

Minchinhampton Neighbourhood Development Plan 2018-2036

**A report to Stroud District Council on the
Minchinhampton Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Stroud District Council in January 2019 to carry out the independent examination of the Minchinhampton Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 27 February 2019.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on safeguarding its distinctive rural character. The key success of the Plan is its very sharp focus on a set of bespoke policies. In combination they seek to promote sensitive new development that fully respects the character and appearance of the neighbourhood area.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Minchinhampton Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
8 March 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Minchinhampton Neighbourhood Development Plan 2018-2036 ('the Plan').
- 1.2 The Plan has been submitted to Stroud District Council (SDC) by Minchinhampton Parish 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 (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues. It includes very comprehensive and distinctive policies on geological conservation, Minchinhampton Common and a specific part of the town centre.
- 1.6 Within the context set out above 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.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood development plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both SDC and the Parish 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;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

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. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment. This is a comprehensive document which provides appropriate reassurance that these important matters have been properly considered. The conclusion of the screening report was that there were no significant environmental effects as a result of the production of the Plan.
- 2.7 The required consultation was carried out with the three prescribed bodies. Responses were received from the Environment Agency, Natural England and Historic England and they are helpfully included in the screening report
- 2.8 SDC also undertook a Habitats Regulations Assessment (HRA) screening exercise on the Plan as part of the wider screening process. It follows the same comprehensive approach taken on the SEA matter. It concluded that the Plan was not likely to have any significant effect on a European site. In reaching this conclusion the report took account of the following designated areas:
- Minchinhampton SSSI (within the neighbourhood area);
 - Box Farm Meadows SSSI (within the neighbourhood area);
 - Rodborough SSSI;
 - Strawberry Banks SSSI;
 - Woodchester Park SSSI; and
 - Upper Severn Estuary SAC/SPA/RAMSAR.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various Regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion 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.

Other examination matters

- 2.11 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.

2.12 Having addressed the matters identified in paragraph 2.11 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 various appendices to the Plan;
 - the Basic Conditions Statement.
 - the Consultation Statement.
 - the SDC screening report.
 - the representations made to the Plan.
 - the Parish Council's responses to my Clarification Note.
 - the Stroud Local Plan 2015
 - 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 27 February 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised SDC of this decision early in the examination process.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.
- 3.5 The Parish Council advised me that its anticipation was that the Plan would be examined against the 2018 NPPF. To do so is not within my remit given the transitional arrangements that have been put in place. Nevertheless, the Plan has clearly been prepared in good faith. In addition, the positive and forward-looking way in which this has taken place will help to ensure its close relationship with national planning policy throughout the Plan period.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management 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 Parish Council has prepared a Consultation Statement. The Statement provides specific details on the consultation process that took place on the pre-submission version of the Plan from January to February 2018.
- 4.3 The Plan sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- the production of a household survey and questionnaire (October 2016);
 - the production of a Housing Needs Survey (October 2016);
 - the organisation of consultation events and roadshows in each of the wards (February and March 2017); and
 - the organisation of topic-based surveys.
- 4.4 The Statement also sets out how the Plan responded to those representations. This exercise has been undertaken in a very thorough fashion.
- 4.5 The Plan has attracted a number of representations at its submission phase (see 4.7 below). In doing so it has received general support from the various statutory bodies. This process reflects the way in which the Plan was produced and how it has responded in a positive fashion to earlier comments.
- 4.6 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. I am satisfied that it meets the tests for a consultation process for a neighbourhood plan as set out in paragraphs 183 and 184 of the NPPF.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 20 February 2019. This exercise generated comments from a range of statutory and local organisations. They are listed below.
- Environment Agency
 - Severn Trent
 - Archstone Developments

- Gloucestershire County Council
- Hawkins and Watton
- Natural England
- Sport England
- Stroud District Council

