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Report on the Preston Neighbourhood Development Plan 2020 - 2036

An Examination undertaken for Cotswold District Council with the support of the Preston Parish Council on the submission version of the Plan.

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Date of Report: 28 January 2021

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Main Findings - Executive Summary

From my examination of the Preston Neighbourhood Development Plan (PNDP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Preston Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Preston as shown on Figure 1 page 5 of the submitted Plan;
- The Plan specifies the period during which it is to take effect: 2020-2036; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Preston Neighbourhood Development Plan 2020-2036

- 1.1 Preston Parish, which has a population of about 330,¹ is located immediately east of Cirencester. The Parish is traversed by main roads which focus on, or now bypass, Cirencester. The A429 (*Fosse Way*) forms part of the Parish boundary to the north, from which the B4425 (*Akeman Street*) leads to Burford; the A417 (London Road) leads south eastwards to Fairford and Lechlade; the A417/419 dual carriageway links Cirencester with Gloucester/M5 to the north and Swindon/M4 to the south; a section of the A419 (*Ermin Street*) leads from the A417/A419 dual carriageway north westwards into Cirencester.² The small village of Preston lies less than a kilometre from the eastern edge of the built-up area of Cirencester.
- 1.2 The benefits of a neighbourhood plan were first explained to the Parish Council in 2014 but preparation began in earnest in 2017, following a report to the Annual Parish Meeting in May 2017. A Steering Group was subsequently formed, consultation meetings held and evidence gathered. The PNDP was submitted to Cotswold District Council (CDC) in August 2020, representing about three years' work for those involved.

¹ The 2011 Census records 327 usual residents.

² The italicised are Roman Roads.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the PNDP by CDC, with the agreement of the Preston Parish Council (PPC).
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations (under retained EU law)³; and
 - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').⁴

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for Preston Parish, excluding policies relating to minerals and waste development, is the Cotswold District Local Plan 2011–2031 (CDLP) which was adopted in August 2018.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into effect by virtue of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

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was published on 19 February 2019 and all references in this report are to the February 2019 NPPF and its accompanying PPG.

Submitted Documents

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:

- the draft Preston Neighbourhood Development Plan 2020–2036, dated August 2020;
- the map at Figure 1 on page 5 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the undated Consultation Statement;
- the undated Basic Conditions Statement;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment Screening Report, dated September 2018;
- the 'Evidence Papers prepared by the Steering Group', listed on page 4 of the submission version of the draft PNDP; and
- the request for additional clarification sought in my letter of 19 November 2020 and the response dated 7 December 2020 from PPC.⁵

Site Visit

2.4 I made an unaccompanied site visit to the PNDP Area on 19 November 2020 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

Modifications

2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in Appendix 1 to this report.

⁵ View at: <https://www.cotswold.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/preston-neighbourhood-plan/>

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Preston Neighbourhood Development Plan has been prepared and submitted for examination by PPC, which is a qualifying body. The PNDP extends over all the Preston Parish. This constitutes the area of the Plan designated by CDC on 17 May 2017.

Plan Period

- 3.2 The Plan specifies the Plan period as 2020 to 2036. However, I note the end date was moved from 2028 at the first steps of preparation of the Plan to 2031, the date chosen through the later stages including the Regulation 14 Consultation. The end date of 2036 was only selected after the Regulation 14 consultation had concluded. Although the Regulation 16 Consultation referred to a Plan period of 2020 to 2036, there is no explanation provided for the change in the Basic Conditions Statement or Consultation Statement⁶ and I consider that the extension may have prejudiced some interests due to the lack of consistency. Those who might have wished to make representations on this point may have conceivably, and quite reasonably, overlooked the alteration. Therefore, I shall recommend that the Plan period uses 2031 as the end date, which helpfully is the end date of the CDLP. **(PM1)**

