhood Plan fails to provide for any flexibility and does not take into account relevant factors, including viability. With regards this latter point, on some occasions it may not be economically viable for a shop to exist. I am mindful that Policy 2.4 addresses the important issue of viability and Policy 2.3c’s approach is in direct conflict with Policy 2.4.

Strongly opposing any change could result in vacant, derelict shop units, which in turn, could reduce the vitality and viability of the town centre. Furthermore, it could well be that uses other than shops – such as community facilities or even a coffee shop – could bring sustainability benefits to the town centre. There is no substantive evidence to demonstrate that only existing retail uses – whether viable or not - provide for sustainability, or for the vitality and viability of the town centre.

I note that there is no need to cross reference other Policies within the Neighbourhood Plan, as all Policies need to be read together.

Policy 2.3 goes on to provide for appropriate retail use elsewhere in the Neighbourhood Area, whilst protecting the vitality and viability of the town centre. This part of the Policy has regard to national policy.

Taking the above into account, I recommend:

- **Policy 2.3, delete “...and the general considerations in Policy 1.1”**
- **Policy 2.3, delete part c.**

#### **Policy 2.4: Protection of business premises**

This Policy seeks to address viability. In so doing, it provides for flexibility and change should a town centre use become unviable.

However, as worded, the Policy suggests that a change of use will be supported if it can be demonstrated that the existing use is unviable. This could result in supporting a development proposal simply on the basis that an existing use is unviable, without taking other, relevant factors into account. This is a matter that relates to the choice of wording in Policy 2.4 and I address it in the recommendations below. I also note that it is not the role of a neighbourhood plan to introduce a policy that places a direct requirement upon the local planning authority.

I recommend:

- **Policy 2.4, change opening sentence to *“Development that would result in the loss of any retail or business premises in the designated Town Centre area must demonstrate that the existing use is no longer commercially viable, further to an active marketing period of at least 12 months.”***
- **Policy 2.4, delete part b.**

### **Policy 2.5: Tourist accommodation**

The Framework states that neighbourhood plans should:

*“support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside” (Paragraph 28).*

Generally, Policy 2.5 is a positive land use planning Policy, which has regard to national policy. However, the reference to conditions, to ensure that tourist uses do not become residential, adds a level of unnecessary detail, as hotels and visitor accommodation fall within an entirely separate use category to residential development.

In addition, as above, there is no need to cross reference Policies in the Neighbourhood Plan.

I recommend:

- **Policy 2.5, delete “..., provided that conditions are applied to ensure that they do not become permanent residences.”**
- **Policy 2.5, delete second sentence**

### **Policy 2.6: Home based working**

The Framework encourages the integration of residential and commercial uses (Paragraph 21). Policy 2.6 has regard to this and meets the basic conditions.

No changes are recommended.

### **Policy 2.7: New stabling, animal feed shelters or agricultural buildings**

The supporting text for Policy 2.7 suggests that the Policy is intended to ensure that development is sensitively designed, not least given the presence of the AONB. However, the Neighbourhood Plan already establishes that development in the AONB must preserve and enhance the area. Policy 2.7 adds nothing to this existing requirement.

No indication is provided of how or why a development might not be designed in a way appropriate to its intended use. Policy 2.7 is confusing and unjustified in this regard. The Policy goes on to require new tracks, roads and hardstanding to be located so as to minimise impact on landscape setting. However, in general it may be preferable for new tracks, roads and hardstanding to be located so as to best serve the related development and there is no substantive evidence to the contrary. I also note that an “*impact*” may be positive, negative or negligible. The absence of any detail in this respect adds to the confusing and unclear nature of Policy 2.7 and raises significant doubt over whether the Policy contributes to the achievement of sustainable development.

Taking all of the above into account, I find that the Policy fails to provide a decision maker with a clear indication of how to respond to a development proposal and I recommend:

- **Delete Policy 2.7**
- **Delete supporting text to Policy 2.7**

### **Policy 2.8: Encouragement of outlets for local producers**

Policy 2.8 does not comprise a land use planning policy. It simply sets out a general aspiration.

