



Regulation 16 Representation

Please find below comments from Cotswold District Council (CDC) on the **Preston Regulation 16** draft neighbourhood development plan.

We are grateful for the opportunities already given to help frame the policies within this neighbourhood plan. The comments which follow have been written to identify either points which in officers' views may not meet the Basic Conditions against which the NDP is assessed, or simply where the wording used may be open to interpretation. They may also upon occasion reflect the difference between the district role of this Council, and the local role of Preston Parish Council (PPC).

As context, we'd advise that earlier this year, Cotswold District Council committed to a partial update of its Local Plan, with an aim to adopt an updated Local Plan in 2023. In light of the White Paper, the trajectory of this update is subject to review. We wouldn't wish to pre-empt evidence or the options which will need to be consulted upon in due course, but our expectation is that the focus of development will remain broadly consistent with our current strategy of directing development towards our principle settlements. In line with this, we do not have a current expectation that Preston should be allocating sites. Reflecting the political ambitions of the Council, housing affordability and climate change considerations are likely to drive some other policy changes.

Front cover, and throughout. Proposed plan period, 2020-2036.

The proposed plan period at Regulation 14 was 2020-31, but this has increased to 2020-36 for the Regulation 16 submission. This takes it beyond the lifetime of the current Local Plan, and indeed the partial update agreed by Cotswold District Council. Given the increased housing numbers the district is expected to deliver off the back of the standard method introduced in 2018, and the new method recently put forward for consultation, and the changes in 'Planning for the Future', there is a significant risk that the Preston Neighbourhood Plan will be outdated well before the proposed end-date. In the current circumstances this risk cannot be entirely mitigated, but an end date concurrent with the extant Local Plan, as proposed at Regulation 14, may be more appropriate.

p6 para 13.

'New-build open market housing is not permitted unless in accordance with other policies that expressly deal with residential development which is not the case in Preston Parish.' This precis of the existing development framework is not wholly accurate in its description of open market housing. DS3 applies to those non-principal settlements *within* the Parish, the wording of the NDP implies it covers the entire Parish area including countryside. DS4 (presumption against open market housing) applies to the rural area. While it is correct that the parish sits outside of any development boundary, there are policies in the Local Plan which in some circumstances could be engaged to permit open market housing - DS4 allows some open market housing like replacement or sub-division of a dwelling. We would suggest a deletion from 'which [...] Parish'.

On review of the **Portus and Whitton report**, we would contend that the landscape of the Parish is not proven to be "of comparable quality and character to the North Cirencester SLA" (**p. 15** of the P and W report), although the character is similar. The Cotswold District SLAs were designated following an overall assessment of the whole non-AONB parts of the District, including the area around Preston, establishing which areas were considered to be most appropriately designated as SLA. There is no evidence in this report to show that they have undertaken a District-wide assessment to validate their assertion that Preston is "of comparable quality". No evidence was given at the local plan EiP to suggest that the District SLAs were not correctly designated or that their boundaries needed to be re-assessed (a review of the SLAs was undertaken as part of the preparation of the evidence base for the most recent Local Plan). Please see comments on the Pre-submission version of the NDP.

The P and W report states on **p.15** that "the landscape of Preston... and it forms another important transition zone with the adjacent Cotswolds AONB"; however in the conclusion at **p.50** a new section has been added which implies that the landscape quality of the parish is "equal" to that of the AONB, although this section is not entirely clear.

On **p.51** it states that "Preston parish is of high landscape quality; this is evidenced by its northern area's inclusion within the AONB ... and its location adjacent to the designated ... SLA." It is fair to say that the area within the AONB is of high landscape quality, as is shown by its inclusion within the AONB, however this does not imply that the rest of the parish is of high landscape quality or not, likewise with the SLA. Indeed the fact that the rest of the Parish was not included within the AONB or the SLA, both of which were subject to detailed analysis, implies that the non-AONB areas are of lower landscape quality.

p.15 para 45.