Neighbourhood Development Plan Preparation and Consultation

- 3.3 The concise Consultation Statement (CS), including 9 Appendices, indicates the stages in the process of the preparation of the Plan beginning at the Annual Village Meeting on 11 May 2017, when it was agreed by the village to produce a neighbourhood plan. On 17 May, the PPC submitted an application to CDC to designate the Parish as a Neighbourhood Area which was approved on the same day. The terms of reference of the PNDP Steering Group were adopted on 30 May.
- 3.4 A meeting with local landowners was held on 20 July 2017. In September 2017, 49 people from the village attended an event to help to develop a vision for the PNDP. A community survey was held online for 4 weeks in January 2018, with a business survey also held in the same month. Members of the community contributed other evidence. A first draft of the Plan was then considered at the Annual Village Meeting in May 2018. Advice was also sought from consultants in order to strengthen the evidence on landscape prior to finalising a pre-Regulation 14 draft of the Plan.⁷

⁶ Whilst page 19 of the Consultation Statement contains a footnote that the Steering Group subsequently decided to extend the PDNP period to 2036, no justification is provided.

⁷ Landscape Character Assessment: Preston Neighbourhood Plan: Portus & Whitton Landscape Architects.

- 3.5 The Pre-Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations on 24 February 2020 for a period of six weeks. The Plan could be viewed on the Parish Council website. Public Consultation Notices were emailed, posted or hand delivered to business addresses and all households. Hard copies could be read at four locations in the Parish and articles were placed in the village newsletter. The responses to the consultation together with how they were taken into account is shown at Appendix 9 of the CS.
- 3.6 The Plan was finally submitted to CDC on 28 August 2020. Consultation in accordance with Regulation 16 was carried out from 21 September 2020 until 2 November 2020. 11 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the PNDP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.9 The Basic Conditions Statement advises that the Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning in the context of human rights are protection of property, right to respect for private and family life and prohibition of discrimination. The Plan complies with the requirements of the Human Rights Act 1998. All local landowners and businesses were specifically consulted in the preparation of the PNDP and its policies. I have considered this matter independently and I have found no reason to disagree with that position, especially as considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded and that the policies and proposals will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The PNDP was screened for Strategic Environmental Assessment (SEA) by CDC. The details were submitted with the Plan in accordance with the

legal requirement under Regulation 15(e)(i) of the 2012 Regulations.⁸ The screening report explains the following. As a result of the assessment, it was considered unlikely that there would be any significant environmental effects arising from the PNDP that were not covered in the Sustainability Appraisal or Appropriate Assessment of the Local Plan. Significant environmental effects have already been considered and dealt with through sustainability appraisal of the Local Plan for the District, to which the PNDP must be in general conformity to meet its 'basic conditions'. In addition, there are no allocations proposed in the PNDP. The impact of any potential development (in general conformity with the Local Plan) is expected to be localised and minimal and therefore not significant. Overall, it was not considered necessary to require a standalone SEA (or Appropriate Assessment) for the PNDP.

- 4.2 Therefore, it was considered the PNDP did not require a full SEA to be undertaken. Historic England⁹, the Environment Agency¹⁰ and Natural England,¹¹ when consulted, agreed with those conclusions. Natural England noted the screening process applied to the PNDP and agreed with the conclusion that there would be no likely significant effect upon European designated sites.
- 4.3 Having read the SEA Screening Assessment Report and the other information provided, and considered the matter independently, I also agree with those conclusions. Therefore, I am satisfied that the PNDP is compatible with EU obligations.

Main Issues

- 4.4 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies.¹² I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.5 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A

⁸ Strategic Environmental Assessment Screening Report: September 2018.

⁹ Response from Historic England, dated 6 September 2018.

¹⁰ Response from the Environment Agency, dated 2 August 2018.

¹¹ Response from Natural England, dated 5 September 2018.

¹² CDC's Regulation 16 response advises in relation to page 15, paragraph 45 of the Plan that the CDLP does not distinguish between strategic and other policies. Whilst paragraph 21 of the 2019 NPPF advises that Local Plans should make explicit which policies are strategic, this post-dates the preparation of the CDLP. Guidance on whether policies are to be considered as strategic is provided in PPG Reference ID: 41-076-20190509.

neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹³

- 4.6 Accordingly, having regard to the Preston Neighbourhood Development Plan, the consultation responses, other evidence¹⁴ and the site visit, I consider that the main issues in this examination are whether the PNDP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

