

# **Woodmancote Neighbourhood Development Plan**

## **Independent Examiner's Report**

September 2022

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## **Contents**

Summary

1. Introduction
2. Appointment of the independent examiner
3. The role of the independent examiner
4. Compliance with matters other than the basic conditions
5. The examination process
6. Consultation
7. Compliance with the basic conditions
8. Neighbourhood Plan policies
9. Conclusions and recommendations

Appendix 1 Background Documents

Appendix 2 Examiner's questions

## **Summary**

I have been appointed by Tewkesbury Borough Council to carry out an independent examination of the Woodmancote Neighbourhood Development Plan.

The examination was carried out between February and August 2022 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Development Plan area on 18 March 2022.

Woodmancote is a large parish to the east of Bishop's Cleeve and around three miles north of Cheltenham. The Cotswold scarp edge is a distinctive landscape feature of the parish and around half of the Parish lies within the Cotswolds AONB.

Subject to a number of modifications set out in this report, I conclude that the Woodmancote Neighbourhood Development Plan meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Plan area.

Barbara Maksymiw

Independent Examiner

September 2022

## **1. Introduction**

1. Neighbourhood planning is a relatively new process, introduced by the Localism Act 2011, which enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.

2. Woodmancote Parish is situated to the east of Bishop's Cleeve in the borough of Tewkesbury. With a population of around 3,000, the main settlement is Woodmancote. The Cotswolds Edge is a defining part of the parish's character, around half of which lies within the Cotswold AONB. Through growth in the latter part of the twentieth century, the parish has become popular as a settlement for commuters and retirees alike. The Gloucestershire-Warwickshire railway line forms the western boundary of the parish.

3. The purpose of this report is to assess whether the Woodmancote Neighbourhood Development Plan (NDP) complies with the relevant legislation and meets the Basic Conditions. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

4. The report also makes a recommendation about whether the NDP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NDP can be "made" by Tewkesbury Borough Council and so become part of the wider development plan and then used by Tewkesbury Borough Council to determine planning applications in the plan area.

## **2. Appointment of the independent examiner**

5. I have been appointed by Tewkesbury Borough Council, with the agreement of Woodmancote Parish Council, to carry out this independent examination. The Neighbourhood Planning Independent Referral Service (NPIERS) has facilitated my appointment. I am a chartered town planner with extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no land interest in the area that might be affected by the plan.

## **3. The role of the independent examiner**

6. The role of the independent examiner is to ensure that the submitted NDP meets the Basic Conditions together with a number of legal requirements.

7. In examining the NDP I am required, under Paragraph 8(1) of Schedule 4B of the Town and

Country Planning Act 1990, to check <sup>1</sup> that:

- the policies in the plan related to the development and use of land for a designated neighbourhood area; and
- the policies in the plan meets the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
- the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

8. I must also consider whether the NP meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions<sup>2</sup> if:

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

9. Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:

- the making of the neighbourhood plan is not likely to have significant effects on a European site<sup>3</sup> or a European offshore marine site<sup>4</sup> either alone or in combination with other plans or projects and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

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<sup>1</sup> Set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act (as amended)

<sup>2</sup> Set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

10. A further Basic Condition was added by legislation on 28 December 2018. The Neighbourhood Planning (General) Regulations 2012 para 1 states:

- 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.

11. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

12. If the plan can proceed to referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

13. Tewkesbury Borough Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning applications in the area.

#### **4. Compliance with matters other than the basic conditions**

14. On 14 June 2019 Woodmancote Parish Council applied to Tewkesbury Borough Council to designate the parish as a Neighbourhood Area and the parish was formally designated, as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012 on 27 June 2019. The designated area covers the whole parish and does not cover any other Neighbourhood Area. The plan covers the period from 2020-2031. This aligns with the timespan of the Joint Core Strategy (JCS) for Gloucester, Cheltenham and Tewkesbury 2011-2031 which was

adopted in December 2017. It also aligns with the timespan of the Tewkesbury Local Plan which runs from 2011 to 2031 and has recently been adopted.

