

# **Somerford Keynes and Shorncote Neighbourhood Development Plan 2015-2031**

**A report to Cotswold District Council on the  
Somerford Keynes and Shorncote Neighbourhood  
Development Plan**

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## **Executive Summary**

- 1 I was appointed by Cotswold District Council in November 2019 to carry out the independent examination of the Somerford Keynes and Shorncote Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 7 February 2020.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new homes can be accommodated. In this context it proposes two local green spaces. It has a particular focus on maintaining the rural identity of the neighbourhood area.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Somerford Keynes and Shorncote Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**29 July 2020**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Somerford Keynes and Shorncote Neighbourhood Development Plan 2015-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Cotswold District Council (CDC) by Somerford Keynes 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) 2012 and its updates in 2018 and 2019. 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 to the neighbourhood area. It has a clear focus on maintaining the character of the neighbourhood area and identifying sensitive opportunities for new development.
- 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 modifications 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 plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both CDC 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 35 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.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am 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.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the appendices of the Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA Screening Report;
- the HRA Screening Report;
- the various elements of the evidence base of the Plan;
- the Parish Council's responses to my Clarification Note;
- the representations made to the Plan;
- the adopted Cotswold Local Plan 2011-2031;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 7 February 2020. 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 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.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control 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. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the two separate pre-submission versions of the Plan (June to July 2016 and March to April 2019). Its key feature is the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices. The whole effect is very professional. It provides confidence about the extent to which those responsible for producing the Plan have sought to engage the wider population of the neighbourhood area.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. They included:
- the public consultation on the proposed Vision, Aims, Objectives and Major Policy Areas of the emerging Plan July 2014;
  - the consultation with a structured focus group from the community on the translation of Objectives into specific policies November 2014;
  - the community presentation and consultation on specific policies in each of the then six major areas. January 2015;
  - the first pre-submission consultation on Plan (June-July 2016); and
  - the second pre-submission consultation on Plan (March-April 2019).
- 4.5 The Statement also provides details of the way in which the Parish Council specifically engaged with the community during the evolution of the Plan. They include:
- the presentations to meetings of the Parish Council;
  - the consultation events in the village hall;
  - the organisation of a housing needs survey;
  - the focus groups discussions;
  - the production of NDP News Updates;
  - the consultation events with local businesses; and
  - the organisation of technical meetings with CDC.

It is clear that the process has been proportionate and robust.

- 4.6 Appendix 2 of the Statement provides specific details on the comments received as part of the consultation process on the second pre-submission version of the Plan. It

identifies the principal changes that worked their way through into the submission version.

- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

#### *Representations Received*

- 4.9 Consultation on the submitted plan was undertaken by CDC for a six-week period that ended on 24 January 2020. This exercise generated comments from a range of organisations as follows:
- Cotswold District Council
  - Gloucestershire County Council
  - Historic England
  - Natural England
  - Habitats First Group
  - Hills Quarry Products Ltd
  - Ridge Consultants
- 4.10 Representations were also received from two local residents. I have taken all the various comments into account as part of the examination. Where it is appropriate to do so I comment about individual representations on a policy-by-policy basis in Section 7 of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Somerford Keynes. Its population in 2011 was 479 persons living in 466 households. This reflects the number of holiday homes in the neighbourhood area. The resident population occupies 210 of the overall 466 houses. It was designated as a neighbourhood area on 18 July 2014. It is an irregular area located to the south of Cirencester and is predominantly rural in character. The majority of the neighbourhood area is in agricultural use or within the Cotswold Water Park.
- 5.2 The neighbourhood area has three different elements of built development. The main element is Somerford Keynes. It is a traditional village with a range of residential properties of different ages. It has a very clear historic core at the northern end of the village based around All Saints Church, Manor House, Somerford Keynes House and the Baker's Arms P.H. The majority of the historic core is within the designated Conservation Area. The second element of built development is Shorncote. It is located approximately 500 metres to the north-east of Somerford Keynes. It consists of a looser structure of farmsteads and other buildings located around an infrequently-used church. The third element is the Cotswold Water Park.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. The southern part of the neighbourhood area is within the Cotswold Water Park. It includes important recreational facilities such as the Cotswold Country Park and Beach, the Waterlands Outdoor Pursuits and the Lower Mill Estate (which consists of holiday and leisure homes).

### *Development Plan Context*

- 5.4 For neighbourhood planning purposes the principal element of the development plan covering the neighbourhood area is the Cotswold Local Plan 2011-2031. It was adopted in August 2018.
- 5.5 The following policies in that Plan are particularly relevant to the various policies in the submitted Plan:
- |             |  |
|-------------|--|
| Policy DS3  | Small Scale Residential Development in Non-Principal Settlements.    |
| Policy DS4  | Open Market Housing Outside Principal and Non-Principal Settlements. |
| Policy H1   | Housing Mix and Tenure to meet local needs.                          |
| Policy EN1  | Built, Natural and Historic Environment.                             |
| Policy EN3  | Local Green Spaces.  |
| Policy EN11 | Conservation Areas.  |
- 5.6 The Plan was in the fortunate place whereby the final stages of its development were informed by the adopted Local Plan. This approach is immediately evident in the way

in which the submitted Plan seeks to craft detailed policies in the neighbourhood area which complement and add value to relevant Local Plan policies.