Vision

- 4.7 The process of preparing the Plan included having a village event to discuss issues and which resulted in the establishment of a vision for Preston. The vision is fully described on page 14 of the Plan, but the gist of it is that:
- the village will retain its Cotswold character within its rural setting, preserving the surrounding countryside and wildlife;
 - there will be good provision of public and sustainable transport;
 - there will be a strong sense of community;
 - small rural businesses will be retained and opportunities for small commercial enterprises will continue;
 - any residential development will have minimal impact on the area's character and environment;
 - there will be a reduction in traffic noise and traffic speed and volume will be controlled through the village; and
 - light pollution will not be increased with the tranquil character of the village and surrounding countryside being preserved.

Preston Countryside and Landscape (Policy 1)

- 4.8 The Plan considers the countryside and landscape around Preston in a comprehensive justification section culminating in Policy 1, which contains five main clauses, A-E.
- 4.9 Clause A includes a requirement that planning applications in the Plan area should address the issues and recommendations in the Landscape Character Assessment (LCA) (November 2019) for the PNDP. I note the LCA is now referenced Revision E, dated 17 July 2020, and it is that version on which I have based my conclusions.

¹³ PPG Reference ID: 41-041-20140306.

¹⁴ The other evidence includes the response from PPC dated 7 December 2020 to the questions in my letter of 19 November 2020.

- 4.10 Recommendation 1 of the LCA is to create a Preston Special Local Landscape Area which should be of equal status and enforceability to that of a Special Landscape Area (SLA) designated at a "District level". This recommendation has been carried forward in the PNDP by Clause B which designates a Preston Special Local Landscape Area (PSLLA) covering Areas 2–5, shown on Figure 6 of the Plan and described in Table 1. Policy EN6 of the CDLP is then repeated as Clause C of Policy 1 in the PNDP.
- 4.11 In its Regulation 16 consultation response, CDC commented that the policy is seeking to act strategically, rather than locally, and is outside the scope of the Plan. I agree. The CDLP states that SLAs were introduced in Gloucestershire in 1982 and there are six SLAs designated in the District, the purpose of which is to protect locally significant and valued landscapes that have particular intrinsic qualities or character. The designations were based on a formal assessment of each area and were reviewed in 2001 and 2017.
- 4.12 I realise that the proposed PSLLA adjoins the southern end of the AONB, but it seems to me that the consideration and choice of where SLAs should be located within the District is based on a District wide comparison. Therefore, I consider that the PSLLA designation is a strategic matter to be considered at a District scale and which cannot be usurped by Policy 1 of the PNDP. Accordingly, I shall recommend modifications to the Plan to delete the references to the Preston Special Local Landscape Area and the deletion of Clauses A, B and C of Policy 1.
- 4.13 Furthermore, accepting a policy addressing the issues and recommendations in the LCA would mean importing its conclusions, not all of which I support. For example, in the Conclusions and Policy Recommendation section beneath the sub-heading "The significance and intrinsic quality of the landscape", it is stated that Preston Parish is of high landscape quality as evidenced by its northern section being within the AONB and its location adjacent to the Cirencester SLA. However, I do not accept that chain of reasoning. It is the properties of all the landscape within the Parish which determines its quality, not the landscape of adjacent areas. Indeed, in my opinion, the quality of the landscape within the Parish varies significantly.
- 4.14 Whereas the landscape quality within the AONB may be high, there is a gradual transition down the gentle south eastern slope and towards the south, moving away from the South and Mid Cotswold Lowlands (described by the Cotswold AONB LCA), through the Ampneys landscape character (described in the Gloucestershire LCA) to the Clay Vale of the Upper Thames Valley. This transition is unsurprising. *"Mapped boundaries may suggest that there is a sharp change from one landscape to another, generally however, on site it can be seen that a boundary line represents a zone of transition from one landscape to another - character rarely changes abruptly."*¹⁵ Similarly, I do not agree with the contention in the

¹⁵ An Approach to Landscape Character Assessment: Natural England: October 2014.
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PNDP LCA that the landscape within sub areas 2 – 5 is of equal value, given the presence of features which have negative impacts such as the Cirencester urban fringe, the A417 and A419 dual carriageways and the electricity pylons.

