

Cirencester Neighbourhood Plan Examination

12th October 2026

Dear Cirencester Town Council and Cotswold District Council

Clarification Note from the Examiner

Following my review of the submitted Cirencester Neighbourhood Plan (“the Neighbourhood Plan”) and supporting information, I am contacting Cirencester Town Council (as the Qualifying Body) and Cotswold District Council in respect of Submission stage representations, changes to the legislative framework and points of clarification.

The Neighbourhood Plan brings together the community’s aspirations for Cirencester. It is the result of very considerable work. My questions for Cirencester Town Council and where relevant, to Cotswold District Council, set out under “*Matters of Clarification*” at the end of this letter, are to assist my understanding of the Policies and their intended application. I would be very grateful for brief written responses to each of them.

Opportunity to comment on representations

I would also like to invite Cirencester Town Council to respond to any of the representations made during Regulation 16 (the Submission stage) consultation and I will take any responses provided into account as part of the examination.

National policy and legislative changes

I confirm that the Neighbourhood Plan will be examined against the December 2024 National Planning Policy Framework (NPPF) in accordance with the transitional arrangements applying to its submission¹.

In addition, changes to legislation took effect on 25 March 2026. Sections 98 and 99 of the Levelling-up and Regeneration Act 2023² introduced requirements concerning climate change and local nature recovery.

¹ A revised NPPF was published on 17th August 2026, replacing the December 2024 NPPF. The revision post-dates the submission of the Neighbourhood Plan and should be examined against national policy set out in the NPPF at the time of submission.

² Legislative references: sections 38B and 38C of the Planning and Compulsory Purchase Act 2004, as amended by sections 98 and 99 of the Levelling-up and Regeneration Act 2023; SI 2026/169, regulation 3(c) and (d).

<https://www.legislation.gov.uk/ukpga/2023/55/section/98>

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The legislative changes also replaced the basic condition concerning general conformity with strategic policies - the revised condition now requires that making the Neighbourhood Plan does not result in the development plan for the authority's area proposing less housing than if the Neighbourhood Plan were not made.

The changes to the Act, so far as the Qualifying Body considers appropriate having regard to its subject matter, require the Neighbourhood Plan to be designed to secure a contribution to climate change mitigation and adaptation and to take account of any relevant Local Nature Recovery Strategy, including its biodiversity priorities and potential measures. Essentially, there is now an additional basic condition requiring the Neighbourhood Plan to comply "*with any requirements imposed in relation to it by or under Part 6 of the 2023 Act (environmental outcomes reports).*"

Noting these legislative changes, I request that **Cotswold District Council** publishes the first part of this letter (excluding the Matters of Clarification, which are a separate matter for the Town Council and the District Council) and provides a two-week opportunity for anyone with an interest in the examination to comment specifically on the implications of these legislative changes for the submitted Cirencester Neighbourhood Plan.

Please could I also request that all of those who made Submission stage representations³ are notified and provided with the opening and closing dates of the two-week period. Should there be any request for additional time to respond, Cotswold District Council should seek to accommodate this, subject to any extension being limited to a reasonable response date.

I confirm that I am also seeking comments from Cirencester Town Council, as Qualifying Body and from Cotswold District Council – although these can be provided as part of the response to the Matters of Clarification, which include specific questions for each of the Councils in respect of the legislative changes.

Submission stage representations remain before me and these should not be repeated. This invitation is **strictly confined to the changed legal requirements**. It does not provide any opportunity to raise new matters.

Please forward all responses for my consideration following the close of the two week (or extended) period.

³ Whilst Gloucestershire County Council referred to the legislative changes (in respect of Local Nature Recovery Strategy) in its Submission stage representation, they should still be notified of the opportunity for comments.

For clarity, the matters for comment relate to the further legal compliance requirements and the Replacement Basic Condition requirement, as set out below:

Legislative Requirements:

- *so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and*
- *so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.*

Replacement Basic Condition:

- *the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.*
NB: this replaces the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area.

Kind regards

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Matters of Clarification

The examination is proceeding by written representations. At this stage, I do not consider that a hearing will be necessary. As noted above, the Matters of Clarification are intended to help my understanding and inform any modifications necessary to meet the basic conditions and other requirements. They do not infer any criticism and are a normal part of the examination process.

