

# **Gotherington Neighbourhood Plan**

## **Submission Version 2011 – 2031**

**Report of Examination**

**March 2017**

**Undertaken for Tewkesbury Borough Council with the support of  
Gotherington Parish Council on the submission version of the plan.**



**Independent Examiner:**

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## Summary

- I have undertaken the examination of the Gotherington Neighbourhood Plan during February and March of 2017 and detail the results of that examination in this report.
- Subject to the recommended modifications being made, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

### **Abbreviations used in the text of this report:**

The Gotherington Neighbourhood Plan is referred to as 'the Plan' or 'GNDP'.

Gotherington Parish Council is abbreviated to 'Gotherington PC'.

Tewkesbury Borough Council is abbreviated to 'Tewkesbury BC'.

Local Planning Authority is abbreviated to 'LPA'.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The adopted Tewkesbury Borough Local Plan to 2011 is abbreviated to 'TBLP2011'

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2031 is abbreviated to 'JCS2031'

**Acknowledgements:** My thanks to local authority officers and the neighbourhood planning group for their assistance with this examination and hearing. Prompt responses to requests for information were particularly appreciated. My compliments to the local community volunteers and Gotherington Parish Council, who have produced a compact, focused and well-presented Plan.

# 1 Introduction and Background

## 1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowers local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

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

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Gotherington that is the Gotherington Parish Council. Drawing up the Neighbourhood Plan was undertaken by a Steering Group comprised of parish councillors and residents, working to the Parish Council.

## 1.2 Independent Examination

1.2.1 Once Gotherington PC had prepared their neighbourhood plan and consulted on it, they submitted it to Tewkesbury BC. After publicising the plan with a further opportunity for comment, Tewkesbury BC were required to appoint an Independent Examiner, with the agreement of Gotherington PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Gotherington and Tewkesbury BC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the plan meets the 'Basic Conditions', as set out in section 3.1 below. The plan also needs to meet the following requirements of the Town and Country Planning Act 1990 including Schedule 4B of that Act:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Gotherington Neighbourhood Plan (GNDP) complies with all of the above. The Neighbourhood Area was designated on 4<sup>th</sup> September 2014 by Tewkesbury BC. the plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2011– 2031. It has been submitted by a qualifying body, Gotherington Parish Council. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Gotherington to familiarise myself with the area and visit relevant sites and areas affected by the policies. The examination included a short Public Hearing on Thursday 23<sup>rd</sup> March 2017 in the Council Chamber Tewkesbury, which was called to ascertain that the Plan was promoting sustainable development, as required by the Basic Conditions, with regard to two aspects of the Plan:

- the impact of recent planning permissions on allocations in the Plan;
- the necessary criteria for drawing up the settlement boundary.

1.2.6 I am grateful to all involved in the Hearing, which assisted me greatly in this examination. Points raised there, and decisions arising from it, are detailed in this report where they impact on

the assessment of compliance with the Basic Conditions. The discussion of Policies GNDP1 and GNDP2 and their recommended modifications in section 4 below are particularly relevant.

1.2.7 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

### **1.3 Planning Policy Context**

1.3.1 The Development Plan for Gotherington, not including documents relating to excluded mineral and waste development, are the saved policies of the Tewkesbury Borough Local Plan to 2011, adopted March 2006. The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury is at an advanced stage of preparation; the main modifications to the plan were out for consultation at the time of the Hearing. The new Tewkesbury Borough Local Plan is at an earlier stage of development. Neither of them are part of the development plan, but the Core Strategy in particular has provided a useful evidence base.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented.

1.3.3 During my examination of the Gotherington Neighbourhood Plan I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning General Regulations 2012 (as amended)
- Tewkesbury Borough Local Plan to 2011 Saved Policies
- Tewkesbury BC Landscape and Visual Sensitivity Study 2014
- Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2031
- Submission version of the Gotherington Neighbourhood Plan (GNDP)
- GNDP Site Assessment Report
- Gotherington Parish Housing Needs Survey Report June 2014

- Gotherington Village Design Statement 2006
- The Basic Conditions Statement submitted with the GNDP
- The Consultation Statement submitted with the GNDP
- The Strategic Environmental Assessment Screening Decision for the Plan
- Neighbourhood Area Designation (map)
- Planning Permissions and applications in the Neighbourhood Area including 16/00336/OUT; 16/00539/OUT; 16/00901/OUT; 16/00965/OUT
- Representations received during the publicity period (reg16 consultation)
- Representations made to the hearing before or on the 23<sup>rd</sup> March 2017

## 2 Plan Preparation and Consultation

### 2.1 Pre-submission Process and Consultation

2.1.1 Gotherington is a village of about 1,000 people, designated a service village in the Joint Core Strategy (JCS2031). It is on the western edge of the Cotswolds Area of Outstanding Natural Beauty (AONB), a designation that stretches to the north and east of the village but does not include the village. About a mile to the south of Gotherington is the larger settlement of Bishop's Cleeve. Gotherington is roughly equidistant from Tewkesbury and Cheltenham - about 5 miles from each, and located in the county of Gloucestershire.

