

Fairford Neighbourhood Plan 2016-2031

A report to Cotswold District Council on the Fairford Neighbourhood Plan

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

1. I was appointed in March 2017 by Cotswold District Council, with the consent of Fairford Town Council to undertake the independent examination of the Fairford Neighbourhood Plan.
2. The majority of the examination was undertaken by way of written representations. However, to reflect an overlapping set of issues a hearing was held in September 2017. The hearing considered the submitted Sustainability Appraisal (including Strategic Environmental Assessment), the proposed housing allocation off Leafield Road (FNP16), the proposed Fairford to Horcott Local Gap (FNP11) and the proposed Area of Special Landscape Value (FNP12).
3. The way in which the Sustainability Appraisal was compatible with European Union obligations was an ongoing matter throughout the examination process. It was the subject of a clarification meeting between the District Council, the Town Council and myself in May. That meeting concentrated on reservations that the District Council and its consultants had about the way in which the Appraisal met the basic conditions. As a result, the Town Council revised its Appraisal. A further round of consultation followed its publication.
4. The Plan has been prepared in challenging circumstances. In recent years, it has largely been running in parallel with the preparation of the emerging Cotswold District Local Plan 2011 to 2031. Whilst this might otherwise provide a degree of assurance on the functional relationship and strategic alignment between the two Plans this has not been the case in Fairford. Whilst the two Plans are similar in some respects they take a very different approach to the identification of new housing in the town.
5. This matter has become more challenging as the submitted Plan has addressed the identification of new housing in an innovative way. It has aimed to provide the required housing where proposals would contribute towards the delivery of infrastructure improvements or where they would deliver other social benefits. This reflects the Town Council's approach to the delivery of sustainable development in the Plan area.
6. The examination in general terms and the hearing in particular looked into the submitted Sustainability Appraisal in considerable detail. In most areas, I am satisfied that it meets EU obligations. However, I am not satisfied that it includes sufficient and proportionate detail to justify important housing allocations.
7. The examination in general terms and the hearing in particular also looked into the proposed housing allocation off Leafield Road. I can see that it has the potential to assist in the longer-term delivery of educational facilities in the town. However, I am not satisfied that its evidence base is sufficiently robust to support the proposed allocation. In particular I am not satisfied that it is in a location that would ensure that it contributed towards the achievement of sustainable development in general terms, and would contribute towards its environmental dimension in particular. Whilst the other two sites that would include elements of housing were not considered at the hearing I have examined them in a similarly detailed fashion. In relation to the Horcott Lakes site I have come to similar judgement.

8. Taking all matters into consideration I recommend to the District Council that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
9. I recognise that this outcome will be a source of great disappointment to the Town Council. The submitted Plan represents several years of hard work and sets out a genuine series of policies and proposals to promote development that is fit and appropriate for the Plan area. Nevertheless, I have identified areas where it does not meet the basic conditions.
10. The main body of this report comments on the extent to which each policy meets the basic conditions. Where necessary it identifies recommended modifications to ensure that the policies meet the basic conditions. I have adopted this format both for completeness and to reflect the amount of work that has been put into the Plan. The recommended modifications may also provide assistance to the Town Council in the event that it wishes to submit a revised Plan at some future point. Plainly that will be a matter for the Town Council's judgement.
11. I am very grateful to everyone who has contributed towards this examination. Whilst there have been very different views made on the Plan's approach and policies they have been expressed in a responsive and balanced way. I am particularly grateful to both the Town Council and the District Council for the courteous way in which they have responded to my various questions. As part of this process the Town Council hosted the hearing in a very hospitable fashion which was appreciated by all parties.

Andrew Ashcroft

Independent Examiner – Fairford Neighbourhood Development Plan

27 September 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Fairford Neighbourhood Plan 2016-2031 ('the Plan').
- 1.2 The Plan has been submitted to Cotswold District Council (CDC) by Fairford Town Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CDC, with the consent of the Town Council, to conduct the examination of the Plan and to prepare this report. I am independent of both CDC and the Town Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report.

Other examination matters

2.6 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); 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 for examination by a qualifying body.

2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Evidence Base Report
- the submitted SA incorporating SEA
- the Site Assessment Report
- the Landscape and Local Green Space Study
- the representations made to the Plan.
- the representations made to the revised SA and to the revised Site Assessment Report
- the statements submitted for the hearing (from the Town Council, the District Council, and Gleeson Strategic Land)
- the statements on Leafield Road submitted after the hearing by the District Council, the Town Council and by Gleeson Strategic Land)
- the adopted Cotswold District Local Plan 2001-2011
- the emerging Cotswold District Local Plan 2011-2031
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 10 May 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspections are covered in more detail in paragraphs 5.9 to 5.18 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan and to the revised Sustainability Appraisal and Site Assessments Report, I concluded that certain elements of the Plan should be examined by way a public hearing. The hearing took place on 14 September 2017. This report incorporates my findings from that hearing.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the Regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Town Council has prepared a Consultation Statement. This statement is thorough and it provides an appropriate balance of detail and presentation. The timeline in Section 1 is particularly helpful in setting out the sequence of events. It provides specific details on the consultation process that took place on the draft version of the Plan in November and December 2016. The Statement sets out how the emerging plan took account of the various comments and representations.
- 4.3 Section 6 of the Statement also sets out a summary of the wider consultation techniques that have been used throughout the evolution of the Plan. Details are provided about:
 - Initial notification to all households and community organisations of the decision to prepare a Plan;
 - The delivery of a six-page questionnaire to every household in the Plan area;
 - The delivery of a business questionnaire;
 - The organisation of two well-attended Public Consultation Days;
- 4.4 The Consultation Statement provides very useful information on the various events, the publicity materials and the survey results. Various photographs give a useful flavour of the approaches taken and the responses received. This approach provides a very strong sense of assurance that the local community has been engaged in the plan-making process.
- 4.5 Sections 8-10 of the Statement identify the issues raised during the consultation on the pre-submission Plan. Its Appendix E helpfully provides a summary of the responses received and Section 10 sets out how the Town Council chose to respond to the matters raised.
- 4.6 On the basis of all the evidence it is clear to me that consultation has fundamentally underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production. The Town Council has attempted to adopt a positive approach in responding to the earlier comments. This is reflected in the limited number of representations received to the submitted plan (see 4.8 below). Nevertheless, in some cases fundamental reservations have remained to the Plan and its contents.

- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. CDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 11 April 2017. This exercise generated comments from the following persons and organisations:

- Cotswold District Council
- Cygnet Investments
- Defence Infrastructure Organisation
- Environment Agency
- Gladman Developments
- Gleeson Strategic Land
- Gloucestershire County Council
- Kensington and Edinburgh Estates Limited
- Natural England
- Hanson Aggregates Limited (Pegasus)
- Quenington Parish Council
- Thames Water
- Dr and Mrs Bishop
- Caroline Mumford
- Lucie Spurway
- Neil Spurway

- 4.9 As part of my examination of the Plan a revised Sustainability Assessment incorporating SEA and a Site Assessment Report were submitted. They were the subject of separate and additional consultation. That exercise generated comments from the following list persons and organisations. I have listed them in full notwithstanding the significant overlap with the list in paragraph 4.8 above.

- Amanda Mather
- Cygnet Investments
- Defence Infrastructure Organisation
- Environment Agency
- Gladman Developments
- Gleeson Strategic Land
- Gloucestershire County Council
- Grassroots
- Historic England
- Kempsford Parish Council
- Kensington and Edinburgh Estates Limited

- Lechlade-on-Thames Town Council
- Natural England
- Hanson Aggregates Limited (Pegasus)

4.10 As part of the examination process I have taken all the various comments into account. Where it is both relevant and appropriate to do so I have made specific reference to the organisation or the person concerned in this report.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area consists of Fairford and Horcott and is the same area as that included within the Fairford Town parish. It has a population of around 4000 people. It was designated as a neighbourhood area on 20 November 2013.
- 5.2 Fairford is an attractive Cotswold market town. Much of this attractiveness stems from its concentrated form, the use of vernacular materials in many of the traditional buildings and its setting adjacent to the River Coln. The historic core of the town is a designated conservation area. Whilst the town is relatively small it benefits from a wider range of retail, commercial and administrative facilities. This results in it serving a wider rural area. The geography of the town is heavily influenced by the east-west alignment of the A417 linking it to Cirencester to the west and to Lechlade, Faringdon and Wantage to the east. The town centre lies to the immediate north of this main road in High Street
- 5.3 The remainder of the Plan area is heavily influenced by the River Coln and by the Cotswold Water Park. This provides a very interesting and distinctive setting for Fairford itself. Horcott sits to the south and west of the river. It includes a limited number of houses, an industrial estate and some recreational facilities.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the saved Cotswold District Local Plan 2001 to 2011. This Plan was adopted in 2006. Several of its policies were saved in January 2009 as part of the ongoing process of preparing an updated local plan.
- 5.5 The adopted Local Plan addresses a wide range of matters. In strategic terms, Fairford is identified as a one of nine Principal Settlements sitting below Cirencester in the settlement hierarchy. Policy 18 of the Plan goes on to support development within the identified boundaries of the various settlements. Section 9b of the Plan comments on the limited growth opportunities identified for the town at that time. Other policies of relevance to the submitted Plan include:

Policy 8	Special Landscape Areas
Policy 11	The Historic Landscape
Policy 15	Conservation Areas
Policy 19	Development outside Settlement Boundaries of Cirencester and the Principal Settlements
Policy 32	Community Facilities
Policy UT1	Cotswold Water Park

- 5.6 The Basic Conditions Statement has helpfully tallied the policies in the submitted Plan with those in the adopted Local Plan. Paragraph 5.1 of the Basic Conditions

Statement identifies this matter and restricts its analysis to policies in the adopted Plan.

