

Independent Examiner's Report of the
Churchdown and Innsworth Neighbourhood
Plan

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SECTION 2

Summary

As the Independent Examiner appointed by Tewkesbury Borough Council to examine the Churchdown and Innsworth Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the Churchdown and Innsworth Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Churchdown and Innsworth Neighbourhood Plan go to Referendum.*
- 3. I have read the Churchdown and Innsworth Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Churchdown and Innsworth Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. The Churchdown and Innsworth Neighbourhood Plan Area is within the area covered by Tewkesbury Borough Council. The relevant Development Plan, at the time of my examination was comprised of the Gloucester, Cheltenham and Tewkesbury (JCS) 2011-2031 (adopted 2017) and the saved policies of the Tewkesbury Local Plan 2006.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Churchdown and Innsworth Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Churchdown and Innsworth Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Churchdown and Innsworth Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Churchdown and Innsworth Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
 - i) *specify the period to which it has effect;*
 - ii) *not include provision about excluded development; and*
 - iii) *not relate to more than one neighbourhood area and that*

- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum

2. The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community’s intent in producing their neighbourhood plan.

3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.1 I am also required to recommend whether the Referendum Area should

be different from the Plan Area, should the Churchdown and Innsworth Neighbourhood Plan go to Referendum.

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

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.3 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- Contributes to the achievement of sustainable development;
and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of Neighbourhood Plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-

The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Tewkesbury Borough Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without

modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Tewkesbury Borough Council appointed me as the Independent Examiner for the Churchdown and Innsworth Neighbourhood Plan with the agreement of Churchdown and Innsworth Neighbourhood Plan Group

2. Qualifying body

I am satisfied that Churchdown Parish Council is the Qualifying Body.

3. Neighbourhood Plan Area

The Churchdown and Innsworth Neighbourhood Plan Area was designated in June 2013 under the Neighbourhood Planning Regulations 2012 (part2 S6). The area covers the administrative boundaries of the Parishes of Churchdown and Innsworth and the Qualifying Body have confirmed that there are no other neighbourhood plans covering the designated area.

4. Plan Period

The Plan identifies the period to which it relates as 2018 to 2031. This period should be clearly stated on and within the Plan and accompanying documents ensuring that there is consistency throughout.

5. Tewkesbury Borough Council Regulation 15 Assessment of the Plan.

Churchdown and Innsworth Parish Councils, the Qualifying Body, submitted the plan to Tewkesbury Borough Council for consideration under Regulation 15 on the 5th April 2019. The Council has made an initial assessment of the submitted Churchdown and Innsworth Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. The Consultation Process

The Churchdown and Innsworth Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed Neighbourhood Plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed Neighbourhood Plan.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequate, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

7.Regulation 16 consultation by Tewkesbury Borough Council and record of responses.

Tewkesbury Borough Council placed the Churchdown and Innsworth Neighbourhood Plan out for consultation under Regulation 16 from Monday 24th June to Tuesday 27th of August 2019.

A number of detailed representations were received during the consultation period and these were supplied by the Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.

8.Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 3rd of October 2019.

9. Compliance with the Basic Conditions

The Qualifying Body have produced a Basic Conditions Statement. The purpose of this statement is to set out in some detail how the Neighbourhood Plan as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Churchdown and Innsworth Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate*

Development Plan

4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. *There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:*

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

Documents brought to my attention by the Borough Council for my examination include:

- *Churchdown & Innsworth Neighbourhood Plan - Reg 16 March 2019 (pdf, 16MB)*
- *Character Area Good Practice Guide, May 2018 (pdf, 2.10MB)*
- *SEA HRA Screening Determination July 2018 (pdf, 172KB)*
- *Basic Conditions Statement March 2019 (pdf, 1.6MB)*
- *Basic conditions NPPF January 2019 compliance confirmation, May*
- *Evidence List April 2019 (pdf, 161KB)*

Comment on Documents submitted

I have received representation that the Churchdown and Innsworth Neighbourhood Plan Basic Conditions Statement was tested against the 2012 NPPF not the Feb 2019 NPPF (as updated). Having considered the Basic Conditions Statement Compliance Confirmation Statement and the Plan I am satisfied that the Basic Conditions Statement does reflect the 2019 NPPF and therefore meets the legal requirements in this respect.

Paragraph 1.5, Page 3 of the Basic Conditions Statement states the following:

"Tewkesbury Borough Council (TBC), as the local planning authority, has prepared the Plan, which covers the two parish areas of Churchdown and Innsworth. This was designated in June 2013." The plan has been prepared on behalf of the Qualifying Body by the Neighbourhood Plan Group. This statement should be corrected.