4.8 I have taken account of all these representations as part of the examination of the Plan. Where it is appropriate and relevant to do so I refer specifically to the representation concerned in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area covers the parish of Minchinhampton. In 2011, it had a population of 5234 persons living in 2505 households. It was designated as a neighbourhood area on 16 June 2015.
- 5.2 The neighbourhood area is located on a spur of the Cotswold scarp. The majority of the area lies within the Cotswold Area of Outstanding Natural Beauty (AONB). The scarp is around 190 metres above sea level. Steep slopes drop down to Brimscombe, Avening, Amberley and Box. The spur is characterised by the connected ancient limestone commons of Minchinhampton and Rodborough (to the immediate west of the neighbourhood area).
- 5.3 The principal settlements in the neighbourhood area are, in their different ways, heavily influenced by their location in the wider natural landscape. Minchinhampton is the principal settlement. It displays an extensive range of vernacular buildings. The historic core of the town is a designated conservation area. It is arranged on a largely cruciform pattern with High Street and Well Hill running in a north-south direction and West End and Tetbury Street running in an east-west direction. Holy Trinity Church sits to the immediate north of the main town square and Bell Lane. More modern development is located to the west of the town centre (off Windmill Road) and to the north-east (off Butt Street). Amberley lies on the upper edge of the Nailsworth valley. It has an open character formed by a loose collection of cottages surrounded and interspersed by the surrounding Common. Box also lies on the upper edges of the Nailsworth valley. It sits at the top of the series of hairpin bends which connects Nailsworth with Minchinhampton Common. The village is characterised by its stone cottages arranged in large gardens and surrounded by distinctive stone walls.

Development Plan Context

- 5.4 The development plan context is comprehensive and has provided a clear framework for the preparation of the neighbourhood plan.
- 5.5 The Stroud District Local Plan was adopted in November 2015. It provides an up to date context against which the Plan can be assessed against the basic conditions. All the policies in the Local Plan are strategic policies for the purpose of neighbourhood planning.
- 5.6 The neighbourhood area is affected directly and indirectly by a series of Core Policies in the Local Plan. Core Policy CP3 sets out a settlement hierarchy for the District. Minchinhampton falls within the second of five tiers of settlements described as 'Local Service Centres'. The Plan comments that these settlements have the ability to support sustainable patterns of living due to their current levels of services. They have the potential to provide modest levels of new jobs and homes. Core Policy CP4 provides particularly useful guidance to the Plan. It seeks to bring forward high quality

and distinctive development. Proposals are expected to be integrated into the neighbourhood concerned, to protect and enhance a sense of place and to create safe streets, homes and workplaces. Several of the Plan's policies are designed to achieve this purpose.

5.7 The neighbourhood area falls within the Stroud Valleys cluster in the Local Plan. The Local Plan contains eight mini place-making plans which address specific parts of the District. The vision for this particular cluster is set out in Policy SA2. Paragraph 3.8 of the Local Plan sets out a range of guiding principles for development in this mini plan area. They include supporting appropriate development to sustain the role of Minchinhampton as a Local Service Centre for its surrounding communities.

5.8 The Local Plan also includes an extensive range of other policies which have a direct and indirect effect on the submitted Plan. The following policies have a particular impact:

Delivery Policy ES6 Providing for biodiversity and geodiversity

Delivery Policy ES7 Landscape Character

Delivery Policy ES10 Valuing our historic environment and assets

Unaccompanied visit to the neighbourhood area

5.9 I carried out an unaccompanied visit to the Plan area on 27 February 2019. I was fortunate in selecting a very pleasant and unseasonably warm day.

5.10 I drove into the Plan area from the A419 to the north and west. This highlighted the position of the neighbourhood area in the wider natural landscape.

5.11 I looked initially at the overall character and appearance of Minchinhampton Common. I saw its distinctive landscape and the spectacular views available, especially to east into the Frome Valley. The weather had attracted a range of other visitors. The car parks were bustling with activity. Within this context I was immediately able to understand the importance of a robust application of Policy MP Env4 throughout the Plan period.

5.12 I drove into Minchinhampton along Windmill Road. I walked along West End into the town centre. I saw the attractive range of vernacular buildings. The various stone roofs were particularly impressive. I saw the range of retail and commercial facilities available to local residents. I also saw clear signs of the town's inherent sustainability as several local residents were either walking into or out of the town in the late morning sunshine.

5.13 I spent some time looking at the principal buildings in the town centre. I saw the Holy Trinity Church. Its unusual tower finished with the corona and pinnacles looked perfectly comfortable within the wider townscape without its former spire. Its unusually large churchyard was very well-maintained. I saw the avenue of pollarded

trees and the freestanding yew trees. I then looked at the seventeenth century Market House and its prominence in the town centre.

