

Independent Examiner's Report of the Alderton Neighbourhood Development Plan

Author

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

14th March 2018

SECTION 1

SECTION 1

CONTENTS

Section 1 Contents.....	2
Section 2 Summary.....	3
Section 3 Introduction.....	4-5
Section 4	
The Report.....	6-24
1. Appointment of the Independent Examiner.....	6
2. Neighbourhood Plan Area.....	6
3. Plan Period.....	6
4. Hearing and Site Visit.....	6
5. Consultation Process.....	8
6. Comment on Responses.....	9
7. Compliance with the Basic Conditions.....	9
8. Planning Policy.....	10
9. Other relevant Policy Considerations.....	10-13
10. Alderton NDP Neighbourhood Plan Policies.....	13-24
Section 5	
Conclusions and Recommendations.....	25

SECTION 2

Summary

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

- 1. I find the Alderton Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Alderton Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Alderton Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Alderton Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the adopted local plan was the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) which includes saved policies from the Tewkesbury Borough Local Plan 2011. I have been informed that a 'Preferred Options' version of the new Tewkesbury Borough Plan is not likely to start until at least April 2018.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

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

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

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

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

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the Tewkesbury Borough Council website. Following the response to the Questions for Clarification I decided that I would need to call for a Hearing. The details of the Hearing are available on the Tewkesbury Borough Council website and further detail appears later in my report.

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

The examiner is required to check whether the neighbourhood plan:

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

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set

out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

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

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*
- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Alderton Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

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

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

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

Tewkesbury Borough Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Local Planning Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Tewkesbury Borough Council appointed me as the Independent Examiner for the Alderton Neighbourhood Development Plan with the agreement of Alderton Parish Council

2. Qualifying body

I am satisfied that Alderton Parish council is the Qualifying Body.

3. Neighbourhood Plan Area

The designated Alderton Neighbourhood Area covers the parish of Alderton.

The Basic Conditions Statement submitted with the Alderton Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Alderton Neighbourhood Development Plan.

4. Plan Period

It is intended that the Alderton Neighbourhood Development Plan will cover the period 2011-2031.

5. Tewkesbury Borough Council initial assessment of the Plan (Regulation 15).

Alderton Parish council, the qualifying body for preparing the Alderton Neighbourhood Development Plan, submitted it to Tewkesbury Borough Council for consideration. Tewkesbury Borough Council has made an initial assessment of the submitted Alderton Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit and Hearing

I carried out an unaccompanied site visit on 26th February 2018 to familiarise myself with the area.

As the independent examiner of the Alderton Neighbourhood Development Plan, having read the plan, supporting documents and representations and following the response to my Questions for Clarification I considered that it was necessary to call a hearing in order to fully consider certain of the issues raised in the representations on this plan under the provisions of Schedule 4B of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.

As the examiner I determined the issues to be considered at the hearing. The scope of the hearing was confined to the areas of the plan that I considered that it was necessary for me to hear oral representation to ensure adequate examination of the issues.

As the independent examiner I decided:

- *The format and scope of the hearing*
- *Who was invited to speak at a hearing, in addition to the local planning authority and the qualifying body that submitted the neighbourhood plan or Order*
- *The questions to be asked at the hearing.*

Tewkesbury Borough Council sent copies of the letter calling for a hearing to Alderton Parish Council as the Qualifying Body, statutory consultees and to all who made representation on the plan in accordance with Regulation 16 and who asked to be notified. It was also posted on the Council and Neighbourhood Plan web site.

6.1 Public Hearing Details

Venue: Tewkesbury Borough Council Offices

Date: Monday 26th February 2018

Time: 11:00 am start

The hearing was open to members of the public to attend, but only invited representatives were permitted to take part in discussions.

The Hearing was held to assist me principally on the matters of Policy H1, Policy H2, Policy H4 to enable me to assess whether the Plan meets the Basic Conditions in particular that it is in general conformity with the strategic policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) which includes saved policies from the Tewkesbury Borough Local Plan to 2011 and has regard to National Planning Policy objectives and advice.