15. The preparation of the plan has been managed by a Steering Group made up of a number of Parish Councillors and community volunteers and was supported by a planning consultant.

16. I am satisfied that the NDP includes policies that relate to the development and use of land and does not include provision for any excluded development. The Woodmancote NDP therefore meets the requirements set out in para 8 above.

## 5. The examination process

17. The documents which I considered during the course of the examination are listed in Appendix 1.

18. The general rule<sup>5</sup> is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Woodmancote NDP could be examined without the need for a public hearing.

19. During the course of the examination it was necessary to clarify several matters with Tewkesbury Borough Council and the Parish Council. These are set out in Appendix 2 to this report.

20. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 18 March 2022.

21. The plan has been assessed against the guidance in the National Planning Policy Framework (NPPF) dated July 2021.

22. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions. Where I have suggested modifications, these are identified in **bold text**. The recommended modifications relate mainly to issues of clarity and precision and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the plan, by section and comment on all of the policies, whether I have suggested

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<sup>5</sup> PPG para 004 ref id 41-004-20140306

modifications or not. Where I consider that the supporting paragraphs need amendment to help explain and justify the plan policy, I have made comments to that effect.

## 6. Consultation

### *Consultation process*

23. Effective consultation and engagement with the local community is an essential component of a successful neighbourhood plan, bringing a sense of public ownership to its proposals and helping to achieve consensus. The policies set out in the Neighbourhood Development Plan will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

24. In line with the Neighbourhood Planning (General) Regulations 2012<sup>6</sup>, the Steering Group has prepared a Consultation Statement for the NDP which sets out how the group approached public consultation, who was consulted and the outcomes.

25. Two public consultation events were held in early 2020, followed by a larger consultation which was the online Community Survey which took place between July and September 2020.

26. As the draft plan evolved, particular groups were consulted on a continual basis. Regular updates on the NDP were provided at each Parish Council meeting and all relevant supporting evidence was made available on the Parish Council website. In addition, updates were provided on notice boards and e-mail contact made with survey recipients where these had been provided. Hard copies of the NDP were also made available in various locations.

27. It is clear from the Consultation Statement that the Steering Group has engaged with the local community and kept people informed as the plan progressed. This consultation process has helped to ensure that the community's vision for the Parish has been clearly shaped by the views and priorities of the community. This is:

*In 2031, Woodmancote will be a place where there will be.....*

- *More walking and cycling for local journeys*
- *Better bus services*
- *Electric bikes*
- *No flooding*
- *Better local services and shops within walking distance*

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<sup>6</sup> Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

- *Beautiful views of Cleeve Escarpment because inappropriate development in the AONB has been resisted*
- *People will enjoy walking in the countryside*
- *A safe environment for children*
- *Any new development will be within the settlement boundary and respect the Green Belt, landscape designations and local character*
- *Improved biodiversity*
- *Buildings for community groups to use*
- *Superfast broadband, good mobile phone coverage, and electric car charging points*
- *Development will be carbon neutral*
- *Land for allotments and growing food*
- *Farming is still part of Woodmancote life*
- *Good air quality*
- *A conservation area that has been enhanced since 2020*

#### *Statutory consultations and representations received*

28. Preparing the NDP has involved two statutory six-week periods of public consultation. The Regulation 14 consultation on Woodmancote NDP was held between 22 March and 4 May 2021. In all, 75 representations were received; 68 were from local people or businesses (of which 53 were submitted online), 2 were from local organisations, 3 from statutory consultees and 2 from the local authorities.

29. The second consultation on the Submission Draft NDP was managed by Tewkesbury Borough Council and took place between 3 December 2021 and 30 January 2022. This generated eleven responses – five from statutory consultees, two from other organisations, two from planning consultants and two from members of the public. No response was made by Tewkesbury Borough Council.

30. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

31. From the evidence in front of me, it is apparent that the Woodmancote NDP has been subject to the required approach to community consultation involving much time and effort by the Steering Group. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

## **7. Compliance with the basic conditions**

32. In my role as independent examiner I must assess whether the Neighbourhood Development Plan meets the Basic Conditions<sup>7</sup> set out in the Regulations as described in paras 8-11 above.

33. I have considered the Woodmancote Neighbourhood Development Plan Basic Conditions Statement produced on behalf of the Steering Group to assist my assessment which is set out below.

### *National Policy*

34. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Planning Practice Guidance<sup>8</sup> states that all plans should be prepared positively, be shaped by effective engagement with the local community and contain policies which are clearly written and unambiguous. 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.

35. The Basic Conditions Statement, at Table 1, contains a comprehensive assessment of how the policies in the NDP conform with the guidance in the NPPF. I therefore conclude that this Basic Condition is met.

### *Sustainable development*

36. The qualifying body also has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF<sup>9</sup>. Table 2 of the Basic Conditions Statement sets out an assessment of each policy in the NDP and which of the three strands of sustainable development it addresses - the economic, social and the environmental. In response to

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<sup>7</sup> Para 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

<sup>8</sup> Planning Practice Guidance Paragraph: 041 Reference ID: 41-041-20140306

<sup>9</sup> NPPF paragraph 16

my query, the Steering Group has provided an updated version of Table 2. This should replace the original Table 2 in the Basic Conditions Statement and Box 2 on page 9 of the NDP.

- **Recommendation : Replace Table 2 in the Basic Conditions Statement and Box 2 on page 9 of the NDP with updated table 2 as supplied by the Parish Council on 31 March 2022**

37. I therefore conclude that this Basic Condition is met.

#### *Development Plan*

38. The NDP also has to demonstrate that it accords with the strategic policies of the Development Plan. At the time that the NDP was being prepared, the adopted development plan comprised a small number of saved policies from the Tewkesbury Local Plan and the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury which was adopted in 2017. The Tewkesbury Borough Local Plan 2011-31 (TBLP) reached its final stages in late 2021 and, as my examination of the NDP progressed, it was apparent that the new Tewkesbury Borough Local Plan would carry increasing weight as it progressed through the post examination modification and adoption stages. The publication of this report has therefore been delayed until the formal adoption process was completed in early June 2022. This will ensure that the policies in NDP are fully up to date and comply with the strategic guidance in the TBLP.

39. Woodmancote is identified as a service village in the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury and in the Tewkesbury Borough Local Plan. Such villages will contribute to meeting the development needs of the district proportional to their size and function, reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts including existing levels of growth over the plan period.

40. Paragraph 14 of the Basic Conditions Statement makes a very brief reference to the policies in the NDP complying with the policies in the JCS, Flood and Water Management SPD and emerging Local Plan. A full analysis is set out in Appendix 1 of the NDP; this is also referred to in paragraph 85 of the main NDP. Given the Tewkesbury Borough Local Plan has now been adopted, a stronger statement about the NDP policies complying with those in the TBLP would help future users of the NDP.

- **Recommendation : Add a new sentence to paragraph 85 of the NDP to read “ This confirms that the policies in the NDP comply with the policies in the Tewkesbury Borough Local Plan which was adopted on 8 June 2022.” Add as a new second sentence to paragraph 14 of the**

**Basic Conditions Statement : “A full review of the planning policy context can be found in Appendix 1.”**

41. Paragraph 15 is an out of date reference to the NDP plan period and should be deleted.

- **Recommendation : Delete the first and second sentence of Paragraph 15 of the Basic Conditions Statement**

*Basic Conditions – conclusions*

42. I have considered the Basic Conditions Statement, the additional information document provided by the Parish Council and the supporting evidence and representations made to the Woodmancote NDP and I am satisfied that the NDP as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the parish and policies to protect its distinctive character while accommodating development needs.

43. At a practical level, however, many of the policies in the Submission NDP need some adjustment to ensure that they comply with the NPPF and the strategic guidance in the adopted JCS and newly adopted Local Plan. I have therefore suggested a number of modifications in Section 8 below, to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

*European obligations and Human Rights Requirements*

*Strategic Environmental Assessment (SEA)*

44. The SEA Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes. A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination is made by the responsible authority that the plan is not likely to have “significant effects”.