- 5.7 Somerford Keynes is not identified as a Principal Settlement in the Local Plan. In locations such as Somerford Keynes the District Council does not define settlement boundaries but instead development is managed through Policy DS3. The submitted Plan generally follows this strategic approach. However, Policy SKPOL1 includes specific policy advice on proposed development in Somerford Keynes itself. I address this matter in detail in the section of this report on that policy.
- 5.8 In June 2020 CDC committed to a partial update rather than a full update of the Local Plan. On this basis its Plan period will remain at 2031. The re-publication of the NPPF in 2018 and 2019 strengthened the role and recognition of neighbourhood plan and the role that they have in delivering housing numbers. In this context CDC has welcomed the approach in the submitted Plan towards encouraging appropriate small-scale development.

*Unaccompanied Visit*

- 5.9 I visited the neighbourhood area on 7 February 2020.
- 5.10 I drove into the neighbourhood area from the B4696 to the east. This gave me an initial impression of its setting and the character in general, and its relationship with the wider Cotswold Water Park in particular. It also highlighted its connection to the strategic road system at the A419.
- 5.11 I looked initially at the southern part of Somerford Keynes off Arlington Lane and Mill Lane. I saw the infant River Thames. I also saw the two proposed water-based local green spaces. I saw the way in which this part of the neighbourhood area provided an attractive natural context to the village to its south.
- 5.12 Thereafter I walked into the village of Somerford Keynes. I saw the distinction between its more modern elements (the southern end of Arlington Drive and Mill Lane) and its traditional historic core (the northern end of Arlington Drive around the Baker's Arms and All Saints Church). In the historic core I saw several well-maintained vernacular buildings including Somerford Keynes House, and the former School.
- 5.13 I then looked at All Saints Church. I saw the very well-maintained grounds and the surviving Saxon doorway in the original part of the nave North wall. I saw the way in which Manor House and the Church formed an attractive group of buildings to the west of the core of the village centre.
- 5.14 I then drove to the north of Somerford Keynes to Shorncote. I saw the well-maintained and now infrequently-used church. As with All Saints Church its grounds were very well-tended. I also saw the very attractive way in which the hamlet in general, and its farmsteads in particular, were arranged around the Church itself.

- 5.15 Thereafter I looked at the recreational facilities off Spratsgate Lane. I looked at the Cotswold Country Park and Beach and the Waterland Outdoor Pursuits. I saw the way in which they took advantage of the natural and man-made elements of the local environment.
- 5.16 I finished my visit by driving into the more southern part of the neighbourhood area. In doing so I saw the scale and significance of the Lower Mill Estate and its various residential units and tourist accommodation. I also saw the way in which the River Thames ran through this part of the neighbourhood area.

## 6 The Neighbourhood Plan and the Basic Conditions

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 and informative document. It is also proportionate to the Plan itself.

6.2 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;
- contribute to the achievement of sustainable development;
- 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).

6.3 I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

6.4 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 February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Somerford Keynes Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the Cotswold Local Plan 2011-2031;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 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.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 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 neighbourhood area. In particular it includes a series of policies on the scale, nature and location of new development. It proposes two local green spaces and a package of important views. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 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 (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID: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.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of the recommended modifications in Section 7 of this report relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

#### *Contributing to sustainable development*

- 6.11 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 policies for housing and tourism development (Policies 1-3 and Policy 4 respectively). In the social role, it includes policies on community facilities (Policies 9 and 11) and on proposed local green spaces (Policy 10). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on trees (Policy 14), biodiversity (Policy 15) and heritage (Policy 16). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in Cotswold District in paragraphs 5.4 to 5.8 of this report. It has presented an up-to-date context within which to prepare a neighbourhood plan.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications included elsewhere in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*European Legislation and Habitat Regulations*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, the District Council commissioned a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It helpfully includes the responses from the three statutory consultees. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.15 CDC has also produced a separate Habitats Regulations Assessment (HRA) of the Plan. In particular it assessed the impact of the Plan's policies on the North Meadow and Clattinger Farm Special Area of Conservation (SAC). The Assessment concluded that there is unlikely to be any impact on this SAC. On this basis the Screening Document concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site.
- 6.16 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. 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.
- 6.17 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. In addition, 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 the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

- 6.18 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 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 they 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 Justification sections associated with the policies.
- 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 neighbourhood area. 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. Nevertheless, it includes a series of Community Proposals. They are separately identified in the document from the land use policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Community Proposals are addressed after the policies.
- 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 section of the Plan (Sections 1-5)*

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a very professional way. It makes a very effective use of well-selected maps. A very clear distinction is made between its policies and the supporting text and Justifications. It also highlights the links between the Plan's objectives and its resultant policies. The Plan has been very well-prepared and it clearly addresses issues which are both important and relevant to the community. Several of the policies provide further local detail and identify specific features to supplement the approach taken in corresponding policies in the Local Plan.
- 7.9 The Foreword comments about the role and purpose of the Plan. It also identifies the initial members of the Steering Group and the role played by John Sweet. The Plan is

dedicated to his memory. I am sure that he would have been delighted at the outcome of the process.