Notes taken at the Hearing are available to be viewed on the Tewkesbury Borough Council website.

The Hearing dealt with the subjects I felt it necessary to have oral representation on and I am now satisfied that I have sufficient information to conclude my examination of the plan. The details relevant to each policy are referred to in Section 4 of my report.

Areas of discussion and conclusion

- **POLICY H1: NEW HOUSING ON INFILL AND WINDFALL SITES WITHIN THE SETTLEMENT BOUNDARY OF ALDERTON**
- **POLICY H2 RURAL EXCEPTION SITES AFFORDABLE HOMES**
- **POLICY H4: HOUSING MIX**

At the Hearing I was seeking clarification around how the Neighbourhood Plan met the requirement for flexibility in responding to changing local need and delivering housing across the plan period with a development boundary drawn so tightly- indeed reflecting largely (by including sites already developed) the development boundary established in the Tewkesbury Borough Plan to 2011 and incorporating the recently committed development sites adjacent to it. The discussion covered the fact that there was no requirement for Neighbourhood Plans to allocate sites.

The level of housing already delivered in the Parish and the opportunity for windfall infill was also explored.

The Neighbourhood Plan Group explained:

the Development Boundary for Alderton Village consists of the previous Development Boundary in the Tewkesbury Borough Plan to 2011 with that boundary extended to cover two new developments, one south of Beckford Road and the other east of Willow Bank Road. These developments have occurred in the Plan Period and since 2014. 47 houses have been built south of Beckford Road and 25 houses east of Willow Bank Road.

The Neighbourhood Plan Group's position is that significant development has happened within the new village development boundary in the Plan Period not only meeting but exceeding the indicative requirement by 50%. Tewkesbury Borough Council concurred with this position.

The representative of Charles Church stated that although this was the position in relation to the requirement of the current Development Plan, this was to be subject to immediate review and therefore across the Neighbourhood Plan Period the indicative requirement for housing in Alderton may increase and Policy H1 as currently worded does not provide the flexibility necessary to ensure that any increase in need can be met.

In addition, the delivery of affordable housing through Exception Sites was discussed and the evidence base for requiring small and medium sized houses to be delivered on any future development. It was established that Alderton's age structure in 2011 was broadly similar to that of Tewkesbury Borough [2011 Census]. The Neighbourhood Plan Group explained:

The Joint Core Strategy Strategic Housing Market Area Assessment (2015 update) suggested that only 19% of new housing in the Borough should have four or more bedrooms by 2031. Set against this the age structure within Alderton will have got younger as a consequence of the new development but even so there will be a longer term imbalance between occupancy and need. This analysis supports the need to plan for development rather than simply allow it. Unfortunately, Alderton has been overtaken by events. There is scope in the wider Tewkesbury Plan to encourage a better housing mix.

Contributors were concerned that policy H4, as currently worded would effectively prevent the development of 4 bedroom houses. The Neighbourhood Plan Group acknowledged that Policy H4 required some re wording

As a result of discussions at the Hearing and to address concerns raised Alderton Parish Council put forward proposed changes to policy H1 and accepted that the wording of H4 would need to be modified. This modification is considered in detail and my response is contained within Section 4 of my report.

7. The Consultation Process

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

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

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

development plan;

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

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

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

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

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

The Borough Council placed the Alderton Neighbourhood Development Plan out for consultation under Regulation 16 for a six week period from 30th October 2017.

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

9. Compliance with the Basic Conditions

The Alderton Neighbourhood Development Plan working Group produced a Basic Conditions Statement. The purpose of this statement is for the Neighbourhood Development Plan Working Group to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Alderton Neighbourhood Development Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

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

(a) The Alderton Neighbourhood Development Plan:

This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Alderton Neighbourhood Development Plan and is supported by an evidence base which arose from the consultation.