- 5.7 CDC is working towards the production of an up to date Local Plan. The emerging Cotswold District Local Plan 2011-2031 is now at an advanced stage in its production. The Plan was submitted for examination in June 2016. Since that time CDC has published Focussed changes to the Plan. An examination on these changes is taking place in October 2017. In summary, its following policies are of relevance to the submitted neighbourhood plan:

DS1	Development Strategy (which identifies Fairford as one of 17 Principal Settlements)
SA1	Strategy Delivery - South Cotswold Sub Area (which identifies a strategic allocation of 77 dwellings for the town)
S5	Fairford (which identifies two housing allocations, safeguards protected existing employment sites and safeguards land for a multi-purpose route between the town and Lechlade)
H1-5	Various Housing policies
D1	Design
EN1	Natural and Historic Environment
EN2/4	Landscape
EN12	Local Green Spaces
INF8	Managing Flood Risk

- 5.8 The planning policy context has not provided a clear basis for the delivery of a neighbourhood plan. This matter has been heightened as the Town Council has chosen to pursue a different strategy for the delivery of new housing in the town than that set out in the emerging Plan. This matter sits at the heart of CDC's representations to the Plan. It is also addressed in some of the representations made by developers.

Visit to the neighbourhood area

- 5.9 I carried out an unaccompanied visit to the Plan area on 10 May 2017. I was fortunate in having chosen a beautiful day to do so. I approached the Plan area from the A419 and the A417 to the south and west.
- 5.10 I initially walked to the proposed housing allocation to the east of Leafield Road (FNP16). I saw its position in relation to the town centre, in relation to the countryside to the north and the east and its association with the schools and the sports centre to the west.
- 5.11 I then walked back into the town centre. I saw the vibrancy and visual interest of High Street. At the same time, I saw the visual gap in the overall vibrancy generated by the closure of the former Lloyds Bank. This part of the visit helped me to understand the purpose of Policy FNP20 more fully. I then walked along the aptly-named Mill Lane to look at the proposed local green space (Upper Green) to the west of the River Coln.

- 5.12 I then walked down to the London Road (A417) and into Horcott Road, I saw the closed school buildings at the road junction. This helped me to understand the role and purpose of the third part of Policy FNP18. As the Plan comments, I could see its connectivity with the town.
- 5.13 I continued walking down Horcott Road towards Horcott. In doing so I looked at the proposed local green spaces in this part of the Plan area ('The Short Piece' to the south and west and the Coln School Playing Fields to the north and east). I also looked at the more extensive proposal to identify a Local Gap between Fairford and Horcott (Policy FNP11). I carried on to Horcott and the Youth Football Club.
- 5.14 I traced my steps back onto the London Road and walked to the east up to East End so that I could look at the proposals set out in Policy FNP3 of the Plan. I was able to see the fascinating cottages in East End and then the Bowling Club. I looked at the site identified in the Policy and then walked along the footpath that would connect the proposed car park and the proposed retirement houses to the existing surgery in Keble Lawns.
- 5.15 From Keble Lawns I returned to London Road and looked at the site occupied by the East Gloucestershire Engineering Limited off Lower Croft (Policy FNP19). I saw its relationship with the Railway Inn and the residential properties in that part of the town. I then walked up Lower Croft to look at the Walnut Tree Field proposed Local Green Space. It was being enjoyed by several of the town's younger residents in the afternoon sunshine.
- 5.16 I then returned to my car and drove to the proposed Area of Special Landscape Value (FNP12) to the east of the town. In doing so I looked at the area occupied by the Football Club and the Social Club. I also drove to the area covered by Policy FNP22 (Horcott Lakes).
- 5.17 In order to get a full impression of the Plan area I then drove around its outlying parts. This helped me to understand its wider setting in the landscape to the north, and its relationship to the River Coln to the south. In doing so I saw the recently constructed houses identified in the Plan.
- 5.18 Following the hearing I took the opportunity to undertake further visits to the proposed Leafield Road housing site, the Area of Special Landscape Value the Fairford-Horcott Local Gap and Horcott Lakes on the late afternoon/early evening of 14 September 2017.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document. It follows other submission documents in terms of its design, format and presentation.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets the basic conditions.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the submitted Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
- actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.
- taking account of and supporting local strategies to improve health, social and cultural well-being.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and recent ministerial statements.

6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and positively promotes the type of growth that the Town

Council considers to be appropriate for the future of the town. At its heart are a suite of policies that aim to bring forward housing development to meet local needs, to safeguard its inherent character and to allow for the improvement of valued community facilities and local infrastructure.

- 6.8 Planning Practice Guidance (41-009-20160211) addresses circumstances such as Fairford where a neighbourhood plan is brought forward before an emerging Local Plan is in place. Plainly in the Fairford circumstances the two plans have largely been prepared at the same time and the neighbourhood plan has reached its examination stage slightly earlier.
- 6.9 The Guidance is clear that in these circumstances the qualifying body (here the Town Council) and the local planning authority (here the District Council) should discuss and aim to agree the relationship between the policies in the emerging neighbourhood plan, the emerging local plan and those in the adopted development plan. I am satisfied that this process has been followed. There is agreement on some policies and disagreement on other policies. This is an inevitable part of the delivery of the Localism agenda in the Cotswold District.
- 6.10 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the original publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence. As submitted the Plan does not fully accord with this range of practical issues.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. There is no doubt that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension, the Plan includes policies to promote developments which include new homes and to promote business development and working from home. In the social role, it includes policies to promote affordable housing and to protect important community facilities. In the environmental dimension, the Plan positively seeks to protect the distinctive character of the neighbourhood area. It seeks to preserve and enhance the conservation area and proposes a policy on biodiversity and landscape
- 6.12 Nevertheless I am not satisfied that the overall effect of the submitted Plan would be to contribute towards the achievement of sustainable development in the Plan area. Many of its more general policies would have this effect. However, in my judgement two of its flagship policies would not have this effect. Policies FNP16 (Leafield Road), and FNP22 (Horcott Lakes) include proposals for the development of new homes. In

their different ways, they would contribute towards the economic dimension of sustainable development. Having looked at the sites in considerable detail the evidence for their contribution towards the social dimension of sustainable development is uncertain. I consider this to be an important factor as the sites have been promoted to achieve wider benefits in the town rather than simply delivering new houses. I have significant concerns about the way in which the two policies contribute towards the achievement of the environmental dimension of sustainable development. These judgements are set out in detail in the respective policy areas in Section 7 of this report.

General conformity with the strategic policies in the development plan

- 6.13 I have already commented in detail on the development plan context in the wider Cotswold District Council area in paragraphs 5.4 to 5.8 of this report.
- 6.14 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the saved Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the saved Local Plan. In general terms, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan. It is against the policies in the saved Local Plan that I need to apply this judgement. In many respects, the saved local plan has stood the test of time remarkably well. However, it is now out of alignment with the NPPF. Plainly there is an on-going disjoint between the emerging Local Plan (2011-2031) and the submitted neighbourhood plan.

European legislation –Sustainability Appraisal incorporating Strategic Environmental Assessment

- 6.15 In order to comply with the Basic Condition relating to European obligations the Town Council prepared a Sustainability Appraisal incorporating Strategic Environmental Assessment (SEA). This document attracted a significant degree of commentary from both CDC and other organisations. I held a Clarification meeting with CDC and the Town Council on this matter on 10 May 2017. As a result of this meeting the Town Council amended the Sustainability Appraisal to take account of the comments received in general, and those made by CDC's consultant (AECOM) in particular.
- 6.16 A further period of consultation was carried out on the revised Sustainability Appraisal. It attracted a separate and overlapping set of comments to those initially received. The matter was considered at the hearing held on 14 September 2017. In particular the hearing looked at the stages of SEA, the extent to which it was iterative, its level of detail, its consideration of cumulative and in combination effects and the assessment of reasonable alternatives. At the hearing, I was presented with differing views on these important matters and their relationship to European Directive 2001/42/EC (on SEA) and to the Practical Guide to the SEA Directive (ODPM 2005).
- 6.17 In their different ways both the Town Council and Gleeson Strategic Land Limited put forward a case that the submitted Sustainability Appraisal was fully compatible with the Directive. In particular the Town Council contended that its approach on evidence had been proportionate to the Plan and the amount of information that was generally available. The Town Council also argued that it had assessed the full range of

alternative sites available during Plan preparation within its context of working towards wider sustainable proposals rather than looking at the most environmentally-acceptable option. In particular it highlighted that it had not pursued options with some developers in detail where it had concluded that those sites would not sit well with its emerging strategy. There was detailed discussion on whether or not it would have been reasonable for the Town Council to have assessed the potential impact of the Plan in combination with the proposals in the emerging Local Plan. The Town Council took the view that this would not be a reasonable alternative as the housing proposals in the submitted Plan were explicitly alternatives to those in the Local Plan and not in addition to that package.