I recommend:

- **Delete Policy 2.8**
- **Replace Policy 2.8 with “*Community Action: Farmers Market. The Town Council will encourage the creation of a regularly available space for local producers’ market stalls for food, drink or other products.*”**
- **For clarity, the Community Action is not a Policy**

### **Policy 2.9: Sudeley Castle**

In a roundabout way, Policy 2.9 is a positive Policy that seeks to support sustainable development at Sudeley Castle. However, as worded, the Policy is unclear. No definition of what the “*economic potential of the heritage business*” is, is provided, nor is there any indication of how this might meet the requirements of a Listed Building. I also note that traffic management requirements are simply that.

I recommend:

- **Re-word Policy 2.9 as “*Development that supports Sudeley Castle as a tourist attraction whilst preserving the significance of the heritage asset, will be supported.*”**

### **Policy 2.10: Winchcombe Pottery**

This Policy aims to support sustainable development at Winchcombe Pottery. However, the Policy fails to provide any site boundary, so it is not clear what “*the immediate vicinity of Winchcombe Pottery*” actually comprises. In this regard, it is unclear how or why “*a general small scale industrial development*” in the immediate vicinity of the Pottery would comprise sustainable development and no substantive detail is provided in this regard.

I make earlier comments with regards cross references in Policies.

I recommend:

- **Policy 2.10, change to “*The expansion of Winchcombe Pottery, including other businesses or attractions related to pottery and crafts, will be supported.*”**

### **Policy 2.11: The Old Town Hall**

Whilst I acknowledge that Policy 2.11 seeks to reinvigorate The Old Town Hall, as worded, the Policy is quite unusual. It supports new uses and alterations so long as they would either: provide a heritage centre; or make better use of a fenced off space outside the building. These are two entirely different, unrelated things. They result in a confusing and unbalanced Policy.

Furthermore, the supporting text states that the Old Town Hall currently provides a range of services. Policy 2.11 could support new uses that could result in the loss of these existing uses. Consequently, the Policy, perhaps inadvertently, could detract significantly from the existing community function of the building. This would conflict with Paragraph 70 of the Framework, which requires policies to:

*“plan positively for the provision and use of shared space, community facilities...”*

The Policy does not meet the basic conditions. I recommend:

- **Delete Policy 2.11**
- **Delete supporting text to Policy 2.11**

### **Policy 2.12: The Gloucestershire Warwickshire Railway**

Tewkesbury Borough Local Plan Policy TPT11 safeguards the line of the Gloucestershire Warwickshire Railway. Policy 2.12 seeks to promote development in the vicinity of the railway station, with the aim of attracting visitors to Winchcombe. This has regard to Paragraph 28 of the Framework, which supports sustainable rural tourism.

I note that the Neighbourhood Plan does not provide any definition distinguishing between *“encouraged”* and *“strongly encouraged.”* Taking this and previous comments into account, I recommend:

- **Policy 2.12, change to “...railway station *will be encouraged.*”**
- **Policy 2.12, delete “provided that it meets....immediate residents.”**



## Development of places to live

### **Policy 3.1: Incremental growth**

Policy 3.1 supports development on a site allocated in Policy 3.5. Whilst I consider Policy 3.5 in more detail later in this Report, I note here that the deletion of that Policy is recommended.

Policy 3.1 goes on to support an unidentified site being allocated for development at some stage in the future, prior to 2020. This does not comprise a land use planning policy. Rather it comprises an aspiration that does not provide for certainty.

The Policy then goes on to only support residential development comprising five units or fewer. This raises a significant potential conflict with the Neighbourhood Plan's approach to affordable housing, which requires the provision of such housing on sites of six or more dwellings in the AONB and on sites of eleven or more dwellings outside the AONB.

Furthermore, the Neighbourhood Plan does not support its aim of restricting residential development to five dwellings or fewer, with substantive evidence to demonstrate that the Neighbourhood Area's housing requirement will be met, or can be met, over the plan period. Given the absence of such evidence, I am unable to conclude, in respect of housing supply, that the Neighbourhood Plan plans positively to support local development and that it does not promote less development than that required, as required by Planning Practice Guidance<sup>6</sup>. This leads me to find that Policy 3.1 does not have regard to the Framework's requirement to *"boost significantly the supply of housing"* (Paragraph 47).