(c) Basic Conditions Statement.

This is a statement setting out how Alderton Neighbourhood Development Plan Working Group consider that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitat Regulations Assessment.

(d) SEA and HRA screening report and statement.

Comment on Documents submitted

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

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Alderton Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

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

10.2. Local Planning Policy- The Development Plan

Alderton is within the area covered by Tewkesbury Borough Council. The relevant development plan is at the time of my examination was the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) which includes saved policies from the Tewkesbury Borough Local Plan 2011.

I have considered the Strategic policies of the Development Plan and the Policies of the Alderton Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) which includes saved policies from the Tewkesbury Borough Local Plan 2011.

11. Other Relevant Policy Considerations

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

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

A Strategic Environmental Assessment (SEA) screening opinion was prepared by Tewkesbury Borough Council, as required and included a wide range of consultees including the following Statutory Consultees:

- *Natural England*
- *Historic England*
- *Environment Agency*

SEA/HRA Screening

The Screening Report by TBC concluded that neither SEA nor HRA was required. The conclusion was

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

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

11.2 Sustainable development

The Basic conditions statement sets out how the Plan contributes to the achievement of sustainable development. I am satisfied that the Alderton Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.

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

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

I am satisfied that the Alderton Neighbourhood Development Plan has done so.

I am therefore satisfied that the Alderton Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

11.3 Excluded development

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

11.4 Development and use of land

I am satisfied that the Alderton Neighbourhood Development Plan covers development and land use matters.

11.5 The Neighbourhood Plan Strategic Aims and Policies

The Alderton Neighbourhood Development Plan Vision:

12. Alderton Neighbourhood Development Plan Policies

HOUSING

VISION STATEMENT A: PROVIDING HOMES APPROPRIATE TO THE NEEDS AND CONTEXT OF ALDERTON PARISH

In 2031, Alderton Parish is characterised by its attractive rural setting, varied housing stock and strong, vibrant community. Our vision is that the Parish continues to offer a choice of high quality housing of an appropriate type and tenure, and in proportionate numbers to meet local needs, while ensuring that its characteristic rural nature and strong community cohesion can continue to be enjoyed by present and future residents.

Objective 1: Protecting the rural character and scenic beauty of Alderton Parish through proportionate and appropriately located development.

Objective 2: Ensuring that any development in Alderton Parish makes a positive contribution to enriching the vitality, health, wellbeing and social cohesion of its communities.

Objective 3: Ensuring a range of housing types and ownership options linked to evidence of local need.

COMMENT

I am satisfied that the vision has been developed from the community consultation carried out in the preparation of the Plan and that the policies flow from the vision.

POLICY H1: NEW HOUSING ON INFILL AND WINDFALL SITES WITHIN THE SETTLEMENT BOUNDARY OF ALDERTON

Within the settlement boundary of Alderton village, as shown on Map 4 Alderton NDP Policies Map, small windfall development will be supported together with infill housing development of 1 – 2 dwellings within existing built-up frontages when it is consistent with the scale, proportion and density of existing houses and gardens in the adjacent area.

Proposed development of residential gardens for new housing units should demonstrate that:

- 1. Any loss of garden space of existing properties is proportionate and acceptable; and***
- 2. Any adverse impacts on residential amenity are minimised.***

Proposals for accessible, single storey dwellings on infill sites and small windfall sites will be encouraged to meet the needs of older persons or those with limited mobility.

Proposals for new housing brought forward under a Community Right to Build Order will be supported subject to other policies in the Plan.

Policy references: Saved policies HOU2-14 of the TBLP to 2011 where in conformity with the NPPF; emerging JCS policy SD11 and emerging TBP policies HOU2-8.