When referring to existing evidence, please note that this must be to material that is already publicly available.

The Matters of Clarification letter should be published in full (ie, including the questions below) alongside the Town and District Councils' responses on the relevant examination webpage(s). I propose that publication should take place further to the completion of responses – thus avoiding any confusion with the legislative change consultation referred to in the above letter.

I am not imposing a strict deadline for responses to the questions below, but please let me know if it will not be possible to provide responses within around four to six weeks of the date of this letter. Whilst there are numerous questions, please note that I do not anticipate long answers – brief responses will be sufficient.

Please can all communications with me continue to be made through Cotswold District Council.

I appreciate the very significant amount of work completed in respect of the Neighbourhood Plan to date and would like to thank you very much in advance for your consideration of this Clarification Note.

1. Plan period and statutory information

The Vision for the Neighbourhood Plan refers to 2041, while the Basic Conditions Statement refers to a different period.

Town Council: please can you clarify the period during which the Neighbourhood Plan is to have effect ?

I will likely be recommending that the confirmed period is stated prominently and consistently.

Cotswold District Council: please can you confirm the precise date of the Neighbourhood Area designation (and point me to the designation decision and published consultation notice) and also confirm the dates of the Regulation 16 consultation ?

2. Revised basic conditions

As above, in respect of the revised legal requirements, I am keen to hear from both the Town Council and Cotswold District Council.

Town Council and Cotswold District Council: please can you confirm (or otherwise) that the making of the Neighbourhood Plan would not result in the development plan for the Neighbourhood Area, or any part of it, proposing that less housing is provided by development in that Area than if the Neighbourhood Plan were not made ?

Town Council and Cotswold District Council: please can you confirm (or otherwise) whether all or any part of the Neighbourhood Area is the subject of any local natural recovery strategy under Section 104 of the Environment Act 2021 ? In answering this question, please have regard to Gloucestershire County Council's representation and if you consider it appropriate, explain how account has been taken of the published Gloucestershire Local Nature Recovery Strategy, including biodiversity priorities, potential measures and Local Habitat Map relevant to Cirencester; and if appropriate, identify any major differences between that Strategy and the earlier Nature Recovery Network information used to inform the Neighbourhood Plan and whether this results in any need for consequential changes.

Town Council: please can you explain briefly how the submitted Neighbourhood Plan has been designed to contribute to both mitigation of, and adaptation to, climate change.

3. Environmental assessment

Cotswold District Council: In determining that the submitted Neighbourhood Plan could progress, the Council confirmed that the submitted SEA and HRA screening determinations were consulted upon with the relevant statutory bodies, who upheld the Council's opinion that neither a full HRA or SEA was necessary. Please could you point me to these consultee responses to the screening determinations ?

4. Policies Maps and supporting documents

The submitted Neighbourhood Plan is that held on the District Council's website. The photographs and plans in this version appear as low reproduction quality images (fuzzy) and as such, appear inappropriate for inclusion in the statutory development plan.

Town Council and Cotswold District Council: Please can you confirm that this is a technical matter that can be addressed prior to the making of the Neighbourhood Plan ?

5. Policies

A number of the Policies support development proposals so long as a Policy requirement is achieved (as opposed to supporting or imposing the Policy requirement itself). This is a general drafting issue that runs the risk Neighbourhood Plan support for development proposals contrary to other Policies and notwithstanding other material

planning considerations. Please note that the drafting of Policies will be addressed as part of the Examination, but any comments in this regard are welcome.

6. Policy TC1

The Policy appears vague. As drafted, the Policy supports a development proposal subject to it meeting 25 principles which do not form part of the Policy. There is nothing to demonstrate.

Town Council: please can you confirm what Policy TC1 seeks to achieve and could you point me to evidence that a development proposal could meet all of the principles set out ?

Please note that I am likely to recommend that this Policy changes along the lines of requiring a development proposal to demonstrate consideration of the character of the Town Centre and Character areas.

7. Policies AM1, AM2, AM3, AM4, AM5 and AM6

To a considerable extent, these Policies appear as a list of community aspirations and/or projects around the County Council's LCWIP rather than as distinctive, deliverable land use planning policies. I am likely to recommend combining these Policies around a Policy or Policies that is/are supportive of active movement and sustainable travel.