45. A Strategic Environmental Assessment (SEA) Screening Opinion was prepared by Tewkesbury Borough Council for the Woodmancote Neighbourhood Development Plan in August 2021. It

concluded that by virtue of the nature of the type and scope of the policies in the NDP that it does not require a Strategic Environmental Assessment. Effects on European sites have also been screened out and it was concluded that a Habitats Regulations Assessment (HRA) was not required.

46. As the SEA report prepared to support the NDP has been prepared in light of the updated basic condition referred to in para 11 above, I conclude that the necessary legislative requirements have been met and that the basic condition is complied with.

#### *Human rights requirements*

47. The Basic Conditions Statement, at paragraph 17, briefly explains how the plan fulfils other EU obligations in relation to human rights.

48. I am satisfied, therefore, that the NDP is compatible with the requirements of EU obligations in relation to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the plan does not breach the European Convention on Human Rights obligations and therefore meets the Basic Conditions.

#### *Other Directives*

49. I am not aware of any other European Directives that would apply to this NDP, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

### **8. Neighbourhood Plan policies**

50. This section of my report considers the NDP policies against the basic conditions.

51. The Plan is clearly written and is well presented and illustrated, with a clear structure distinguished by separate sections. Parts 1 and 2 set out extensive background material to support the plan. The plan policies are set out in part 3, and for each policy there is a short background section following the policy, which is highlighted as separate text box. To assist future users of the plan, it would be helpful if a short introductory paragraph which explains the purpose, status and presentation of the policies could be added at the top of page 50.

- **Recommendation : Add a new paragraph to introduce the policies in the NDP at the top of page 50 headed “Neighbourhood Development Planning Policies” . Renumber subsequent policies accordingly.**

52. The plan is supported by a very comprehensive evidence base which is presented as appendices to the document.

53. The NDP includes a parish wide map (Figure 1) which shows the boundaries of the NP. However, there is no composite Proposals Map which shows the main planning policies, settlement boundaries and any linked land allocations and other designated areas, such as the Cotswolds AONB, and Green Belt. To ensure clarity for future users of the NDP, a Proposals Map needs to be added.

- **Recommendation : Add a Proposals Map covering the whole NDP area to show the settlement boundary for Woodmancote ; the extent of the AONB, Green Belt, and the Special Landscape Area and the WOO1 land allocation. Add a reference to the Proposals Map and its purpose to the new paragraph to be added to Page 50**

54. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance<sup>10</sup> are met.

#### *PART 1 Introduction*

55. This section introduces the Neighbourhood Development Plan, explains why a NDP is being prepared and the planning context in which it is being prepared. It also summarises the community consultation activities that have informed the preparation of the plan.

#### *PART 2 Background information about Woodmancote Parish*

56. This section provides a comprehensive overview of Woodmancote Parish and a brief but very helpful background on the parish's history, environment, population, housing and flooding issues and key challenges which it faces. It also sets out the vision for the Parish and the key issues for the NDP as identified through community consultation.

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<sup>10</sup> Planning Practice Guidance PPG para 004

### *PART 3 Planning policies and vision*

#### *Policy 1 Cotswolds Area of Outstanding Natural Beauty*

57. This policy covers the Cotswolds Area of Outstanding Natural Beauty, but Criteria A is unclear whether it is intended to apply across the whole NDP area or only within the designated AONB. Criteria B seems to apply across the whole NDP and is not relevant to an AONB policy. National guidance only restricts major development in an AONB and is supportive of minor development, provided that the area's scenic qualities are protected, so the effect of Criterion C would be to unduly restrict development in the AONB. It also conflicts with the guidance in the newly adopted TBLP, the JCS and the Cotswolds AONB Management Plan 2018-2023 which was adopted in September 2018. Policy 1 therefore does not meet the basic conditions and should therefore be deleted. The supporting text needs to be adjusted so that it makes clear which planning policies apply within the AONB.