- 5.14 I took the opportunity to look at Box. I saw that it had a very different character and appearance to that of Minchinhampton. I saw the various stone cottages and the very characteristic spaces between them. I saw that the various stone walls gave a very distinctive and domestic character to the conservation area.
- 5.15 Thereafter I drove to Amberley. I saw its own character. The way in which the village and the surrounding Common appeared to be in complete harmony was self-evident.
- 5.16 I finished my visit by driving around the wider neighbourhood area to understand its character. In particular I drove to the east of the neighbourhood area along the Cirencester Road. In contrast to the Commons landscape to the west of Minchinhampton I saw a more traditional countryside environment of well-maintained parcels of agricultural land bounded in many places by stone walls.

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.
- 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 three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 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 Minchinhampton Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Stroud Local Plan;
 - proactively driving and supporting sustainable economic development to deliver new homes;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities; and
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.
- 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 the 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. At its heart are a suite of policies that aim to safeguard its character and appearance and to promote sensitive development. It has a particularly effective supporting text on the natural environment of the neighbourhood area. The Basic Conditions Statement is particularly effective in terms of mapping the Plan policies with the appropriate paragraphs in the NPPF.

- 6.8 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 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.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 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. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a policy for the development in Minchinhampton town centre (Policy MP Dev2) and for employment development (Policies MP Emp 1 and 2). In the social role, it includes policies on affordable housing (Policy MP Dev3) and public rights of way (Policy MP Prow1). In the environmental dimension, the Plan positively seeks to protect the built and natural environment of the neighbourhood area. This approach is captured in Policies MP Env1-4.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Stroud District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. Subject to recommended modifications I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the 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 distinctive and proportionate to the Plan area. This is particularly the case in respect of Policies MP Env1-4. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It carefully includes a series of community aspirations in a separate part of the Plan as advised in Planning Practice Guidance.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 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 (Sections 1 and 2)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the Plan area and its subsequent policies. The Plan is very well-presented. The distinction between the policies and the supporting text is very clear. It is helpfully supported by well-chosen photographs and maps. The photographs are particularly effective. They demonstrate the very close and sensitive relationship between the neighbourhood area's built and natural environments.
- 7.9 Section 1 provides information about the background to the preparation of the Plan. It gives details about the Steering Group and a brief background to the neighbourhood area.
- 7.10 Section 2 identifies the ambitions of the Plan. It helpfully provides a context to the detailed policies in the Plan. This section sets out a Vision which is underpinned by topic-based themes. Both the vision and the themes are clearly described and are distinctive to the Plan area.

7.11 Thereafter the Plan includes policies under the following theme areas:

The Natural Environment (Chapter 3);
 Development, Housing and Sustainable Growth (Chapter 4);
 Employment and Business Activity (Chapter 5);
 Traffic, Parking and Road Safety (Chapter 6); and
 Implementation (Chapter 7)

7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

Policy MP Env1 Landscape Conservation

7.13 The policy addresses landscape conservation. This approach reflects that the majority of the neighbourhood area lies within the Cotswold AONB and the presence of Minchinhampton Common at its very heart. The policy is underpinned by helpful, robust supporting text.

7.14 The policy sets out its support for policies in the Stroud Local Plan. Policies ES7 and ES8 in that Plan are specifically referenced. However, it is not necessary for a neighbourhood plan to repeat (or in this case offer its own support) to existing local plan policies. As part of the clarification notice process the Parish Council agreed with my proposition that the policy should be modified so that it offers its own distinctive approach which would underpin national and local policies. I recommend accordingly. In doing so the policy retains its focus on general landscape issues and supporting the retention and expansion of the neighbourhood area's tree and woodland resource.

7.15 I also recommend consequential modifications to the supporting text.

Replace the policy with:

'Development proposals within the Cotswold Area of Outstanding Natural Beauty should have regard to the purpose of conserving and enhancing the natural beauty of the designated area.

Development proposals which have regard to the purposes of conserving and enhancing the natural beauty of the designated area and which enhance and/or expand the tree and woodland resource in the neighbourhood area will be supported.'

At the end of paragraph 3.5 add:

'It has a focus on the AONB given that the vast majority of the neighbourhood area falls within this important nationally designated area.'