COMMENT

My concerns in relation to this policy relate to how the Neighbourhood Plan meets the NPPF requirement for flexibility in responding to changing local need and delivering housing across the plan period with a development boundary drawn so tightly- indeed reflecting largely (by including sites already developed) the development boundary established in the Tewkesbury Borough Plan to 2011. I accept that Alderton Parish has been subject to development which exceeds the indicative requirement set out in the Development Plan by 50%- equating to 78 dwellings. However, I also give weight to representations I have received which express concern that although this is the position in relation to the requirement of the current Development Plan, any the proposed review of this document could increase the indicative requirement across the Neighbourhood Plan Period and Policy H1 as currently worded does not provide the flexibility necessary to ensure that any increase in need can be met and meet the Basic Conditions.

Following the conclusion of the Hearing, the Qualifying Body in discussion with Tewkesbury Borough Council put forward the following suggestion to modify the policy to address the issue of flexibility across the plan period:

“In the event that a future development plan identifies an additional need for further housing development in Alderton (as a service village), beyond what is being accommodated within the settlement boundary and following an established disaggregation policy, then sites outside of the boundary will be considered in line with the other policies of the plan.”

In addition, it was suggested that changes be made to the supporting text at para 4.1.22 to provide some supporting explanation:

“As part of the early work on the preparation of the ANDP, and in the interests of planning positively, the ANPG has considered a possible housing site allocation through extensive community consultation and a technical site assessment process. However, given that the housing target for the village has been met through existing commitments, there is no requirement at present to allocate further housing sites. If additional new housing other than proposals coming forward as infill or windfall sites were to be required in Alderton village during the Plan period, then the ANDP will be reviewed and amended, taking into consideration the earlier site assessment and consultation activity. If additional housing need was identified for Alderton specifically, in its role as a service village, through a future strategic development plan then meeting those needs outside of the identified settlement boundary would need to be considered. However, the identification of any future sites should be undertaken through a plan led process and in line with the other policies of both the neighbourhood plan and wider development plan. Additional sites may be identified either through the Tewkesbury Borough Plan, or through a review of the ANDP, taking into consideration previous site assessment evidence base and consultation activity and in consultation with the Parish Council.”

The policy references should be removed from the policy and could be included in the policy context.

I am satisfied that the proposed modification addresses my concerns and that with the following modification the policy does meet the Basic Conditions:

POLICY H1: NEW HOUSING ON INFILL AND WINDFALL SITES WITHIN THE SETTLEMENT BOUNDARY OF ALDERTON

Within the settlement boundary of Alderton village, as shown on Map 4 Alderton NDP Policies Map, small windfall development will be supported together with infill housing development of 1 – 2 dwellings within existing built-up frontages when it is consistent with the scale, proportion and density of existing houses and gardens in the adjacent area.

Proposed development of residential gardens for new housing units should demonstrate that:

- 1. Any loss of garden space of existing properties is proportionate and acceptable; and***
- 2. Any adverse impacts on residential amenity are minimised.***

Proposals for accessible, single storey dwellings on infill sites and small windfall sites will be encouraged to meet the needs of older persons or those with limited mobility.

Proposals for new housing brought forward under a Community Right to Build Order will be supported subject to other policies in the Plan.

In the event that a future development plan identifies an additional need for further housing development in Alderton (as a service village), beyond what is being accommodated within the settlement boundary, then sites outside of the boundary will be considered in line with the other policies of the plan.

POLICY H2: RURAL EXCEPTION SITES

Where it can be demonstrated that particular housing needs during the Plan period have not been met through development on sites within Alderton settlement boundary, rural exception sites will be considered for approval under the Plan elsewhere in the Parish. Such sites should be within or on the edge of the smaller rural settlements, or within or adjoining groups of farms buildings.

Affordable homes on rural exception sites will be subject to the condition that they remain available to local people in perpetuity.

Policy reference: Saved policies HOU13 and 14, where in conformity with the NPPF, and emerging JCS policy SD13.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

POLICY H3: AFFORDABLE HOMES

New affordable housing will be supported in new developments through the allocation set by the local planning authority in order to provide affordable homes in the first instance for individuals and families with local connections to Alderton Parish and neighbouring parishes.