2.1.2 An application for designation as a neighbourhood planning area was made to Tewkesbury BC by Gotherington PC in 2014 and approved by the Local Planning Authority (LPA) on the 4<sup>th</sup> September 2014.

2.1.3 The Steering Group was formed after a public meeting in September 2014 to consider whether the community wanted to undertake a neighbourhood plan. Gloucester Rural Community Council supported the group, and consultants were commissioned to assist with the work, including the identification of development sites and drawing up supporting statements. Minutes of meetings were made available on the Parish Council website along with other relevant documentation.

2.1.4 The GNDP has developed a vision and objectives that are tightly focused on land-use issues. From these are clearly set out 12 land-use policies, which are assessed in the Basic Conditions Statement to have taken account of emerging policy as well as the development plan. Local evidence used is listed at para 2.4, as well as in a separate 'Planning Policy Assessment and Evidence Base Review' document that accompanies the Plan. There is a clear understanding of the need for evidence, and it is referred to in the justification of policy.

2.1.5 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Sub-groups around particular issues were set up, and consultation meetings developed the principles of development people wanted to see in the village. Consultation events had up to 20% of the village population attending and dropping in. Schools were approached to gather the views of young people, and landowners and their agents also contacted as well as local businesses.



2.1.6 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Gotherington Neighbourhood Plan ran from the 15<sup>th</sup> December 2015 to the 11<sup>th</sup> March 2016. This was an extension of the original intention to consult for only six weeks, and a sensible precaution due to the Christmas and New Year holiday occurring within the consultation period. Statutory consultees and interested parties were notified, and a flyer sent to every home in the Neighbourhood Area. Comments could be submitted by email as well as hard copy, and 160 representations were received.

2.1.7 Several amendments were made to the draft Plan prior to submission under Reg15 as a result of comments and objections received at Reg14. These are clearly detailed in the Consultation Statement along with details of comments of support and objection together with the comments of the LPA .

2.1.8 I am satisfied that due process has been followed during the consultation undertaken on the Plan. The record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.9 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to Tewkesbury BC in June 2016.

2.1.10 Tewkesbury BC undertook the Neighbourhood Planning Regulation 16 (Reg 16) consultation and publicity on the GNDP for six weeks, ending on Friday the 21<sup>st</sup> October 2016. The representations received during this consultation are considered below. Where necessary, issues they, and submissions at the hearing, raise concerning a failure to comply with the basic conditions are considered in section 4.

## **2.2 Regulation 16 Consultation Responses**

2.2.1 Publicity and consultation on the plan undertaken by Tewkesbury BC after submission, as required by regulation 16 of the Neighbourhood Planning Regulations 2012, resulted in twenty one responses, including two from the LPA. Eight statutory bodies replied with no specific

comments to make on this plan but offering general guidance. Five residents commented, four of whom were supportive of the plan, one with concerns about the method of choosing sites and calculating support among residents. Comments made by the other respondents that are specific to this Plan are summarised below. Where they are relevant to the examination and consideration of the Basic Conditions they will be discussed further in Section 4.

2.2.2 **CPRE** objected to site GNDP 2/3 as it is within the designated area of Special Landscape Value in the TBLP2011 and brings the village envelope nearer to the AONB.

2.2.3 **Cotswold Conservation Board** welcomed no new sites in the AONB, and drew attention to their Position Statement on 'Setting'.

2.2.4 **Hunter Page** acting for Lioncourt Strategic Land Ltd comment that the Plan does not meet the Basic Conditions in that it fails to deliver sufficient housing and the site assessment and evidence base is not robust enough. A reassessment of the sites considered is submitted that is more supportive of the site at Trumans Farm they are promoting. Landscape evidence is submitted to support this site as well, and generally the application of Tewkesbury BC's evidence on landscape is felt not to have been adequately applied to the selection process.

2.2.5 **Barton Willmore** acting for JJ Gallagher have submitted objections to the Plan and also assert that as currently drawn up it fails to meet the Basic Conditions. They offer supporting evidence to their case and point out that the wider evidence base supports their site off Ashmead Drive, particularly with regard to landscape. The urban morphology aim of maintaining the linear, east-west form of the village is challenged. The GNDP is felt to not have proportionate evidence, to have a negative attitude to further residential development and to have been submitted into a policy vacuum as regards strategic allocations for housing. Comments on individual policies are taken up where relevant in the discussion in section 4 below.