This para implies that the only strategic policies in the Local plan that are relevant to Preston are DS1, DS2 and DS3 - the Cotswold Local Plan does not distinguish between strategic and other policies. The following para then refers to other policies which they say are strategic around landscape. The document refers to policies EN5 and 6 but not other key landscape policies such as EN1 and EN4. EN1 is referenced at para 48, but there is only very limited mention of EN4 which is of particular relevance to Preston, since it relates to the whole District (including areas outside the AONB and SLAs).

p.15 para 49.

Reference is made to "policy EN4 protects the Cotswolds AONB" - this should be EN5.

p15, para 45, p23, para 61

The description suggests that additional policies are required to protect the landscape, yet reference is made in para 45 to the policies DS3 and DS4* which already prevent open market housing in the countryside. Because the Local Plans 'DS' policies limit the scope for development outside principal settlements, Policy 1 may not be impactful. Rather than a protectionist approach, it would have been interesting to see an approach that reflected how residents use the landscape, and to support that function in the context of development proposals.

p23, para 61.

Following the point raised on para. 45 above, we have some concern over the statement that "Preston Parish is of an intrinsically high landscape quality" - the parish is not wholly included within the AONB nor within any of the district-designated Special Landscape Areas. However, we recognise that residents value the landscape, and that it has been subject to the review by Portus and Whitton. We'd suggest this statement could be qualified, e.g. 'Residents value the high quality landscape described in the Portus and Whitton report' or 'local residents consider the landscape to be of intrinsically high quality'.

p27, Policy 1 Preston Countryside and Landscape

This policy is seeking to operate strategically, rather than locally, and thus outside of the scope of the NDP. We note that as a Neighbourhood Plan policy, it will not act as a barrier to strategic growth required in the district(e.g. it is not green belt) but would form part of the evidence base and list of constraints that the Council would consider as part of the plan making / site allocation process. There is still a lack of clarity over the landscape policy and the fit with the local plan SLA policy - the landscape of Preston was not assessed to be of sufficient quality to form part of an SLA and that only a part of the parish was assessed to be of sufficient landscape quality to form part of the AONB - see notes on the P and W report above.

Policy 1, Clause B and C

The use of the phrase "special local landscape area" within the context of Preston may cause confusion, given this is very similar to the District-wide designation title - Special Landscape Area for second tier landscapes, although we appreciate the change from SLA, and it could be argued that using a similar name but with "local" added might give consistency to the system. We are concerned that by making the whole Parish either AONB or SLLA that it does not show any hierarchy in landscape quality across the NDP area and could undermine its purpose by being a blanket policy. The clause covers the whole of the parish other than the AONB and precludes all development that "erodes its identified qualities". It would be helpful to the Development Management process if these qualities are clearly listed i.e. what are the identified qualities, for example by reference to the list at para 55 or one of the lists in the P and W report.

Rather than using a new designation of SLLA the policy could just say that any new development should respect the landscape character and quality of the each landscape area as described in the P&W report. This would ensure that it was not a prohibitive policy but more a positive design policy. This approach would be in line with our comments on the previous version of the NDP - and avoid confusion with other landscapes designations.

Policy 1 B and C

There is some overlap between B and C and they might be usefully combined if an SLLA policy is to be retained.

Policy 1 D

It might be useful to re-title figure 8 to more clearly show its link to this policy.

Policy 1 E(ii)

'Extensive' could be considered subjective. Please note that in the light of the declaration of a Climate change crisis, we may be looking for larger areas of tree planting and woodland to address carbon sequestration in the future.

p.28 Policy 2. Design

This policy will be difficult for decision makers to use given the unclear nature of some clauses - for example the reference to green spaces without indication of their location.

Clause A

We welcome the intent of this clause, but note that the Cotswold Design Code forms part of the local plan and is an integral part of the policies so it would be better to say "in conjunction with local plan policies, including the Cotswold Design Code."

Clause B

The wording is perhaps not explicit as to the status of the "Design In Preston" document - does it form part of the NDP and is it being examined as such? We would suggest it may be helpful to lift the key findings of the document into a table in the NDP (as was done at Somerford Keynes) and refer to those key local features in the policy.