- **Recommendation : Delete Policy 1. Add new paragraph 91 to read “Three sets of planning policies apply within the Cotswolds AONB – the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (December 2017), the Cotswolds AONB Management Plan (September 2018) and the recently adopted TBLP.” Renumber subsequent policies and paragraph numbers accordingly.**

58. There are also references to development in the AONB in paragraphs 63 to 67 regarding planning policies and development in the AONB which are now out of date. These need to be updated and amended to ensure that they comply with the basic conditions.

- **Recommendation : Delete Paragraph 64 and 65 and reword to read : “ 64. Adopted Tewkesbury Borough Local Plan policy RES4 states that for other rural settlements such as Cleeve Hill, very small-scale residential development will be acceptable in principle within and adjacent to the built up area the settlement providing: it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development; it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general indication no more than 5% growth will be allowed; it complements the form of the settlement and is well related to existing buildings within the settlement; the site of the proposed development is not of significant amenity value or makes a significant**

contribution to the character and setting of the settlement in its undeveloped state; the proposal would not result in the coalescence of settlements the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework. In all cases development must comply with the relevant criteria set out at Policy RES5. Particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.” Renumber subsequent paragraphs accordingly.

- In Paragraph 66 delete “These saved and emerging policies” and replace with “Strategic policies in the JCS and TBLP”

#### *Policy 2 Green Belt*

59. This policy deals with the small part of the Parish lying to the south west of the parish which lies within the Cheltenham and Gloucester Green Belt.

60. It refers to the very special circumstances which would need to be demonstrated for development to be permitted in the Green Belt. The list of criteria is markedly different to the criteria listed in para 149 of the NPPF, so the policy does not meet the basic conditions. It also does not comply with the guidance in policy SD5 of the JCS and policy GRB1 of the recently adopted TBLP.

61. Policy 2 should therefore be replaced by a more generic policy which refers to the relevant paragraphs in the NPPF and JCS and TBLP policies which apply in the Green Belt.

- **Recommendation : Delete policy 2 and replace with : “ Development proposals in the designated Green Belt in Woodmancote Parish will be considered against the guidance in NPPF para 149, JCS policy SD5 and TBLP GRB1 Green Belt Review”**

#### *Policy 3 Residential development outside the settlement boundary*

62. This policy seeks to restrict all new residential development outside the Woodmancote Development boundary before 2031. This is an unduly restrictive policy which runs contrary to the NPPF, the JCS and TBLP which support some infilling development in non service villages and in the open countryside in certain circumstances. It therefore does not meet the basic conditions and should be replaced by a generic policy which refers to the guidance in the NPPF, JCS and TBLP.

- **Recommendation: Change the title of Policy 3 to “Residential development outside the Woodmancote Settlement Boundary”. Reword Policy 3 to read “Outside the Woodmancote Settlement boundary, shown in the Proposals Map, any new residential development proposals will be assessed against the policies in the NPPF, JCS policy SD10 and TBLP policies RES3 and 4”.**

63. This policy refers to the settlement boundary for Woodmancote, but this is not mapped in the Neighbourhood Development Plan. Instead it relies on the strategic guidance and mapping set out in the adopted Tewkesbury Borough Local Plan. A clearer statement on this would assist future users of the plan. The settlement boundary is shown in Inset Map D in the TBLP. I have also referred to this matter in my recommendation regarding adding a Proposals Map to the NDP in paragraph 54 above.

