



11 September 2020

By email
Andy Mead
Independent Examiner

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Dear Mr Mead

KEMBLE AND EWEN NEIGHBOURHOOD PLAN EXAMINATION: Clarification questions

Please find below Cotswold District Council's response to the questions you posed in your letter of the 26th August.

3. Policy KE7 Kemble and Ewen Design Guide Questions to the District Council

1. *Paragraph D.3 of the Cotswold Design Code (Appendix D) states that the Code is a material consideration in planning decisions i.e. it is not formally part of the Development Plan under Section 38(6) of the Planning and Compulsory Purchase Act 2004, which is the starting point for such decisions (prior to taking into account material considerations). Please confirm whether this interpretation is correct.*
2. *If so, is the Design Code considered to be a "living" document which could be altered/updated with the appropriate degree of consultation and publicity, without the necessity to do so through a formal local plan review process?*
3. *Does Policy EN2 represent a strategic policy with which, as a Basic Condition, the neighbourhood plan has to generally conform?*

3(1) Appendix D of the adopted Local Plan is a constituent part of the local plan, it is an extension of policy EN2. Appendix D, together with all other appendices were subject to public examination and the test of soundness. It is the starting point for determining planning applications.

3(2) Appendix D of the adopted Local Plan can only be updated through a review / update of the adopted local plan. It is not a supplementary planning document that can be updated outside of the local plan making process.

3(3) The Local Plan does not identify strategic and non-strategic policies. There are some policies that wholly fit the NPPF's definition of strategic policies e.g. Policy DS1. However, many policies take on a blended role containing both strategic and non-strategic elements. Policy EN2 and Appendix D contain both high level / strategic design aspirations and emphasise what "good design" means in Cotswold District. Equally, they also provide non-strategic detail to aid the development management system. The Council is content and supportive of Neighbourhood Development Plans to add and supplement the Council's Design Code where it emphasises local nuances, character and materials. For the avoidance of doubt and subject to the outstanding differences mentioned in question 3(6) being satisfactorily mitigated, the Council considers the Kemble and Ewen Design Code to be in general conformity with the adopted Cotswold District Local Plan.

Picking up on the issue raised with the parish council in 3(6), we confirm that we have met with the parish council's representative, and have shared a schedule of the issues we raised for the parish council's consideration and resolution. We share the parish council's view that these issues are non-contentious, and expect to share this with you in short order.

Yours sincerely

Joseph Walker

Community Partnerships Officer