Taking the above into account, Policy 3.1 does not meet the basic conditions.

I recommend:

- **Delete Policy 3.1 and supporting text (including all of the text on pages 17, 18 and at the top of page 19)**

I note that there is no requirement for a Neighbourhood Plan to include housing supply or land allocation policies. Planning Practice Guidance is explicit in stating that:

*"Neighbourhood Plans are not obliged to contain policies addressing all types of development"*<sup>7</sup>

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<sup>6</sup> Ref: 41-044020140306.

<sup>7</sup> Ref: 41-040-20160211.

Consequently, whilst the above recommendation would result in the deletion of Policy 3.1, this would not prevent the other Policies of the Neighbourhood Plan comprising part of the development plan for the Neighbourhood Area, were the Neighbourhood Plan to be made.

### **Policy 3.2: Infill development**

Policy 3.2 is a positive planning Policy. It supports infill development and redevelopment within built-up areas. As such, it has regard to the Framework, which promotes sustainable growth.

However, “*small developments*” is undefined. This fails to provide clarity. In any case, in the absence of a detailed justification, it is unclear why infill development or redevelopment within the built-up areas that meets the requirements of the Neighbourhood Plan must comprise undefined small development.

I recommend:

- **Policy 3.2, change first line to “*Residential development on infill...*”**

### **Policy 3.3: Redevelopment of poor quality housing**

Policy 3.3 refers to any “*overall policy*” promoted by a local planning authority or housing association. The Neighbourhood Plan does not control any such policy.

I recommend:

- **Delete Policy 3.3**

### **Policy 3.4: Meeting local needs for new homes for those with modest incomes**

Policy 3.4 requires the provision of affordable housing to meet local needs on sites for six or more dwellings within the AONB and on sites for eleven or more dwellings outside the AONB. This approach has regard to the Framework, which seeks to deliver a wide choice of housing, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Paragraph 50).

The approach is also in general conformity with Tewkesbury Borough Local Plan policy HOU12. That Policy requires the provision of affordable housing on sites of 15 or more dwellings, or on sites of over 0.5 hectares. I note earlier that the Neighbourhood Plan has emerged through a robust consultation exercise and the lower threshold of eleven dwellings is reflective of the local community's aim for new housing to meet particular needs.

There is no detailed justification or substantive evidence to demonstrate that the Neighbourhood Plan should only meet the affordable housing needs of people living within Winchcombe and Sudeley and for clarity, having regard to the Framework's requirement for affordable housing policies to "*be sufficiently flexible*" (Paragraph 50), I recommend:

- **Policy 3.4, line five, delete "...within Winchcombe and Sudeley..."**

The second part of Policy 3.4 seeks to impose a blanket approach that would serve to prevent exceptions housing being built within one mile of the built-up area. No substantive evidence is presented to justify what appears as an arbitrary one mile threshold. Furthermore, this part of the Policy states that development "*may*" be allowed. This does not provide a decision maker with a clear indication of how to respond to a development proposal. I recommend:

- **Policy 3.4, delete second paragraph**

### **Policy 3.5: Meeting the needs for new homes for those of retirement age**

Policy 3.5 seeks to allocate land at Almsbury Farm for “*new homes for those of retirement age.*” However, whilst Paragraph 50 of the Framework supports the provision of housing for older people, the Policy itself does not provide a decision maker with a clear indication of how to respond to a development proposal. This is because, over the course of nearly one and a half pages, it includes numerous ambiguous references. These include the following:

- “*Retirement age*” is not defined. People retire at all ages.
- “*Meeting the needs*” is not based on an assessment of need, whereby the allocation demonstrates that it meets such a need.
- “*...modest individual dwellings...*” is an ambiguous, undefined phrase.
- “*...a degree of common site management...*” is an ambiguous, undefined phrase.
- “*...one or more central service buildings...*” could allow for two, twenty, or any number of such buildings. Further, it is unclear why “*...a care home...*” comprises a “*central service building.*”
- It is not clear for whose “*catering requirements*” a central service building (or buildings) would be provided. Further, “*health treatments*” is undefined.