2.2.6 **LRM Planning** for Charles Church Developments also comment that the Plan does not meet the Basic Conditions, as it does not promote sustainable development. They argue that their site, part of which is allocated in the Plan as site GNDP2/2, should be wholly allocated. They also suggest that other sites should either be deleted or reduced in proposed dwelling density in order that sustainable development is promoted. Subsequent to the submission of the GNDP to the LPA, the whole site Charles Church Developments were promoting obtained planning permission. Due to this and other permissions and decisions between submission and this examination, I held

a Hearing to consider further the implications of them on the Plan and whether in the light of them it was promoting sustainable development.

**2.2.7 Gloucestershire County Council** were concerned that the Plan did not identify the need to sit within the context of the emerging JCS2031 and drew attention to the adopted Local Transport Plan. The latter however is not part of the development plan the GNDP is to be in general conformity with. Although the JCS2031 has been used for background evidence, as it is not yet adopted it is not formally relevant to consideration of whether or not the Basic Conditions have been met.

**2.2.8 Tewkesbury Borough Council** made two representations, one a comment on compliance with the Basic Conditions, one on content of the Plan. The Council consider that the plan is in compliance with the Basic Conditions, as amended after the Reg14 consultation. The Council expressed concerns about the use of the settlement boundary from the TBLP2011 and non-inclusion of development since that plan was adopted. They also comment that site GNDP2/3 is proposing a density inappropriate to an edge of village site, where a recent planning permission has been granted for 10 dwellings only instead of the 24 suggested in the Plan. Both of these issues were explored in greater detail at the Hearing.

### 3. Compliance with the Basic Conditions.

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the GNDP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 Detailed comment has been made on whether or not the GNDP is providing enough allocation of housing in the plan. The situation at present is that the development plan is out of date as regards residential allocation, and the Joint Core Strategy (JCS2031) that will update the housing requirement is still an emerging plan. Numbers of new homes needed in Gothington cannot be exactly stated at this point in time, but it is not the role of a neighbourhood plan to determine the objectively assessed need for housing, and there is no requirement that it should wait on definitive answers from higher level policy documents to emerge. The Basic Conditions require only that a neighbourhood plan is in general conformity with adopted strategic policy, and that it promotes sustainable development. Policy GNDP2 has an innovative policy allowing for further allocation should emerging policy in the development plan require it in the future, and I am content that this will allow the plan to remain positive in an uncertain planning environment.

3.3 The Hearing was called to explore whether modifications to the plan were required in order that it promote sustainable development, as explained in para 1.2.5 above. Recent planning permissions had altered the facts on the ground after the Plan had been submitted, with the result that the Plan was in a position where it was allocating less than had been permitted. Together with consideration of the technical criteria for defining the settlement boundary, these issues were explored at the Hearing, and some modifications have been made as a result, detailed in section 4.

3.4 The Basic Conditions Statement explains how the Plan has promoted the three pillars of sustainable development: the social, economic and environmental dimensions. With the

modifications to policy recommended below, and as a result of evidence and discussion from the Hearing, I accept that the plan does promote sustainable development.

3.5 A screening opinion was issued by Tewkesbury BC in January 2016 which considers whether Strategic Environmental Assessment (SEA) and/or Habitat Regulations Assessment (HRA) are required for the GNDP. These environmental requirements are the main EU Directives that neighbourhood plans need to comply with. The Screening opinion states that:

“Following an analysis of the above information, the determination has been made that by virtue of the nature of the type and scope of policies and proposals contained in the draft Gotherington Neighbourhood Plan that it does not require a SEA.

Effects on European sites have been screened out by virtue of the nature of the type and scope of policies and proposals contained in the draft NP. It is therefore concluded that HRA is not required.”

3.6 The legal basis of the Screening Opinion has been criticised in a submission to the Hearing from Hunter Page. The grounds are that the Parish Council has determined as the Responsible Authority that an SEA is not required, whereas this duty should be undertaken by the LPA in its role as the authority implementing any final made plan, as part of their development plan. I am not in a position to make a legal judgement here, but I do not see that any such judgement is needed. The SEA and HRA assessment undertaken by the LPA comes to a determination that there is no need for to undertake further assessment with regard to environmental impact under either the SEA Regulations or the Habitats Regulations; as quoted above in para 3.3. Thus the LPA had determined the position with regard to both EU directives, after advice from the national bodies, as they are required to do. I note the parish council has also come to the same decision based on the screening report of the LPA. I suspect this was not necessary, but it does not negate the determination of the LPA with regard to SEA and HRA. A second objection to some of the wording of the assessment of criteria and exclusion of consideration of the settlement boundary is noted, but the three statutory consultees on the Screening Opinion have agreed with the determination and the reasoning behind it. The necessary screening required by the Regulations has been made and I consider the Basic Conditions to have been met in regard to EU Obligations.