- 6.18 CDC recognised and acknowledged that the Town Council had followed the correct SEA stages and that the process had been iterative and inclusive. It expressed its on-going concerns about the Appraisal's assessment of cumulative and in combination effects. It also expressed its view that the Appraisal should have assessed different spatial strategies (including the approach in the emerging Local Plan) at a suitable level of detail. It commented that whilst the level of housing development between the two Plans is broadly comparable the neighbourhood plan has a focus on one principal site (FNP16) whereas the Local Plan spreads new housing development between two sites.
- 6.19 Gladman Developments Limited helpfully restated many of its earlier representations at the hearing. Several of these representations were fundamental matters including commentary that the process had not been iterative in general, and that the preferred option was selected and then the Appraisal set out a check list approach against that option. It argued that the Local Plan strategy is a reasonable alternative that should have been assessed. It also contended that the Appraisal should have been clear on how the chosen sites were selected and why others had not been included.
- 6.20 Lechlade Town Council had made representations on the revised Sustainability Appraisal and presented its case at the hearing. It expressed its particular views about the potential cumulative effects of the sites included in the submitted Plan. In particular it expressed its concerns about its inability to identify from the submitted Plan its impacts on the secondary school, health services, strategic traffic on the A417, air quality and flooding.
- 6.20 Taking all the representations into account with the discussions at the hearing I am satisfied that the majority of the revised Sustainability Appraisal meets EU obligations. It has followed the necessary stages, it has been iterative in its approach and it has assessed the reasonable alternatives. On the matter of the alternative represented by the emerging Local Plan I am satisfied that the Town Council has adopted a pragmatic approach based on the facts. At no stage in the Plan process has a development package been proposed that would consist of the combination of the preferred neighbourhood plan sites and the preferred local plan sites.
- 6.21 However within this context I am not satisfied that the Sustainability Appraisal, and the associated Site Assessment Report, has adopted an appropriate approach to its level of detail. This point was explored in significant detail at the hearing.

- 6.22 It was agreed by all parties at the hearing that the information to be included in documents of this nature need not be done in any more detail, or using more resources than is useful for its purpose. This reflects advice in the ODPM Practical Guide on this matter as highlighted earlier in this report. That goes on to identify that the Directive requires consideration of the significant environmental effects of the plan or programme and of reasonable alternatives that take into account the objectives and geographical scope of the plan or programme. Plainly there were different views expressed about the extent to which the process had achieved these matters in a proportionate way.
- 6.23 Having considered all the information and representations I am not satisfied that the level of detail in the Sustainability Appraisal and the Site Assessment Report is appropriate for the Plan area. I set out the reasons for this judgement in the following paragraphs
- 6.24 In the first instance I am not satisfied that the reports properly take account of the nature, location and significance of the various environmental designations in the Plan area. These include the conservation area and the Special Landscape Area. The Plan area is particularly sensitive to change and all concerned should reasonably expect that key environmental matters have been appropriately addressed in the site selection process. I acknowledge that the Plan has been driven by a series of social and infrastructure related initiatives. However, it is important that key environmental issues are fully and properly addressed. In my judgement, the level of detail does not properly relate to the environmental characteristics of the Plan area. Whilst the level of information may have been acceptable elsewhere it is not proportionate to this Plan area.
- 6.25 I also recognise that additional information has been received on the Leafield Road site as the examination has progressed. This can often be a key part of the wider process. Nevertheless that additional information was received late in the process and was not available in its own right to assist in the site selection process in an open and transparent way.
- 6.26 These factors have created a scenario where several bodies making representations have commented that they do not have real clarity about the sites chosen and those dismissed. I have some sympathy with those comments as I have come to my own judgement on this matter.
- 6.27 Finally the detail and evidence issues are compounded as it is unclear how and when the infrastructure sought for the key allocations in the Plan will be delivered. Whilst I have concluded that there is positive evidence about the delivery of the East End proposals (FNP3), there is no equivalent assurance on the delivery of the infrastructure benefits for the Leafield Road proposals (FNP16) or on those for the proposed package of development at Horcott Lakes (FNP22). In relation to the former there is no clarity or certainty on the need for or the delivery of the educational improvements as proposed in the policy. The Town Council was unable to provide compelling evidence on this point at the hearing. In relation to the latter the Plan only includes limited information about the proposed package. The situation is not clarified by the representations to the Plan submitted by the site owners.

- 6.28 On this basis I conclude that the submitted Sustainability Appraisal does not meet EU obligations on this specific matter of evidence and level of detail. As such it fails to meet the basic conditions.

European legislation – Human Rights

- 6.29 I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.30 In summary I conclude that the submitted Plan meets the basic conditions in relation to having regard to national policy and to be in general conformity to the strategic policies in the development plan.
- 6.31 However I conclude that the submitted Plan does not meet the basic condition to contribute to the achievement of sustainable development and to be compatible with EU obligations.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. The wider community and the Town Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in the Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan

- 7.8 These introductory elements of the Plan set the scene for the range of policies. The Introduction provides a robust context to the Plan and its preparation.
- 7.9 Section 2 addresses the neighbourhood area. It provides a brief history to the Town. This is followed by a helpful yet proportionate set of information on the current town
- 7.10 Section 3 sets out key information on the planning policy context. It identifies the way in which the neighbourhood plan and the emerging Local Plan have been prepared at approximately the same time. Paragraphs 3.10/3.11 summarise the differences of opinion that have arisen between the Town Council and CDC. These differences of opinion have inevitably worked their way into the examination process.
- 7.11 Section 4 provides commentary on the community's input into the Plan. It overlaps with information in the submitted Consultation Statement. Section 5 then identifies the vision and objectives underpinning the Plan. It usefully relates the Plan's vision to the wider ambition of ensuring that infrastructure and services are in place as a pre-requisite of development. These include schools, transport links, health facilities community facilities and Broadband.

Policies in General

- 7.12 The Plan policies are helpfully set out to respond to important identified objectives and key local issues.

Policy FNP1 The Fairford and Horcott Development Boundaries

- 7.13 This policy sets out development boundaries at Fairford and Horcott. The proposed development boundaries have been defined for the purpose of applying other development plan policies relating to appropriate development within the built-up area and in the surrounding countryside
- 7.14 Paragraph 5.8 helpfully identifies that the boundaries have been drawn to reflect the existing urban edge and the sites with planning permission where development has not yet been completed. The proposed boundaries have also been drawn to take account of the site allocations contained elsewhere in this Plan.
- 7.15 The policy and its strategic approach has attracted representations from developers. These representations raise both detailed issues and wider matters relating to the application of national policy. I have considered these matters carefully. However, I am satisfied that the definition of settlement boundaries is both appropriate and practical in the circumstances presented in Fairford. The Plan has set out to promote appropriate levels of growth within the Plan period. Other sections of this report provide separate and detailed commentary on the extent to which the options promoted in the Plan meet the basic conditions.
- 7.16 In the context of my wider recommendation on the Plan to the District Council any detailed recommended modifications to this policy are rather academic. However, for completeness I recommend the following modifications. They reflect other recommended modifications and delete supporting text which is of a more general narrative nature rather than providing explanation to the policy itself.

Delete the area covered by Policy FNP16 from the Development Boundary

*In paragraph 5.8 replace 'site allocations...Plan' with 'site allocation at East End'
Delete the final sentence of paragraph 5.9*

Policy FNP2 Creating New Community Facilities on London Road

- 7.17 This policy allocates land off London Road for community uses. It relates to the on-going development of new residential development to the east of the town.
- 7.18 I am satisfied that the policy is appropriate in the circumstances of the wider area. The policy itself meets the basic conditions.

- 7.19 I recommend modifications to the supporting text in paragraph 5.11. The policy itself will not 'secure' land for these purposes. It will however 'safeguard' the land as such.

In 5.11 replace 'secures' with 'safeguards'

Policy FNP3 Building New Retirement Homes and Car park at East End

- 7.20 The policy sets out ambitious plans for the construction of retirement homes on land at East End. Paragraph 5.14 of the Plan identifies that the allocation has two purposes – the first is to deliver a car park for the use of the users of the nearby doctors' surgery in Keble Lawns and the second is to deliver new retirement homes to meet local housing needs.
- 7.21 The site is relatively self-contained and is located at the eastern extent of East End. It is within the Fairford Conservation Area. It is currently open grassland with a footpath running along its northern and eastern boundary. It is bounded by existing built development to the south and the west. The grounds of Morgan Hall sit to the immediate north of the site. Vehicular access into the site is proposed by way of the demolition of 'Pengerric', a single storey bungalow of poor design.
- 7.22 The policy sets out to ensure that the wider package is delivered in a consistent and co-ordinated fashion. It restricts the number of dwellings to ten, and requires the car park to be developed and made available for use before the occupation of more than three dwellings. The policy also requires that the properties are a mix of retirement flats and lifetime home compliant dwellings.
- 7.23 Whilst not included within the Plan itself detailed representations have been made on the proposed allocation by those parties intending to deliver the scheme. This was submitted as a response to the revised Sustainability Appraisal and the revised Sites Assessment. These documents provide assurance on the viability and delivery of the scheme in general terms. They also set out particular information on the evolution of the scheme as it has been discussed and debated with the Town Council and the neighbourhood plan steering group. Indicative layouts are included in the package.
- 7.24 The approach that has been taken on this site is commendable. The Town Council has sought to address the related issues of specialist housing in the town and the car parking needs of the doctors' surgery in Keble Lawns. This is entirely the type of proposal that is anticipated to be generated in a neighbourhood plan.
- 7.25 In its pre-application advice CDC has expressed reservations about the development of this site in relation to its impact on the Conservation Area and on the setting of Morgan Hall. Plainly these are important matters which would eventually be worked out through the development management process if the site were to proceed in a made neighbourhood plan. On the basis of the comprehensive information that has been submitted by potential developers I am satisfied that there is the potential to address these matters in a satisfactory way. The proposed demolition of 'Pengerric' to create vehicular access has the clear potential to enhance the character or appearance of the Conservation Area. I can also see that the built development on

the site has been arranged so that it reduces the potential impact of the proposal on the setting of Morgan Hall.