The above are taken from just the first five lines of the Policy. There are many other ambiguous references in the fifty plus lines that follow. Taken as a whole, the Policy does not provide a decision maker with a clear indication of how to respond to a development proposal. It does not meet the basic conditions.

The proposed site is located within the Winchcombe Conservation Area and is adjacent to a Listed Building. The vague and ambiguous nature of Policy 3.5 means that it does not have regard to the need to ensure that irreplaceable heritage assets will be conserved in a manner appropriate to their significance. I note that this results in conflict within the Policy itself.

Policy 3.5 is neither precise nor concise, as required by Planning Practice Guidance<sup>8</sup>. It does not meet the basic conditions. I recommend:

- **Delete Policy 3.5 and supporting text**
- **Delete reference to Policy 3.5 from Map**

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<sup>8</sup> Ref: Planning Practice Guidance 41-041020140306.

### **Policy 3.6: Support for services**

Policy 3.6 is vague. It states that developers “*will be encouraged to make a fair financial or in kind contribution.*” No indication of what such encouragement would comprise, or on what basis such requests would be made, is provided. It is therefore unclear how Policy 3.6 would operate, how it would be controlled and how it would provide a decision maker with a clear indication of how to respond to a development proposal.

Further, Policy 3.6 suggests the payment of contributions in addition to Community Infrastructure Levy payments. No clarity is provided in respect of when such payments will be required, who to and on what basis. The Policy is unclear in this regard.

In addition, the Policy does not provide any evidence to demonstrate that it has regard to Paragraph 204 of the Framework, which requires planning obligations to be necessary, directly related to development and fairly and reasonably related in scale and kind to development.

Policy 3.6 does not meet the basic conditions. I recommend:

- **Delete Policy 3.6 and supporting text**

### **Policy 3.7: Bungalow development**

Paragraph 50 of the Framework requires the provision of a wide choice of homes based on the needs of different groups in the community, including older people and people with disabilities.

By encouraging the development of almshouses or small bungalows, Policy 3.7 has regard to national policy and meets the basic conditions.

No changes are recommended.

Services that support a good quality of life and wellbeing

**Policy 4.1: Protection and improvement of Community Facilities**

As noted above, the Framework requires policies to plan positively for community facilities.

In seeking to protect community facilities, Policy 4.1 has regard to this, although the wording of the Policy could have unforeseen circumstances - for example, it provides general support for any form of development, so long as it has the potential to improve community and recreation facilities. This could result in support for development, regardless of scale or type.

I recommend:

- **Policy 4.1, delete “Development with the potential...area of this plan”**

**Policy 4.2: Indoor sports and youth facilities**

In supporting “*any proposals for redevelopment,*” Policy 4.2 could have unforeseen consequences and result in inappropriate support for unsustainable development. Further, no indication of what “*a better exchange of skills between generations*” might comprise, or why this is directly relevant to a land use planning policy, is provided.

Policy 4.2 does not provide a decision maker with a clear indication of how to respond to a development proposal.

I recommend:

- **Delete Policy 4.2**
- **Delete supporting text to Policy 4.2**

### **Policy 4.3: Facilities for older residents**

The first part of Policy 4.3 is a positive Policy that supports the development of facilities at Winchcombe Day Care Centre. However, the Policy then provides support for elderly facilities anywhere in the Neighbourhood Area. There is no evidence to demonstrate why such an approach would be appropriate in say the AONB or elsewhere.

Policy 4.3 goes on to state that facilities for pastimes enjoyed by older people will be supported where they are accessible from housing for older residents. No indication is provided of where all of the housing in Winchcombe for older residents is located. Consequently, this part of the Policy is unclear.

I recommend:

- **Policy 4.3, line one delete “...or elsewhere...”**
- **Policy 4.3, delete second sentence**

### **Policy 4.4: Facilities for younger residents**

Chapter 8 of the Framework, “*Promoting healthy communities,*” promotes the provision of high quality public space, which encourages the active use of public areas.

Policy 4.4 has regard to the Framework and meets the basic conditions. It comprises a positive land use planning Policy, providing clear support for a Youth Activity Park on a specific site.

No changes are recommended.