- **Recommendation : Add a new paragraph 107 under Section 2.5 on page 10 to read “ The TBLP defines settlement boundaries for service villages in the plan area, including Woodmancote. For the purposes of this neighbourhood plan, the development boundary mapped on the Proposals Map in the adopted Local Plan is used. This is shown in new Figure XXX”**

64. The supporting text to Policy 3 is set out in paragraph 106, which refers to Appendix 6 which seeks to set out a justification for restricting any new housing development within Woodmancote. However, Woodmancote is identified as a service village in the TBLP and, as such, would be expected to accommodate some growth. This can be achieved through a number of means – for example through housing land allocations, infilling along existing frontages, rounding off and redeveloping previously developed sites. The NDP acknowledges the contribution that Woodmancote will make to meeting the District’s housing needs by including the site at Oxbutts Caravan site (WOO1), a site which has already been allocated in the adopted TBLP. Although it is recognised that the NDP does not allocate any new sites, the other forms of development are still likely to come forward and would be supported by the strategic policies in the JCS and TBLP. In the same way, some sites may come forward outside the settlement boundary which could be acceptable development in the non service villages (such as Cleeve Hill) or in the open countryside. It is therefore misleading and contrary to strategic policy for the NDP to say that no additional dwellings are needed in the NDP area up to 2031. Para 106 and Appendix 6 therefore require some amendment to ensure that the NDP meets the basic conditions.

- **Recommendation : Delete paragraph 106 and replace with “Tewkesbury Borough Local Plan (2011-31) policies RES3 and RES4 provide guidance about residential development outside**

**the settlement boundaries of service villages, such as Woodmanocote. Together with acceptable development within the defined Woodmancote settlement boundary, small scale development permitted under these policies can help to meet the housing needs of the parish up to 2031.”**

65. Appendix 6 also needs to be updated to reflect the policies in the now adopted TBLP and paragraphs 10 and 12 amended to ensure that the supporting evidence and text to Policy 3 comply with the basic conditions. TBLP policy RES4 refers to very small scale residential development, of up to 5%, within and adjacent to the built-up areas of existing settlements which have no settlement boundary as being acceptable. This needs to be made clear in paragraph 12.

- **Recommendation : Update Appendix 6 to include up to date references to policy wording in the adopted TBLP. Delete paragraph 10. Amend paragraph 12 to read “This assessment shows that since 2011, 12 dwellings have been permitted outside the settlement boundary of Woodmancote, of which 9 have already been built up to 2021. It is likely that a similar pattern of modest incremental development, in accordance with Policy RES4, will come forward during the remainder of the TBLP and NDP plan periods up to 2031. In particular, Policy RES4 A and B emphasise that any such development should be of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development and it should not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general indication no more than 5% growth will be allowed”**

#### *Policy 4 Protected view over the Special Landscape Area*

66. This policy seeks to protect views over the triangular shaped Special Landscape Area (SLA) to the north east of the built up area of Woodmancote. The SLA designation was originally made in the Gloucestershire Structure Plan in 1982 and has been carried through to the adopted version of the TBLP (Policy LAN 1). In order to meet the basic conditions, any NDP policies which refer to the SLA must therefore comply with the strategic policies in the JCS and TBLP.

67. Clause A refers to development protecting the view from the AONB over the SLA, in order to protect the setting of the Cotswolds AONB. This wording is unclear and needs to be strengthened.

- **Recommendation : Reword Policy 4A to read “Development within the SLA should not harm the view over the SLA from the Cotswolds AONB and comply with the guidance in Policy**

## **LAN1 of the TBLP”**

68. Similarly, clause B is unclear as it refers to “urbanising influences”. As a representation has pointed out, this may be a reference to the development of the caravan site, allocated in the TBLP as WOO1 and referred to in Policy 10 of the NDP. Given that the latter policy includes clause B which specifically refers to the development of the site and potential impacts on the view from the AONB over the SLA, Clause B in Policy 4 duplicates this guidance and should therefore be deleted.

- **Recommendation : Delete Clause B of Policy 4 and renumber subsequent clause accordingly.**

69. Clause C needs to be strengthened so that it fully reflects the guidance in para 8.7 of the TBLP.

- **Recommendation : Delete Clause C and replace with “ Development in the Special Landscape Area should take account of AONB Policy within the Joint Core Strategy, the policies set out Cotswolds AONB Management Plan and guidance within the Cotswolds AONB Landscape Character Assessment and the Cotswolds AONB Landscape Strategy and Guidelines.”**

70. To help future users of the NDP, the extent of the SLA should be added to the NDP Proposals Map – see para 54 above. Also paragraphs 107 and 114 need to be updated to delete the reference to the emerging Local Plan.