Policy reference: Saved policies HOU13 and 14; emerging JCS policy SD13.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

POLICY H4: HOUSING MIX

Proposals for new housing in Alderton should be for small and medium sized houses (with 1 to 3 bedrooms) to provide a greater mix of house sizes in the village and to support opportunities for downsizing or re-sizing.

To ensure that future housing development meets the needs of the existing and future population the following will apply:

- 1. On sites of 5 or more dwellings a range of tenures, house types and sizes of dwellings will be required, including a proportion of affordable homes to meet the housing needs of households with a connection to Alderton Parish; and**
- 2. On sites of less than 5 dwellings, proposals of a similar tenure, type and size of dwelling will be permitted where they are in accordance with other policies and proposals in this plan.**

Policy reference: Emerging JCS policy SD12

COMMENT

This policy is unclear and whilst I understand the communities desire to ensure that any future development is not overly dominated by houses of 4 bedrooms+ the current wording is not supported by adequate evidence and does not meet the Basic Conditions. During discussion on this policy at the Hearing the Neighbourhood Plan Group accepted that the policy would need to be modified.

The policy references should be removed from the policy and could be included in the policy context.

The policy should be modified as follows:

POLICY H4: HOUSING MIX

Proposals for new housing in Alderton should include small and medium sized houses (with 1 to 3 bedrooms) to provide a greater mix of house sizes in the village and to support opportunities for downsizing or re-sizing.

PROTECTING LOCAL CHARACTER

VISION STATEMENT B: PROTECTING LOCAL CHARACTER

Our vision is that the distinctive local character of the built and natural environment of Alderton Parish has been preserved by:

- a) ensuring development responds sympathetically to the Special Landscape Area and AONB designations of the Parish;**
- b) taking heed of vernacular building styles;**
- c) protecting listed buildings and ancient monuments; and**
- d) conserving significant views and valued landscape features. As a result, new development of all kinds integrates effectively into the natural, historic and built environment of the Parish.**

Objective 1: Promote local distinctiveness in the design of new development and extensions to existing buildings.

Objective 2: Protect the environment of the Special Landscape Area and Cotswolds AONB in Alderton Parish.

Objective 3: Ensure that development of all kinds fits with the distinctive features, grain and scale of the landscape.

COMMENT

I am satisfied that the policies in this section reflect the vision statement.

POLICY LC1: PROMOTING LOCAL DISTINCTIVENESS IN BUILT FORM

Development proposals in the Parish which require planning consent should seek to reflect the distinctive character of Alderton Parish as described in the Alderton Design Statement in the following ways:

- 1. Materials such as stone, reconstituted stone, painted brick or render should be integrated into the design of new dwellings in a proportionate and appropriate way so as to complement adjacent or nearby buildings;**
- 2. Layout and construction materials should be varied in sites of more than five dwellings to prevent uniformity of appearance;**
- 3. New buildings should be no more than two storeys in height (or one storey with dormers). Roof lines in schemes of more than five dwellings should be broken up to reduce potential impacts of massing. Roof heights in infill proposals should not be raised to the detriment of surrounding buildings;**
- 4. Materials used for paved surfaces should be harmonious with the area and permeable;**
- 5. Porches, chimneys, dormer and cottage-style windows are characteristic features of Parish settlements and should be considered appropriate in new development;**
- 6. Boundary treatments should reflect established local patterns by retaining existing hedges and stone walls or creating new ones in a similar style;**
- 7. Infill development and extensions to existing properties should complement adjacent or existing properties in design, scale, siting and materials;**
- 8. Use of UPVC doors and windows in any new development is to be avoided;**
- 9. Innovations and contemporary designs may be considered acceptable if scale and materials are appropriate to the site and its setting. Such developments should strive to enhance rather than undermine the rural character of Alderton Parish settlements.**
- 10. Residential development within the Settlement Boundary should be of a density appropriate to and in keeping with the immediate surrounding area. New development that proposes a site density greater than the immediate surrounding area should provide clear justification to**

support the need for a higher density development, and should demonstrate how full and effective integration into the surrounding built form and landscape will be achieved.