#### **Policy 4.5: Walking and cycling routes**

Paragraph 75 of the Framework states that:

*“Planning policies should protect and enhance public rights of way and access.”*

Policy 4.5 has regard to this.

Further to the above, I am mindful that Policy 4.5 tackles the difficult task of seeking to achieve something without the specific resources to do so. In this instance, the Policy sets out clear support for the extension of the existing public rights of way network in the Neighbourhood Area. It goes on to identify specific places where improvements are sought and in the interests of demonstrating how the aspirations of the Policy might be delivered, Policy 4.5 refers to possible developer contributions.

The above approach does not seek to impose a requirement for developer contributions but does indicate where developer contributions might support the aspirations of Policy 4.5. In this way, the Policy is flexible and appropriate.

The final paragraph of Policy 4.5 is, however, unclear and detracts from the Policy as a whole. No indication of what a compatible path comprises is provided and nor is there any indication of what *“improved signage”* comprises or when/where it *“should”* be installed.

I recommend:

- **Policy 4.5, delete last paragraph**



#### **Policy 4.6: Provision of new allotments**

The Framework requires planning policies to:

*“plan positively for the provision and use of shared space, community facilities...and other local services to enhance the sustainability of communities and residential environments” (Paragraph 70).*

Policy 4.6 promotes and provides for the development of allotments and in so doing, has regard to national policy.

For clarity, I recommend:

- **Policy 4.6, add “*The development of allotments at a site alongside the proposed cemetery about Mount View Drive....own use.*”**

I note that there is evidence to demonstrate that the Town Council owns and controls the land referred to in Policy 4.6.

## Design standards for development

### **Policy 5.1: Design of new development**

Good design is recognised by national policy as comprising

*“a key aspect of sustainable development...indivisible from good planning”*  
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework) and Tewkesbury Borough Local Plan Policy GNL1 provides a supportive framework for high quality design.

Policy 5.1 sets out criteria that promote good design and consequently, it has regard to national policy and is in general conformity with the strategic policies of the development plan.

I note that the requirement for all planning applications to *“demonstrate an understanding of those qualities and features that make up”* local character places an onerous burden on applications where the provision of such information may not be proportionate to the nature and scale of development proposed – for example, some household extensions and other small-scale applications. This broad-brush approach fails to have regard to the Framework, which only requires supporting information to be relevant, necessary and material to the application in question (Paragraph 193, the Framework).

Subject to taking the above into account, Policy 5.1 contributes to the achievement of sustainable development.

I recommend:

- **Policy 5.1, change to *“New development should reflect the character of its surroundings. Where appropriate, planning applications will need to...”***

### **Policy 5.2: Off street parking**

The first part of Policy 5.2 is ambiguous. There is no indication of what “sufficient” parking might comprise. Consequently, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal.

Whilst permeable parking areas might aid drainage, so might a partly non-permeable surface when combined with a sustainable urban drainage solution. No evidence has been provided to demonstrate that, in all cases, only the use of permeable surfaces in all off-road parking areas necessarily contributes to sustainable development.

The last part of Policy 5.2 comprises a statement, not a land use planning policy.

For clarity, I recommend:

- **Change Policy 5.2 to “*The provision of off-street parking areas as part of development proposals, to minimise additional on-street parking, is supported. Off-street parking areas should be constructed so as to minimise run off during heavy rain.*”**

### **Policy 5.3: Winchcombe Conservation Area**

Chapter 12 of the Framework, “*Conserving and enhancing the historic environment*” sets out the approach to protecting the nation’s heritage. It does not impose a blanket requirement for all development to “*conserve and enhance*” Conservation Areas. Rather, it allows for a balanced approach, focused on the need to conserve heritage assets having regard to their significance.

Consequently, by requiring “*enhancement,*” Policy 5.3 does not have regard to national policy. Further, no explanation is provided as to why development in the Winchcombe Conservation Area must only conserve its “*unique characteristics,*” rather than seek to conserve the Conservation Area as a whole. Such an approach fails to have regard to national policy, which does not distinguish between Conservation Areas and the unique characteristics of Conservation Areas.