- 7.26 I recommend modifications to the policy so that it has the clarity required by the NPPF and to address the relationship between the development of the site and the setting of Morgan Hall. Whilst this is addressed in the supporting text it does not appear directly in the policy of the submitted Plan.

In the second paragraph of the policy replace ‘for a housing development’ with ‘for a comprehensive development of the site for residential and car parking uses’

Replace the fifth criterion with ‘the design, scale and layout of the proposed development preserves or enhances the character or appearance of the conservation area’

Add an additional criterion to read:

‘the design and layout of the development respects the setting of Morgan Hall to the north of the site’

Policy FNP4 Providing a new Burial Ground

- 7.27 This policy offers support for proposals for a new burial ground in the Town. It seeks to address a widely-acknowledged issue. The policy is not site-specific, and as such is criteria based.
- 7.28 The approach adopted is appropriate in general terms. I recommend two modifications so that the policy has the clarity required by the NPPF. In particular I recommend that ‘suitable’ is replaced with ‘appropriate’ in the third criterion.

Replace ‘suitable’ with ‘appropriate’ in the third criterion

Relocate the ‘and’ at the end of the first criterion to the end of the second criterion

Policy FNP5 Maintaining Viable Community Facilities

- 7.29 This policy sets out to safeguard important community facilities in the Town. As the Plan comments in paragraph 5.20 the policy acknowledges the invaluable role that these facilities play in community life in the town. The policy has three related components. The first identifies the facilities, the second supports proposals that would assist in improving their viability and the third resists proposals that would involve their loss or significant harm to their community function.
- 7.30 I am satisfied that the range of facilities identified in the first part of the policy is appropriate. In reaching this judgement I have given careful consideration to the representations. In doing so I have taken into account that the second part of the policy places no direct responsibility on either a landowner or a community organisation to undertake improvements either to the facility in general, or to improve its viability in particular.

- 7.31 I recommend two modifications to the policy. The first one clarifies the scale of the impact on the amenity of neighbouring properties as a result of improvement schemes. The second provides a degree of flexibility to the operation of the third part of the policy. As submitted its approach is very absolute and it would have the potential to prevent CDC from considering all material planning considerations as part of its determination of any relevant planning applications

In the second part of the policy replace ‘harm’ with ‘have an unacceptable impact on’

In the third part of the policy replace ‘be resisted’ with ‘will not be supported’

Policy FNP6 Managing Flood Risk

- 7.32 This policy sets out the Plan’s approach to managing flood risk. It identifies an approach designed to resist development that would cause flooding from groundwater and surface water in Flood Zones 2 and 3 as defined by the Environment Agency. It also sets out a policy approach in relation to Flood Zone 1. The policy reflects the very distinctive location and geology of the town. It also takes account of community feedback. In effect, it seeks to implement a local version of the Sequential Test established in the NPPF.
- 7.33 The policy has attracted a significant level of representation from the County Council (in its capacity as the Lead Local Flood Authority) and from several developers. Some suggest that the policy is not necessary. At the heart of the matter is the relationship of the policy to the NPPF and its technical accuracy and assurance. The issue of flooding is addressed both in the NPPF (paragraphs 99-108) and in Planning Practice Guidance (Section 7). Section 7 of Planning Practice Guidance includes direct references to how the issue should be tackled in a neighbourhood plan. On the basis of the thrust of national policy and the specific issues in the town I am satisfied that in principle there is a place for a policy of this kind in the Plan. Nevertheless, the submitted policy adds nothing to national policy or how it is applied locally by the key statutory bodies. In particular it offers no local and distinctive policy guidance in general terms, and fails to address in an appropriate level of technical detail the complexities of the hydrogeological features which influence drainage matters in the Plan area. On this basis, I recommend the deletion of the policy.

Delete policy

Delete paragraph 5.25 to 5.28

Policy FNP7 Investing in Utilities Infrastructure Improvements

- 7.34 This policy continues on from Policy FNP 6. Its specific focus is on the timely provision of local utilities infrastructure. Its specific focus is on the capacity of the sewage system in the town. Part of the concerns expressed in the policy relate to the construction of new houses in recent years and their relationship to the sewage capacity. The policy has two related elements. The first requires that developers make provision for any additional capacity needed ‘in time’ to service the development. The second requires that any new houses should not be occupied until

the necessary capacity has been provided. In a similar fashion to FNP 6 the policy has attracted a significant level of representation from the Thames Water and from several developers. Thames Water raises a series of technical concerns. Some developers suggest that the policy is deleted. One developer has proposed amendments to the policy.

- 7.35 Taking all the information into account I am satisfied that there is an important issue that is being addressed by the Town Council. Nevertheless, the issue needs to be addressed within a policy context. As submitted the policy reads as two very prescriptive planning conditions for planning application purposes. In its responses to my Clarification Note on this matter the Town Council acknowledges that such controls can be applied by way of Grampian-style conditions. However, it goes on to express its reservations about the way in which conditions of this type have been applied historically. Plainly these are operational rather than policy issues. At the same time, the submitted policy seeks to address technical matters which are covered both by the Water Industry Act 1991 and the Flood and Water Management Act 2010. On this basis I recommend modifications both to the policy and to the supporting text to ensure that the policy has the clarity required by the NPPF and respects the context provided both by other legislation and the operational requirements of Thames Water.

Replace the policy with:

Where a need for off-site utility infrastructure has been identified in order to support new development any resulting proposals will be supported where the identified utility infrastructure will be delivered in line with an agreed phased timescale. Development proposals should either make arrangements for the direct implementation of the off-site infrastructure within the specified time period or financial contributions towards its provision.

In paragraph 5.29 delete 'since the population....2006 upgrade' and the section from 'The 2006 upgrade.... occupation of the development'

At the end of the first paragraph of 5.29 include:

'This policy has been designed to address these matters and to ensure a close and effective relationship between future development in the town and the investment programmes of Thames Water. The detailed implementation of this policy will be secured through the development management system either by way of planning conditions or through planning obligations'.

In paragraph 5.30 delete 'highly diluted sewage'

Delete paragraph 5.31

Policy FNP8 Managing Traffic in the Town

- 7.36 The policy has three separate components. The first offers support for proposals for traffic management. The second sets out a requirement that new development proposals provide development plan parking standards and take account of the level of public transport provision in the town. In the Town Council's view, this is poor.

- 7.37 The first component of the policy is not a land use matter. Its focus is on traffic management measures. I recommend that it is deleted.
- 7.38 The second part of the policy has a confusing approach. In effect, it requires that all development proposals meet development plan car parking standards on site. It then goes on to advise that developments should also take account of additional requirements that stem from the existing levels of public transport in the town, and any specific provision made in respect of town centre facilities. However, the Plan offers no guidance on these matters either for the decision maker or for the developer. As such it does not have the clarity required by the NPPF. In any event the compliance with development plan standards is already, by definition, in place. I recommend that it is deleted.
- 7.39 The third component of the policy offers support to create new or to upgrade off road pedestrian and cycle facilities. It meets the basic conditions
- 7.40 Paragraph 5.33 overlaps with the first two components of the policy. CDC also advise that there are no proposals to proceed with the Eastern Spine Road in the Plan period. As such I recommend the deletion of this paragraph.

Delete the first and second components of the policy

Delete paragraph 5.33

Policy FNP9 Improving Access to Nearby Visitor Attractions

- 7.41 This policy offers support to proposals to improve pedestrian and cycle access between Fairford and the Cotswold Water Park, Lechlade, the Thames and Severn Canal route and the Thames Path. The policy has the very clear ability to contribute to the achievement of the social dimension of sustainable development in the Plan area. It recognises the proximity of many of these attractions to the Plan area and the potential benefits that they offer to local residents. A proposal to link Fairford with Lechlade is included in the emerging Local Plan.
- 7.42 Plainly several of these attractions are outside the Plan area. It is beyond the remit of a neighbourhood plan to include policies that affect land outside the Plan area. I recommend a technical modification to address this matter. It does not affect the integrity of the approach adopted or the operation of the policy itself.

Insert 'within the Plan area' between 'Proposals' and 'to'

Insert at the end of paragraph 5.38:

'The design of Policy FNP9 reflects that many of these attractions lie outside the Plan area itself'.

Policy FNP10 Protecting Local Green Spaces

- 7.43 This policy proposes the designation of four local green spaces in the Plan area. I looked at each of the proposed designations as part of my visit to the Plan area.