At the end of paragraph 3.8 (after the 'Landscape Conservation Policy' heading) replace the final sentence with:

'Policies ES7 (Landscape Character) and ES8 (Trees, hedgerows and woodlands) are particularly important to this aspect of the Plan. On this basis Policy MP Env1 sets out a specific policy for the neighbourhood area.'

Policy MP Env2 Geological Conservation

- 7.16 This policy addresses geological conservation. Paragraph 3.9 outlines the immense geological and ecological diversity to be found in the neighbourhood area. It has a particular focus on the quarries in the neighbourhood area.
- 7.17 Paragraph 3.12 comments specifically about the potential for the re-excavation of the former Crane Quarry. This course of action would provide a clean geological exposure of strata not found elsewhere in the country. Whilst this project offers exciting research interests it would be 'excluded' development (primarily minerals and waste activity) which cannot be included within a neighbourhood plan. In its response to the Clarification Note the Parish Council accepted this conclusion. In doing so it asked that the issue remained in the Plan if it was possible to do so. Given the potential significance of the project I am happy that the matter remains referenced in the Plan. I recommend that this is achieved by a modification which would consolidate the existing supporting text in the submitted Plan.
- 7.18 I also recommend that the modified policy should be repositioned so that it is located at the end of the relevant supporting text (after paragraph 3.14). As submitted, it sits uncomfortably (and potentially out of context) within the supporting text.

'Development proposals in the neighbourhood area should protect and where practicable incorporate measures for the conservation of sites of geological interest.'

Development proposals that would support the interpretation and educational use of the geological resources in the neighbourhood area will be supported.'

Reposition the modified policy so that it is located after paragraph 3.14

In paragraph 3.12 insert the following after the first sentence:

'Subject to feasibility studies the Parish Council supports this emerging project. It would allow the future interpretation of the stratigraphy of the Great Oolite rocks of the Jurassic geological period.'

At the end of paragraph 3.12 add:

Whilst this project is both exciting and innovative it is not included in Policy MP Env2 as it would be 'excluded development' for the purposes of the production of a neighbourhood plan.'

Policy MP Env3 Nature Conservation

- 7.19 This policy addresses nature conservation. As with other policies in this part of the Plan it is underpinned by extensive and well-considered supporting text.

- 7.20 The policy has five components. The first offers to support SDC in preparing its emerging Local Plan with the collection of evidence and information on nature conservation. In a general way the second seek the protection and practical conservation of protected sites. The third, fourth and fifth components of the policy are more traditional neighbourhood plan nature conservation policies.
- 7.21 I recommend the deletion of the first component of the policy. Whilst co-operation between plan-making bodies is welcomed, the supportive approach proposed in the Plan is not a land use policy. I also recommend modifications to the other four components of the policy so that they take on a development plan format rather than an expression of how the Parish Council will address a series of issues. In the fourth and fifth components of the policy I recommend a modification which acknowledges that not all development proposals will be able to meet their different and specific requirements.

Delete the opening part of the policy and the first bullet point.

Replace the four remaining bullet points in a way that they sit as four separate parts of a policy as follows:

‘Development proposals in the neighbourhood area should protect and where practicable incorporate measures for the conservation of statutorily designated nature conservation sites, key wildlife sites and other priority habitats including ancient woodlands, grasslands of high biodiversity value and watercourses and their catchment areas.

Development that is consistent with other policies in this Plan and which would respect the natural environment by enhancing and reconnecting existing natural features such as trees, hedges, protected wildlife habitats, adjoining Key Wildlife Sites, wildlife corridors and watercourses will be supported.

Where necessary and appropriate, proposed development should demonstrate that the conservation status of protected species will be maintained, including that of their foraging habitat.

Where necessary and appropriate proposed development should incorporate additional features to support protected species such as bat roosting and swift nesting facilities.’

Policy MP Env4 Minchinhampton Common

- 7.22 This policy sets out a range of measures and policy approaches to sustain and enhance Minchinhampton Common. It is an important element of the submitted Plan. The Common is a Site of Special Scientific Interest and a unique and highly sensitive area. I saw the way it was being used and enjoyed when I visited the neighbourhood area. As paragraph 3.36 of the Plan comments the Common is a finely-balanced ecosystem in which the needs of the special local ecology, the free-grazing cattle and

horses, walkers, riders, traffic and other users all play their part and must be managed appropriately.

