

Twyning Parish

Neighbourhood Development Plan

Submission Version 2011 – 2031

Report of Examination

November 2017

Undertaken for Tewkesbury District Council with the support of Twyning Parish Council on the submission version of the plan.



Independent Examiner:

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Contents

Summary	3
<u>1. Introduction and Background</u>	4
1.1 Neighbourhood Development Plans	4
1.2 Independent Examination	4
1.3 Planning Policy Context.....	6
<u>2. Plan Preparation and Consultation</u>	7
2.1 Pre-submission Process and Consultation.....	7
2.2 Regulation 16 Consultation Responses.....	8
3. Compliance with the Basic Conditions.....	10
4. Compliance with National Policy and the adopted Development Plan.....	11
5. The Referendum Boundary.....	25

Summary

- I have undertaken the examination of the Twyning Parish Neighbourhood Development Plan from September to early November 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 Twyning Neighbourhood Development Plan is referred to as 'the Plan' or 'Twyning NDP'.

Twyning Parish Council is abbreviated to 'Twyning PC' or the 'Parish Council'.

Tewkesbury Borough Council is abbreviated to 'Tewkesbury BC'.

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

The National Planning Practice Guidance is abbreviated to 'NPPG'.

Acknowledgements: Thanks to Local Authority and qualifying body staff for their assistance with this examination and prompt replies to me. My compliments to the local community volunteers and Twyning Parish Council, who have produced a beautifully illustrated Plan dealing with relevant local issues.

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 Twyning that is the Twyning Parish Council. Drawing up the Neighbourhood Plan was undertaken by the Twyning Parish Neighbourhood Plan Steering Group, working to the Parish Council.

1.2 Independent Examination

1.2.1 Once Twyning 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 Twyning 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 Twyning and 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', which I consider in sections 3 and 4 below. The plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- 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 Twynning NDP complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 8th January 2014 by Tewkesbury BC, although the current Plan does not state this correctly or consistently, and that will need to be corrected. With minor changes detailed in the modifications in section 4 below, the plan will not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2011 – 2031 but the consultation statement will need correcting to these dates as it is mistakenly giving the date as 2017 – 2031. The Plan has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

Modification 1: For accuracy and clarity, the Plan is recommended to show the correct dates consistently for the designation of the neighbourhood area (8th January 2014) and the time period the Plan covers: 2011 - 2031.

1.2.5 I made an unaccompanied site visit to the Parish to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 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 Twyning and Tewkesbury, 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 (JCS) for Gloucester, Cheltenham and Tewkesbury is at a very advanced stage of preparation; the main modifications to the plan were out for consultation from February to April of this year. The Inspector has just issued a final report that concludes the JCS is sound, subject to commencement of immediate review of several issues, including housing allocations in Tewkesbury. The new Tewkesbury Borough Local Plan is at an earlier stage of development. Neither of them are part of the development plan for the purposes of this examination therefore, but the Parish Council have wisely taken the JCS in particular into account during formulation of this Plan.

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 Twyning NDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance (NPPG) 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 Regulations 2012 (as amended)
- Submission version of the Twyning Parish NDP
- The Basic Conditions Statement submitted with the Twyning Parish NDP
- The Consultation Statement submitted with the Twyning Parish NDP
- The Strategic Environmental Assessment Screening Decision for the Twyning Parish NDP
- Neighbourhood Area Designation (map)
- Tewkesbury Borough Local Plan to 2011: Adopted March 2006
- Cheltenham, Gloucester and Tewkesbury Joint Core Strategy Nov 2014 submission version
- Inspector's Final Report on the JCS: 26 October 2017
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 The Parish of Twyning lies between the rivers Severn and Avon, to the north of Tewkesbury and thus also in the north of the county of Gloucestershire. The parish includes several settlements within a rural setting, the largest being the main village of Twyning and adjacent Twyning Green. This settlement, which is designated as a Service Village in the JCS, is collectively referred to as 'Twyning Village' in the Plan.

2.1.2 A steering group, known as the Advisory Group, was set up to work on the Plan for the Parish Council. The group was made up of Parish Councillors and volunteers from the local community. The Parish Council website carried details of progress with the Plan. Social media, the newsletters of St Mary's Twyning and the Parish Council were all used to inform residents of developments and invite participation, as well as posters and printed roadside banners. Early work included evidence gathering and data analysis, and subject tasks groups were also set up.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. There was a questionnaire delivered to every house in the parish, and also available on line, which had a response rate of just over 30%. The questionnaire explored opinion on a variety of issues. Other engagement techniques involved local meetings and exhibitions at events such as the summer fete.