The Council has some reservations about some of the guidelines in the Design in Preston document - particularly if it is to form part of the NDP. For example

- G1 - refers to "green areas" but no map is provided to identify these, so it will be very difficult for decision-makers to implement this guideline. (the same point is relevant to the section in the conclusion on "publicly accessible green spaces")
- Conversion of agricultural and/or industrial buildings to residential may in some cases be permitted development.
- Some of the conversion approaches at Mildreds Farm Barns are not ones that would meet the requirements of the current Cotswold Design Code with respect to barn conversions and thus not exemplar projects.
- G3 - this section is seen in the context of being preferences by parish residents rather than requirements - e.g. other roofing materials may be appropriate in certain settings, such as welsh slate on ancillary buildings.
- However the conclusion states that "external walls should be stone ..." This is not proportionate - what happens with extensions to modern buildings that are constructed already of artificial stone or other materials?
- To require all doors and windows to be timber limits flexibility in design. Metal windows may be appropriate if a contemporary design approach is adopted, or potentially stone mullions might be acceptable for a more traditional look. Stained timber is usually inappropriate.
- A wider range of roofing materials is likely to be acceptable - see point above.
- The section on property boundaries is unclear - are wooden fences acceptable and if so, where?

Clause D

A wider range of materials is likely to be suitable particularly where a contemporary approach to design has been adopted or where the development is an extension to a modern building - moreover materials use has a significant impact on viability.

p.29 Policy 3. LGS

We welcome the inclusion of Local Green Spaces, and no comment on the areas or the policy wording.

p.35, Policy 4. Employment Land

Local Plan Policy EC2 already seeks to retain sites for employment use.

The supporting text in paragraph 80 refers to permitted development rights and how such rights 'would compromise the integrity of the employment area as a whole. Therefore, the loss of individual units will be resisted.' It appears that the parish council is seeking to prevent changes which are currently covered by permitted development rights. This cannot be done through NDP policy, so we have significant concerns about whether this policy will meet the Basic Conditions. Furthermore, we note that Permitted Development rights have also increased to encourage greater variety and flexibility, with more recent changes to the use class system (new class E includes B1 use).

However, there are precedents for some conditionality in planning policy - such as this from North Devon; 'If the requirement for affordable housing thresholds is removed from national planning policy or guidance then clauses (1)(a) and (1)(b) above will no longer have effect' (North Devon and Torridge Local Plan 2011-2031). Arguably a similar device could be added to this policy 'Where relevant permitted development rights do not apply or are removed from national planning policy', although we're not aware of a precedent in a neighbourhood plan.

Policy 4 includes a specific clause a ii) for 'simultaneous' change of use – to prevent the incremental loss of units over time and the viability of the whole site, but cannot prevent loss (individual or otherwise) of use due to PD.

Clause A(i) - The NDP seeks to add to the protections established in EC2 (2) a requirement to demonstrate that existing use is not viable through marketing for a 12 month period. This is in accord with existing tests for community and retail established by the Local Plan, INF2 and EC8, and so does not seem an inappropriate test.

We would suggest Clause B duplicates Local Plan policy EC3.

p38 **Para 76** – 'are identified **and safeguarded...**' EC2 is not just a list of sites.

p.38* Policy 5. Cycleways and Footpaths

Second page 38. We have no objection to clause A. The infrastructure projects listed in clause B are unlikely to meet Section 106 tests given their distribution around the parish area, so may need to be tackled with the parish share of CIL.

p.40*. Policy 6. Community Infrastructure

We welcome this policy.

Typos and syntax errors

p.5 We welcome the information box listing the evidence in support of the policy proposals. We suggest that the landscape character assessment should be part of the bulleted list, rather than sitting below.

p.35 Policy 4 clause A) should probably have sub-clause labelled i) and ii) rather than A(a) and A(b)

Page numbers - after page 39, the numbers drop back to 35, and then count up again. This impacts on the referencing of the comments above, marked with an asterisk.

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