- 7.10 Section 2 comments about the development of the Plan. It also provides background information on the wider planning policy context. Appendix 1 provides a very clear definition of the designated neighbourhood area. It also signposts interested parties to the comprehensive evidence base for the Plan.
- 7.11 Section 3 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It has a particular focus on its history, its built heritage and its demographic profile. It is a very helpful context to the neighbourhood area.
- 7.12 Section 4 comments about the Parish's strengths and weaknesses. It provides a context to the policies which follow later in the Plan.
- 7.13 Section 5 sets out the Vision and the Aims of the Plan. They are both distinctive and overlapping in nature.
- 7.14 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 of this report. In the majority of cases they represent fine-tuning of a Plan which otherwise takes a distinctive approach to the Parish and performs well when assessed against the basic conditions.

#### General Procedural Matters

- 7.15 The production of the Plan has been well-managed. All the various documents and appendices have been readily available as part of the examination process. However, I recommend a series of modifications to the way that the Plan is presented and structured so that it will be self-contained and easy to navigate in the event that it is 'made'. These modifications are procedural in their nature and do not affect its overall integrity or the relevant details.
- 7.16 The first procedural matter is in relation to the detailed maps in the appendices. To ensure their effectiveness and relevance to the policies in the Plan itself they should be included in the Plan document itself. This applies to Appendices 1,2,4,7 and 8. Appendix 9 does not need to be included within the main body of the Plan. However, it could be usefully be retained as an appendix to the Plan.
- 7.17 In this context I recommend that the various maps currently within the appendices and the Plan itself are renumbered. Where I have recommended specific modifications later in this report that include any reference to a map, I have left the flexibility for the two councils to number the maps as they see fit once the exercise has been undertaken.

*Include the maps in the following appendices into the main body of the Plan in the appropriate places:*

- A1 Designated neighbourhood area
- A2 Somerford Keynes Defined Limits
- A4 Lower Mill Area Estate Holiday Home Development Boundary
- A7 Key Vistas
- A8 Important Trees

7.18 The second matter overlaps with the first matter. Any neighbourhood plan needs to identify the designated neighbourhood area and the Plan period. Whilst the submitted Plan fulfils this requirement the way in which it does so is less than clear. In this context I recommend that Appendix 1 is inserted in the Introduction of the Plan (Section 2). I also recommend that the Plan period (as outlined on the front cover) is also included in Section 2.3 of the Plan.

*In Section 2.3 replace 'appendix 1' with 'Map [insert number]'*

*At the end of Section 2.3 add: 'The Plan period is 2015-2031'*

7.19 The third matter refers to the name of the Plan. The submitted documents use a series of similar but non-identical descriptions. The front cover describes the Plan as the 'Somerford Keynes Parish Council NDP'. Paragraph 2.4 describes the Plan as the 'Somerford Keynes NDP'. The header describes the Plan as the 'Somerford Keynes and Shorncote NDP'. In its response to the clarification note the Parish Council expresses a preference for the latter description. I am satisfied that such a title would be appropriate. It accurately and inclusively describes the neighbourhood area. I recommend accordingly.

*Apply a consistent description of the Plan as the 'Somerford Keynes and Shorncote Neighbourhood Development Plan' throughout the document.*

SKPOL1 - Residential Development

7.20 This is an important policy in the wider context of the Plan. It sets out a supporting policy for new development in 'defined limits' of Somerford Keynes. The policy is associated with a series of distinctive environmental and design criteria.

7.21 CDC comments that its expectation is that the focus of development will remain broadly consistent with its current strategy of directing development towards the principal settlements in the District. As such it welcomes Somerford Keynes' position of encouraging some small-scale development without allocating specific sites.

7.22 CDC draws my attention to the technical conflict between the approach in the Local Plan and that in the submitted neighbourhood plan towards housing provision. Policies D2 and D3 of the adopted Local Plan set out the strategic context. In particular Somerford Keynes is not defined as a principal settlement (DS2) and therefore does not have a settlement boundary. As such new development in the neighbourhood area would be determined against the approach in Policy DA3 (Small Scale Residential Development in Non-Principal Settlements).