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Churchdown and Innsworth Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF)February 2019 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

The Churchdown and Innsworth Neighbourhood Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Churchdown and Innsworth Neighbourhood Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

Churchdown and Innsworth is within the area covered by Tewkesbury Borough Council. The relevant Development Plan, at the time of my examination was comprised of the Gloucester, Cheltenham and Tewkesbury (JCS) 2011-2031 (adopted 2017) and the saved policies of the Tewkesbury Local Plan 2006.

4.10.1. National Planning Policy

4.10.3 To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. National Planning Policy is contained within the National Planning Policy Framework 2019 (updated) and the supporting guidance.

4.10.4 The Churchdown and Innsworth Neighbourhood Plan Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has

taken them into account.

4.10.5 I have examined the and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to minor modification does meet the Basic Conditions in this respect.

4.11 Local Planning Policy- The Development Plan

4.11.1 5. The Churchdown and Innsworth Neighbourhood Plan Area is within the area covered by Tewkesbury Borough Council. The relevant Development Plan, at the time of my examination was comprised of the Gloucester, Cheltenham and Tewkesbury (JCS) 2011-2031 (adopted 2017) and the saved policies of the Tewkesbury Local Plan 2006.

4.11.2 To meet the Basic Conditions, the Churchdown and Innsworth Neighbourhood Plan Neighbourhood Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.11.3 *Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:*

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.11.4 *Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.*

4.11.5 *The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.*

4.11.6 *Planning Policy Guidance paragraph 41-076-20140306 sets out that:*

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are

useful considerations:

- *whether the policy sets out an overarching direction or objective*
- *whether the policy seeks to shape the broad characteristics of development*
- *the scale at which the policy is intended to operate*
- *whether the policy sets a framework for decisions on how competing priorities should be balanced*
- *whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan*
- *in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan*
- *whether the Local Plan identifies the policy as being strategic”*

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

Tewkesbury Borough Council carried out a Strategic Environmental Assessment (SEA) screening exercise in July 2018 in consultation with relevant statutory bodies and confirmed that the Churchdown and Innsworth Neighbourhood Plan did not require a SEA under European Directive 2001/42/EC.

Habitats Regulations Assessment (HRA)

Tewkesbury Borough Council carried out a Habitats Regulations Assessment Screening in July 2019 in consultation with Natural England and confirmed that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

11.2 Sustainable development

Paragraphs 7 to 14 of the NPPF (Feb 2019 as updated) identify the components of sustainable development, and how planning applications and local plans can meet these requirements.

The Basic Conditions Statement sets out how the neighbourhood plan addresses the requirement to achieve sustainable development.

My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Churchdown and Innsworth Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Churchdown and Innsworth Neighbourhood Plan has done so.

I am therefore satisfied that the Churchdown and Innsworth Neighbourhood Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Churchdown and Innsworth Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Churchdown and Innsworth Neighbourhood Plan, subject to modification covers development and land use matters.

11.5 General Comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of

the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Churchdown and Innsworth Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.

*As I have found it necessary to modify a number of policies it may also be necessary to modify the supporting text within the plan to align with the modified policies, where this is necessary. The details of these modifications are set out within my comments on the related policies. My comments on policies are in *blue* with the modified policies in *red*.*

12. The Neighbourhood Plan Vision, Strategic Aims and Policies

12.1 VISION Statement

Neighbourhood Area Vision Statement

The following overarching vision has been developed for Churchdown and Innsworth over the next 13 years:

‘In 2031, the parishes of Churchdown and Innsworth will be a prosperous area with excellent amenities for all ages and with a distinctive green character defined by its orchards and water features. It will value its community, its business and retail capabilities, and community events, providing people with a supportive and sustainable environment where people can live, work, rest and play. Pedestrians and cyclists will feel safe and traffic will be managed to minimise its impact. There will be a range of jobs and housing to support and maximise choices for residents, and excellent public services across education, healthcare and leisure for all residents. The green and blue environment will continue to be protected, cherished and enhanced as the area is recognised for the quality of its natural and built environment and its distinctiveness from Gloucester and Cheltenham.

The aims and objectives of the Churchdown and Innsworth Neighbourhood Plan are set out on pages 23 to 25 of the Plan.

COMMENT

I am satisfied that the Churchdown and Innsworth NDP vision, aims and objectives were developed from the consultation process and that the policies within the plan reflect the vision, aims and objectives.