Policy reference: Saved policies HOU5, LND2; emerging JCS policy SD5, emerging TBP policies DES2 and HER4.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

POLICY LC2: INTEGRATING DEVELOPMENT INTO THE LANDSCAPE

Development proposals in the Parish which require planning consent, other than for small infill or minor domestic extensions, will be required to show how design and siting have taken into consideration any adverse impacts on areas of landscape and visual sensitivity (see Maps 6 and 7).

Proposals should demonstrate how they will integrate into the Special Landscape Area and the AONB by:

- 1. Submitting a Landscape Visual Impact Assessment to enable their impact on the landscape to be assessed;*
- 2. Ensuring that special attention is paid to preserving significant views in or out of the settlement, or including mitigation measures that ensure such views are maintained as fully as possible (please refer to Map 12 Appendix D for a list of significant views);*
- 3. Providing landscaping to enable new development to integrate into and enhance the surroundings.*

External lighting should be minimised to avoid light pollution. Street lighting is not supported in any area of the Parish. Street furniture and signage should be kept to the minimum required for safety and ease of movement.

Policy reference: Saved policies LND2, LND4, LND6, LND7; emerging JCS policies SD7, SD8 and emerging TBP Policies ENV1, ENV2, ENV3, ENV4, ENV5, ENV6.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

WILDLIFE and ENVIRONMENT

VISION STATEMENT C: WILDLIFE AND ENVIRONMENT

Conservation of the landscape, ecology and biodiversity of Alderton Parish enables future generations to enjoy this special environment and connect with nature. Positive action has been taken

to enhance and restore lost biodiversity as the population has expanded. Areas falling within the AONB and areas with special designations such as SACs and SSSIs are protected. The impacts of flooding have been alleviated through good planning and management of a sustainable network of efficient and environmentally sensitive drainage and flood control measures.

Objective 1: Conserve special areas of conservation (SACs) and sites of special scientific interest (SSSIs) in the Parish and identify green spaces of demonstrable importance to the community.

Objective 2: Sustain existing wildlife corridors and promote the creation of new areas of biodiversity.

Objective 3: Reduce risk of fluvial and pluvial flooding through mitigation strategies and sustainable design in new development.

COMMENT

I am satisfied that the policies in this section reflect the vision statement.

POLICY LE1: BIODIVERSITY AND GEODIVERSITY

Development proposals in the Parish which require planning consent, other than for small infill or minor domestic extensions, will be required to:

- 1. Assess the impact of new development or changes in land use on internationally and nationally recognised biodiversity and geodiversity sites in the Parish;*
- 2. Provide a full ecological survey to accompany any planning application that seeks to change, remove or in any way affect Priority Habitats such as brooks, ponds, hedgerows, old woodland or orchards;*
- 3. Create or contribute towards new green spaces in line with Gloucestershire Wildlife Trust's best practice guidelines;⁷⁸*
- 4. Provide landscaping and structural planting around new developments that includes species found in or around the site to sustain species disturbed by development;*
- 5. Incorporate dark corridors and bat roosts in new development where there is evidence of existing bat colonies, in accordance with guidelines from Bat Mitigation Guidelines (IN136) by Natural England;⁷⁹*
- 6. Protect veteran ash trees to assist with the production of humid wood mould which is the habitat of the violet click beetle.*

Policy reference: TBLP Saved policies NCN3, NCN5 and NCN6 for nature conservation where these are in conformity with the NPPF, the emerging JCS policy SD10 biodiversity, the emerging TBP policies ENV4-6 relate to the environment.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