- 7.23 The submitted Plan does not attempt to defined a traditional settlement boundary for Somerford Keynes. However, it identifies defined limits of linear development (one in each compass point). The effect of this approach would be to restrict the extent of further linear growth in the village. In general terms I am satisfied that this approach is in general conformity with the strategic policies in the development plan. Whilst its approach is subtly different from that of Policy DS2 of the Local Plan its effect on the control of new development would be very similar. As CDC comment any differences would be restricted to the neighbourhood area and would not impact on the wider strategic approach across the District. In any event the whole purpose of neighbourhood planning is to allow local communities to refine strategic policies to reflect local circumstances.
- 7.24 In addition I am satisfied that the approach taken in the submitted Plan is appropriate to the characteristics of the built-up part of the village. In particular it sensitively takes account of its linear nature along Arlington Drive running in a north-south direction with Water Lane running off to the east and with Church Lane running off to the west to the Church and Somerford Keynes Manor.
- 7.25 Within this overall context I recommend detailed modifications to the policy so that it has the clarity required by the NPPF. The first clarifies that the policy applies within the defined limits of Somerfield Keynes. As submitted this important matter features as a criterion in the policy rather than in its initial section. This modification also overcomes any potential uncertainty in the relationship between criteria b) and c).
- 7.26 The second is in relation to key views. I sought the Parish Council's comments on criterion e) which seeks to ensure that 'existing open countryside views' are not adversely affected. I was advised that the linear nature of Somerford Keynes results in a situation where most properties enjoy a rural view. My attention was also drawn to Policy 13 on Key Views. I recommend that the criterion is modified accordingly. I also recommend a detailed change to the wording used in this criterion.
- 7.27 The third relates to the expectations of the final criterion in the policy. In criterion h) I recommend that the requirement for proposals to 'contribute to and enhance' the identified matters is related to the practicality of doing so. I also recommend that it uses wording better suited to a development plan policy. In some cases, development proposals will be able to preserve the features identified. In other cases, they may also be able to enhance such features.

**In the opening part of the policy replace 'in Somerfield Keynes' with 'within the defined limits of Somerford Keynes (shown on the Map [insert number])'**

**Delete b)**

**In e) insert 'in general, and the Key Views as included in Policy 13 in particular' after 'views'.**

**In h) add at the beginning 'conserves and where practicable'**

## SKPOL2 - First Option to Buy for Local People

- 7.28 This policy seeks to address local housing needs and to provide a mechanism for those residents wishing to downsize to a property within their existing settlement. It requires that new housing developments will be granted subject to a condition that for the first three months the dwelling concerned is marketed to persons who meet a specified local residency criterion.
- 7.29 I sought clarification from the Parish Council on its intentions for the policy and how it could be applied through the development management process by CDC. It signposted me to the Justification in this section of the Plan and the use of planning conditions for other aspects of housing development in the planning system.
- 7.30 I have considered the details of the policy very carefully given its importance to the local community. However, I am not satisfied that it meets the basic conditions. I have come to this conclusion for three related reasons. The first is that the Plan does not include any evidence about the way in which new development would or would not otherwise deliver housing in the neighbourhood area suitable for local residents to downsize. In this context the policy would otherwise apply to houses which have been designed in a more general fashion. In any event the limited opportunities for new housing development in the neighbourhood area that would arise from the delivery of strategic policies in the Local Plan and Policy SKPOL1 of this Plan may be commissioned by the intended occupier. As such the policy approach would not have any effect. Secondly the marketing of a property is different from the technical and land use nature of the planning process. As submitted the policy provides no guidance on when the three months local marketing window would begin and at the price it would be marketed. Thirdly the policy proposes that CDC would apply a planning condition on a local marketing window to residential planning permissions. However, as CDC comment the sale and occupation of any dwelling is not part of the planning process. In these circumstances the imposition of any such planning condition would not have regard to paragraph 55 of the NPPF. In particular a planning condition of this nature would not be relevant to the planning process, would not be enforceable and would not have the necessary precision.
- 7.31 In these circumstances I recommend that the policy and the Justification are deleted. However, to recognise the potential opportunities to provide a connection between the development of new dwellings in the neighbourhood area the ambitions of local residents wishing to downsize in their local area I recommend that the matter is reproduced in a modified form as a Community Proposal.

### **Delete the policy.**

*Delete paragraphs 7.3.2.1 and 7.3.2.2.*

*Include a new Community Proposal at the end of section 7.3.1 to read:*

*'Community Proposal [insert number]*

*The Parish Council will work with applicants and developers to ensure that local residents are aware of the timetable and the arrangements for marketing new houses in the neighbourhood area. It will particularly look to do so where the properties concerned are seeking to address local housing needs or would provide smaller homes which may allow existing residents to downsize within the security of their known community'*

#### SKPOL3 - Holiday Homes

- 7.32 This policy comments that holiday homes will only be supported within the Lower Mill Estate holiday home development boundary (as identified in Appendix 4). I looked at this part of the neighbourhood area as part of my visit. It displayed the characteristics of a holiday home development and was successfully taking advantage of its waterside access in the Cotswold Water Park.
- 7.33 CDC correctly comment that the planning process makes no distinction between a permanent residence and a holiday home. In addition, I am also concerned that the format of the policy provides no overlap or relationship with Policy SKPOL1 or other elements of the development plan.
- 7.34 In these circumstances I recommend that the policy is reconfigured so that it offers support for holiday homes in the Mill Estate (in a positive sense) rather than preventing their development elsewhere in the neighbourhood area (as included in the submitted policy). This approach also takes account of the general location of the neighbourhood area in a countryside location where new residential development would not otherwise be supported.