3.7 The GNDP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated.

## 4. Compliance with National Policy and the adopted Development Plan

4.1 The final and normally most complex aspect of the Basic Conditions to consider is whether the Plan meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. The development plan is at present comprised only of the saved policies of the TBLP2011 however. As far as the Basic Conditions are concerned this is the only relevant document, although referral to the JCS2031 and the emerging Tewkesbury Local Plan and their evidence base within the Plan and the Basic Conditions Statement is sensible future-proofing. If I determine that the GNDP as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance. If modifications are not possible then I have to recommend that the plan does not proceed to referendum.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. Modifications are boxed in the text - with text to remain *in italics*; new text highlighted **in Bold**; and text to be deleted shown ~~struck through~~. Instructions are written underlined.

### 4.3 Policy GNDP1 – New Housing Development within Gotherington Service Village

4.3.1 The policy refers to a settlement boundary, which should be more formally defined as following the line indicated in Figure 4. However the settlement boundary used has been taken straight from the TBLP2011, and development on the ground has moved beyond the boundary shown. It is not accurate to show this boundary remaining into the future therefore, and it is not compatible with promoting sustainable development as it would result in parts of the village being subject to the more restrictive policies on land outside of the settlement boundary, including any future new development on allocated sites.

4.3.2 A settlement boundary in a development plan needs clear criteria set out that explain how it has been drawn up. The Hearing therefore discussed criteria for drawing the settlement boundary, and they were agreed as being to include new planning permissions and permissions that had been, or were being built out, and to include the allocated sites – two of which also have planning permissions granted.

4.3.3 The second paragraph of this policy deals with development in residential gardens and states that any loss of garden space to the existing property or impact on residential amenity will mean that a proposed development will not be supported. This is not reasonable, as it effectively rules out any development in a residential garden. It is contrary to the presumption in favour of sustainable development and the requirement in the NPPF that neighbourhood planning is positive.

4.3.4 In order to comply with the Basic Conditions that sustainable development is promoted and that clarity is provided as to how the settlement boundary has been defined, the plan and proposals map is recommended to be altered as shown in Modification 1:

**Modification 1: POLICY GNDP1** – *Within the settlement boundary of Gotherington village as defined in ~~shown on~~ Figure 4 “The Proposals Map”, small infill housing development will be supported within existing built-up frontages when it is consistent with the scale and proportion of existing houses and gardens in the adjacent area.*

*Development of residential gardens that causes harm to the local area by reason of any of the following will not be supported:*

- a) **unacceptable** loss of garden space(s) for the existing property(ies); ~~and~~ or
- b) **significant** adverse impact on **the residential amenity of existing neighbouring property.**

**Paragraph 5.2** is to end after the first word in line 9: .....such infill development would be acceptable. **ENDS.**

**New Paragraph to be inserted after Paragraph 5.2:**

**“The settlement boundary is based on the boundary defined in the TBLP2011 but has been altered in respect of the following criteria:**

- 1. Residential development completed since that boundary was drawn up, or in the process of being built is included;**
- 2. Current planning permissions and allocated sites in this Plan are to be included.”**

**Proposals Map:** the definition of the settlement boundary is to be redrawn to include the allocated sites as amended in Modification 2 below and include sites that comply with criteria 1 and 2 above such that the final boundary makes a coherent definition of the settlement and does not exclude small areas bounded on three sides by land within the new settlement boundary.

#### **4.4 Policy GNDP2 – Meeting Strategic Development Needs in Gotherington as a Service Village.**

4.4.1 This policy allocates sites for residential development, and indicates the expected numbers of dwellings for each site. The second paragraph anticipates that the final agreed housing allocation for the village may increase, and sets out criteria to be followed in the event that further sites in the village are sought. A third paragraph states that the criteria will be used in the assessment of sites in the emerging Tewkesbury Borough Local Plan, although this is exceeding the powers of a neighbourhood plan, where policy cannot direct the future actions of the Local Planning Authority.

4.4.2 The Hearing considered the specifics of two of the allocated sites, where planning permissions after the submission of the Plan to the LPA had altered the facts on the ground. Planning application 16/00965/OUT has been granted subject to planning permission for a larger site that allocated as site GNDP2/2. To restrict this allocation to only part of the proposed planning permission would be contrary to the requirements of promoting sustainable development, and it was agreed at the hearing that the boundary of the allocated site would be altered to concur with the site boundary of application 16/00965/OUT. It was also agreed that the text alongside the allocation in the policy would be altered to give a revised dwelling number of 50 and indicate that open space should be provided on the western boundary of the site. Further alterations of numbers of homes in the justification text will be required for accuracy, but I am not specifying this as part of the examination of the plan, it is not a Basic Conditions issue.