POLICY LE2: PROTECTING THE ENVIRONMENT THROUGH SUSTAINABLE DESIGN

New development of all kinds should seek to minimise environmental harm. The following examples of good practice are encouraged:

- 1. Incorporating principles of sustainable design, such as use of energy from renewable sources (solar and biofuels) and grey water recycling;*
- 2. Use of sustainable drainage systems (SuDS) to manage drainage of surface water and reduce flood risk;*
- 3. Tree and hedgerow planting to replace any such features lost through development;*
- 4. Providing recycling facilities and maximising efficient energy use in the design of all new development.*

Policy reference: Saved policies GNL8; EVT9; emerging JCS policy SD4.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

POLICY LE3: PROTECTING LOCAL GREEN SPACES AND IMPORTANT OPEN SPACES

The following Local Green Spaces are identified on Map 4 Alderton NDP Policies Map:

- 1. The community allotments, Alderton village;*
- 2. The children's play area, Millennium Copse and playing fields, Alderton village*
- 3. Area around the war memorial, St Margaret's Road, Alderton village.*

Development of or substantial changes to these areas will only be acceptable in very special circumstances.

The Important Open Space to the west and south of The Gardeners Arms Public House as shown on Map 4 Alderton NDP Policies Map and Map 5 Alderton Inset is also protected in accordance with the Adopted Tewkesbury Borough Local Plan.

Policy reference: Saved policy LND5; emerging JCS policy INF4; emerging TBP policy ENV3.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

LEISURE AND RECREATION

VISION STATEMENT D: LEISURE AND RECREATION

The range of leisure and recreation services has been improved to meet the differing needs of Parish residents. Facilities provided by the village hall, sports field and children's play area have been enhanced, and participation in walking and cycling increased to maintain residents' health and wellbeing, encourage green tourism and support community cohesion.

Objective 1: Strengthen and support participation in activities promoting health, well-being and social cohesion.

Objective 2: Enhance existing leisure and recreation facilities and ensure that any developer contributions during the Plan period are channeled into improving leisure and recreation opportunities for Parish residents.

COMMENT

I am satisfied that the policies in this section reflect the vision statement.

POLICY LR1: PROTECTION AND IMPROVEMENT OF COMMUNITY FACILITIES

Local community facilities such as the village hall, school and church (as shown on Map 4 Alderton NDP Policies Map) will be protected as community assets. The change of use of these facilities will not be permitted unless the proposal includes alternative provision on an accessible site within the locality of equivalent or enhanced quality.

Proposals that seek to improve community and recreation facilities will generally be supported where:

- 1. They improve access to outdoor sport and play facilities for the young; and*
- 2. They enhance the potential for walking, cycling or running for all age-groups.*

Such proposals may be supported outside the Settlement Boundary where it has been adequately demonstrated that a clearly defined need exists and no significant adverse impact would arise.

Policy reference: Saved policy GNL15; emerging JCS policy INF5; emerging TBP policy IRC1.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

POLICY LR2: PROTECTION OF ALLOTMENTS IN ALDERTON

Allotments in Alderton are protected from alternative uses or redevelopment.

The allotments include the existing area of allotments identified as a Local Green Space in NDP Policy LE3: Protecting Local Green Spaces and Important Open Space, and the new area of allotments, adjoining the existing allotments to the west. Both allotments are identified on Map 4 Alderton NDP Policies Map.

Policy reference: Saved policy RCN10; emerging JCS policy INF4; emerging TBP policy RCN4.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

LOCAL ECONOMY

VISION STATEMENT E: LOCAL ECONOMY

Enterprise appropriate to the rural context of Alderton Parish has been supported to sustain the economic wellbeing of its population and the viability of its services. Tourism is a thriving part of our local economy.

Objective 1: Strengthen and support rural enterprise.

Objective 2: Promote sustainable employment opportunities appropriate to rural locations in or on the fringes of the Cotswolds AONB.