- 7.23 The policy has four separate and related elements. The first is a general development policy. The second seeks to encourage the County Council to redesign the Aston Downs roundabout. The third principally refers to traffic management measures. The fourth refers to measures to secure funding from new development to manage recreational pressures on the Common.
- 7.24 I recognise that the policy has been submitted as a package of measures which have naturally arisen as part of the publication of the Plan. Nevertheless, the second, most of the third and the fourth elements are not land use planning policies. However, given their importance to the evolution of the Plan and the importance of Minchinhampton Common in the social life of the community I recommend that they are retained as community actions in a separate part of the Plan.
- 7.25 I also recommend modifications to the retained first component of the policy so that it directly protects and safeguards the Common. In addition, as submitted the policy makes unnecessary reference to national and local policies.
- 7.26 The recommended modified policy retains the run-back grazing land issue. This takes account of the Parish Council's response (and local knowledge) to the clarification note.

Replace the policy with:

'Development proposals within Minchinhampton Common should respect its designation as a Site of Special Scientific Interest.

Development proposals should respect and protect the run-back grazing land in the neighbourhood area.

Development proposals that would safeguard and/or enhance the function of Minchinhampton Commons will be supported.'

Reposition the other elements of the policy as submitted into a section on community actions in a separate part of the Plan. In the event that they are shown in a policy type box the colour used should be different from the land use policy colouring.

Policy MP Dev1 New Development

- 7.27 This policy sits at the heart of the Plan. It sets out a series of related ambitions for high quality design which delivers the environmental and social aims of the Plan. It addresses good design, the natural environment, green spaces, listed buildings and conservation areas.
- 7.28 In general terms the policy meets the basic conditions. In particular the five criteria are very well-developed and distinctive to the neighbourhood area. However, to bring the clarity required by the NPPF I recommend modifications to address a series of related issues. The first is the language used. There is no need for the policy to

identify the Parish Council. The second is the policy's use of the word 'encouraged'. It has little direct applicability to planning policy. Finally, I recommend that the reference to broadband in the submitted bullet point is identified as a separate bullet point. The need for good broadband facilities will apply throughout the neighbourhood area.

Replace the opening section of the policy with:

'Development proposals that would deliver the social and environmental aims of the Plan will be supported. Particular support will be given to proposals which would:

In the fifth bullet point delete 'and provide...homes and businesses'.

Add a sixth bullet point to read:

'Provide good broadband facilities for homes and businesses.'

In submitted bullet points 1-5 modify the first word to take account of the modified opening section (for example 'Demonstrates' becomes 'Demonstrate').

Policy MP Dev2 Minchinhampton Town Centre

- 7.29 This policy has a focus on that part of the town centre in Bell Lane based on the Library, the School and the surgery. I looked at the area carefully when I visited the neighbourhood area. Whilst I saw it in the middle of the school day it was clear that there was considerable potential for congestion at peak times.
- 7.30 The focus of the policy is on producing a feasibility study for the potential redevelopment of the area and to secure revisions to traffic and parking arrangements. Plainly preliminary work of this nature will be required to assess the need for, and the ultimate design of any proposal which may emerge. Nevertheless, the preparation of a feasibility study is not a land use-based planning policy.
- 7.31 I raised this matter with the Parish Council as part of the clarification notice process. The Parish Council agreed with my suggestion that this matter could be addressed by a modification to the policy so that it offered support for a package of measures to address the redevelopment of the areas and its parking and access arrangement. In this context the issue of the feasibility would be repositioned into the supporting text. I recommend accordingly. In doing so I recommend the introduction of heritage and design criteria to take account of the sensitive location of this part of the town centre.

Replace the policy with:

'Proposals for the redesign and/or redevelopment of the area off the Market Square based on Bell Lane and School Road to provide new or improved library, surgery, school premises and associated parking and access improvements will be supported subject to the following criteria:

- they would preserve or enhance the character or appearance of the Minchinhampton Conservation Area;
- they would respect the integrity and the setting of listed buildings in the immediate locality; and
- their design would take account of the design, the materials and the massing of the buildings in the immediate locality.’

At the end of the supporting text preceding the policy add:

‘The Parish Council will make a financial contribution to feasibility studies if necessary. Policy MP Dev2 provides a supporting context within which the first phase of this work can proceed. The heritage and design criteria take account of the sensitive location of this part of the town centre.’