Town Council: Please can you confirm that the Neighbourhood Plan does not allocate a site for an Integrated Mobility Hub ? Please can you confirm the overall aim of Policies AM1 - AM6 ? Is there substantive evidence you can point me to in respect of the deliverability of the Policies set out, including how proportionality to an external long term transport and infrastructure vision document that does not form part of the adopted development plan ?

8. Policy DBE1

Town Council: Please can you point me to evidence justifying the 12 metre and storey limits across the town centre and Areas of Distinctive Character ? I am particularly interested in justification for an absolute ceiling of specifically 12 metres in the context of a combined area across which the scale of buildings differs and in the context of taller buildings recently having been justified within the Neighbourhood Area as a whole. Please could you also clarify how those limits, the allowance for a fourth storey with support for dormer windows and the reference to neighbouring ridge heights are intended to work together ?

Please note that in the absence of substantive evidence supporting a uniform ceiling, I may consider recommending a contextual approach to height, scale and roof form.

9. Policies DBE2, DBE3 and DBE4

Policy DBE2 identifies eight views and these are shown on an appended Policies Map.

Town Council: Please can you point me to the detailed assessment identifying the specific view and the particular features which make each view important/should be protected and clarify how an applicant and decision-maker should judge the effect of development on those features ? Please can you point me to national or local policy support in respect of a requirement for development to *enhance* views ?

Please note that I may consider recommending that the Policy focuses on the need for development to demonstrate consideration and account of the valued qualities of the views, with descriptive commentary in the supporting text.

Town Council: Please can you confirm that Policy DBE3 is only intended to apply to the defined Town Centre ? Is it the intention of Policy DBE3 to limit redeveloped retail units to occupation by small, local or independent traders ? Please can you point me to the definition of a small, local and independent trader and how a decision-maker should determine whether or not design encourages such use ? Is there evidence you can point me to that all under-utilised commercial upper floors in the town centre are located above currently active and animated ground floor frontages ? Please can you point me to evidence, including housing needs evidence, supporting the conversion of any house of over 200 square metres (presumably only in the town centre) into two or more apartments (2 bed max), subject only to “*design quality*” ? Please can you point me to evidence supporting a 200 square metre threshold (as opposed to building suitability).

Town Council: Re: DBE4, please can you point me to the detailed evidence that designates boundaries around non-designated heritage assets, including a wide array of private garden areas and land around various buildings ? Why are most non-designated heritage assets identified by dots on a plan and others by detailed site boundaries ? Please can you point me to the justification for this dual approach ?

Please note that I may recommend that Policy DBE4 simply identifies Non-Designated Heritage Assets (and does not repeat existing national or local policies).

10. Policies DBE5 and DBE6

These Policies appear to go beyond the scope of the Neighbourhood Plan.

Town Council: For Policy DBE5, please can you explain why a Construction Environmental Management Plan is considered an appropriate vehicle for addressing a whole design response to energy and embodied carbon ? Please can you point me to information in respect of the mechanisms enabling the Neighbourhood Plan to impose this requirement on all development proposals ? Please could you point me to evidence supporting the requirement for compliance with BREEAM standard/achieving excellent as an appropriate requirement for all non-residential development and information in respect of how an alternative standard would be assessed as an equivalent ?

Town Council: Please can you point me to the evidence supporting the mandatory energy use, space heating, renewable energy and related requirements in Policy DBE6,

including their technical feasibility, cumulative cost and effect on viability and housing delivery in Cirencester ? Please can you explain how the residential standards have regard to the Written Ministerial Statement of 13 December 2023 ? How would the exception in criterion g) be applied where a proposal cannot meet the standards for technical or viability reasons ? Please can you explain the intended test and the evidence required ?

Please note that unless the detailed mandatory requirements are supported by proportionate evidence, I may consider an approach retaining the aims of energy efficiency, low-carbon heating and renewable energy, with unsupported numerical targets identified as aspirations. I would welcome any comments on that approach.