CHURCHDOWN AND INNSWORTH NEIGHBOURHOOD PLAN POLICIES

POLICY CHIN1: PARKING TO SUPPORT RESIDENTIAL DEVELOPMENT

a. for new residential developments (use class c3), the following minimum parking standards shall apply for the provision of off-road parking:

- 1-bed dwelling1 off-road car parking space*
- 2-bed dwelling2 off-road car parking spaces*
- 3-bed dwelling2 off-road car parking spaces*
- 4-bed dwelling3 off-road car parking spaces*
- 5+ bed dwelling4 off-road car parking spaces*

b. parking should be provided on-plot, preferably to the side of the dwelling and preferably not in front of the building line. only where it has clearly been demonstrated that such provision is not possible or appropriate will alternative layouts be considered but are still expected to be off-street provision should take into account the size of modern cars.

c. on major developments (as defined in the nppf), a 0.25 space per dwelling allowance should be made for visitor parking off plot to avoid the potential for these spaces to be taken up by residents for their own use.

d. the design of on-street parking is encouraged to follow the 'green streets' concept to integrate street parking with green infrastructure and water drainage

COMMENT

Although Neighbourhood Plans can set local parking standards this policy is seeking to set a minimum parking standard which requires a higher parking ratio than set out in national planning guidance. Any

additional requirement placed on developers must be balanced against the national policy objective of significantly boosting the supply of homes. I have not been provided with any evidence which supports this higher standard. In addition, I have received representation that point b. of the policy is inflexible and could have significant implications for residential layouts. On balance, I consider this policy too prescriptive and inflexible and in order to meet the Basic Conditions, it should be modified as follows:

POLICY CHIN1: PARKING TO SUPPORT RESIDENTIAL DEVELOPMENT

a. For new residential developments (use class c3), the following parking standards for the provision of off-road parking should be achieved where possible:

- 1-bed dwelling1 off-road car parking space*
- 2-bed dwelling2 off-road car parking spaces*
- 3-bed dwelling2 off-road car parking spaces*
- 4-bed dwelling3 off-road car parking spaces*
- 5+ bed dwelling4 off-road car parking spaces*

b. Parking provision should be well designed, contribute to a high-quality environment and not contribute to cluttered and unsafe streets. Parking should be provided on-plot in the first instance and where this is not possible, on specifically allocated parking bays. Parking spaces should be designed to take into account of the size of modern cars and use permeable surface materials.

c. For major developments (as defined in the nppf), the provision of off plot visitor parking at a ratio of 0.25 space per dwelling is encouraged.

d. the design of on-street parking should follow the 'green streets' concept to integrate street parking with green infrastructure and water drainage

POLICY CHIN2: LAYOUT AND APPEARANCE OF RESIDENTIAL DEVELOPMENT

A. Proposals for new development or the redevelopment of existing buildings

should contribute towards the local distinctiveness of Churchdown and Innsworth. They should demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the best examples of the Neighbourhood Area's character, as described in the Churchdown and Innsworth Character Area – Good Practice – Assessment Guide.

B. New development is also encouraged to integrate positively received local design features and avoid negatively received local design features, as shown in Appendix A.

C. New development should use existing natural features to define the boundaries between properties and on the edge of the site.

COMMENT

I have no comment on this policy.

POLICY CHIN3: ENVIRONMENTAL CONSIDERATIONS IN THE DESIGN OF RESIDENTIAL DEVELOPMENT

A. New residential development proposals should demonstrate how they retain the environmental setting of Churchdown and Innsworth. Development should incorporate a range of green features into built design proposals - in particular, the provision of green spaces, verges, trees and hedgerows and orchard planting such as fruity streets, espaliers, forage trails, pocket orchards and community orchards.

B. Green corridor connections should be made between existing and new orchards and to other green infrastructure.

C. Boundary treatments are particularly important to the setting of development. Residential proposals must demonstrate how the boundaries between properties and public space enhance the environmental setting. Boundary treatments must be appropriate to ensure they are long lasting.

D. The use of soft edges to footpaths and permeable surfacing will be strongly supported.

COMMENT

I have received representation that this policy is overly prescriptive and inflexible. The policy does not make clear that differing requirements

will be appropriate for differing scales of development. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY CHIN3: ENVIRONMENTAL CONSIDERATIONS IN THE DESIGN OF RESIDENTIAL DEVELOPMENT

A. New residential development proposals should demonstrate how they retain and where possible enhance the environmental setting of Churchdown and Innsworth. Proposals should include a range of green features appropriate to the size and scale of the development - in particular, the provision of green spaces, verges, trees and hedgerows and orchard planting such as fruity streets, espaliers, forage trails, pocket orchards and community orchards.