2.1.4 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Twyning Draft NDP ran from the 12th December 2016 to the 22nd January 2017. The draft Plan was available on the Parish Council website with evidence base documents. Hard copies were available at the village shop and two local pubs. Statutory consultees, as advised by the LPA, were mailed an electronic copy of the draft Plan. All were invited to comment. Posters, banners and a flyer to every household advertised the Reg 14 consultation.

2.1.5 Representations were received from 67 residents and 4 statutory bodies during the Reg14 consultation period, and comments received are detailed in an appendix to the Consultation Statement with the Qualifying Body's response.

2.1.6 I am satisfied that due process has been followed during the consultation undertaken on the Plan, although comments from residents are not named due to the detail not being required at

the time. The record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and the Statutory bodies that responded are identified.

2.1.7 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 Borough Council on the 20th June 2017.

2.1.8 Tewkesbury BC undertook the Reg 16 consultation and publicity on the Twyning NDP for six weeks, from the 26th June until the 4th August 2017. The representations received during this consultation are considered below.

2.2 Regulation 16 Consultation Responses

2.2.1 Publicity and consultation on the Plan, as required by regulation 16 of the Neighbourhood Planning Regulations 2012, resulted in 18 comments, including two from the LPA and one from the qualifying body (Twyning Parish Council). Eight of the responses had no specific comments to make on this plan, two responses supported the Plan. Other responses are summarised below, and, where necessary, issues they raise concerning a failure to comply with the basic conditions are considered in sections 3 and 4 of this report.

2.2.2 Natural England suggested Policy ENV1 could be more specific about protecting biodiversity and priority habitats, and also promoted adding protection of biodiversity into other policies. The comments would have been more useful at an earlier stage in the plan-making process, as they do not address issues of whether or not the Plan and its policies meets the Basic Conditions.

2.2.3 Two residents have requested the Plan deal with the need for a cycle route between Tewkesbury and Twyning, two other residents have stated that the development boundary is not flexible enough.

2.2.4 Mark Godson of SF Planning has also objected to the inflexibility of the development boundary, and that the Plan does not provide for self-build homes. These comments are considered further in the discussions about Policies S2 and H2.

2.2.5 The Local Planning Authority, Tewkesbury BC, have submitted detailed comments on the Plan, as well as a summary of all responses, which was useful. The comments made that are considered to be a matter of whether or not the Basic Conditions have been met are considered in section 4 of this report. Some comment on grammar and other textural errors, while correct and best corrected in a final version, are not an examination matter. I am to concern myself solely with Basic Condition issues in this examination.

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 Twyning NDP has complied with these requirements subject to modifications for accuracy as detailed in Modification 1. 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 The Basic Conditions Statement explains on pages 7 - 9 how the plan promotes the social, economic and environmental goals of sustainable development. With the modifications to policy recommended below, I accept that this is so.

3.3 The screening opinion has been drawn up by Tewkesbury Borough Council (the LPA) according to the Basic Conditions Statement, although this is not clear on the actual document. It sets out the advice of various key officers of the LPA and the national statutory bodies that neither Strategic Environmental Assessment (SEA) nor Habitat Regulations Assessment (HRA) are required for the Twyning NDP. There are assessed to be no likely significant environmental effects arising from it, a statement the relevant authorities all agree on. These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with.

3.4 The Twyning NDP in my view complies with Human Rights Legislation as it states in the Basic Conditions Statement (page 11). It has not been challenged with regard to this, and the consultation undertaken on the Plan attempted to engage with as much of the community as possible.

4. Compliance with National Policy and the adopted Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the Twyning NDP 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. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

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. If not, then modifications required to bring the plan into conformity are recommended. Modifications are boxed in the text, with text to remain *in italics*, new text highlighted in **Bold** and text to be deleted shown but ~~struck through~~. Instructions for modifications to the Plan are shown underlined.

4.3 The General layout of the document is clear, and policies are justified individually. Background information and history set the context well. The intent to review the Plan when the new Tewkesbury Borough Local Plan is adopted is good practice. The last paragraph on page 13 which describes the process from submission of the Plan to the referendum needs to be updated. The neighbourhood plan map on page 8 has been criticised for not being clear enough. My view is that it is just acceptable, particularly as the boundary is the same as the parish boundary – which is defined well independently of this Plan.