4.4.3 Allocated site GNDP2/3 has been granted planning permission subject to a s106 agreement for 10 dwellings, reduced from an initial proposal for 27 dwellings in the application 16/00336/OUT. The GNDP shows the site allocated within the same boundary, but suggests it is suitable for 24 dwellings. I heard arguments at the Hearing from the LPA that the indicative number of dwellings should now be reduced to 10 on the grounds of urban design and landscape considerations, the same considerations that led them to insist during the determination of the planning application that development of the scale originally proposed would be recommended for refusal. These arguments were contested by the agent for the applicant, who are intending to submit another application for the higher number of dwellings and feel that the urban design issues used to justify the reduction in dwelling numbers are not appropriate for their site. An appeal statement that dealt with issues of urban morphology in Gotherington at another site was submitted to support their case. The Plan as submitted had a higher number of dwellings indicated, the qualifying body now also wish that this be reduced to the 10 dwellings permitted.



The issue of what is a sustainable amount of development for the site is likely to be further contested, and I do not see that the evidence is conclusive either way at present. Removing the suggested 24 dwellings on the site pays respect to the recent indications that this number may not be sustainable, but I do not accept that the lower figure of 10 dwellings has been finally substantiated.

4.4.4 The second paragraph of policy GNDP2 deals with the situation where emerging Local Plan documents may be required to allocate further development in Gotherington. The LPA have commented that the reference to the 'Joint Core Strategy' should be widened to include the whole development plan, and I agree that this is necessary for accuracy and to promote sustainable development. The criteria listed that future allocations should meet are acceptable landuse issues that the Plan may promote. It is not however acceptable that the Plan insists on them; to do so attempts to fetter the discretion of Tewkesbury BC acting in their role as the Local Planning Authority (LPA). The point has been made in submissions to the Hearing and to the Reg16 consultation publicity that this section of the policy could undermine the strategic role of the LPA with regard to meeting future housing needs. Changes to the policy text need to make these criteria advisory rather than compulsory. References in the text to the settlement boundary will need to reflect modification 1 and be described as a 'defined' boundary.

4.4.5 Objections to the site allocations have been made on the basis that there are other, more suitable sites; that the selection process is flawed; that more development should be allocated to provide for sustainable development and that the landscape evidence base in particular has not been interpreted properly. I consider the site allocation process adequate and proportional for a neighbourhood plan. Site allocations may not completely follow the logic of impact assessment in the more recent Landscape and Visual Impact Study commissioned by the LPA, but community engagement work has drawn up design guidelines for the allocation of development in the village, and allocations are in broad conformity with them. The designated Area of Special Landscape Value in the adopted TBLP2011 has informed choice of sites quite legitimately, and visual impact is only one factor in site selection.

4.4.6 the GNDP has identified in several policies, including this one, that the community wishes to promote development of the village to a linear east-west urban form, in keeping with how it has developed to date. This policy has been objected to as having no evidence to support it, and the Basic Conditions do require proportionate evidence to be provided – as specified in the NPPG (ID

41-036 20140306). Support for a linear form of development for the village was first mentioned in the Village Design Statement (VDS) of 2006, within the context of not wanting development outside of the existing settlement boundary. I find that together with consultation on this Plan, the desire for maintaining the linear east-west form is based on proportionate evidence and not irrational. A case could be made for development that supported an alternative urban morphology, but the community preference has been demonstrated.

4.4.7 In order that the Plan promotes sustainable development and does not direct the strategic actions of the LPA into the future, as well as for accuracy and clarity, Policy GNDP2 is recommended to be modified as set out in Modification 2:

**Modification 2: Policy GNDP2** - *To support wider strategic development needs and the sustainable development of Gotherington service village up to 2031 the following sites, outside of the ~~current~~ defined settlement boundary, are allocated for residential development:*

*GNDP2/1 – Land to the north of Malleson Road (0.95 hectares). This site is suitable for a small frontage development of about six units. Development only along the frontage will maintain the linear form of the village.*

*GNDP2/2 - Land to the south of Malleson Road (~~1.45~~ 3.74 hectares). About ~~16~~ 50 dwellings.*

*GNDP2/3 – Land to the north of Gretton Road (1.22 hectares). ~~About 24 dwellings.~~*

*In the event that the ~~Joint Core Strategy~~ **future development plan** identifies an additional need for further strategic housing development in Gotherington (as a service village) beyond the allocations in this plan, then any proposals to meet this additional identified need will be managed to at, or about, that identified need and ~~must~~ **are encouraged to meet the following criteria:***