- 7.44 Paragraph 5.39 of the Plan sets out the relationship between the policy and paragraphs 76 and 77 of the NPPF. A detailed justification for the four local green spaces is provided in the Landscape and Local Green Space Study report.
- 7.45 The policy itself meets the basic conditions. It identifies the parcels of land concerned and then sets out a restrictive approach that has regard to national policy (Paragraph 78 of the NPPF).
- 7.46 Based on the findings of the Study and my own observations I am satisfied that the Walnut Tree Field, Upper Green and the Coln House Playing Field comfortably satisfy the three tests in paragraph 77 of the NPPF. On this basis, they have regard to national policy.
- 7.47 I looked in detail at the proposed local green space at The Short Piece as part of my visit to the Plan area. I have also considered carefully the representations made to this policy by CDC, Gladman Developments Limited and Dr and Mrs Bishop. The Town Council and CDC have also provided helpful information on this matter in response to my clarification note.
- 7.48 I have assessed the appropriateness or otherwise of the designation of the parcel of land as local green space against the three criteria identified in paragraph 77 of the NPPF. These criteria need to be seen within the opening part of the paragraph which is clear that 'Local Green Space will not be appropriate for most green areas or open space'. This same approach is followed in the submitted Landscape and Green Spaces Study. On the first point, I am satisfied that it is in reasonably close proximity to the community it serves. On the second point, I am not satisfied that the site is 'demonstrably special to the local community and holds a particular local significance'. In its Study, the Town Council contends that the site has particular archaeological importance. In doing so it refers to general archaeological information in relation to the wider town, and to information that was received as part of the consideration of the recent planning application for the residential use of the parcel of land. However, the County Archaeologist's comments on that planning application do not cause me to conclude that the site holds a particular local significance. In his feedback to CDC on a report submitted by Worcestershire Archaeology as part of that planning application he comments that 'the deposits are not of the first order of preservation'. He continues by commenting that 'the prehistoric and Anglo-Saxon remains are not of the highest significance'.
- 7.49 Paragraph 2.3.7 of the Landscape and Green Space Study records the disappointment of the Town Council to this response. It also comments on the wider observations of the County Archaeologist and his decision not to raise any fundamental objection to the planning application. This information highlights the wider significance of archaeological deposits in the Plan area on the one hand and that the Short Piece is not identified as a nationally protected site on the other hand.
- 7.50 In all other respects there is nothing otherwise that I have seen to suggest that the Short Piece satisfies the second criterion in the NPPF. It is a flat parcel of grassland

with a collection of trees in its middle section. It is fenced from public use and has no public recreational value other than its visual openness.

- 7.51 Gladman Developments comment in detail about the extent to which the parcel of land is local in character (and therefore not an extensive tract of land). The parcel of land concerned is 3.20 hectares in size. It is the substantive (eastern) part of the planning application site (16/01766/OUT) where planning permission was refused in 2016. Neither the NPPF nor Planning Practice Guidance offers any prescriptive guidance on the local in character issue. Independent examiners reach their own judgements based on the site concerned and the nature of the Plan area. Gladman Developments direct me to some of these judgements. However, I am satisfied here that the site is local in character. Within the context of my findings on the second criteria (and as addressed in the paragraph above) this conclusion is rather academic.
- 7.52 Having carried out an assessment of the proposed designation of Short Piece as local green space I conclude that it is not 'demonstrably special to the local community and holds a particular local significance'. As such it does not satisfy all the criteria in paragraph 77 and I recommend its deletion from the policy.

Delete iii) The Short Piece

Policy FNP11 Protecting the Fairford-Horcott Local Gap

- 7.53 This policy is another key component of the submitted Plan. It defines a Local Gap between Fairford and Horcott for the purposes of preventing the coalescence of the two settlements. The policy adopts an approach that development proposals will only be supported where they do not harm the function and open character of the identified Local Gap.
- 7.54 The Local Gap covers a range of land uses in this sensitive area and extends both to the south west and to the north east of Horcott Road. At its heart is the course of the River Coln. There are two proposed local green spaces within the proposed Local Gap. I have made separate assessments of these proposals in the previous policy.
- 7.55 Detailed representations have been made to this policy by Gladman Developments and CDC. In the case of the former those comments overlapped with its appeal against CDC's refusal of planning permission for residential development on The Short Piece. This is a parcel of land within the proposed Local Gap to the immediate south west of Horcott Road
- 7.56 The policy was discussed in detail at the hearing. There was general agreement that a Local Gap policy was acceptable in principle for inclusion in a neighbourhood plan where there was appropriate and robust evidence to support such a designation. Gladman Developments argued that the proposed designation effectively introduced a blanket restriction on built development on the Short Piece site in combination with the proposal to designate that site as local green space. It also had significant reservations on the information and evidence that had underpinned the proposed

designation of the Local Gap. In doing so a contrast was drawn between the information in the submitted Plan and that in its recent planning application on the Short Piece site. I was invited to conclude that the area to the north and east of Horcott Road around the River Coln should represent the spatial extent of the Local Gap if I judged that a Gap of this nature was necessary.

- 7.57 The Town Council argued that the evidence was robust and appropriate to the task in hand. It also contended that the spatial extent of the proposed Local Gap was the minimum that was required to fulfil its objectives. I was also advised about the preparation of the Landscape and Local Green Space Study that effectively underpinned the policy.
- 7.58 CDC commented that a Local Gap was acceptable in principle if it was supported with appropriate evidence. It confirmed that it had not considered the inclusion of a Fairford- Horcott Local Gap in its emerging Local Plan.
- 7.59 I looked at the proposed Local Gap both on my unaccompanied visit to the Plan area in May and then after the hearing in September. Having read all the various submissions and heard the debate at the hearing I am satisfied that the proposed Local Gap meets the basic conditions. There is a clear role and purpose for a Local Gap in this sensitive part of the neighbourhood area. There is a significant difference in the characters of Fairford and Horcott and the prevention of coalescence between the two will serve a clear planning function. I am also satisfied that in most cases its boundaries have been sensitively and appropriately defined. In particular the section between Horcott Road and the A417 (including The Short Piece) is particularly sensitive to built development. The gap in built development along Horcott Road (represented by The Short Piece to the south west and by Coln House School Playing Field to the north east) is particularly prominent in the local townscape. It represents a discernible gap between the two settlements.
- 7.60 In coming to this judgement I am satisfied that the information and evidence underpinning the proposed designation is both appropriate and robust. The Landscape Study is a very well-researched project by local people and as verified by the Town Council's consultant. It is exactly the type of study that was envisaged by the Localism Act. In any event its findings are clearly demonstrated on the ground.
- 7.61 The detailed plan in the Landscape Study shows the boundary of the proposed Local Gap running artificially through the rear gardens of residential properties in Courtbrook and Moor Lane. Plainly this is not ideal for development management purposes. However, on balance I do not recommend any changes to its spatial extent. In any event it is unlikely that built development would be proposed or practical in these rear gardens.
- 7.62 I recommend two modifications to the policy. The first removes an element of non-policy text in the policy that is already adequately included in the submitted supporting text. The second clarifies the policy approach. As CDC point out the expression 'function' is not clear.

- 7.63 I also recommend a consequential modification to the supporting text in paragraph 5.42 to reflect my recommended modification to Policy FNP12.

**In the first part of the policy delete ‘for the purposes...settlements’
In the second delete ‘function and’**

Delete the final sentence of paragraph 5.42.

Policy FNP12 Protecting the Area of Special Landscape Value

- 7.64 This policy designates a proposed Area of Special Landscape Value (ASLV) between the River Coln and London Road to the south and east of the town centre. The land concerned sits to the immediate east of the proposed Fairford to Horcott Local Gap (FNP11). The policy was considered in further detail at the hearing held on 14 September.
- 7.65 The hearing sought to clarify the purpose of the policy and the extent to which it had regard to national policy and was in general conformity with the strategic policies in the development plan. The hearing concluded that the proposed ASLV was entirely within the area covered by the Cotswold Water Park. The Water Park is addressed in Policy UT1 of the saved Local Plan. Further guidance on development proposals has been provided for several years through supplementary planning guidance.
- 7.66 The hearing looked at the relationship between Policy UT1 of the saved Local Plan and the submitted policy. The Town Council clarified that the intention of the submitted policy was to refine and clarify criterion c in the saved local plan policy on landscape impact issues. It also explored the extent to which the area proposed within the ASLV was a valued landscape as identified in paragraph 109 of the NPPF. The hearing also identified that the emerging local plan included Policy SP5 which would largely replace Policy UT1. That policy had not attracted any objections from either the Town Council or from Cygnet Investments (the owners of the area proposed for the ASLV). CDC also confirmed that there were no plans to replace the existing supplementary planning guidance for the wider Water Park area.
- 7.67 On the basis of all the information available to me on this matter I recommend that the policy is deleted. There is no compelling or substantive evidence to demonstrate that it is a ‘valued landscape’. The policy as submitted would not be in general conformity with policy UT1 of the adopted development plan. Furthermore, the approach of the two policies is in direct conflict and it would be impractical for a decision-maker to apply the two policies in combination. In any event Policy SP5 of the emerging Local Plan provides a clear and uncontested context against which future planning applications can be considered.

Delete policy

Delete paragraphs 5.43 to 5.45 and the designation on the Policies Map.