Policy MP Dev 3 Affordable Housing

- 7.32 The policy seeks to deliver affordable housing needs in the neighbourhood area. It is based on evidence provided through the Local Housing Needs Survey. It draws an appropriate relationship with the relevant Local Plan policy.
- 7.33 The policy seeks to ensure that new affordable housing is pepper-potted within any new development. In principle this approach is appropriate. Nevertheless, it may not be practicable on smaller sites. I recommend the necessary flexibility on this matter. In addition, I also recommend that ‘pepper-potting’ is replaced with more neutral wording.
- 7.34 For clarity I also recommend that the reference to ‘need identified above’ in the policy is more explicitly related to the Local Housing Needs Survey.

Delete ‘within the Parish of Minchinhampton’.

Replace ‘the need identified above’ with ‘the needs identified in the Local Housing Needs Survey (2016) or any update of that Study’.

Replace ‘above’ with ‘of this Plan’.

Replace ‘pepper-potted within’ with ‘distributed throughout’.

At the end of the policy add: ‘where its size makes this approach practicable’.

Policy MP Dev 4 Conservation area development

- 7.35 The policy relates to proposed development in the conservation areas. Its focus is that development should give consideration to enhancing and protecting the fabric of non-listed buildings.
- 7.36 I recommend three related modifications to the policy. The first removes any direct reference to Local Plan policies. There is no need for a neighbourhood plan to repeat policies in the relevant local plan. The second introduces a general policy context for new development in the various conservation areas. The third reconfigures the approach in the submitted policy on non-listed buildings. As submitted that aspect of the policy is not written as a policy.

Replace the policy with:

‘Proposals for development in the conservation areas should preserve or enhance the character or appearance of the conservation area concerned taking account of the Conservation Area studies in Appendix 3 of the Plan.

In addition, proposals which would protect and enhance the fabric of non-listed buildings in the conservation areas will be supported.’

Policy MP Emp 1 Business and Development

- 7.37 This policy offers support to a range of business proposals. It responds well to national policy on this important matter.
- 7.38 I recommend that the opening part of the policy is reconfigured in general, and so that it offers support to the specified proposals rather than the rather vague ‘encourage’ in the submitted Plan.
- 7.39 I sought clarity from the Parish Council on the third part of the policy. As submitted, it could be interpreted in different ways. I was advised that it was not intended to refer to potential changes from non-employment uses to employment uses. I recommend a modification to this part of the policy so that it more closely refers to the diversification of business uses. The recommended modification recognises that changes in business activity do not necessarily require planning permission.
- 7.40 The fourth aspect of the policy has a different approach. The initial three support a range of developments. The fourth effectively takes the opposite approach and does not offer support to certain proposals. I recommend that this aspect of the policy is separated from the earlier part.

Replace the opening part of the policy with:

‘Proposals for the following business and employment uses will be supported:’

Replace the third bullet point with:

‘The diversification of business uses and the establishment of new businesses insofar as planning permission is required.’

Delete the fourth bullet point.

Add a separate paragraph to the policy to read:

‘Proposals that would result in the change of use of shops, cafes, restaurants, public houses and other business uses will not be supported.’

Policy Emp 2 Working from Home

- 7.41 This policy provides an appropriate context for the determination of proposals for working from home. It follows on from the information included in the supporting text (paragraph 5.14). It strikes an appropriate balance between the promotion of

economic growth on the one hand and safeguarding residential amenities on the other hand.

- 7.42 I recommend a modification that acknowledges that many such proposals will not need planning permission as a material change of use will not necessarily take place in the property concerned. I also recommend associated changes to the supporting text.

Replace ‘Planning applications’ with ‘Insofar as planning permission is required development proposals’

At the end of paragraph 5.14 add:

‘Policy MP Emp2 addresses this important potential for new economic growth. It recognises that some proposals will not need planning permission as a material change of use will not necessarily take place in the property concerned.’