- a) Adjoin the defined settlement boundary;*
- b) Maintain the village's east-west linear form;*
- c) Not have an adverse impact on the Area of Outstanding **Natural** Beauty;*
- d) Maintain the separation of Gotherington village from Bishops Cleeve and Woolstone; and*
- e) Not be in conflict with any of the other policies and proposals in the Gotherington Neighbourhood Development Plan.*

~~*These criteria will also be used in the assessment of any sites to meet this identified need in any future Tewkesbury Borough Plan.*~~

#### 4.5 Policy GNDP3 – New Housing Development in the Open Countryside

4.5.1 Both the LPA and Barton Willmore responded at Reg 16 stage to point out that for internal consistency this policy needs to refer to the possibility that Policy GNDP2 allows for further allocations outside the settlement boundary, should strategic housing allocations require it in the future. There is a requirement for policy to be clear in the NPPF (para154), and thus a modification to meet these comments is required to meet the Basic Conditions. For accuracy the settlement boundary should be referred to as the defined boundary.

4.5.2 Policy GNDP3 is recommended to be altered as shown in Modification 3 in order that it meets the Basic Conditions:

##### **Modification 3: Policy GNDP3**

**In the first sentence ‘the settlement boundary’ is to be changed to ‘the defined settlement boundary’ for clarity and accuracy.**

Also for clarity, accuracy and internal consistency, a new criteria f) is to be added to the policy, the word ‘and’ removed from the end of criteria d) and added to the end of criteria e). Criteria f) to read as follows:

..... **f) Where evidenced need for additional housing in Gotherington has been established through the development plan and cannot be met within the defined settlement boundary.**

#### 4.6 Policy GNDP4: Securing a Suitable Mix of House Types and Sizes in New Development

4.6.1 This policy requires sites of 5 or more dwellings to provide a range of dwelling and tenure types, including a proportion of affordable homes. Policy HOU13 of the TBLP2011 states that an element of affordable housing will be sought on sites of 5 dwellings or more in settlements with a population of under 3,000. A Written Ministerial Statement (WMS) in 2014 set out new national policy that affordable housing should not be required on sites of less than 10 dwellings. Recent clarification from the Planning Inspectorate has stated that the WMS does not automatically override the Local Plan in decision-making, but a neighbourhood plan must have regard to national policy, as well as being in general conformity with the strategic policies of the development plan. The saved policies of the TBLP2011 predate the NPPF and will thus have less weight than a development plan document drawn up and assessed as fully compliant with the NPPF.

4.6.2 A Housing Needs Survey was undertaken in Gotherington in 2014, and this indicated 8 households in need of affordable housing in the Parish, from a sample of just under a half of total households. There is evidence of need therefore to support policy GNDP4, and the LPA have not objected to the policy as currently worded. The policy uses the definition of affordable housing from Annex 2 of the NPPF, which should be stated in the policy rather than as a footnote for clarity. In order to pay regard to more recent government policy in the WMS, a requirement to have regard to the viability of development needs to be added to the policy.

4.6.3 In order that Policy GNDP pays due regard to national planning policy on affordable housing within the context of development plan policy, Policy GNDP4 is recommended to be modified as shown in Modification 4. Additionally for clarity, as required by the NPPF, the footnote is recommended to be included in the text.

**Modification 4: Policy GNDP4** - *To ensure that future housing development meets the needs of the existing and future population the following will apply:*

*a) On sites of 5 or more dwellings a range of tenures, house types and sizes of dwellings will be required, including, **where the viability of development allows**, a proportion of affordable homes as defined in the NPPF 2012 Glossary to meet the housing needs of households with a connection to Gotherington parish; and*

*b) **AS BEFORE***

#### 4.7 Policy GNDP5 – Protecting Existing and Developing New Community Assets

4.7.1 This policy complies with the Basic Conditions.

#### 4.8 Policy GNDP6 – Protecting and Enhancing Local Green spaces

4.8.1 Two areas of open space are proposed for designation as Local Green Space (LGS); a power granted to neighbourhood plans by the NPPF (paras 76-78). The NPPF is clear that any land so designated needs to have particularly special attributes, local support on its own is not enough. Evidence for both designations has been compiled by the Parish Council, and is presented in Appendix 2 of the GNDP.

4.8.2 The designation of Freeman's Field as a LGS has not been contested during the Plan's development. Evidence given for designating it includes its central location for the village, importance for recreation for all ages and support for a wide range of local sports clubs and societies. It is adjacent to the Village Hall, and is used for many social gatherings as well as formal and informal recreation on the range of facilities within it. There are attractive views to the north taken from it. My site visit confirmed these attributes and I agree that it is suited to designation as LGS due mainly to its importance and value as a recreational facility.