4.4 The fourth paragraph of page 20 of the Plan refers to 'a number of aspirations' that are not land-use included in the plan. I could find no such aspirations, certainly none specifically drawn out in a way that could contradict the requirement that any such statements of intent be separate from the land-use planning document. For clarity, and to ensure the document complies with government guidance in its format therefore, I recommend that this reference is deleted, as set out in modification 2.

Modification 2: Remove the last two sentences from the fourth paragraph on page 20 in order that no impression is given of a document that mixes land-use and other policies within it.

4.5 On page 22 of the Plan there is a list of saved policies from the adopted Tewkesbury Local Plan that are considered relevant to this Plan. In fact all saved policies in this Local Plan are relevant, unless they are specifically dealing only with sites that are outside of the neighbourhood area. Additionally, the JCS, which may well be adopted by early 2018, also details policies from the adopted Local Plan that will be superseded when this happens. As the list of adopted local plan policies is not complete, and therefore could be misleading, and is likely to change radically again within a year, I recommend that it is removed from the body of the text for accuracy and clarity, as set out in modification 3. The first paragraph concerning whether or not Tewkesbury has a 5 year housing land supply is also likely to change again due to various factors and should also be deleted for accuracy. The remaining list of policies in the Twyning NDP could usefully become a guide to location with page numbers, but this is not a Basic Conditions issue, and I make no formal recommendation in this regard.

Modification 3: All text on page 22 to be deleted in the interests of accuracy and clarity.

4.6 Section 8 identifies two 'strategic policies' which are dealing with aspects of a defined development (settlement) boundary. These policies are updating a boundary originally set in the adopted Local Plan but now out of date. The JCS gives neighbourhood plans a role in guiding the distribution of development in their area (page 38). Thus the principle of the Twyning NDP covering settlement boundary issues is in general conformity with the strategic policy of the development plan, as well as complying with the intent of the emerging JCS. Policies S1 and S2 in the Twyning NDP are not setting out new strategic policy, which the Basic Conditions do not allow it to do, they are extending and updating existing strategic policy in the local plan. The identification of Policies as 'strategic' is confusing in the Twyning NDP, and appears to be undertaking strategic policy formulation that it is beyond the scope of a neighbourhood plan.

Modification 4: For reasons of clarity of purpose of this plan, and accuracy, I recommend that the section heading 'Strategic Policies' is removed. Policies S1 and S2 to be renumbered and added to the section 'General Development Policies'. Explanatory text and justification to be altered as required to suit this amendment.

NB: To assist comprehension of this report, the existing policy numbering system is used for reference.

4.7 Policy S1 New Housing Development in the Open Countryside: For reasons of clarity in the policy, as required by the NPPF (para 154), the policy needs to include the wider development plan as a consideration for all the criteria - in order to qualify the statement that all development meeting the criteria 'will be supported'. Material planning considerations, and other policy, may mean that a proposal meets the required criteria but is still not acceptable. It is not entirely clear a proposal only needs to meet one of the criteria to be acceptable, but the sense of the policy makes this the only reasonable interpretation.

4.7.1 The development plan for Tewkesbury is out of date with regard to housing allocations, and the Twyning NDP states on page 24 (3rd paragraph) that the development boundary may need to accommodate additional housing if required by the emerging Tewkesbury Local Plan. This statement is more policy than justification and, as suggested by the LPA, should be included within Policy S1 (as renamed) to allow for necessary future flexibility given that allocations may shift further as the new Tewkesbury Local Plan progresses.