COMMENT

I am satisfied that the policies in this section reflect the vision statement.

POLICY E1: CREATING LOCAL EMPLOYMENT

Proposals for extending or redeveloping existing buildings to provide local employment will be supported provided that the scale and design of such proposals do not have an unacceptable impact on the character and setting of settlements within Alderton Parish or create nuisance through noise or light pollution.

Mixed use developments which include subsidiary elements such as small scale workshops or offices linked to dwellings will be supported to provide opportunities for home working.

Policy reference: Saved policies EMP2, EMP3, EMP4, EMP5 where in conformity with the NPPF;

emerging JCS policy SD2; emerging TBP policies EMP2, EMP3, EMP4, EMP5.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

POLICY E2: SUPPORTING TOURISM

Development which improves the quality and diversity of existing tourist or “destination” facilities, including accommodation and other infrastructure, will be supported, providing:

- 1. It is designed and sited sensitively to complement the special qualities of the historic environment and the distinct character of the rural landscape and settlements; and*
- 2. It does not adversely affect the surrounding infrastructure, particularly local road networks, parking provision and water supply and sewerage; and*
- 3. It benefits the local community through, for instance, provision of local employment opportunities and improvements to local service provision, and is proportionate to the size of settlement in which it located; and*
- 4. Where feasible, the development involves the re-use of existing buildings or is part of farm diversification.*

Policy reference: Saved policies TOR1, TOR2, TOR4, TOR5, TOR6, TOR7 where in conformity with the NPPF; emerging JCS policies SD2, SD3; emerging TBP policies TOR1, TOR2.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

ROADS AND PATHS

VISION STATEMENT F: ROADS AND PATHS

Residents enjoy safe passage whether travelling on foot, bicycle, horse or by vehicle anywhere in the Parish. Measures to improve road safety have high priority. Sustainable modes of transport including walking and cycling are promoted through effective siting of new development and good road/path maintenance. A car sharing scheme helps reduce the number of car journeys made by residents.

Objective 1: Promote use of the minor Parish roads and public rights of way as safe places to walk or ride a bicycle or horse.

Objective 2: Reduce traffic congestion and hazards on Parish roads such as speeding and on-street parking.

COMMENT

I am satisfied that the policies in this section reflect the vision statement.

POLICY RP1: IMPROVING OPPORTUNITIES FOR HEALTHY LIFESTYLES AND SAFER ROADS

Proposals to improve the potential for walking and cycling to community facilities and nearby towns and villages will be supported.

New development should be designed to include access to existing walking, cycling and passenger transport networks to enable and encourage maximum potential use.

Policy reference: Saved policies TPT1, TPT3, TPT5, TPT9 insofar as they are in conformity with the NPPF, emerging JCS policies INF1 and INF2, emerging TBP policies TRAC1 and 2 relate to cycling and walking. TRAC3 relates to public transport.

COMMENT

The policy references should be removed from the policy and could be included in the policy context.

POLICY RP2: PARKING STANDARDS IN NEW DEVELOPMENTS

Development proposals in the Parish which require planning consent should, where possible:

- 1. Provide onsite parking at a minimum rate of 1.5 spaces per dwelling; or*
- 2. Make available in the vicinity of the development some suitable provision for off- road parking for households and visitors with vans as well as private cars.*

COMMENT

I have no comment on this policy

SECTION 5

Conclusion and Recommendations

- 1. There are areas of the plan and supporting documents that were obviously written prior to the adoption of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and should be revised to reflect the adoption.*
- 2. I find that the Alderton Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 3. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 4. The Alderton Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 5. The Strategic Environmental and Habitats Regulations Assessment screening, meet the EU Obligation.*
- 6. The policies and plans in the Alderton Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) which includes saved policies from the Tewkesbury Borough Local Plan 2011.*
- 7. I therefore consider that the Alderton Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

14th March 2016