4.8.3. The Meadow is supported by evidence of views taken from it, and use of footpaths crossing it. There is reference to one local cricket match of note being played on it in 1948 and regular use of the site for walking including as a useful off-road pedestrian link. My site visit confirmed that there were well-used footpaths around the site, and like most of the village, pleasant views to be had from them. However the land is agricultural, and I see no special attribute that would justify its designation as a Local Green Space (LGS). There is no evidence of particular wildlife and ecological richness, the historic interest is not significant and it is not particularly beautiful, just pleasant. The footpaths will continue to be available for use, and preventing the visual or actual amalgamation of settlements is not a reason for designating LGS. An objection to the designation of The Meadow as a LGS was received during the Reg16 consultation from Barton Willmore acting for the potential developers of the site. I am in broad agreement with the points raised in this submission with regard to Local Green Space, and do not consider the Meadow suitable for designation as Local Green Space.

4.8.4 Policy GNDP6 is recommended to be modified to exclude the Meadow from designation as a Local Green Space in order that policy in the NPPF regarding LGS is given due regard. The Policy also needs to clearly designate Freeman Field, not 'protect' it.

**Modification 5: Policy GNDP6 - Freeman Field is designated and The Meadow will be protected as local green spaces** ~~(see~~ as shown on Figure 4, "The Proposals Map". Development considered inappropriate in such areas, as set out in paragraphs 89 to 92 of the National Planning Policy Framework, will only be permitted in very special circumstances: when the harm to the local green space and any other harm are clearly outweighed by other material considerations.

**Paragraphs 5.22 and 5.23:** Reword to make it clear that only one area is designated. The consultation on both areas may remain if so desired as an appendix.

**Proposals Map:** Remove the proposed designation of the Meadow from this map.

#### 4.9 Policy GNDP7 Gotherington Design Principles

4.9.1 The policy is based on a previous Village Design Statement, and has identified key principles from that document that the community wish to see included as planning policy. There has been one challenge to the policy, specifically to criteria f), which is felt not to be reasonable. The NPPF (para173) requires policies for development not to overburden it with requirements that threaten viability. Perhaps inadvertently, the current wording of criteria f) suggests that any development, including that with no extra traffic generation, should provide off-road car parking. This is contrary to the NPPF and its requirement not to overburden development (para173).

4.9.2 Policy GNDP7 is recommended to be modified with respect to criteria f) so that it no longer potentially overburdens all new development with onerous requirements.

##### **Modification 6: Policy GNDP7**

..... f) *All new development, **where appropriate**, should provide off-road car parking.*

#### 4.10 Policy GNDP8 – Development Affecting Non-Designated Heritage Assets

4.10.1 The policy is usefully protecting non-designated heritage assets in the neighbourhood area. There is only one listed specifically, and the LPA have commented that they should all be listed. Further clarification on this point revealed that a survey is currently being undertaken to comprehensively identify non-designated heritage assets in the Borough of Tewkesbury. In the absence of a formal evidence base it is not appropriate to identify one dwelling only, but the fact that a significant evidence base is currently in development is worthy of inclusion in the policy. As this evidence may be drawn up in the next few months, it can be referred to as ‘the emerging Local List of Non-Designated Heritage Assets’ at present, and corrected at a later date as a minor correction for accuracy if so required.

4.10.2 The first paragraph of Policy GNDP8 is recommended to be altered as shown in Modification 7 in order to comply with the NPPG. The policy will thereby indicate the emerging evidence base that justifies the policy and avoid pre-determining this evidence.

##### **Modification 7: Policy GNDP8**

*Development proposals affecting buildings and other historic features on the emerging Local List of Non-Designated Heritage Assets will be expected to preserve and enhance such assets and their setting.*

#### **4.11 Policy GNDP9 – Protecting and Enhancing the Local Landscape**

4.11.1 Barton Willmore object to criteria e) on the grounds that there is no evidence to justify the maintenance of an east-west form. This point has been picked up previously (para 4.4.6 above), where I conclude that proportionate evidence for this urban form principle has been given. The LPA consider that the policy overlaps with GNDP10, presumably particularly with the first criteria. However given that views out to the Cotswold Hills in particular are a feature in the village I am happy that Landscape and Views are deserving of separate policies, and that views to the hills are a landscape issue. The Policy complies with the Basic Conditions therefore.