Policy FNP13 Valuing Our Trees and Hedgerows

- 7.68 This policy attaches particular value to the retention of trees and hedgerows and their sensitive incorporation into any new developments that may come forward within the Plan period. The policy has four related parts. The first sets out a requirement for replacement trees where development proposals require the removal of existing trees. The second part of the policy requires a similar approach in respect of hedgerows. The third sets out an expectation that any new planting should link into existing landscape features. The final component makes specific reference to landscaping schemes for development proposals that adjoin the settlement boundary.
- 7.69 Both CDC and the County Council have made representations on this policy. In the main they focus on its practical implementation rather than its principle. In particular they raise issues about the replacement ratio for trees and their size. CDC comments about the practicality of the second part of the policy and highlights that in some circumstances a development proposal may propose an alternative treatment that is better related to its context than the existing hedgerow.
- 7.70 I can see that the policy as submitted is somewhat linear and does not directly address the very wide range of circumstances that may arise in the Plan period. If applied literally it would run the risk of delivering unintended outcomes as set out as examples in CDC's representation. I address these various issues in a series of recommended modifications. They set out to retain the integrity and approach of the submitted policy whilst introducing a degree of flexibility to take account of the wide range of circumstances that may arise in the Plan period. They also make an appropriate distinction between planning policy and normal arboricultural practice.

In the first part of the policy replace:

'a tree' with 'trees'

'its' with 'their'

Delete 'two'

Delete 'of equivalent height and girth'

In the second part of the policy add a third bullet point to read:

'or to deliver a replacement boundary treatment of a different type which is more appropriate to the site and its surroundings and which respects and complements the wider development proposal'

In the third part of the policy insert the following before the submitted wording:

'Where possible and appropriate to the design of the wider proposal....'

Replace the second sentence of paragraph 5.46 with the following:

As a general rule, there will be an expectation that any tree lost will be replaced by two new trees. The size of the replacement trees will be a matter for negotiation between the developer and the District Council based on the nature of the site and the ability of the new stock to become established and grow in a way which will ensure the effectiveness of the policy'

Delete the final sentence of 5.48

Policy FNP14 Achieving High Standards of Design

- 7.71 This policy sets out a series of design standards for new development in the Plan area. They take account of both the design policies in the saved Local Plan and the Cotswold Design Code. The various principles are extensive and include building height and materials, layout and massing and surface treatments.
- 7.72 Having reviewed all the submission documents and the representations received I am satisfied that the generality of the approach adopted is entirely appropriate. Fairford has the characteristics and appearance that warrant such an approach. One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).
- 7.73 Within this supportive context I recommend a series of modifications which address some of the technical elements of the policy and its various details. They either provide a degree of flexibility as required by the NPPF, the clarity required by the NPPF, remove unnecessary elements of supporting text in the policy or relocate policy elements into the supporting text.
- 7.74 I recommend the deletion of points 14-16. Point 14 is too specific a matter for inclusion in a wider design guide. Points 15 and 16 address ground levels and land contours matters. These are very detailed matters which are difficult to generalise within a design policy. As such they do not have the clarity required by the NPPF. The matters have the ability to be applied by CDC on a site by site basis based on development plan policies and its own assessment of technical information submitted as part of any planning application.

In point 2 delete 'which is.... town'

Replace point 6 with 'Close-board timber fences should not be used to define boundaries to the frontage of new buildings'.

Replace point 7 with 'Traditional materials appropriate for particular functions should be used for new buildings'

Replace point 8 with 'Bin storage should be incorporated into new housing and commercial proposals in a manner which is sympathetic and does not detract from their character and appearance'

Replace point 10 with 'Where linking alleyways are incorporated into new design they should be at least 2metres wide'

Delete point 11

In point 12 replace the first sentence with 'In new residential and industrial development provision should be made for on-site car parking to development plan standards. The use of raised tables and shared services will be encouraged'.

In point 13 replace ‘considered’ with ‘applied’

Delete points 14-16

Relocate points 17 and 18 into the supporting text

Include the following additional text at the beginning of paragraph 5.49:

Policy FNP 14 sets out the Plan’s approach to the delivery of good design. It has been formulated to have regard to the NPPF’s approach to design whilst providing distinctiveness to the Plan area.

Include the following additional text at the end of paragraph 5.48:

The policy is not intended to prevent the general use of modern materials. [insert here point 18 from the policy]. The policy does not directly address existing overhead services. However [insert here point 17 from the policy].

Policy FNP15 Conserving Local Heritage Assets

- 7.75 The policy sets out to identify non-designated heritage assets and to safeguard them from proposals which might otherwise result in harm to their significance. The approach taken is supported by CDC in principle, although it comments that its description should be extended to include ‘sites and landscapes’. This overlaps with the proposed inclusion of several such sites in the schedule included in the policy (and in the separate appendix).
- 7.76 The approach adopted has regard to national policy and makes a positive contribution to protecting important assets in the town. Within this context I recommend three modifications to the structure of the policy. The first extends its coverage as highlighted by CDC. The second recommends the deletion of the second sentence of the first part of the policy. Its suggestion that the list is not exhaustive and that others may be added at a later date does not have the clarity required by the NPPF. Plainly there would be the opportunity to review any made neighbourhood plan in the event that additional assets were proposed. The third identifies that not all proposals envisaged in the third part of the policy may need planning permission.
- 7.77 The schedule of proposed non-designated assets is set out immediately after the policy. However, for clarity the schedule should sit within the policy itself. I recommend accordingly.
- 7.78 The schedule of proposed non-designated assets is set out in the appendix to the Plan. It has an appropriate level of detail. I saw some of them on my visit to the Plan area in May. Some assets overlap with proposed local green spaces. In one of these cases its archaeological significance is disputed by its owners. In both cases I am not satisfied that there is sufficient evidence to justify their inclusion in such a schedule and I recommend that the sites concerned are deleted from the schedule.

In the first part of the policy replace ‘buildings and structures’ with ‘the following buildings, structures, sites and landscapes’

Include the schedule of assets immediately after the first part of the policy and in bold text

Delete sites 34 (Coln House Playing Field) and 35 (The Short Piece and Carters Ground)

Delete the second sentence of the first part of the policy.

At the start of the second part of the policy insert:

‘Insofar as planning permission is required’

In the second part of the policy replace ‘be resisted’ with ‘not be supported’

Policy FNP16 Delivering New Homes at Leaffield Road

- 7.79 This policy is one of the most significant policies in the Plan. It proposes the allocation of 80 houses and educational uses on 4.80 hectares of land to the east of Leaffield Road. The land is currently in agricultural use. It is located on the opposite side of Leaffield Road from the Farmor’s School and the Primary School. Both the schools sit within the wider context of Fairford Park. Land to the north and east of the proposed site is also in agricultural use.
- 7.80 The proposed allocation relates to the wider ambitions of the Plan to promote development where it would address infrastructure issues in the town. This is highlighted in paragraphs 5.52 to 5.55 of the supporting text. Concern is expressed about the ability of the schools and nurseries in the town to be able to absorb the additional demand for new pupils arising from the new development that has or is taking place. Paragraph 5.55 comments that land is made available for educational purposes on the request of the relevant bodies. This translates itself into the second criterion of the policy which requires that as part of the development land is made available on the Leaffield Road frontage to provide educational facilities, car parking and school bus drop off facilities and turnaround facilities.
- 7.81 Detailed supporting representations were made to the policy by Gleeson Strategic Land Limited. That company is promoting the development of the parcel of land which is owned by the Ernest Cook Trust. Those representations include an Archaeology and Heritage Assessment, a Landscape and Visual Impact Assessment, a Preliminary Ecological Assessment and a Transport Statement. The Landscape and Visual Assessment report includes a proposed layout. This indicates the proposed layout of the site incorporating a new vehicular access opposite the primary school, the layout of the houses and a drop off area and car parking for approximately 100 cars.
- 7.82 The policy was considered in detail at the hearing held on 14 September 2017. The Town Council provided additional information on the ‘planned works on the existing campus’ as included in paragraph 5.53 of the explanatory text. This consists of a current consultation exercise by Gloucestershire County Council on extending the intake into the Primary School.
- 7.83 The hearing explored the principles underpinning the allocation of the site in the Plan. It looked at the findings of the Helix Transport Appraisal Report of January 2016. As agreed at the hearing that report had been commissioned by the Town Council to consider the traffic and transportation issues affecting the town (its paragraph 1.1.1)

and to assist in the development of the Plan (its paragraph 1.1.2). The report considered traffic issues in Leaffield Road and Lower Croft in its Section 8.

- 7.84 The Helix report (8.1.2) identified the nature and the width of Leaffield Road in the vicinity of the schools and comments that for the majority of the time there are no parked cars and traffic flow is relatively light (8.1.3). It then continues by commenting that things change significantly at the beginning and end of the school day. It also comments that this is a common experience outside most schools and tends to be deemed an acceptable inconvenience so long as there is no significant safety or obstruction problems. The report indicates that there have been no accidents on Leaffield Road in the preceding five years. The report comments that the one respect in which the arrangements in Fairford are unusual is the lack of a convenient arrangement for those vehicles not entering the site to return in a forward gear. This results in a number of vehicles performing a three-point turn in the carriageway (to return into the town). I saw these movements first hand as part of my visit to the town in May and indeed performed the same manoeuvre.
- 7.85 The Helix report then addresses a series of recommended improvements in its section 8.2. It highlights that the issues identified in this part of the town could be addressed through the Schools resolving the congestion and delays within the site. In summary, this could include encouraging parents and other carers to use the existing off-road parking facilities (8.2.4), the replacement of existing priority junction access with a mini roundabout (8.2.5) and the widening of the road itself (8.2.7). As part of the examination I was not provided with any information or evidence about the way in which the emerging Plan has addressed these issues. Whilst I was provided with some information at the hearing about the County Council's proposals to extend the Primary School intake this did not include any wider information on the traffic and parking issues.
- 7.86 The hearing also explored the extent to which the site could be sensitively incorporated into the wider landscape in this part of the town in general and to its north and east in particular. The Town Council and Gleeson Strategic Land took the view that the proposed site could be sensitively incorporated. My attention was drawn to the Landscape and Visual Impact Assessment submitted by Gleeson at the representation stage and its commentary on the sensitivity of the landscape to accommodate development of the types proposed together with its predicted impacts. CDC took a very different approach. It set out its longstanding concerns about the impact of built development on the site. It also commented that during the preparation of the Plan the site had not been assessed as part of its Strategic Housing and Economic Land Availability Assessment Review (SHELAA) process.
- 7.87 That matter had now been addressed as it had updated its District-wide assessment in the run up to the local plan inquiry. Information had been submitted shortly before the hearing to the parties involved. Its assessment of the site (F51C) indicated that the site was unsuitable for residential development. It is described as part of a field used for arable farming and as being generally flat with long views. That report also comments that the site has no defined northern boundary and highlights its proximity to the Special Landscape Area and to the Conservation Area. It concludes that the

site would be an intrusion into open countryside and that an 80-dwelling development would be inappropriate in this location.