#### **Replace 'will be permitted only' with 'will be supported'**

#### SKPOL4 - Tourism and Use of Former Mineral Extraction Sites

- 7.35 This policy offers support for small-scale, low-intensity tourism, recreational and business activity on former gravel extraction sites subject to a series of environmental and traffic criteria.
- 7.36 I am satisfied in general terms that the policy meets the basic conditions. It takes account of the particular circumstances of the neighbourhood area. I am also satisfied that it does not comment about 'excluded matters' for the purposes of neighbourhood planning. Its effect is on the future use of former minerals workings rather than seeking to provide policy guidance on matters which are otherwise controlled by Gloucestershire County Council (GCC) in its capacity as the minerals planning authority.
- 7.37 GCC suggests that the policy includes an additional criterion to ensure that any new development takes account of existing restoration activities and conditions. The Parish Council indicated its support for such an approach in its response to the

clarification note. I recommend accordingly. Plainly the incorporation of this criterion will not have any direct impact on the restoration conditions themselves on a site-by-site basis.

**In the opening part of the policy replace ‘if’ with ‘subject to the following criteria:’**

**Add an additional criterion to read:**

**‘it takes account of the implementation of measures put in place as part of the approved restoration and aftercare works associated with the former minerals extraction of the site concerned’**

SKPOL5 - Keynes Country Park

- 7.38 This policy supports the development of recreational activities within the Keynes Country Park subject to three criteria. The first comments about the relationship of such proposals to the ambitions of the leaseholders to achieving and retaining Natural England’s Country Park accreditation. Such accreditation would be welcomed by all concerned. However, in itself it is not a land use or a planning matter. As such I recommend a modification to ensure that the criterion has a more general format. Paragraph 8.3.1.8 of the Plan comments about the accreditation scheme. I recommend that there is an explicit link between the first criterion of the policy and this paragraph.

**Replace the first criterion with: ‘they facilitate and enhance the biodiversity and natural landscape of the Park’**

*At the end of paragraph 8.3.1.8 add: ‘Proposals which set out to achieve accreditation with this scheme will relate well to the first criterion of Policy SKPOL5’*

SKPOL6 - Footpaths and Cycleways

- 7.39 This policy relates to footpaths and cycleways. It has two related parts. The first offers support to proposals for new cycleways, pavements and footpaths where they enhance or extend existing provision. Map 9.3.1.4 helpfully shows a range of such opportunities. The second part identifies that development proposals which encroach upon such access facilities should make provision for their restoration, maintenance or enhancement.
- 7.40 The approach taken is appropriate to the neighbourhood area. It reflects the extensive network of footpaths within its area, some of which I saw on my visit. I recommend detailed modifications so that the policy has the clarity required by the NPPF. In particular I recommend that the first element of the policy acknowledges that some of the works involved may be permitted development. Otherwise the policy meets the basic conditions.

**At the beginning of the first part of the policy add: ‘Insofar as planning permission is required’**

**In the second part of the policy replace ‘Planning applications’ with ‘Development proposals’**

#### SKPOL7 - Flooding and Drainage Infrastructure

- 7.41 This policy seeks to provide a local dimension to Policy INF8 of the adopted Local Plan. In doing so it identifies four locations in the neighbourhood area which are particularly sensitive to flooding.
- 7.42 However as submitted the policy does not adopt a policy format. It simply identifies that developments should be sensitive to flood risk within the Parish, and within the four identified locations in particular. I recommend that the policy is recast so that it has the clarity required by the NPPF. In doing so I also recommended consequential modifications to the Justification so that the complementary nature of the neighbourhood plan policy and Policy INF8 of the Local Plan is clear and transparent.

**Replace the opening part of the policy with:**

**‘Development proposals should demonstrate the way in which they have addressed flood risk and surface water run off issues in a sensitive fashion in the neighbourhood area in general, and within the following locations in particular:’**

**After the list of bullet points add:**

**‘Development proposals which would result in an unacceptable increase in the risk of flooding from rivers, watercourses or from surface-water run-off will not be supported’**

*At the end of paragraph 9.3.2.1 add:*

*‘In this context the two policies are complementary in the way they would operate within the neighbourhood area. In particular Policy SKPOL7 identifies four locations within the Parish which are the most sensitive to flood risk’*

#### SKPOL8 - Telecommunications Infrastructure

- 7.43 This policy supports proposals for development which would improve broadband and mobile services in the neighbourhood area. It requires that any such proposals are sympathetic to the local environment and that where possible that they utilise existing structures.
- 7.44 The policy takes an appropriate approach to this matter in line with national and local policies. I recommend a detailed modification to the wording used so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

**Replace ‘possible’ with ‘practicable’**

SKPOL9 - Protection of Valued Community Facilities

- 7.45 This policy sets out to maintain or extend the use of identified community facilities. It also supports the development of new community facilities.
- 7.46 The policy identifies three key community facilities (the Village Hall, the Parish Church and the Baker’s Arms). I saw their importance to the local community when I visited the neighbourhood area.
- 7.47 The general approach of the policy meets the basic conditions. However, for clarity I recommend the order of the sections in the policy is reversed so that the community facilities are identified initially. I also recommend that the wording is modified to designate the Key Community Facilities within the context of the Plan-making process.