- **Recommendation : Add SLA to Proposals Map. Delete “emerging” from paragraphs 108 and 114**

### *Policy 5 Water management statements*

71. There is an overlap in the guidance given in Clause A and E about the need for a Water Management Statement when a planning application is submitted. In order to provide clarity for future users of the NDP, criteria E should be deleted.

- **Recommendation : Delete criteria E from Policy 5**

### *Policy 6 Design of sustainable urban drainage systems*

72. This policy provides guidance on the design of Sustainable Urban Drainage Systems (SuDS). Clause B states that such systems should generally assume a 70% climate change allowance. This is higher than the climate change allowance set out in the adopted Flood and Water Management SPD

approved by Tewkesbury Borough Council in March 2018. This document recommends a minimum climate change allowance of 40%. In order to meet the basic conditions clause B needs to be amended. Associated changes to the supporting text are also needed.

- **Recommendation : In Policy 6 Clause B, delete “70%” and add “minimum of a 40%” after “generally assume a”. In para 130, delete the last sentence. In para 131, reword the first sentence to read “ The SPD encourages a 40% climate change allowance as part of a precautionary approach for extreme rainfall events” . In para 132, change “a 70%” to “ a minimum of a 40%” . Delete para 133. Renumber subsequent paragraphs accordingly.**

73. The wording of Clause C is unclear and needs to be reworded.

- **Recommendation : Add “the size of “ after “Proposals to reduce” in Clause C**

74. Severn Trent Water has suggested that the policy should be strengthened to provide guidance on the design and maintenance of SuDS schemes. I agree with this suggestion.

- **Recommendation : Add a new clause D to Policy 6 to read “All schemes for the inclusion of SuDS should demonstrate they have considered all four aspects of good SuDS design, quantity, quality, amenity and biodiversity, and the SuDS and development will fit into the existing landscape. The completed SuDS schemes should be accompanied by a maintenance schedule detailing maintenance boundaries, responsible parties and arrangements to ensure that the SuDS are maintained in perpetuity”**

#### *Policy 7 Natural Flood Management*

75. I have no comments on this policy.

#### *Policy 8 Flooding on roads in the AONB*

76. This policy seeks to restrict development on roads that would add traffic on steep roads in the AONB, due to concerns about flash flooding. The effect of the policy would be to discourage development, contrary to the NPPF. A number of roads are named in the policy, though without supporting evidence. The policy therefore should be more positively worded and the reference to specific routes removed.

77. There is also a requirement that in developments of more than one dwelling an information pack should be provided to new occupants about the hazards of driving on Woodmancote's lanes at times of heavy rain. This goes beyond the scope of planning policy and should be removed from the policy itself; instead a reference should be made to this type of guidance in the supporting text.

- **Recommendation : Reword Policy 8 to read “Development proposals on steep roads in the AONB should not exacerbate the risks of flash flooding in severe weather to road users and pedestrians from the development and other affected properties”. Add a new sentence at the end of paragraph 148 to read : “ For developments of more than one single dwelling in the AONB, developers should consider providing an information pack to new occupants to raise awareness of the hazards of driving on Woodmancote’s lanes at times of heavy rainfall”**

#### *Policy 9 Design*

78. I have no comments on this policy.

#### *Policy 10 Oxbutts caravan park*

79. This policy needs to be updated in light of the adoption of the TBLP and to ensure that it meets the basic conditions.

- **Recommendation : In opening sentence of Policy 10 delete “and only when this site is allocated in the Local Plan.”**

80. Clause A is unnecessary as the NDP is to be read and considered as a whole. It should therefore be deleted. Clause B duplicates guidance in Policy 4 and should also be deleted. In Clause C the opening words need to be deleted to align with the introductory sentence of the policy. In Clause D the reference to the Flood Management policies in the SPD is superfluous and should be deleted.