Taking the above into account, I recommend:

- **Policy 5.3, change to “...be expected to *conserve the Winchcombe Conservation Area. Development proposals should: a) clearly...*”**
- **Change third line of supporting text to “...Town Council *would like development proposals to enhance the character of the Conservation Area.*”**

#### **Policy 5.4: Illuminated signs and shop front design**

In seeking high design standards for signs, shop fronts and advertisements, Policy 5.4 protects local character and contributes towards the achievement of sustainable development.

The Policy is in general conformity with Tewkesbury Borough Local Plan policy GNL1, which protects local character.

No changes are recommended.

#### **Policy 5.5: Extensions and alterations to existing buildings**

Policy 5.5 promotes good design and contributes to the achievement of sustainable development.

No changes are recommended.

#### **Policy 5.6: Gardens**

Whilst the first part of Policy 5.6 has regard to national policy, which protects local character, it goes on to propose the removal of permitted development rights and the imposition of specific space requirements. There is no evidence to demonstrate that such an approach has regard to national policy, or is in general conformity with the strategic policies of the Tewkesbury Local Plan.

Taking the above into account, it is appropriate for the onerous requirements of Policy 5.6 to be justified by substantive evidence. No such justification is provided. Consequently, I am unable to conclude that parts a and b of Policy 5.6 meet the basic conditions. As worded, the Policy could prevent sustainable development from coming forward.

I recommend:

- **Policy 5.6, delete “The following provision...” until the end of the Policy.**

### **Policy 5.7: Safety**

It is unclear how all development can accord with “*Secured by Design*” principles and improve safety for pedestrians and cyclists. No detail is provided in this regard. Consequently, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal. The Policy does not meet the basic conditions.

To keep sight of the intention of the Policy, I recommend:

- **Delete Policy 5.7**
- **Replace with “*Community Action: Safety. The Town Council is keen for development proposals to accord with “Secured by Design” principles.*”**
- **Delete “REASON FOR THE POLICY” but retain the sentence below it**

### **Policy 5.8: Resource Efficiency**

Policy 5.8 is ambiguous. There is no indication of what “*new developments must use every opportunity to*” actually means, how it would work in practice, or how it would be monitored. Consequently, the Policy does not provide an applicant with clarity, or a decision maker with a clear indication of how to react to a development proposal.

I recommend:

- **Delete Policy 5.8 and supporting text**

### **Policy 5.9: Flood reduction**

Policy 5.9 is unclear. No indication is provided with regards what the “*Sustainable Urban Drainage*” requirements that must be met actually comprise in every case. No definition of “*storm flooding*” is provided, nor any detail in respect of why development should only be protected from storm flooding and not from flooding in general.

Policy 5.9 does not have regard to the sequential test set out in Chapter 10 of the Framework, “*Meeting the challenge of climate change, flooding and coastal change.*” It does not meet the basic conditions.

I recommend:

- **Delete Policy 5.9 and supporting text**

### **Policy 5.10: Waste reduction**

Policy 5.10 refers to a document which is the responsibility of another organisation and over which the Neighbourhood Plan has no control. I recommend:

- **Delete Policy 5.10 and supporting text**

## Policies for monitoring plan implementation

### **Policy 6.1: Monitoring**

Policy 6.1 does not comprise a land use planning policy. It sets out how the Town Council will monitor the Neighbourhood Plan.

I recommend:

- **Change title on page 34 to “Monitoring the Neighbourhood Plan”**
- **Delete “Policy 6.1 Monitoring”**
- **Change text on page 34 from bold print to normal font**

## **8. Summary**

I have recommended a number of modifications further to consideration of the Winchcombe and Sudeley Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan;
- the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area;
- the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, European Union (EU) obligations.

Taking the above into account, I find that the Winchcombe and Sudeley Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.



## **9. Referendum**

I recommend to Tewkesbury Borough Council that, subject to the modifications proposed, the **Winchcombe and Sudeley Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

I am required to consider whether the Referendum Area should be extended beyond the Winchcombe and Sudeley Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Winchcombe and Sudeley Neighbourhood Area approved by Tewkesbury Borough Council on 3<sup>rd</sup> July 2013.

**Nigel McGurk, May 2016**  
**Erimax – Land, Planning and Communities**

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