**Reverse the order of the two paragraphs.**

**In what would be the first paragraph replace ‘The Key Community Facilities are:’ with ‘The Plan designates the following as Key Community Facilities’**

SKPOL10 - Local Green Spaces

- 7.48 This policy proposes the designation of two Local Green Spaces (LGS). They are largely water based and reflect the location of the neighbourhood area within the Cotswold Water Park.
- 7.49 The two proposed LGSs are detailed in Appendix 6. This work assesses the way in which their intended designation would relate to the criteria in paragraph 100 of the NPPF. The work undertaken is exemplary.
- 7.50 Having considered all the evidence I am satisfied that the proposed LGSs meet the basic conditions in general, and the three criteria for LGS designation as set out in the NPPF in particular. They are within very close proximity to the community that they serve and are local in scale. I am also satisfied that they are demonstrably special to the local community.
- 7.51 In addition, I am satisfied that the proposed designations accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. Their designation does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward

during the examination that would suggest that the local green spaces would not endure until 2031.

- 7.52 The policy largely takes the matter of fact of approach anticipated by the NPPF. However, it largely refers to the equivalent policy in the adopted Cotswold Local Plan (Policy EN3). Paragraph 10.3.2.2 of the Justification advises that any development proposals that would affect the two proposed LGSs would be assessed against the second element of that policy. It comments that ‘development will only be permitted within a Local Green Space where there are very special circumstances, which outweigh the harm to the Local Green Space’
- 7.53 In this context there is no need for a neighbourhood plan policy to repeat an equivalent policy in an adopted Local Plan. In any event the submitted policy does not have the clarity required for a development plan policy as it requires the reader of the neighbourhood plan to look at the Local Plan to understand its intentions. In this context I recommend that the second part of the policy is replaced with a more general approach which has regards to the NPPF. This approach is consistent with that in the Local Plan. I also recommend consequential modifications to paragraph 10.3.2.2 of the Plan.

**At the end of the policy add a free-standing section to read:  
‘Proposals for development within the two designated Local Green Space will only be supported in very special circumstances’**

*In the second sentence of paragraph 10.3.2.2 replace ‘in the Local Green Space in this Plan’ with ‘in the Local Green Spaces designated in that Plan’*

*Add a third sentence in the paragraph to read: ‘Policy SKPOL10 applies the matter of fact policy approach included in paragraph 101 of the NPPF. This approach is entirely consistent with that in Policy EN3 of the adopted Local Plan’*

SKPOL11 - New Community Facility

- 7.54 This policy offers support for the development of new community facilities in the neighbourhood area. Two such types of development are specifically identified – the first is for a retail facility and the second is for new sports or recreational facilities. The policy is split into two separate parts to reflect these particular uses.
- 7.55 I recommend detailed modifications to the wording to both elements of the policy so that their purposes are clear. Otherwise it meets the basic conditions.

**In the first part of the policy replace the second sentence with: ‘In this context a village shop in its own right or to consolidate an existing community facility will be particularly supported’**

**In the second part of the policy replace ‘if appropriate’ with ‘as appropriate to its location’**

## SKPOL12 - Outdoor Advertising and Signage

- 7.56 This policy comments about outdoor advertising and signage. It seeks to ensure that any required advertising is appropriate to the rural nature of the neighbourhood area and to the character and design of its built environment.
- 7.57 CDC queries the extent to which the policy adds any value above the approach included in the adopted Local Plan in general, and in the Cotswold Design Guide (Appendix D) in particular. Paragraph 132 of the NPPF provides an important insight into national policy on this matter. It comments that:

*'the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'*

- 7.58 In all the circumstances I recommend that the policy is deleted. In particular it largely repeats the approach taken in the adopted Local Plan. The deletion of the policy will have no direct effect on the way on which any applications for express consent for advertising would be determined.

### **Delete the policy**

*Delete paragraphs 10.3.4.1-10.3.4.3*

## SKPOL13 - Key Views

- 7.59 This policy seeks to provide a local dimension to Policy EN4 of the adopted Local Plan. In doing so it identifies four key views that it considers meet the criterion included in the second part of Policy EN4 of the Local Plan. They are shown in Appendix 7.
- 7.60 I looked at the key views when I visited the neighbourhood area. The reasons for their identification in the Plan was clear and obvious. CDC support their designation.
- 7.61 In its response to the clarification note the Parish Council acknowledges that the submitted policy is not actually a policy. Its approach is to identify key views in the neighbourhood area to support the approach taken in Policy EN4 of the Local Plan. In this context I recommend that the policy is recast so that it becomes a free-standing policy that gives appropriate protection to the identified key views. Given the circumstances of the origins of the policy it is inevitable that there is a degree of overlap between the recommended modified policy and Policy EN4 of the Local Plan. Nevertheless, the neighbourhood plan appropriately builds on a Local Plan policy and provides neighbourhood area-specific details in a way which would have been inappropriate for the Local Plan.