Policy MP Traffic 1

- 7.43 The policy builds on the supporting text in general, and the work undertaken by Helix Transport Consultants on traffic, transport and parking issues. This is one of a series of policies which stems directly from this comprehensive evidence base.
- 7.44 Policy MP Traffic 1 indicates that any proposal for development with any impact on the local road networks should be accompanied by a Transport Statement. Other parts of the policy identify what matters and detail should be included in any such statement.
- 7.45 I recommend two modifications to the policy. The first relates it more closely to the development management process. As submitted the policy sets out procedural requirements rather than identifying the outcome of development proposals. The second seeks to make a stronger functional relationship between the policy and the scale of development proposed. As submitted the policy refers to planning applications with ‘any impact’ on local road networks. In this context the need for a Transport Statement for a major development with associated vehicular movements would appropriately require a Transport Statement. At the same time the policy does not have either the clarity to address the vast majority of minor developments which will be proposed in the Plan period. In most cases it would be unreasonable for minor development to be required to prepare a Transport Statement.
- 7.46 In the context of the substantive recommended modification I also recommend that the second and third elements of the policy should be repositioned into the supporting text.

Replace the policy with:

‘Proposals for development should identify how they would be safely and satisfactorily incorporated within the local road networks in the neighbourhood area.’

Proposals for development that would add significant levels of traffic to the local road network should be accompanied by a Transport Statement.'

Delete the second and third paragraphs.

At the end of paragraph 6.43 add:

'They address the various matters raised in paragraphs 6.1-6.42.

Policy MP Traffic 1 identifies that new development should demonstrate how its generated traffic can be accommodated within the local road network. Where a Transport Statement is required it should identify the travel, transport and road safety issues associated with the development concerned. Where appropriate it should also address the particular challenges in the neighbourhood area and how the proposed development has the potential to enhance and improve the network.

Policy MP Traffic 2

- 7.47 This policy comments about the potential for development proposals to contribute to the improvement of traffic movement and circulation. It draws particular attention to improvements in the centre of the various communities and around the schools.
- 7.48 I recommend three modifications to the policy. The first would remove the unnecessary reference to traffic on and around the Commons. The second would apply the policy where it is appropriate to do so. As submitted, it would capture all development proposals and therefore fails to recognise that the majority of development proposals in the Plan period will be of a minor and/or domestic nature. Thirdly the recommended modification acknowledges that not all development proposals would be in the centre of the various communities and/or be affected by the location of schools and their inevitable peak traffic times

Replace the policy with:

'Where appropriate development proposals will be supported which contribute to the improvement of traffic movement and circulation, especially around the centres of the various communities and around the schools.'

Policy MP Transport 2

- 7.49 This policy comments on the need for development proposals to provide safe and convenient walking and cycling routes to local services. It adopts a similar approach to that taken in Policy Traffic 2 to the extent that it does not take account of the scale and size of the development concerned and either the reasonableness or its ability to provide safe and convenient walking and cycling routes.
- 7.50 I recommend that the policy is rewritten so that it takes account of the ability or otherwise of the development concerned to connect to walking and cycling routes in the immediate locality.

Replace the policy with:

‘Development proposals should provide access to safe and convenient walking and cycling routes to local services and facilities where it is practicable to do so.’

Policy MP Transport 3

- 7.51 This policy indicates that development proposals should provide facilities for cycle storage in general, and also for disabled buggy storage in the case of new housing.
- 7.52 I recommend a modification to ensure that the policy applies where it is appropriate to do so. As submitted, it would capture all development proposals and as such it fails to recognise that the majority of development proposals in the Plan period will be of a minor and/or domestic nature

Replace ‘Development proposals’ with ‘As appropriate to the development concerned, proposals’

Policy MP Parking 1

- 7.53 This policy has a similar approach and format to that of Policy MP Traffic 2. Its focus is on the requirement for improved parking facilities.
- 7.54 I recommend similar modifications to those recommended for Policy MP Traffic 2. Their effect would be to apply the policy where it is appropriate to do so. As submitted, it would capture all development proposals and as such it fails to recognise that the majority of development proposals in the Plan period will be of a minor and/or domestic nature. In addition, the recommended modification acknowledges that not all development proposals would be in the centre of the various communities and/or be affected by the location of schools and their inevitable peak traffic times
- 7.55 The latter part of the policy relates to cycle racks and the provision of electric car charging points. I recommend that it is separated from the bulk of the policy. As SDC comments it addresses a related but different approach to parking arrangements.

Replace the policy with:

‘Where appropriate development proposals will be supported which contribute to the improvement of parking facilities, especially around the centres of the various communities and around the schools.

Proposals for the provision of cycle racks and electric car charging points will be supported.’