Modification 5: I recommend that the following changes are made to Policy S1 for clarity and accuracy, as required by the NPPF and NPPG:

Policy S1 – New Housing Development In the open countryside

Proposals for new housing outside of the development boundary, and not on allocated sites, in the open countryside will be supported if they meet one or more of the following criteria and comply with all other policy in the development plan:

- a) Replacement dwellings;***
- b) Rural exception housing to meet an identified Parish need in accordance with Tewkesbury Borough Council policy, ~~taking account of other policies in this Plan;~~***
- c) Agricultural and forestry dwellings;***
- d) Where proposals would involve the re-use or conversion of an existing building and accords with the relevant development principles set out at Policy GD1. (or relevant new number) or***
- e) The future Local Plan for Tewkesbury identifies an additional need for further housing in Twyning as a service village beyond the allocations in this plan and the defined development boundary.***

4.8 Policy S2 Development Boundary of Twyning Village: This policy was criticised as too inflexible in several Reg16 responses, but the purpose of a defined boundary is to be clear about the dividing line between the open countryside and a settlement. Comments about distribution between settlement villages needing to be flexible does not indicate that settlement boundaries have to be flexible. Given the current situation with planning permissions in the parish, a housing allocation has been made that is broadly in line with the requirements of the emerging JCS as regards service villages. Further allocations may be required as a result of the emerging Local Plan, but this possibility has been allowed for in the recommended modification to Policy S1.

4.8.1 The proposed development boundary has been based on the previous boundary in the adopted Local Plan. In places it is not immediately obvious why certain sites have been included, and the text does not set out criteria for the review of the boundary, which for clarity and transparency it should do. I recommend that the Plan includes criteria for drawing development boundaries provided by the LPA, and I have used these to review the proposed boundary and make recommendations on the proposed alterations. In this way revisions to the boundary will be in line with the accepted criteria of the LPA and the policy will be in general conformity with the strategic policy of the development plan determining the previous boundary location.

4.8.2 The policy also needs to clarify that development will only be supported within the development boundary if it meets the requirements of other policy in the development plan, and there is a missing 'does' in the last sentence.

4.8.3 The final paragraph of page 24 is an instruction to the LPA as to how it should carry out its duties as the planning authority, and is not a legitimate concern of a neighbourhood plan. To have due regard to government guidance in the NPPG I recommend this paragraph is deleted.

Modification 6: I recommend that the following alterations are made to Policy S2, its reasoned justification and appendix A, in order that the Twynning NDP complies with the Basic Conditions, is in general conformity with the development plan for Tewkesbury and the process of reviewing the development boundary is transparent and clear:

Policy ~~S2~~ – Development within the defined Development Boundary of Twynning Village

Development within the defined Development Boundary, as indicated in ~~on the Proposal Map~~ Appendix A, will be supported where it is consistent with other policy in the development plan.

Infill development will be supported where it is consistent with the principles of sustainable development, and does not cause significant harm and respects existing patterns of development, such as open spaces that contribute to the key characteristics of the village.

Delete the final paragraph on page 24, and replace with the following:

The Development Boundary has been reviewed using the following criteria:

- **It include sites where new development has been built, is under construction or has permission but was outside the existing development boundary;**
- **It follows physical features and boundaries for clarity.**

Appendix A map and revised development boundary to be amended as follows:

- Willowend on Brockbridge Road to be excluded from the development boundary as it is not adjacent to any part of it and separated by land in agricultural use. This takes into account the outline permission 14/01081/OUT, which does not necessitate the inclusion of the site in this instance.
- In the vicinity of School Farm Stables, current planning application 17/00959/FUL, the site to be added if planning permission gained, but otherwise the boundary to exclude the south west part of this site and existing barn. Boundary to be revised to continue along the field boundary of gardens to properties to the east of the site on Fleet road;
- Revision to boundary that includes the car park to Fleet Inn to be removed and existing boundary from the adopted Local Plan to be retained at this location.

4.9 Policy GD1 – Development principles:

This policy complies with the Basic Conditions

4.10 Policy GD2 – Landscape and bio-diversity:

One of the aims of this policy is to protect ‘important views’, although the description of these varies within the Plan; they are sometimes referred to as ‘distinctive views’, and sometimes just as ‘views’. The policy refers to an Appendix B as a guide to where these views are taken. The LPA has expressed concern that some of the views indicated in Appendix B do not appear to be taken from public spaces, and after my site visits I would agree with this. After clarification with the Parish Council and LPA I recommend that a consistent term “important public views” be used in Policy GD2 and throughout the Plan, in order that it is clear that a landuse issue of views from public places is being protected, and that these views are particularly noteworthy. Government Guidance and thus the Basic Conditions include a requirement that the Plan deals with landuse issues (NPPG: ID 41-004-20140306). Appendix B is still a useful guide to important views, but the title of this Appendix should be altered for clarity and to reflect a clear focus on important public views, not areas of land.