- 7.88 CDC confirmed at the hearing that it had taken landscape and visual impact matters into account as part of this exercise. Following the hearing it submitted further evidence on the wider information and evidence that it had used to inform its updated SHELAA. I have taken into consideration the comments that I received on this matter from both the Town Council and Gleeson Strategic Land in response to this information from CDC.
- 7.89 Plainly the assessment of this proposed site against the basic conditions raises a wider series of overlapping and potentially conflicting issues. The matter is more complicated than might otherwise have been the case if the site had been promoted in a traditional fashion as a housing allocation. That has not been the case and the Town Council has promoted the site as a wider package of measures to address infrastructure issues within the town (in this case the capacity of the school and the parking and turning arrangements in Leafield Road).
- 7.90 I can see that the proposed allocation has been pursued in the Plan in good faith and with a genuine attempt to address the issues which the Town Council has identified. Nevertheless, I am not satisfied that there is the evidence to support its promotion in the submitted Plan and that its ultimate development would contribute to the achievement of sustainable development in the Plan area. Paragraphs 7.91 to 7.96 set out the reasons for this conclusion.
- 7.91 In the first instance the Town Council has not addressed the findings of its own highways consultant. There has been no assessment of how the parking and turning issues addressed by the Helix report could be addressed by other more traditional means. At the same time, no assessment has been undertaken of the likelihood of the proposed car parking spaces within the allocation (as shown in the Landscape and Visual Impact Assessment) being used by the parents and carers concerned, and indeed whether the same type of congestion issues would arise as those which currently exist within the school sites themselves. There is also no assessment of the safety and operational issues which might be associated with having an educational building within the site.
- 7.92 In the second instance the Plan itself does not identify the wider impacts of the proposed development of the site on the capacity of the highway network. Its focus is on the detailed issues which it is intending to address. Gleeson Strategic Land submitted a transport statement (through PFA Consulting) as part of its representation to the Plan. Whilst this consisted of a two-page report it addressed this matter in one paragraph in a high-level fashion.
- 7.93 In the third instance there is no direct information from Gloucestershire County Council in its capacity as the local education authority on this important matter. Indeed, the County Council's representation is silent on this matter. Furthermore, there is no substantive indication about the trigger point/request mechanism for the delivery of educational facilities on the site as set out in the second criterion of the

policy. Whilst I acknowledge that this may become clearer if the project progresses there is no guidance or assurance that the trigger point will be reached. The indicative layout included in the Landscape and Visual Impact Assessment reinforces this point in proposing simply a car park and turning facility.

- 7.94 In the fourth and final instance I have concluded that the desire to promote development on the site to address the school capacity and parking issues has caused the Plan to give less weight to the locational and environmental considerations affecting the site. Paragraph 5.57 of the Plan acknowledges that the site ‘comprises green fields on the edge of the town’. It then goes on to comment that ‘the land does not have any special sensitivity to development and it is considered a more sustainable way for the town to grow to locate new homes closer to the schools and away from the most sensitive historic buildings and landscapes to the west and south of the town’. The Plan does not however produce any direct evidence to substantiate these very wide-ranging statements. In particular it does not address the inherent issue of the effect of a significant rectangular parcel of land being developed to the north of the town. As a site, it has a poor relationship to other built development in the town and, in my judgement, would appear as an artificial built extension to its built form. Whilst I can see that the school and leisure centre buildings are located to the western side of the road they are set in the landscaped and open context of Fairford Park. They present as buildings which sit comfortably in their setting on the northern extremity of the town. Whilst there is more detail included in both the original and the revised Sites Assessment report it is not to the detail that might reasonably be expected of a Plan addressing a complex and infrastructure driven strategy and in a sensitive location. There is appropriate mention of potential mitigation measures in the Revised Site Assessment report. However, the Town Council recognises in the ‘Views/Visual Impact’ section that ‘there would be significant impacts on views to the north-east, east and south east from points on Leafield Road and from the public right of way to the north’.
- 7.95 This matter was highlighted further in the exchange of information between myself and the parties after the hearing. CDC provided information on the way in which it had assessed the site as part of its most recent SHELAA process (September 2017). It indicated the processes which it had followed and the published reports which it had taken into account. In particular it described its assessment of potential impacts on the AONB, the setting of the Special Landscape Area, the setting of Fairford Park and the setting of the conservation area. The Town Council and Gleeson Strategic Land commented in response in different but complementary ways that this information adds little value to the debate and that the landscape issues have been fully and properly addressed in general, and in the Gleeson Landscape and Visual Impact Assessment in particular.
- 7.96 This debate reflects the different approaches that have been adopted to this matter. In effect CDC in its SHELAA is taking a strategic overview of this site (and others in Fairford and the rest of the District) to inform wider judgements on housing and employment land availability. The Landscape and Visual Impact Assessment for the Leafield Road is providing specific detail on these impacts and the ability of the site to be assimilated into the wider landscape. Whilst I can see that the Impact

Assessment has been produced in good faith and to assist the examination process it does not alter my conclusions as set out in paragraph 7.94 of this report. In planning policy and site identification terms I consider that it would have a poor relationship to other built development in the town and would appear as an artificial built extension to its built form. On this basis, I am not satisfied that it represents sustainable development in the wider sense. Whilst it would contribute to the achievement of the economic dimension of sustainable development there is no certainty on its delivery of the social dimension of sustainable development which is an underpinning factor that has caused it to be promoted in the Plan. I do not consider that it contributes to the delivery of the environmental dimension of sustainable development. On this basis, I recommend that the policy is deleted.

Delete policy

Delete supporting text at paragraphs 5.52 to 5.59

Policy FNP17 Providing the Right Type of New Homes for the Town

- 7.97 This policy sets out an expectation that proposals for new residential development should provide a mix of housing types and with an emphasis on those with 2 or 3 bedrooms. The policy is underpinned with an appropriate and impressive level of evidence. It makes the connection between the size of the houses to be delivered and their ability to meet the needs of first time buyers and older households looking to downsize from larger properties.
- 7.98 I am satisfied that the generality of the policy meets the basic conditions. It is supported by appropriate evidence and is non-prescriptive in terms of the percentage of homes required. This will assist the delivery of appropriate proposals within the context of viability.
- 7.99 However I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. The first refers to the language used in the policy itself. Its use of the word 'seek' is insufficiently definitive. I recommend its deletion so that the policy requires that proposals 'should provide...' the type of housing specified. The second refers to the language used to define the size of housing sought. As submitted the policy refers to 2 or 3-bedroom homes. If applied literally this could have unintended consequences. To provide flexibility to developers and to achieve the objectives of the policy I recommend that the policy refers to 2 and 3-bedroom houses. The third is that the direct reference to first time buyers and households wishing to downsize are removed from the policy. Its important element is the need for developers to provide a mix of house type which have an emphasis on 2 or 3-bedroom homes. Houses of this type can traditionally meet the needs of first time buyers and those wishing to downsize. They also have the ability to meet the needs of others seeking accommodation. At the same time developers will come to their own commercial judgements about their investment strategies.

Replace the policy to read:

'Proposals for housing development should provide a mix of housing types that have an emphasis on two or three-bedroom homes.'

Policy FNP18 Creating New Jobs for the Town

- 7.100 This policy sets out a key component of the Plan's approach to promoting business development in the Plan area. It proposes to allocate land to the south of the A417 to the east of the town for employment development. It would effectively form an extension of the Whelford Lane Industrial Estate. The policy also sets out support for proposals to intensify existing business uses on the Industrial Estate. Its third and final component offers support for proposals to use the vacant Coln House School buildings for employment (B1) uses.
- 7.101 I recommend a series of modifications to the policy to ensure that it has the clarity required by the NPPF. The first relates to the second criterion relating to new business development. As submitted it refers to height comparisons with the tallest building on the existing Industrial Estate. Building heights may change within the Plan period both generally and given the encouragement given to the intensification of existing buildings on that Estate in the second part of the policy. I recommend that the policy is modified so that it is less prescriptive. The second relates to proposals to intensify existing buildings on the Industrial Estate. Some proposals will benefit from the extensive permitted development rights now enjoyed by businesses. I recommend that the policy reflects this matter. The third relates to inconsistencies between the policy and the supporting text in relation to Coln House School. This matter was very helpfully clarified by the Town Council during the examination. For clarity, the policy approach should set out support for the reuse and/or conversion of the School for business purposes

In criterion ii) replace 'are no...tallest buildings' with 'should respect the height of the existing buildings'

In the second part of the policy insert the following at the start of the policy: 'Insofar as planning permission is required'

In the third part of the policy replace 'redevelopment' with 'conversion'

Policy FNP19 Protecting Employment Land off Lower Croft

- 7.102 This policy sets out to protect employment land off Lower Croft. It is currently occupied by East Gloucestershire Engineering Limited. I saw the site as part of my visit to the town in May 2017.
- 7.103 As CDC comments in its representations national policy has become more flexible in recent years with regard to changes of use between different commercial use types. Permitted development rights have been extended, and further changes to this regime may occur during the Plan period. On this basis, I recommend a modification that reflects that some proposals may not need planning permission. I also recommend other changes to the format of the policy and the language used so that it has the clarity required by the NPPF. I also recommend the deletion of the final part

of paragraph 5.72 as the operational efficiency of the current occupiers is not a matter for consideration in a land use policy

Replace the policy with the following:

‘Land off Lower Croft, as shown on the Policies Map, will be safeguarded for employment uses. Insofar as planning permission is required proposals for the change of use of this site to residential or other non-employment uses will not be supported.’