- 7.62 I also recommend additions to the Justification associated with this policy so that the overlaps between the two policies are clear and transparent.

**Replace the opening element of the policy with:  
‘The Plan identifies the following Key Views (as shown in Map [insert number])  
in the neighbourhood area’**

**In the series of sites add after each bullet point the site number.**

**Replace the final paragraph with: ‘Development proposals should take account of the identified key views and be designed and located to safeguard their integrity. Any proposal which would have an unacceptable impact on an identified key view will not be supported’**

*At the end of paragraph 11.3.1.1 add: ‘Policy SKPOL13 adds a local dimension to Policy EN4 of the adopted Local Plan. It identifies four Key Views in the neighbourhood area. It then applies the policy principles in the Local Plan policy to ensure that new development proposals take account of their integrity and their wider importance in the neighbourhood area. Where it necessary to do so development proposals should include details about the way they have been designed to take account of the Key Views. In some circumstances this could be pursued through the submission of a Landscape and Visual Impact Assessment with the relevant planning application’*

SKPOL14 - Trees, Hedgerows and Woodland

- 7.63 This policy seeks to provide a local dimension to Policy EN7 of the adopted Local Plan. In doing so it identifies eight groups of trees or woodlands that it considers meet the criterion included in Section 1 of Policy EN7 of the Local Plan. They are shown in Appendix 8.
- 7.64 I looked at the eight identified areas when I visited the neighbourhood area. The reasons for their identification in the Plan was clear and obvious. CDC support their designation.
- 7.65 In its response to the clarification note the Parish Council acknowledges that the submitted policy is not actually a policy. Its approach is to identify trees in the neighbourhood area which meet the four criteria in Policy EN7 of the Local Plan. In this context I recommend that the policy is recast so that it becomes a free-standing policy that gives appropriate protection to the identified groups of trees. Given the circumstances of the origins of the policy it is inevitable that there is a degree of overlap between the recommended modified policy and Policy EN7 of the Local Plan. Nevertheless, the neighbourhood plan appropriately builds on a Local Plan policy and providing local details in a way which would have been inappropriate for the Local Plan.

- 7.66 I also recommend additions to the Justification associated with this policy so that the overlaps between the two policies are clear and transparent.

**Replace the opening element of the policy with:**

**‘The Plan identifies the following series of sites (as shown in Map [insert number]) as areas of important trees in the neighbourhood area’**

**In the series of sites add after each bullet point the site number.**

**Replace the final paragraph with:**

**‘Development proposals should take account of the identified areas of important trees. Any proposal which would have an unacceptable impact on an area of important trees will not be supported.**

**Where trees, woodland or hedgerows are proposed to be removed as part of development in identified areas of important trees which is otherwise acceptable, compensatory planting should be included within the development proposal concerned. In these circumstances, development proposals should, where appropriate, have regard to the potential for new or extended woodland to assist in carbon storage and to be a potential local source of biomass or biofuel’**

*At the end of paragraph 11.3.2.1 add: ‘Policy SKPOL14 adds a local dimension to Policy EN7 of the adopted Local Plan. It identifies a series of areas of important trees which fulfil the criteria included in the Local Plan policy. It then applies the policy principles in the Local Plan policy to the neighbourhood area’*

SKPOL15 - Biodiversity Habitats

- 7.67 This policy seeks to provide a local iteration of Policies EN8 and EN9 of the adopted Local Plan. In particular table 11.3.2.6 of the Plan identifies species and habitats which are locally-characteristic.
- 7.68 The policy approach is well-considered. However, I recommend that the reference to the Local Plan policies in the policy itself is repositioned into the supporting text. Otherwise the policy meets the basic conditions.

**In the opening part of the policy delete ‘in accordance.... Local Plan 2011-31’**

**Relocate the ‘and/or’ at the beginning of the second and third (solid) bullet point to the end of the first and second (solid) bullet points**

*At the end of paragraph 11.3.2.3 add:*

*'Policy SKPOL15 provides a local iteration of Policies EN8 and EN9 of the adopted Local Plan. In particular table 11.3.2.6 of the Plan identifies species and habitats which are locally-characteristic. It has been designed to act in a complementary way to Policies EN8 and EN9 of the Cotswold Local Plan as part of the wider development plan'*

#### SKPOL16 - Heritage

- 7.69 This policy seeks to provide a local dimension to Policies EN12 and 13 of the adopted Local Plan. In doing so it identifies four groups of buildings that it considers are important non-designated heritage assets in the neighbourhood area. They are shown in Appendix 10.
- 7.70 I looked at the proposed assets when I visited the neighbourhood area. The reasons for their identification in the Plan was clear and obvious. CDC support their designation.
- 7.71 In its response to the clarification note the Parish Council acknowledges that the submitted policy is not actually a policy. Its approach is to identify important non-designated heritage assets in the neighbourhood area to support the approach taken in Policies EN12 and 13 of the Local Plan. In this context I recommend that the policy is recast so that it becomes a free-standing policy that gives appropriate protection to the identified key views. Given the circumstances of the origins of the policy it is inevitable that there is a degree of overlap between the recommended modified policy and the Local Plan policies. Nevertheless, the neighbourhood plan appropriately builds on a Local Plan policy and provides local details in a way which would have been inappropriate for the Local Plan.
- 7.72 I also recommend additions to the Justification associated with this policy so that the overlaps between the two policies are clear and transparent.