Modification 7: In order that the policy is clear and deals with land-use issues I recommend the following alterations to Policy GD2:

The use of the word ‘views’ in bullets 1 and 6 shall be replaced by the following qualifying and descriptive text: “important public views”.

The title of Appendix B to be altered as follows:

Appendix B – ~~Areas that are defined as~~ Important for their public views in the parish

4.11 Policy GD3 – Provision for vehicles:

The policy uses the expression “smaller areas” which does not offer a specific enough indication to developers as to what is intended. I understand there is no highway guidance on this point, and to insert into the policy the specific number requested by Twynning PC would impinge on highway matters. However clarity could be improved with an additional sentence in the justification for the policy on page 31.

Modification 8: The justification for Policy GD3 is recommended to include the following sentence after the fourth paragraph of page 31 for clarity of meaning as required by the NPPF (para 154):

“Smaller areas and subdivision of parking areas are considered within the context of Twyning Parish to normally cater for no more than two or three vehicles each.”

4.12 Policy GD4 – Effect on nearby occupants:

The policy needs minor adjustment for the clarity required of policy in the Basic Conditions.

Modification 9: I recommend that for clarity of purpose the policy is worded as follows:

“Development proposals will need to demonstrate that they will not lead to unacceptable levels of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or have an overbearing effect on neighbouring properties.”

4.13 Policy GD5 – Water resources, quality and flood risk:

The policy is split over two pages, with a picture in between. For clarity, as required by the NPPF, the second part should be labelled as a continuation if the picture cannot be moved to either side. The phrase “sustainable water issue solutions” in the context of trees and woodland at bullet 4 is not immediately clear and understandable. The Parish Council have provided further clarification on this point, which I recommend is added to the justification for clarity.

Modification 10: In order that the Basic Conditions are met with regard to clarity of policy I recommend the following alterations to the justification for this policy and its presentation:

The policy to be written continuously or, if split over pages and by a picture, to indicate with a new heading that it is a continuation of Policy GD5.

The following paragraph to be added to the policy justification on page 34:

“Sustainable water issue solutions in an area with a high water table include the planting of trees and woodland. Excess water and potential flooding will be alleviated due to the trees’ need for considerable volumes of water, particularly in their mature state.”

4.14 Policies GD6 and GD7: 'Light pollution' and 'Street lighting and lighting on buildings'

These policies are dealing with similar issues, and the current overlap of requirements is confusing for developers and other interested parties. Additionally some of the requirements are not reasonable or landuse issues as currently written. It is not stated that Policy GD7 is dealing with external lighting schemes for example, and street lighting is normally a highway issue and not subject to regulation by planning permission and the development plan.

4.14.1 For reasons of reasonableness, as required by the NPPG, and clarity, as required by the NPPF, I recommend that Policies GD6 and GD7 are amalgamated and deal with landuse issues only with reasonable requirements of developers in order that the policies meet the requirements of the Basic Conditions, as shown in modification 11.

Modification 11: Policies GD6 and GD7 are recommended to be amalgamated and read as follows:

“Development that would create an unacceptable level of light pollution will not be supported. Exceptional circumstances for reasons of safety will require clear and evidenced justification. Flood lighting outside of residential areas will not normally be permitted. Within residential areas, external lighting will be expected to be minimised as far as safety and security requirements allow.

All new development proposals with significant external lighting proposals should provide technical details of that scheme such that its impact on light pollution can be properly assessed.”

The justification for the policy to include the following text as further explanation and advice:

“Light pollution should be considered at an early stage of the design process for all developments and minimised throughout the proposal’s design evolution. Street lighting is encouraged to be limited to areas of habitation and other activity, and its visual impact and lighting impact be minimised as far as safety allows.”

4.15 Policy GD8 – Street paraphernalia:

Road schemes are highway works and as such not regulated by planning requirements. The reduction of signage clutter, particularly in visually sensitive areas, is a planning issue as the appearance of an area is impacted. In order that the policy deals solely with landuse issues, and thus complies with the Basic Conditions, I recommend it should be altered as set out in modification 12.

Modification 12: Policy GD8 is recommended to be amended as follows:

"New developments and associated infrastructure ~~and any associated road schemes, should~~ are encouraged to ~~include~~ minimise the visual impact of street signage, markings, accessories and other roadside paraphernalia so that they are appropriate to the rural setting of the parish and ~~that will~~ do not result in an adverse impact upon the character and appearance of ~~its~~ the locality."