In 5.72 delete ‘(the site.... operations)’

Policy FNP20 Sustaining a successful Town Centre

- 7.104 This policy sets out the Plan’s approach to sustaining a successful town centre. I saw its attractiveness and vibrancy when I visited the town earlier in the year. The policy has four parts. The first defines the Town Centre and Primary Shopping boundaries. The second resists proposals for the conversion of A1 retail and B1 business premises in the town centre to residential use. The third part offers support to the use of upper floors in the town centre to residential use. Finally, the fourth part of the policy offers support to proposals to improve the Market Place to create a more attractive environment for shoppers and visitors.
- 7.105 The combined effect of the components of the policy will do much to safeguard the vitality and viability of the attractive town centre. The policy reflects Fairford’s place in the District’s settlement hierarchy and its ability to offer a wide range of retail and commercial services to its hinterland. The Town Centre and Primary Shopping Frontage boundaries have been appropriately and sensitively defined. The use of vacant upper floors for residential use is an appropriate way to make best use of existing building stock. It will also add a degree of night-time vitality and security to the town centre.
- 7.106 Within this overall context I recommend modifications. As with the previous policy the approach adopted in the second part of the policy in the submitted Plan will be affected to some extent by the recent changes to permitted development rights. On this basis, I recommend a modification that reflects that some proposals may not need planning permission. I also recommend other changes to the format of the policy and the language used so that it has the clarity required by the NPPF. I also recommend that detailed information about the marketing of properties should be addressed in the explanatory text rather than in the policy itself.
- 7.107 I recommend that part of the policy relating to the use of upper floors is simplified to ensure that it has regard to national policy. As submitted the policy requires that the upper floors concerned ‘are not necessary to maintain the viability of the premises for commercial use.’ Plainly this is likely to be within the control of the building owner or the tenant in any event and individual companies will make their own judgements about their longer-term need or otherwise to retain the upper floors for storage, office or other commercial use. In any event paragraph 21 is clear that investment in business should not be over-burdened by the combined requirements of planning

policy expectations. This policy is also affected by the permitted development issue. I recommend accordingly.

- 7.108 In relation to the second and third part of the policy I recommend modifications to provide a degree of flexibility to the operation of the policy. As submitted their approach is very absolute and it would have the potential to prevent CDC from considering all material planning considerations as part of its determination of any relevant planning applications.

In the second part of the policy:

Insert the following before the submitted wording: ‘Insofar as planning permission is required.’

Replace ‘be resisted’ with ‘not be supported’ in the first sentence

Replace ‘permitted’ with ‘supported’ in the second sentence

Delete ‘The marketing.... future potential’

In the third part of the policy:

Replace ‘permitted’ with ‘supported’

Delete ‘provided that.... commercial use’.

Include at the end of paragraph 5.73:

‘It sets out to safeguard a vibrant town centre with a wide range of retail and commercial uses. The second part of the policy sets out a restrictive approach with regards to the conversion of retail and business premises to residential use. Any such applications would be required to have undertaken a marketing exercise. [Insert here the text recommended for deletion from the policy on this point]. The third part of the policy supports the use of vacant upper floors in the town centre for residential use. This approach will contribute to the efficient use of existing buildings, will assist in their maintenance and will add to the vitality of the town centre throughout the day’.

Policy FNP21 Creating New Visitor Accommodation

- 7.109 This policy supports proposals for the development of new visitor accommodation. It highlights that they should either be located within the settlement boundary (Policy FNP1) or should represent an appropriate and sustainable reuse of a redundant agricultural building in the countryside.
- 7.110 The approach adopted is entirely appropriate and meets the basic conditions. However, CDC comment that the design of the policy would necessarily preclude the development of new camping facilities outside the development boundary. I recommend that this is addressed as an addition to the supporting text.

Include the following text at the end of paragraph 5.76:

‘The policy does not directly address proposals for new camping facilities. They have the opportunity to contribute to the local tourism economy in a sustainable way. Any such proposals will be treated on their merits in accordance with wider development plan policies

Policy FNP22 Horcott Lakes

- 7.111 This policy promotes an extensive parcel of land in the south of the Plan area and to the south and west of Horcott Road for a comprehensive package of measures for recreation, leisure, tourism, renewable energy generation and for housing purposes. The land concerned was formerly a gravel extraction site.
- 7.112 I looked at the area in both May and September during the examination process. I paid particular attention to its position in relation to the town centre and other facilities in the wider town. I also looked at the existing access route along Totterdown Lane and its relationship to the wider environment of the town.
- 7.113 I can see that the policy sets out an ambitious proposal for this part of the town. The Town Council's response to the Clarification Note adds further information about the joint work that is taking place between itself and the site owners. It also responds to my invitation for the Town Council to comment on representations made to the policy by the site owners.
- 7.114 Having considered all the information and representations on this policy that were available to me as part of the examination process I am not satisfied that it will contribute towards the achievement of sustainable development. I can see that the leisure and recreational components of the package are likely to be acceptable subject to design and scale considerations and that their outcomes will contribute towards the achievement of the social and the environmental dimensions of sustainable development. However, the housing component of the wider package sits uneasily with both national and local planning policies and with the wider concept of sustainable development. It would be remote from facilities in the town and it would be highly likely that residents of any houses in this location would need to use their cars for all trips other than those for recreation around the Lakes.
- 7.115 I am aware that the policy is not directly seeking to promote the site as a housing allocation. Its opening paragraph recognises that the housing element is proposed to enable its other elements to proceed. Nevertheless its identification of a potential of up to 20 houses is not an insignificant number both in a mathematical sense and in relation to their location in the wider neighbourhood plan area. However, the submitted plan provides no evidence for the need for the 'enabling' development in general terms, or its scale in particular. This matter is not clarified by the representation made to the policy by the site owners. This addresses ongoing discussions on an emerging package and the need for 'executive housing' to make the scheme viable. Given the uncertainty of the discussions between the Town Council and the site owners and the location of the Horcott Lakes I am not in a position to be able to conclude with any certainty that the wider package would represent sustainable development. On this basis, I recommend that the policy is deleted. Whilst I can see that many of its leisure and recreational elements are likely to be acceptable I have no information on their viability without the proposed housing element. In these circumstances, it would be inappropriate for me to recommend simply the deletion of the proposed housing element of the policy.

Delete policy

Delete supporting text at 5.77-5.84 and the designation on the Policies Map.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is concise and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 However following my independent examination of the Plan I have concluded that the Fairford Neighbourhood Development Plan does not meet two of the basic conditions for the preparation of a neighbourhood plan.
- 8.3 This report has nevertheless provided comments on each policy in the submitted Plan in the interest of clarity and completeness. It has highlighted whether each policy has or has not met the basic conditions. Where I have concluded that the policy does not meet the basic conditions I have highlighted a recommended modification. In some cases, I have recommended the deletion of the policy. The recommended modifications may provide assistance to the Town Council in the event that it wishes to submit a revised Plan at some future point. Plainly that will be a matter for the Town Council's judgement.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Cotswold District Council that the Neighbourhood Plan should not proceed to referendum on the basis that it does not meet the necessary legal requirements.

Commentary

- 8.5 I recognise that this outcome will be a source of great disappointment to the Town Council. The submitted Plan represents several years of hard work and it sets out a genuine series of policies and proposals to promote development that it considers to be fit and appropriate for the Plan area.
- 8.6 Nevertheless, I have identified areas where it does not meet the basic conditions. In particular I have concluded that the submitted Sustainability Appraisal is not compatible with EU obligations. In addition, I have concluded that the Plan does not contribute towards the achievement of sustainable development.

- 8.7 I am grateful to everyone who has contributed towards the examination of the Plan. It has been a long process for all concerned both in general terms and given the different approaches that have been adopted for the future planning of the town by the District Council and the Town Council in particular.
- 8.8 I am particularly grateful to those parties that were involved in the hearing in September 2017. Whilst different views were expressed throughout the day the various parties assisted in ensuring that the hearing ran in a smooth and efficient manner.
- 8.9 Finally I offer my thanks to Joseph Walker at the District Council for his patience and independence throughout the examination process. I was particular grateful that he maintained a vibrant, helpful and comprehensive website on the submitted Plan and its examination.

Andrew Ashcroft
Independent Examiner
27 September 2017