- 4.15 Clause D seeks to retain the open landscape character of the “green wedge” key view of Cirencester as shown on Figure 8 of the Plan and reflects recommendation 2 of the LCA. The Cirencester Parish Church is prominent in the view, as I observed on my visit to the area. However, the retention of the open character of the green wedge would effectively constitute a blanket ban on built development within its boundaries, as indicated in paragraph 67 of the justification in the Plan.
- 4.16 The proposal begs comparison with Local Green Space (LGS), the national policy¹⁶ for which is that LGS designation should only be used where the green area concerned is not an extensive tract of land. *“Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a “back door” way to try to achieve what would amount to a new area of Green Belt by another name.”*¹⁷ I accept that the green wedge is not proposed as an LGS, but the effect would be very similar. Therefore, I shall recommend the deletion of Clause D of Policy 1.
- 4.17 Clause E of the policy aims to promote particular features where new development is proposed and broadly follows all except one of the remaining recommendations in the LCA. I shall recommend retaining Clause E of Policy 1 subject to three changes. The first change is to delete the reference to the Preston Special Local Landscape Area and substitute an introductory phrase, which would have the effect of excluding the AONB from the policy and including the remainder of the Plan area.
- 4.18 The second change is to replace the phrase “extensive new woodland planting” in E ii with “unsympathetic new woodland planting” so that woodland planting as a result of any need to address climate change would be reasonable. The third change is the deletion of E viii and its requirement to ensure that any proposed development does not encroach on key views across the Parish, as described in the LCA. Appendix A: Key Views of the LCA contains 49 photographs which cover most of the Parish. The application of this requirement in the policy would preclude most forms of new built development from virtually anywhere within the Plan area.
- 4.19 Therefore, I shall recommend modifications (**PM2**) to Policy 1 which will enable it to have regard to national guidance,¹⁸ generally conform with Policy EN4 of the CDLP and meet the Basic Conditions. The modification should also include the deletion of paragraph 61 of the Plan.

¹⁶ NPPF: Paragraph 100.

¹⁷ PPG Reference ID: 37-015-20140306.

¹⁸ NPPF: paragraph 170.

- 4.20 Finally, I have reservations about sections of Table 1: Visual Sensitivity Sub-Area commentary. Whereas the Table notes landscape characteristics and features of Areas 1–5, the text goes beyond the informative and useful factual descriptions and offers judgements on what sort of development might be acceptable. I believe that the judgements could pre-empt development management decisions where factors other than landscape should also be taken into consideration and therefore would not have regard to national guidance in the PPG for effective decision making. Accordingly, I shall recommend that the Table is removed from the main body of the Plan and attached as Appendix A, with a qualification that the Sub-Area commentary offers an assessment of development potential and constraints from the landscape point of view. **(PM3)**

Design (Policy 2)

- 4.21 Policy 2 considers design and includes five clauses A–E, the first of which requires new development to be in accordance with the relevant policies of the CDLP and the Cotswold Design Code. In order to avoid ambiguity arising about the status of the Cotswold Design Code, I shall recommend rephrasing the sentence so that it is clear the Design Code is part of the Development Plan.
- 4.22 Clause B states that proposals should have specific regard to the key local features and development guidelines in the Design in Preston document. I note that Design in Preston is dated 2017 and the Cotswold Design Code was adopted as part of the CDLP in 2018. The Regulation 16 consultation response from CDC identifies several conflicts with the Design Code or ambiguities. Therefore, to avoid the conflicts, create more precision and enable more effective development management, I shall recommend the modification of Clause B so that proposals should have regard to the “following guidelines of the Preston Design Guide”, which are then stated as in Clauses C, D and E.
- 4.23 Clause C would become (i) and would be remain as drafted. I consider that the description of publicly accessible green spaces within the policy is sufficiently clear to be understood. Clause D would become (ii) and seeks the use of locally characteristic building materials. This part of the policy avoids being unacceptably prescriptive by the use of the qualification of, “where appropriate”. In order to avoid the same criticism of Clause E, I shall recommend the addition of appropriateness.
- 4.24 With these modifications **(PM4)**, Policy 2 would have regard to national guidance,¹⁹ generally conform with Policy EN2 of the CDLP and meet the Basic Conditions.