Policy MP Parking 2

- 7.56 This policy sets out the Plan’s approach to car parking. In doing so it requires a developer to provide assurance that appropriate levels of off-street car parking are

provided. However, in doing so it fails to provide any guidance on parking standards required and/or the standards in the adopted Local Plan.

- 7.57 I recommend modifications to bring the clarity required by the NPPF. The first ensures a requirement to conform to development plan standards. The second provides a basis against which SDC could determine proposals for development which would not meet such standards.
- 7.58 I recommend a consequential modification to the supporting text in paragraph 6.43.

Replace the policy with:

Development proposals should provide off-street car parking to development plan standards.

In the event that an otherwise acceptable proposal cannot meet development plan standards evidence should be provided with the relevant planning application to demonstrate that the under-provision of off-street car parking would not have an unacceptable impact on the operation of the local road network.

At the end of modified paragraph 6.43 add:

'Policy MP Parking 2 provides a policy context to the provision of car parking for new development. The current development plan standards are set out in Stroud Local Plan. Clearly the standards may change within the Plan period. The second part of the policy comments on circumstances where an otherwise acceptable (and/or socially desirable) development may not be able to provide parking to development plan standards. Clearly Stroud District Council will make decisions on a case-by-case basis. Nevertheless, this part of the policy has the ability to be applied in circumstances where the historic built environment may support such an outcome.'

Policy MP Prow 1

- 7.59 This policy refers to public rights of way. As the supporting text correctly describes, they link outlying hamlets to the town and provide a sense of place and tranquillity.
- 7.60 The policy is well-considered and constructed. It meets the basic conditions.

Other Matters

- 7.61 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for SDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text

- 7.62 Stroud District Council has separately suggested a series of amendments to the Plan. I have found its comments very helpful. I recommend modifications in the following matters. They are those required to ensure that the Plan meets the basic conditions. In other cases, the comments are matters of preference rather than basic condition issues.

Paragraph 1.2 - *Delete the first sentence.*

At the end of the paragraph add: 'The NDP will complement and provide a local dimension to the policies in the Stroud Local Plan and provide a new layer of relevance to the development plan.'

Paragraph 1.4 - *Replace the first sentence with: 'Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.'*

Paragraph 4.3 - *Modify the first sentence to read: Measures that support sustainability including those which would reduce out-commuting....'*

Paragraph 4.4 - *Delete the final sentence*

Paragraph 4.7 – *Delete 'Enterprise Inns'.*

Paragraph 4.8 – *In the first sentence replace 'Asset of Community Interest' with 'Asset of Community Value.' Delete the third and fourth sentences*

Paragraph 4.10 – *Delete 'moving into the area' in the first sentence.*

Paragraph 4.11 – *Delete the remainder of the second sentence after 'its own places'.*

Paragraph 4.35 – *Delete the final sentence.*

Paragraph 4.36 – *Delete the first sentence. In the second sentence replace 'Overcoming this...NDP process' with 'The production of this NDP provides a clear and transparent way in which new development can secure funding for infrastructure and community projects within the local guidelines for CIL and/or Section 106 mechanisms'*

Paragraph 4.63 – *Replace with: 'New development has the potential to bring economic and social benefits to the neighbourhood area. At the same time, it can bring traffic and environmental issues. On this basis development will be expected to make contributions to community facilities and other projects where this is required by local guidelines.'*

Paragraph 4.64 – *Replace with ‘These issues are already addressed in the Stroud Local Plan in general, and in the Stroud Valleys cluster in particular. The vision for this particular cluster is set out in Policy SA2 of the Local Plan.’*

Paragraph 4.65 – *Replace with: ‘New housing and commercial development is likely to generate the most significant demands on the community and highway networks in the neighbourhood area. At the same time, it has the greatest potential to offer solutions to existing issues in the neighbourhood area.’*

Paragraph 4.66 – *Replace the second sentence with: ‘Within the Plan period there is the opportunity for public bodies to consider investment in the neighbourhood area. This issue is addressed in the Implementation section of this Plan.’*

Paragraph 4.79 – *At the end add: ‘The Survey was undertaken to establish the need for affordable housing in the neighbourhood area. It does not comment on the wider housing needs.’*

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 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Minchinhampton Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Stroud District Council that subject to the incorporation of the modifications set out in this report that the Minchinhampton Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 16 June 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft
Independent Examiner
8 March 2019**