**Replace the opening element of the policy with:**

**'The Plan identifies the following groups of non-designated heritage assets (as shown in Map [insert number]) in the neighbourhood area'**

**In the series of sites in the second solid bullet point add after each bullet point the site number.**

**Replace the final paragraph with:**

**'Development affecting a non-designated heritage asset will be supported where it is designed sympathetically having regard to the significance of the asset, its features, character and setting.'**

**Where it is possible to do so development proposals should seek to enhance the character of a non-designated asset. Proposals for the demolition or the total loss of a non-designated heritage asset will be assessed in a balanced**

**fashion taking account of the significance of the asset and the scale of the proposed harm or loss'**

*At the end of paragraph 11.3.1.1 add: 'Policy SKPOL16 adds a local dimension to Policies EN12 and 13 of the adopted Local Plan. It identifies important non-designated heritage assets in the neighbourhood area. It then applies the policy principles in the Local Plan policy to ensure that new development proposals take account of their integrity and wider importance in the neighbourhood area'*

Community Proposals

7.73 The plan includes a series of Community Proposals. Paragraph 6.2 highlights that they have been developed as part of the Plan preparation process and cannot influence the determination of planning applications. It draws attention to their relationship to the Action Plan of the Parish Plan (2012).

7.74 Planning Practice Guidance comments that Community Proposals should be captured in a separate part of the Plan. However, the submitted Plan incorporates them within the topic-based sections. I have considered this matter carefully. On balance I am satisfied that the approach taken is appropriate for two reasons. The first is that they are displayed in a different way to the policies. The second is that there are circumstances where the Justifications overlaps between land-use policies and Community Proposals and/or where the Community Proposals supplement the approach taken in an associated policy.

7.75 The Plan includes the following Community Proposals:

CP1 Keynes Country Park

CP2 Enhancement of pedestrian safety

CP3 Footpaths and cycleways

CP4 Road Safety

CP5 Flooding and drainage

CP6 Broadband and Telecommunications Provision

CP7 Conservation Area Management Plan

7.76 I am satisfied that in their different ways the seven Community Proposals are appropriate to the neighbourhood area and distinctive in their approach and level of detail. Elsewhere in this report I have recommended that a submitted policy becomes a Community Proposal.

Other matters - General

7.77 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 CDC 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 (where necessary) to achieve consistency with the modified policies.*

#### Monitoring and Review of the Plan

- 7.78 Section 12 of the Plan correctly comments about the relationship of the submitted Plan with the development plan in wider District. It comments in particular that the Plan will be reviewed on a regular basis to ensure that it remains in conformity with national and local legislation and policies and that it continues to be a positive Planning tool.
- 7.79 In its representations to the Plan CDC highlighted its initial work on the review of its Local Plan with an aim to secure its adoption in 2023. The intention at that time was to extend the Local Plan period until 2041. More recently CDC has reviewed its approach on this matter and decided to undertake a partial update of the Local Plan. The Local Plan's end date of 2031 will be unaffected by the partial update. In this context I recommend that the Parish Council considers the need for a review of any 'made' neighbourhood plan within twelve months of the adoption of the emerging partial update of the Local Plan. How the Parish Council proceeds will be a matter for its own judgement.

*At the end of the first paragraph of Section 12 add: 'Cotswold District Council has now started the initial work on a partial update of its Local Plan with an aim to secure its adoption by 2023. This process may have important implications for the ongoing effectiveness of the neighbourhood plan'*

*At the end of 'It is proposed.... regular basis.' add: 'The Parish Council will consider the need or otherwise for a review of this neighbourhood plan within twelve months of the adoption of the emerging update of the Local Plan'*

#### Other Matters – Factual Errors

- 7.80 The representation from Lower Mill Estate comments about the inaccuracy of the definition of the Key Wildlife Sites on Map 7 of Appendix 9. The point is acknowledged by the Parish Council. I recommend accordingly.

*Include the correct definition of the Swill Brook Lakes Reserve on Map 7 of Appendix 9.*

## 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 2031. 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 Somerford Keynes and Shorncote Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to Cotswold District Council that subject to the incorporation of the modifications set out in this report that the Somerford Keynes and Shorncote Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 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 18 July 2014.
- 8.5 I am grateful to everyone who has provided information and assistance throughout the examination. The responses to the Clarification Note were particularly helpful.

**Andrew Ashcroft**  
**Independent Examiner**  
**29 July 2020**