B. Where possible Green corridor connections should be made between existing and new orchards and to other green infrastructure.

C. Boundary treatments are particularly important to the setting of development. Residential proposals should include details of boundary treatments and other means of enclosure and demonstrate how the boundaries between properties and public space will enhance the environmental setting. Boundary treatments must be appropriate to ensure they are long lasting.

D. The use of soft edges to footpaths and permeable surfacing will be strongly supported.

POLICY CHIN4: PROVISION OF LEISURE FACILITIES

A. Proposals to provide new leisure facilities to serve the community of Churchdown and Innsworth will be strongly supported. These proposals must be of a scale commensurate with the site and its surroundings, particularly in terms of the built form, traffic generation and parking.

B. In particular, the provision of the following will be strongly supported:

i. new football pitches to appropriate playing standards; and

ii. improvements to existing cricket pitches, new cricket pitches and provision of supporting facilities, including changing rooms, a pavilion, bar and function room.

C. The location of the new facilities must be generally accessible by foot/bicycle and within or adjacent to the existing built up area of Churchdown

and Innsworth.

D. Such provision as part of the strategic allocations will be strongly supported.

COMMENT

I have no comment on this policy.

POLICY CHIN5: PROVISION OF PLAY FACILITIES

A. Proposals to provide additional play facilities to serve the community of Churchdown and Innsworth will be strongly supported.

B. To support the play needs of the new population, provision of Neighbourhood Equipped Areas for Play (NEAPs) is encouraged. This could be new provision or an extension to existing play provision at John Daniels Playing Field and Oakhurst Close. Provision will be expected to demonstrate that it provides a wide range of play equipment which addresses the needs of children of all ages.

C. To support the needs of older children, the provision of infrastructure to support wheeled sports (such as BMX track/dirt jumps and a scooter/skate park) is encouraged. Such provision should ideally be located close to any existing or new NEAP provision identified in CHIN5(B).

D. The provision of a large pond or small lake for the enjoyment of the community on any of the strategic allocations will be supported.

COMMENT

I have no comment on this policy.

POLICY CHIN6: PROTECTION OF CHURCHDOWN PARK LOCAL GREEN SPACE

Churchdown Park, as shown on the Policies Map, is designated as a Local Green Space. Proposals for built development on Churchdown Park will not be permitted unless the proposal is of a limited nature and it can be clearly demonstrated that it is required to enhance the role and function of the park.

COMMENT

The NPPF states:

99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

I am satisfied that Churchdown Park meets the NPPF requirements and I have been provided with an additional document which sets out that the necessary consultation with the owner/s has taken place.

It has also been brought to my attention by Tewkesbury Borough Council that the policies map and Fig. 5.1 is inaccurate in relation to the boundary of the park. This boundary should be reviewed and corrected as necessary.

For clarity Policy CHIN6 should be re named and the policy modified as follows:

POLICY CHIN6: Local Green Space Designation.

Churchdown Park, as shown on the Policies Map, is designated as a Local Green Space. Proposals for built development on Churchdown Park will only be permitted in very special circumstances.

POLICY CHIN7: PROVISION OF COMMUNITY FACILITIES

Provision of the following community facilities will be strongly supported:

- *Burial space.*
- *Allotments and community growing spaces.*

All strategic allocations will be expected to make provision for allotments.

COMMENT

I have no comment on this policy

POLICY CHIN8: BROADBAND CONNECTIVITY

A. All new residential, commercial and community properties within the Neighbourhood Plan area should be served by a superfast broadband (fiber optic) connection. This should be installed on an open-access basis with the realistic future-proof upgrade capability.

B. The only exception will be where it can be demonstrated, through consultation with NGA Network providers, that this would not be either possible, practical or economically viable. In such circumstances sufficient and suitable ducting should be provided within the site and to the property to facilitate ease of installation at a future date on an open access basis.

C. Applicants are encouraged to demonstrate how matters relating to broadband connectivity for new development – particularly residential, commercial and community properties – will be addressed through the use of Connectivity Statements.