¹⁹ NPPF: paragraph 125.

Local Green Spaces (LGS) (Policy 3)

- 4.25 The Plan defines two LGS: Preston Playing Fields and Preston Allotments. As explained in the NPPF, Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.²⁰
- 4.26 I agree with the assessment in the Plan that each of the proposed LGS is in reasonably close proximity to the village; each LGS is local in character, demonstrable special to the local community and is not an extensive area of land. Therefore, Policy 3 would have regard to national guidance, generally conform with the aims of Policy EN3 of the CDLP and meet the Basic Conditions.

Employment Land (Policy 4)

- 4.27 Policy 4 aims to support new and existing small businesses in the Parish, particularly at the Village Farm employment site as proposed in Clause A of the policy. However, whereas a change to residential use at the Village Farm site would be supported in the Plan, it would be on the condition that all the Class B units change use simultaneously. It is accepted in the Plan (paragraph 80) and noted in the Regulation 16 consultation response from CDC, that the change of use from Class B to a residential use may be “permitted development”. Therefore, Policy 4: Clause A. a. cannot be delivered and I shall recommend that it is deleted.
- 4.28 Policy 1 Clause B refers to “small” businesses, which I shall recommend to be modified to “small-scale” as referred to in CDLP Policy EC3. Accordingly, I shall recommend the rewording of the policy so as to retain the viability test and not differentiate between the Village Farm employment site and other sites, and which appears to be justified by the evidence in the Plan. **(PM5)** Subject to those modifications, Policy 4 will have regard to national guidance, generally conform with Policies EC2 and EC3 of the CDLP and meet the Basic Conditions.

Footpaths and Cycleways (Policy 5)

- 4.29 Policy 5 aims to support the improvement of the network of cycleways, footways and footpaths. Clause B of the policy seeks developer contributions to fund improvements to the network. However, as CDC quite rightly indicate the list of projects include some which are well distributed across the Plan area and may be more reasonably resourced through the Community Infrastructure Levy (CIL). Therefore, I shall

²⁰ NPPF: paragraph 100.

recommend that this is recognised in the policy and that the list of projects is included as a separate table as in the section on Community Infrastructure. **(PM6)** Subject to those modifications, the policy would have regard to national guidance,²¹ generally conform with Policy INF3 of the CDLP and meet the Basic Conditions.

Community Infrastructure (Policy 6)

4.30 Policy 6 includes support for proposals which would improve community infrastructure and also seeks to avoid the loss of infrastructure listed in Table 2, without good reason. Additional text in Table 2 describes necessary improvements to the separate items. Table 2 might appear as an onerous list of requirements for a developer to consider, but it is more like a “wish list” of where community improvements might be sought by legal agreement. In my opinion, these are constructive suggestions, some of which might form a basis for discussions should any relevant proposal be made. Accordingly, Policy 6 has regard to national guidance²², generally conforms with Policies INF1 and INF2 of the CDLP and meets the Basic Conditions.

Transport and Village Amenity (Policy 7)

4.31 The Policy is entitled “Transport and Village Amenity”, but the policy is concerned with the effects of motorised traffic due to speed, noise, vibration, conflicts with other road users and feelings of safety. All these factors are referred to as considerations in national guidance and to which the policy has regard.²³ The policy also generally conforms with Policies INF3 and INF4 of the CDLP. Therefore, the policy meets the Basic Conditions, but subject to one reservation.

4.32 I have read the evidence paper Transport and Village Amenity and the details of the surveys which were conducted. I consider that the phrase “to manage impacts to maintain or improve upon the 2018 baseline” is too imprecise to enable the policy to be used in effective development management. In addition, given that the traffic survey data measured by Gloucestershire Police did not support any reduction in traffic speeds either through the village or along the A419 or A417, I am not convinced that the use of the 2018 evidence is sufficiently robust to form an effective baseline for policy considerations. Therefore, I shall recommend the deletion of the 2018 baseline and a change from “manage” to “mitigate” impacts. **(PM7)**

Other Matters

4.33 A representation was received seeking the allocation of land on the edge of Preston village for low-density residential development specifically for

²¹ NPPF: paragraph 102.