#### **4.12 Policy GNDP10 – Protecting Locally Significant Views**

4.12.1 Barton Willmore have objected to the policy on the grounds that appropriate wording is needed to ensure it does not impinge on housing delivery. Most of the policy is not worded so restrictively that this would potentially occur, but the second paragraph after the list of views includes the statement that mitigation measures should “ensure such views are not adversely affected.” The last paragraph of the policy requires views from publicly accessible places to be ‘preserved and enhanced’. The issue here is that if the view referred to is a panoramic one, taken at a wide angle over fields and open space, then to leave it completely unimpeded would potentially impact the development potential of many sites. A minor word change will ensure that the policy cannot be interpreted as unduly restrictive and thus contrary to the need to promote sustainable development, and modification 8 details this.

4.12.2 Appendix 3 details work undertaken to assess potential development sites with regard to those that have ‘significant views’. Figure 1A records where photos used in the review of sites and their views were taken. This is not the same as identifying where the significant views are, and if the Appendix is to be referred to in the policy, then a reference to a figure and map that does do this should be made. Any such figure should ideally be on an OS base without policy proposals included for clarity, but it should not be on an out of date policy proposals map base, as appears to be the case currently with Figure 1A which records where photos were taken.

4.12.3 Policy GNDP10 is recommended to be modified so that the wording cannot be construed as unduly restrictive and contrary to the requirement that neighbourhood plans are positive with regards to sustainable development (NPPF para184). For clarity, as required by the NPPF (para154),

Appendix 3 should include a figure that identifies where the significant views are, and this figure should be referenced directly in the policy.

**Modification 8: Policy GNDP10**

*The significant views identified below and in Appendix 3 **Figure .....**, will be given special consideration when assessing planning applications.*

.....

*Development proposals should ensure that in these areas special attention is paid to preserving such views, or including mitigation measures that ensure such views are ~~not adversely affected~~ **maintained as fully as possible**.*

*Applicants should also consider other views from footpaths and other publicly accessible places and ensure that they are preserved and enhanced **as fully as possible**.*

**Appendix 3 Figure 1A and new Figure:** To use a clear OS base for clarity.

**4.13 Policy GNDP11 – Development North and South of Gotherington Village**

4.13.1 The policy has been criticised for not clearly delineating areas necessary for separation, although it is not obvious that this is its intent. The reference to ‘openness’ reflects green belt considerations, which would be a strategic consideration not appropriate to be dealt with in a neighbourhood plan. It has also been pointed out by the LPA that the policy would need to maintain consistency with Policy GNDP2, where the possibility of some development outside of the settlement boundary is indicated.

4.13.2 The policy is defining development that may be considered acceptable outside of the settlement boundary, but it is only doing this for land ‘north and south’ of the village – an area that is not clearly identified, although given the linear nature of the village, could be argued to apply to most if not all land outside of the settlement boundary. Given this ambiguity, the policy does not have the clarity required by the NPPF. If the policy were to apply to any development outside of the settlement boundary, then it could be seen as putting local detail on policy HOU4 in the TBLP2011 and be in general conformity with strategic policy in the development plan.

4.13.3 Other policy in this Plan has not discussed development generally outside of the defined settlement boundary, Policy GNDP3 only discusses circumstances where residential development



may be permissible. I have considered recommending the amalgamation of Policies GNDP3 and GNDP11, but this would be unnecessarily cumbersome and would not result in clarity. Therefore I am recommending modifications to this policy in order that it clearly applies to land outside of the defined settlement boundary, but does not attempt to differentiate between different areas outside the boundary in the absence of a clear indication of where these areas are. I feel this is reasonable given that most land outside the settlement boundary could be said to be either north or south of the village. For clarity and internal consistency the Policy should also make mention of the potential for Policy GNDP2 to require future development outside the settlement boundary.

4.13.4 Policy GNDP11 is recommended to be modified as shown in order that the policy becomes clear to a decision-maker, as required by the NPPF (para154).

#### **Modification 9: Policy GNDP11**

POLICY GNDP11 – **DEVELOPMENT OUTSIDE OF THE DEFINED SETTLEMENT BOUNDARY** ~~NORTH AND SOUTH OF GOTHERINGTON VILLAGE~~

~~The land north and south of the Gotherington village~~ **Outside of the defined settlement boundary (Figure 4) land should remain predominantly open countryside. In this area, a** ~~New development that preserves and enhances this openness, and the countryside setting of Gotherington, will be permitted for the following uses:~~

.....

Remove 'and' from the end of criteria f) and add it to the end of criteria g)

Add a new criteria h):

**h) Where evidenced need for additional housing has been established through the development plan and cannot be met within the defined settlement boundary as set out in Policy GNDP2 of this Plan.**

#### **4.14 Policy GNDP12 – Biodiversity**

4.14.1 This policy complies with the Basic Conditions.

## 5. The Referendum Boundary

5.1 The Gotherington Neighbourhood Plan 2011-2031 has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Gotherington Neighbourhood Plan shall be the boundary of the designated Neighbourhood Area for the Plan.