COMMENT

I have no comment on this policy

POLICY CHIN9: PROVISION FOR WILDLIFE IN NEW DEVELOPMENT

Development proposals (particularly residential developments), that incorporate into their design features which encourage local wildlife to thrive will be strongly supported.

COMMENT

I have no comment on this policy.

POLICY CHIN10: ORCHARDS, HEDGEROWS AND VETERAN TREES

Development must ensure that it does not have a significant detrimental impact on existing orchards, including those identified in Appendix C. In particular, development proposals will be expected to retain hedgerows and veteran trees, including veteran Perry pear trees. This is particularly important where the loss of any such features would result in harm to or loss of irreplaceable habitats.

COMMENT

I have received representation that there may be inaccuracies in the orchards identified in Appendix C. The orchards in question are:

GLOS3085, GLOS3089 and GLOS3079

I requested clarification on the status of these orchards from Tewkesbury Borough Council and received the following response:

“GLOS3085

This site does appear on the People's Trust for Endangered Species (PTES) database, but it is noted as a historic site that is not likely to fruit.

On the site wide masterplan approved for the Innsworth strategic allocation (18/00123/CONDIS) the site is not shown as an orchard and instead as a neighbourhood centre for the development. Replacement orchard provision is to be made elsewhere as part of the development.

GLOS3089

This site remains on the PTES database as an orchard.

On site, there remains a small orchard/tree belt running alongside the buildings associated with Innsworth House Farm that corresponds with the location of GLOS3089 on the NDPs Appendix C map.

GLOS3079

This site remains on the PTES database as an orchard.

However - on the site wide masterplan approved for the Innsworth strategic allocation (18/00123/CONDIS) the site is not shown as an orchard and is instead largely covered by an attenuation pond. Replacement orchard provision is to be made elsewhere as part of the development.”

The plan at Appendix C should be amended to remove GLOS3085, and GLOS3079 and in order to meet the Basic Conditions the policy should be modified as follows:

POLICY CHIN10: ORCHARDS, HEDGEROWS AND VETERAN TREES

Development should ensure that it does not have a significant detrimental impact on existing orchards, including those identified in Appendix C. In particular, development proposals will be expected, where possible to retain hedgerows and veteran trees, including veteran Perry pear trees. This is particularly important where the loss of any such features would result in harm to or loss of irreplaceable habitats.

POLICY CHIN11: BLUE INFRASTRUCTURE

A. Existing water courses should be enhanced through new development, by sensitively managing drainage and providing attenuation features on-site, such as SuDS, to minimise new volumes into the water course, particularly from agricultural land.

B. New developments should adopt a blue infrastructure approach to the design of water and flood management, enhancing the provision of wetland habitat for wildlife and thus opportunities for the enjoyment of wildlife close to where people live. New developments should include an imaginative and varied range of water features, including swales with standing water all year round, ponds and pond complexes of varying sizes and designs, reed beds/rushes/grasses and enhancement for character species such as water voles and dragonflies.

C. Brooks should be protected and enhanced for the benefit of wildlife.

COMMENT

I have no comment on this policy.

POLICY CHIN12: FLOOD MITIGATION

A. Due to the levels of flood risk (fluvial and surface water) in Churchdown and Innsworth, development proposals are expected to demonstrate that they will not worsen the existing risks to the drainage network through the use of effective modern solutions. For surface water drainage, this means demonstrating that all reasonable and sustainable options have been considered in accordance with the surface water hierarchy.

B. New development which is required to deliver flood mitigation measures and an accompanying ongoing management plan must ensure that this management plan includes the following:

- i. Details of how the scheme will be professionally serviced in perpetuity.*
- ii. What resources will be required and how these will be provided to maintain good level of flood defence, water storage, enhancements to the landscape and wildlife habitat, as appropriate (and specifically meeting the requirements of Policy CHIN11).*
- iii. Opportunities for safe access, leisure and participation by local people to care for and enhance the scheme (and specifically meeting the requirements of Policy CHIN11).*

C. Existing open watercourses should not be culverted. Where feasible, opportunities to open up culverted watercourses should be sought to reduce the associated flood risk and danger of collapse whilst taking advantage of opportunities to enhance biodiversity and green infrastructure, as required by Policy CHIN11.

COMMENT

Point c of the policy does not provide flexibility for circumstances where it may be necessary to culvert an existing watercourse.

Paragraph 6.31 should be revised to make reference to the Tewkesbury and Water Management SPD 2018.