4.16 Policy H1 – Housing Site Allocations:

It is not correct to say that the Twynning NDP allocates sites. There has been no site allocation work undertaken, which is quite acceptable; a neighbourhood plan is not required to consider allocations. The development boundary as revised has included sites with recent permissions, including two significant areas of new development that are currently under construction and are referred to as being 'allocated' in this Plan. The inclusion of these sites within the development boundary makes it acceptable to refer to the sites as 'designated', and so with this change to Policy H1 it will comply with the Basic Conditions.

Modification 13: Policy H1 is recommended to be amended so that line 2 of the first paragraph reads '.....two sites are ~~allocated~~ designated for residential development...'

4.17 Policy H2 – Housing standards, design and mix:

A representation at the Reg16 consultation stage objected to this policy's failure to mention provision for self-build homes, and suggested that doing this was a duty of a neighbourhood plan. In fact the NPPF (para 59) does require the LPA to consider provision for self-build homes, but a neighbourhood plan cannot be required to deal with any particular issue.

4.17.1 The policy to be reasonable needs to clarify that only development with several dwellings proposed will be expected to provide a mix of types and the statement required in bullet 2. It is also not acceptable to state baldly that 'permission will be granted', as material considerations and other policy may require that permission is withheld, even if all of the quoted criteria are met. There is a punctuation error in the policy – bullet 3 needs a full stop, bullet 2 a semi-colon.

Modification 14: In order that Policy H2 complies with government guidance on reasonableness of policy and planning law I recommend that the following alterations are made to it:

~~“Permission will be granted for”~~ **Residential development or redevelopment will be supported, provided if all of the following criteria and other development plan policies are met:**

1. **Where development is of an appropriate size, it includes a mix of housing in terms of dwelling size, type and tenure;**
2. **Proposals for new dwellings, where appropriate, will be expected to provide a statement, setting out how the development meets the objectively identified.....**

Rest of the policy as existing.

4.18 Policy H3 – Affordable Housing

The policy is requiring affordable housing to ‘be fully integrated and evenly distributed throughout the development’, and this may not always be possible. In a similar way requiring any homes allocated to be prioritised for people with a local connection is not always going to be reasonable. The local connection requirement is within a policy dealing with affordable housing, and is normally a requirement with rural exception housing policies. The policy could usefully have better defined what a local connection actually is, but local connection policies by strengthening communities are dealing with an issue promoted in the NPPF (para 69). The policy will be reasonable and have paid due regard to government policy and guidance in this respect, as required by the Basic Conditions, with more room for flexibility written into it.

Modification 15: I recommend that Policy H3 is amended as shown in order that it is reasonable and flexible:

In order to meet objectively identified housing needs, an element of affordable housing will be sought as part of any housing scheme in accordance with the requirements of TBC’s adopted development plan policies. Where possible affordable housing is provided on-site it shall should provide for a mix that reflects local housing need, and shall be fully integrated and evenly distributed throughout the development of which it forms a part.

~~All~~ **Affordable housing where appropriate will be subject to a planning obligation to ensure that when homes are allocated, priority is given to people with a local connection to Twyning Parish (currently living, working or with close family ties to the Parish).**

4.19 Policy H4 – Residential extensions:

This policy complies with the Basic Conditions.

4.20 Policy H5 – Mobile homes:

This policy complies with the Basic Conditions.

4.21 Policy LF1 – Infrastructure:

This policy complies with the Basic Conditions.

4.22 Policy LF2 – Twyning Village:

This policy states an aim rather than sets out a clear policy on development. It does not comply with the NPPF's requirement that policy gives a clear message to developers. It is a nice expression of positive planning intent, but cannot be presented as a land-use policy, it is too vague.

Modification 16: I recommend that Policy LF2 is deleted in order that the Plan and its policies comply with the Basic Conditions. The wording of the policy to be adapted to another aim and objective for the Plan and added to the others on page 14.

4.23 Policy E1 – Principles of employment development:

This policy complies with the Basic Conditions.

4.24 Policy E2 – Working from home:

For clarity, and to comply with all strategic policy in the development plan and thus the Basic Conditions, this policy needs to make clear that home working will be supported as long as it also complies with other policy in the development plan.

Modification 17: I recommend Policy E2 is amended as follows:

Development that enables home-working will be supported subject to complying with other policy in the development plan.