11. Policy DBE7

Town Council: Please can you point me to information in respect of what a decision-maker should regard as excessive noise when considering an HMO proposal ? Please can you point me to information in respect of the levels of street parking that can and cannot reasonably be regulated through parking measures and are these the same in every ward ? Please can you point me to the evidence justifying the ten per cent electoral ward threshold and the proximity restrictions in criterion e) ? Please can you point me to the information setting out the existing percentage of HMOs in each ward ? Please can you explain how these thresholds would be calculated and applied and does this include HMOs which do not require a licence ? Is there anything you can point me to explaining how the Policy addresses the low prevalence of HMOs compared to the District as a whole and the apparent need/demand (per the lower case text) for HMOs within certain areas of the town but not others ?

Town Council: Please can you confirm how the Neighbourhood Plan anticipates that this Policy might be controlled, for example, the relevant planning controls including any Article 4 direction ?

Please note that without sufficient justification for the distribution thresholds, I may recommend their removal while retaining criteria addressing the effects of individual proposals.

12. Policy QPR1

Town Council: Please can you point me to evidence of how this Policy has regard to national planning policy in respect of how development proposals affecting heritage assets should be considered and also how it takes account of the existing advertisement consent regime ? Please can you set out the basis on which a development proposal's detrimental acoustic impact on a Conservation Area should be assessed ?

Please note that, subject to the above, I am likely to recommend that this Policy is re-worded to avoid conflict with national policy.

14. Policy TMN1

The Neighbourhood Plan does not seek to allocate any land for development. This Policy is vague and appears as a community aspiration rather than a deliverable land use planning policy.

Town Council: Please can you point me to substantive information demonstrating how a decision maker should measure how a development proposal enhances Key Local Daily Facilities; and why achieving this should outweigh any disbenefits or harms arising ? Please can you point me to the definition of Key Local Daily Facilities ? Is there any information relating to the thresholds for meeting the policy requirements (at what scale of development is the Policy aimed) ? Is there any viability or deliverability information you can point me to in respect of demonstrating that this is a deliverable policy ? Are there examples of locations where there are sites of a scale and criteria that would meet the Policy requirements ? Please can you point me to the definition of a *well-connected* path, street, space with direct street level (at grade) cycle ways and footpaths? Please can you point me to a definition of a qualifying sports, well-being and community health facility ? Is there any information that you can point me to demonstrating how proportionality should be measured by a decision maker ? Please can you point me to information re: where the deficits are on the Key Deficits Maps, what these deficits comprise, how these have been calculated and how a decision-maker should determine whether or not a deficit has been addressed and/or whether the level of addressing deficits is proportionate to the development proposed ? Please can you point me to information setting out the barriers to walking and cycling, the removal of which would result in sustainable development and outweigh any harms arising from a development proposal ? Please can you point me to how the facilities audit takes account of committed provision within the Neighbourhood Area (for example at The Steadings) ? How does the audit distinguish facilities available now from those to be delivered ?

Please note that, subject to the above, I may recommend that the 20 Minute Neighbourhood aspiration be taken forward as a community project. I would be interested in your views on this and how the aspirations might be re-worded to comprise a supportive and deliverable land use planning policy.

15. Policies NE2 and NE3

Town Council: Re: Policy NE2, please can you point me to information in respect of how fragmentation would be assessed and how avoidance, mitigation and compensation are intended to operate ? Please can you point me to where the Neighbourhood Plan assesses the location and integrity of existing wildlife corridors ?

Town Council: Re: Policy NE3, please can you clarify whether Building with Nature is intended as design guidance or as a requirement for accreditation ? How should a decision maker determine whether this has been considered at the earliest stages of all development proposals and can you point me to justification for such an approach ? Please can you point me to evidence in respect of where the most suitable locations and types of green infrastructure provision are ? Please can you point me to evidence of what appropriate replacement comprises and how this will be measured ? Re: criterion

d), please can you explain the apparent justification for resisting development without distinguishing a site's status, ecological value or the effects of a proposal ?

Please note that I may recommend wording which recognises different levels of protection and the role of the Local Nature Recovery Strategy and which does not treat all network or opportunity areas as equivalent to protected sites.

16. Policy NE4 and Local Green Space

Town Council: Please can you confirm how proposed Local Green Space landowners were notified ? Harebush Wood is described as a working woodland extending to 26.8 hectares. Please can you point me to evidence demonstrating that the proposed designation is local in character and is not an extensive tract of land ?

17. Policy NE5

Town Council: Please can you identify the undeveloped gaps the Policy is intended to protect and point me to evidence of their boundaries, landscape function and relationship with planned development.