For clarity and to meet the Basic Conditions point c. should be modified as follows:

C. Existing open watercourses should not be culverted, except where essential to provide access. Where feasible, opportunities to open up culverted watercourses should be sought to reduce the associated flood risk and danger of collapse whilst taking advantage of opportunities to enhance biodiversity and green infrastructure, as required by Policy CHIN11.

POLICY CHIN13: VIEWS TO AND FROM CHOSEN (CHURCHDOWN) HILL

Any development should maintain the local character of the landscape and not result in any loss or diminution in aesthetic value of views to or from Chosen (Churchdown) Hill.

COMMENT

Although there is reference in the Plan to the importance of Chosen (Churchdown) Hill and views to and from it to the community and there are a number of photographs included these are not marked on any accompanying maps. The views identified should be marked and appropriately identified on the policies map. The wording of the policy is also imprecise and subjective, it is difficult to understand how this would be applied in the determination of a planning application. For clarity the policy should be modified as follows:

POLICY CHIN13: VIEWS TO AND FROM CHOSEN (CHURCHDOWN) HILL

Chosen (Churchdown) Hill is a prominent visual landmark of ecological, historic and recreational importance. Development proposals should maintain the local landscape character as identified in the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis 2013. Proposals which have a negative impact on views to or from Chosen (Churchdown) Hill as identified on Fig ? will be resisted.

POLICY CHIN14: PEDESTRIAN AND CYCLE MOVEMENT ROUTES

A. To ensure that people can travel safely to the shops, public transport facilities, schools and other important facilities and amenities serving Churchdown and Innsworth, all new developments should ensure safe pedestrian and cycle access to link up with existing footways and cycleways that directly serve the Movement Routes shown on the Policies Map.

B. Priority is given to proposals which appear most likely to encourage cycling and walking as an alternative to driving.

C. Developer contributions (principally in the form of Community Infrastructure Levy receipts) will be used to pay for these enhancements.

D. Development will be expected to mitigate impacts on Movement Routes and provide a strategy to mitigate the impact of additional traffic movements on the safety and flow of pedestrian access. This should be addressed through a Transport Assessment where this is required as part of a planning application.

COMMENT

This policy imposes a blanket requirement on all new development regardless of size or type. CIL contributions are dealt with under separate legislation and dealt with by the Local Planning Authority and cannot form part of a land use policy within a Neighbourhood Plan. If the Qualifying Body wish to include a priority project list setting out how any CIL contributions the Parish Council receive will be spent this should be included in a separate section of the Neighbourhood Plan. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY CHIN14: PEDESTRIAN AND CYCLE MOVEMENT ROUTES

It is essential that people can travel safely to the shops, public transport facilities, schools and other important facilities and amenities serving Churchdown and Innsworth. Where appropriate new developments should ensure safe pedestrian and cycle access and where achievable link up with existing footways and cycleways that directly serve the Movement Routes shown on the Policies Map.

A. Proposals should be designed to encourage cycling and walking as an alternative to driving.

B. Development proposals should, where necessary be supported by a Transport Assessment or Transport Statement which assesses the impact on Movement Routes and provides a strategy to mitigate the impact of additional traffic movements on the safety and flow of pedestrian access.

POLICY CHIN15: PROVISION OF CIRCULAR WALKING ROUTE

In order to provide improvements for access and leisure purposes, proposals to provide a dedicated walking route around the parishes of Churchdown and Innsworth will be supported.

COMMENT

I have no comment on this policy.

POLICY CHIN16: HIGHWAY CAPACITY AT KEY ROAD JUNCTIONS

All Transport Assessments (for larger sites) or Transport Statements (for smaller sites) - as required by Para 111 of the National Planning Policy Framework - should address to the satisfaction of the highway authority the

cumulative transport impact on road junctions, in particular including the following, identified on the Policies Map:

a. B4063 Cheltenham Road East with Innsworth Lane and Parton Road

b. Pirton Lane and Cheltenham Road East

c. Pirton Lane and Station Road

d. Albemarle Road and Brookfield Road

e. Pirton Lane and Winston Road

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

- 1. I find that the Churchdown and Innsworth Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 3. The Churchdown and Innsworth Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Plans in place within the Neighbourhood Area.*
- 4. The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*
- 5. The policies and plans in the Churchdown and Innsworth Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan, currently the Gloucester, Cheltenham and Tewkesbury (JCS) 2011-2031 (adopted 2017) and the saved policies of the Tewkesbury Local Plan 2006.*
- 6. I therefore conclude that the Churchdown and Innsworth Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

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5th of November 2019