²² NPPF: paragraph 92.

²³ NPPF: paragraph 101.

the needs of persons over 55 years of age. The proposal has some merit. However, the Plan as drafted and as recommended to be modified would meet the Basic Conditions. Therefore, I have no reason to modify the Plan by allocating the land as is sought. Furthermore, it seems to me that such an allocation would not generally conform with Policy DS4 of the CDLP. Neither would it generally conform with Policy DS3 of the CDLP which considers small-scale residential development in Non-Principal settlements. Even if the site were to be considered to be located in Preston as opposed to adjoining it, the CDLP states that the housing should be proportionate to, and complementary with, the size and character of the settlement and its surroundings.²⁴ I consider that the 8.5ha site would not meet those criteria, even with its spacious layout.

Overview

- 4.34 Accordingly, on the evidence before me, with the recommended modifications, I consider that the policies within the PNDP are in general conformity with the strategic policies of the CDLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Preston Neighbourhood Development Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the PNDP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The PNDP as modified has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

²⁴ CDLP: paragraph 6.3.5.

Concluding Comments

- 5.4 The Parish Council and voluntary contributors are to be commended for their efforts in producing a concise Plan which was well presented with comprehensive accompanying documentation. I enjoyed reading the Plan and visiting the area. With the recommended modifications, the PNDP will make a positive contribution to the Development Plan for the area and should enable the rural character and appearance of Preston and its surroundings to be maintained.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Cover and elsewhere in the Plan	Amend plan period to: "2020 – 2031" .
PM2	Policy 1	<p>Delete Clauses A – D and paragraph 61 of the justification.</p> <p>Amend Clause E by substituting the first phrase with: "Other than within the AONB, new development should where appropriate promote the following..."</p> <ul style="list-style-type: none"> i. Retain as drafted. ii. Replace "... extensive ..." with "... unsympathetic ...". iii. Retain as drafted. iv. Retain as drafted. v. Retain as drafted. vi. Retain as drafted. vii. Retain as drafted. viii. Delete. ix. Retain as drafted. <p>Delete paragraph 67 and Figure 8.</p>
PM3	Table 1	<p>Transfer Table 1 to become Appendix A.</p> <p>Amend paragraph 54 to become: "The LCA identified several Landscape Areas in the Parish, shown in Figure 6 and Appendix A. The commentary on the Sub-Areas includes an assessment of how the landscape may affect the potential for and the constraints on development."</p>
PM4	Policy 2	<p>Clause A: Amend final phrase to "... in accordance with the relevant policies of the Cotswold District Local Plan, including the Cotswold Design Code."</p> <p>Clause B Amend to: "Proposals should have specific regard to the following conclusions derived from the Design in Preston Design Statement (2017):"</p> <p>Clause C: Amend to (i).</p>

		<p>Clause D: Amend to (ii).</p> <p>Clause E: Amend to (iii). Include phrase "... Cotswold Stone walls, where appropriate, particularly where these ...".</p>
PM5	Policy 4	<p>Delete policy text and replace with:</p> <p>"The establishment of new, or the retention of existing small-scale businesses in the Parish will be supported where they comply with other policies of the development plan.</p> <p>Planning applications which would result in the loss of a small-scale employment site will be supported provided that detailed evidence is submitted to demonstrate that the site can no longer practically or viably be used for employment purposes. The evidence should demonstrate that the employment site has been actively and recently marketed for a period of at least 12 months."</p>
PM6	Policy 5	<p>Clause B Delete: "This includes:"</p> <p>Remove items i – vi to a new table separated from the policy and headed "List of possible projects to be the subject of developer contributions and/or CIL", commenting in the justification that the list is not exhaustive and other projects may be added.</p> <p>Add a new Clause C: "Projects to improve the network or provide new connections may also be funded through the Parish's share of any CIL which may be due."</p>
PM7	Policy 7	<p>Amend to: "... will be encouraged to mitigate impacts with regard to:</p> <ul style="list-style-type: none"> a. traffic speeds; b. noise and vibration; c. conflict with other road users and feelings of safety."