Town Council: How would a replacement landscaped area elsewhere compensate for the loss of physical or visual separation? How would this be evaluated ? What would such compensation comprise, what would be the method of calculation and who would be the arbiter/on what basis ? Please provide evidence to demonstrate that this Policy would not prevent sustainable development from coming forward – for example, evidence that appropriate compensatory land would be readily available in circumstances where development has been demonstrated to be sustainable ?

As presented, the Policy does not appear to provide a clear basis for determining a proposal and I may recommend deletion of the Policy, retaining the community's aspirations for settlement separation in the supporting text.

18. Policies LE1 and LE2

Town Council: How will the Policy enhance premises ? Please point me to information identifying the premises and uses intended to be protected under Policy LE1 ? Please can you point me to justification for the Policy resisting changes of use, when this appears to be in direct conflict with national and local planning policy which allows for such ? Please can you point me to a definition of a low carbon economic use – how might such uses be assessed ? Is the general purpose of this Policy to support the retention of viable employment accommodation and key local facilities while allowing appropriate changes within the town centre ?

Town Council: Re: Policy LE2a), please can you point me to information in respect of how “encouragement” will be measured ? Re b), who will determine what comprises a *low-cost facility in a cooperative cluster* and on what basis. Is the Policy intended to resist development proposals that provide for new start-up businesses in anything other

than low-cost facilities in cooperative clusters ? Can you point me to any evidence that the approach set out will encourage and not place barriers before the development of new employment and community space ?

19. Policy WBC1

Town Council: Please can the Town Council point me to evidence justifying the restriction on development which encourages idling traffic, irrespective of its actual effects or mitigation ? Please can you point me to the definition of the Air Quality Neutral standard to be achieved and how compliance would be assessed ? Please can you point me to how “*any impact on public health*” might be measured ?

Please note that I may recommend a proportionate approach to addressing air quality harm.

20. Policies WBC2 and WBC3

Town Council: Please can you confirm that improvements to existing public open spaces under Policy WBC2 are intended only where relevant and practicable as part of a development proposal ?

Town Council: for Policy WBC3, please can you explain how the play provision requirement relates to the needs arising from development and point me to the evidence supporting its threshold and scale of provision ? Please also confirm that the Town Council and/or a named community trust has formally agreed to accept responsibility for maintenance and how such long-term arrangements will be secured ?

Please note that I may recommend wording which requires appropriate management arrangements without assuming that a named third party will accept a facility. I also note that the Policy appears to refer to connectivity to something that does not yet exist.

21. Policy WBC4

Town Council: Policy WBC4 refers to the former Use Class D1. Please can you identify the community assets intended to be protected and the daily community needs that are missing ?

Please note that I will likely be recommending removal of the outdated use class reference without extending the Policy indiscriminately to every use within the replacement classes.

22. Policy WBC5

Town Council: Please note that Design and Access Statement is not required for every application and that planning application requirements are established through legislation/by local planning authorities. Re: part b) please can you point me to evidence of substantiating a necessary link between changes of use and crime reduction (eg, how

might the Policy apply when a building's layout doesn't provide for increased surveillance ?), or is the Policy predicated on new uses being required to demonstrate active monitoring etc ? Can you point to evidence that this part of the Policy is necessary, noting the aims of Policy DBE3 ?

23. Policy WBC6

Town Council: Criterion b) appears to seek to place a blanket ban on all commercial and external light signage unless for operational, safety or security reasons. If this is the case, please can you point me to the justification for an approach which would appear to ignore/run contrary to the advertisement consent regime amongst other things ?

24. Policy WBC7

Town Council: Please can you set out how it is intended for this Policy might be delivered and controlled as a land use planning policy ?

24. Other matters raised in representations

Several representations raise water supply, wastewater capacity, flooding and the relationship between growth and infrastructure, including comments from residents and from Thames Water.

Town Council: please could you comment with regards these matters ?

Thank you for your consideration of the above. The above is not meant as a critique of the Neighbourhood Plan. Answers to the questions will assist the examination. Advance notice of some of the likely recommendations is indicative of the necessary balance between achieving the aims of the Neighbourhood Plan, whilst ensuring that it meets the basic conditions.