4.25 Policy E3 – Broadband:

In order to be reasonable and not overburden development with costly obligations, as required by the NPPF (para 173), this policy needs to be more flexible. In order that it meets the Basic Conditions in this regard I recommend that it is amended as set out in Modification 18.

Modification 18: The first sentence of Policy E3 is recommended to be amended as follows:

~~All~~ **New residential and employment development should will provide Superfast Broadband to all properties where possible.**

4.26 Policy TP1 – Traffic:

The wording of this policy is not clear in intent, and there is an assumed 'at risk' missing from the end of the paragraph. Additionally although development may have potentially severe impact, if this can be mitigated then the development should become acceptable, in terms of its traffic impact at least. In order that the policy is clear therefore, and promotes positive planning with effective mitigation, I recommend that in order to comply with the Basic Conditions it is amended as set out in Modification 19.

Modification 19: Policy TP1 is recommended to be amended as follows:

~~Development will only be permitted when it can be demonstrated that any will not resulting cause a severe adverse traffic impact and increase in the volume of traffic within Twynning Parish that cannot be acceptably mitigated on traffic increase in the volume of traffic within Twynning Parish will not result in a severe impact, particularly where the road network is narrow and pedestrian traffic facilities inadequate.~~

4.26 Policy TP2 – Access:

This policy complies with the Basic Conditions.

4.27 Policy ENV1 – Nature conservation areas:

Appendix D is confusing, and I sought guidance on the actual areas being designated. Part of the response from the Qualifying Body indicated that they would like to take the opportunity to delete some areas from the protection the policy offers. This is not an option for me during this examination, the areas designated have local wildlife value, and do not cover an overly extensive area. They do not need reduction as a Basic Conditions issue, and other consultees have, during the Reg16 stage, requested more features could be included (Natural England), which would indicate they would not support the removal of some areas. The additional information provided for four sites would usefully be inserted into the justification for the policy, but this is not a basic conditions issue and I make no formal recommendation on this.

4.27.1 For clarity however, as required by the NPPF and therefore the Basic Conditions, Appendix D needs to be amended. There would seem to be no need to repeat this map on page 54, and it could be confusing. The Twynning NDP should only deal with land within the parish of Twynning, so if the areas at the bottom of page 55 headed “Adjacent sites at:” are outside the parish, they should be removed to comply with the Basic Conditions.

Modification 20: I recommend that Appendix D and reference to it is amended for clarity as follows:

Any area shown shaded but outside the neighbourhood plan area to be removed;

Each of the areas listed to be protected to be shown by an area of shading not bisected by internal solid lines;

‘Appendix D’ to be re-named as needed after other recommended modifications are made – specifically the removal of Appendix C.

Policy ENV1 to not refer to a ‘policies map’, as it is the Appendix that has the relevant information.

The justification on page 55 to not include mention of any sites that are outside the neighbourhood area.

4.28 Policy ENV2 – Significant Gap:

The area defined in Appendix C as the significant gap is not in itself adequate. There is land around the defined area that would also need to be included, were the designation to properly set out an area to be defined as a Significant Gap between settlements. The designation is stated in the justification to be aimed at maintaining a clear distinction between Twyning Village and Church End to protect their respective individual identities, a legitimate landuse concern.

4.28.1 The justification on page 56 (last sentence) states that proposals should not detract from the open and undeveloped character of the area, wording that is effectively policy. In order that the Basic Conditions are met, appendix C cannot be included, as the area defined is not supported by adequate evidence, as required by the NPPG (ID41-040 20160211). It is not a coherent designation when viewed either on plan or on site. The concept however is an accepted land-use concern and the justification sets out the policy intent, with some text that can be stated in the policy as well for clarity of the intent and extent of the policy.

Modification 21: I recommend that Policy ENV2 and its Appendix is amended as follows:

Appendix C to be deleted and Policy ENV 2 altered to read:

“Development proposals should ensure the retention of the open character of the ~~Significant Gap~~ countryside between Twyning Village and Church End and not detract from this open and undeveloped character.”

4.29 Policy ENV3 – Sport, recreation and amenity value:

This policy complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The Twyning Parish Neighbourhood Development Plan 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 Twyning Parish Neighbourhood Development Plan 2011 – 2031 shall be the boundary of the designated Neighbourhood Area for the Plan, the Twyning Parish boundary.