- **Recommendation : In Policy 10, delete Clauses A and B. Delete “Development will” at start of Clause C. In Clause D Delete “comply fully with the Woodmancote NDP Flood Policies and” and after “flood measures “ delete “to consider how a” and substitute “and consider how a minimum of 40% ”. Renumber subsequent Clause E accordingly**

81. Clause E requires some fine tuning to ensure that it complies with the guidance in Policy RES1 of the TBLP regarding the WOO1 allocation at Oxbutts Caravan Site. Policy WOO1 acknowledges

that the site presents an opportunity for the expansion of the adjacent mobile home park and is not suitable for conventional dwellings. By their very nature these will be low profile and low density developments so Policy 10E Clause A is not necessary and should be deleted. Visibility from key viewpoints is already covered in policy 4.

- **Recommendation : Delete Clause A of Policy 10E**

82. Clauses B and C need some rewording to make their meaning clear .

- **Recommendation : Reword Clause C to read “ wherever practicable, green roof designs and rainwater harvesting that retain runoff will be encouraged” . Reword Clause C to read “ developments which result in only minor increases in traffic volumes on Butts Lane, Bushcombe Lane or Station Road”**

## **9. Conclusions and Recommendations**

83. I have examined the Woodmancote Neighbourhood Development Plan and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

84. I am therefore pleased to recommend to Tewkesbury Borough Council that, subject to the modifications set out in my report, the Woodmancote Neighbourhood Development Plan should proceed to referendum.

85. I am also required to consider whether the referendum area should be extended beyond the Woodmancote Parish area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by Tewkesbury Borough Council in June 2019.

## **APPENDIX 1: Background Documents**

In undertaking this examination, I have considered the following documents:

- Woodmancote Neighbourhood Development Plan 2020-2031 Submission Draft : September 2021 and associated appendices
- Consultation Statement Woodmancote Neighbourhood Development Plan 2020-2031 : September 2021
- Basic Conditions Statement : Woodmancote Neighbourhood Development Plan 2020-2031 : September 2021
- Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 Adopted December 2017
- Tewkesbury Borough Plan Pre – Submission 2011-2031 : Tewkesbury Borough Council October 2019
- Flood and Water Management Supplementary Planning Document : Tewkesbury Borough Council - March 2018
- Tewkesbury Borough Plan - Report of the Inspector and Adoption of the Plan : Full Council June 2022
- National Planning Policy Framework (NPPF) July 2021
- Planning Practice Guidance March 2014 and subsequent updates

## **APPENDIX 2:**

### **Woodmancote Neighbourhood Development Plan Examination**

#### **Request for further information and questions from the Examiner to Tewkesbury Borough Council and Woodmancote Parish Council**

I have carried out a preliminary review of the Neighbourhood Development Plan and the evidence submitted in support of it and there are a few points where I need some clarification or further information. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following questions.

##### Public consultation

The Consultation Statement describes the two public consultation events that were held in 2020 and the responses that were received. However, it would be helpful to have a better understanding of how the Steering Group engaged with the public and other bodies to keep them informed during the course of preparing the plan. This could for example been through public notices, newsletters, meetings on particular topics, updates on the Parish Council website and so on. Please can the Steering Group provide an overview?

##### Basic Conditions Statement

###### *Plan Period*

Para 6 refers to the plan period being 2020 -2036, yet paragraph 15 refers to the plan period being truncated and the front of the NDP document refers to a plan period of 2020-31. Please can the correct plan period be confirmed by TBC and WPC?

###### *Table 2*

This table sets out how the policies in the NDP meets the sustainability objectives of the NPPF. However, the table has no key and light and dark orange shading is used for both the policy titles and the assessment which makes the table rather confusing. I also note that the assessment table is different to that in Box 2 on page 9 of the main NDP document. Please can the Steering Group supply a revised version to be used both in the NDP and Basic Conditions Statement?

Thank you for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils' websites as appropriate.

Barbara Maksymiw

21 March 2022