



16 January 2023

INDEPENDENT EXAMINATION OF THE FAIRFORD NEIGHBOURHOOD PLAN: JOINT RESPONSE TO THE EXAMINER'S CLARIFICATION QUESTIONS

On 21 December 2022, the Independent Examiner for the Fairford Neighbourhood Development Plan issued a number of clarification questions, directed to Fairford Town Council (FTC) and Cotswold District Council.

To facilitate easy review for all parties, FTC and CDC are happy to respond via this joint response – attributing responses as appropriate.

In response to a number of the points raised by the examiner, and representations made by other parties, FTC would like to take this opportunity to share its thoughts on how the Neighbourhood Development Plan could be amended. This is appended to this document as appendix 2.

1. Question to both FTC and CDC. Policy FNP1.1 Development Boundaries.

Paragraph 6.5 indicates that the housing site F_35B allocated by Policy S5 of the Cotswold District Local Plan (CDLP) has been removed and I note the Sustainability Appraisal states that since the adoption of the CDLP the site has been withdrawn and is no longer available for development.¹ However, comparison of CDLP Inset 4 – Fairford with the FNP Map B2 shows land to the east of site F_35B has also been deleted from the Development Boundary.

a) Has this additional land been deleted for the same reasons as the withdrawal of F_35B?

CDC:

No, F_35B has been deleted because the site allocation is no longer available for development. F_35B is a pastoral field that is part of Milton Farm.

The additional land to the east and south-east of F_35B is two agricultural fields and a section of woodland, which are also part of Milton Farm. This proposed additional area to be removed from the Development Boundary is undeveloped greenfield land. This land has never been made available for development within any of CDC's calls for sites and there is no planning application history on the land. If F_35B is to be deleted and the Development Boundary is scaled back, CDC does not object to this additional area of undeveloped land also being removed from within the Development Boundary. This would be consistent with the purpose of the Development Boundary, which identifies the extent of the settlement that is developed.

¹ SA Report: page 18 paragraph 4.12.

FTC:

FTC agree with CDC's response to this question.

b) Does CDC accept that CDLP housing allocation F_ 35B is no longer deliverable?

CDC:

Yes, CDC has been informed by the landowner that this site is no longer available for development.

c) Are there other examples where the boundaries do not coincide (such as the small spike of land north-east of LGS 8 & 9 iii shaded green – Coln House Playing Field) and please could these be explained?

CDC:

CDC has undertaken a comparison of the Fairford Development Boundary, as shown within the adopted Local Plan Policies Map, and the revised Development Boundary shown within the proposed Fairford NP Development Boundary Area (Map B2). Other than the area around F_35B and the small spike of land north-east of LGS 8 & 9 iii shaded green, we cannot see any further differences between the two versions of the Development Boundaries.

Regarding the small spike of land north-east of LGS 8 & 9 iii that has been excluded from the Development Boundary, this appears to be part of a large residential garden on the edge of the built up area. This land has not been made available for development within CDC's calls for sites and there is no planning application history on the land. The NPPF definition of previously developed land excludes land in built-up areas such as residential gardens, so the land is technically greenfield undeveloped land.

The spike of land is adjacent to a public footpath and is therefore viewed as part of the open space between Fairford and Horcott. Accordingly, CDC does not object to the Development Boundary being redrawn to exclude this piece of land, as the revision would be consistent with the purpose of the Development Boundary.

FTC:

FTC agree with CDC's response to this question.

2. **Question to FTC.** What were the dates of the Regulation 14 Consultation?

FTC:

28 September to 09 November 2020

3. **Question to FTC.** Policy FNP3.1 I) Should Riverside Gardens be included on Map D: Community Facilities? If so, please show where?

FTC:

This 'Riverside Garden' is public 'garden' area between the footpath running past the NE side of the Coln House playing field and the river. Please find appended to this response as appendix 1, a version of Map D with an annotation showing this location.

4. **Question to FTC.** Policy FN)12.1 k) is a statement rather than a policy. Should this have an addition such as “.... and will not be supported”?

FTC:

Having reviewed our evidence, we have noted that the statement is incorrect regarding cul-de-sacs (since there are in fact a number of these in the older parts of Fairford). Since this policy requirement would have to cover a range of situations, we would suggest replacing with the following: “Crescents and ‘cul-de-sac’ estates are not typical of old Fairford and are not encouraged in new developments. Due consideration should be given to pedestrian/cycle connectivity and vehicle access resilience in the case of larger developments.”

We believe this still flexible requirement is sufficient and consistent with the guidance in both the Manual for Streets and the National Design Code, which will be material considerations in any planning decisions.

5. **Question to FTC.** Should the Key on Maps B and B1 refer to FNP17 in relation to the area which is coloured blue in the south east of the Plan area and not FNP16?

FTC:

Yes. (This error has occurred because the policy was split.) Furthermore, the site of Coln House School should not now be coloured, since it is no longer referred to in the policy because development has been proved (pending issue of consent notice) - This also applies to map B2.

We note a further error on Map B2, in the key. The Fairford Horcott Gap policy is listed as Policy FNP 8 but it should be FNP 9.

6. **Question to CDC (Comments from FTC welcome).** This relates to the Regulation 16 Consultation response from the Defence Infrastructure Organisation (DOI), dated 12 December 2022.

RAF Fairford

The DOI notes that the process and procedure for safeguarding strategic military aerodromes is defined within 'The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002'. In accordance with the requirements of that Direction, safeguarding plans are prepared and provided to Local Planning Authorities by the Department of Levelling Up, Housing and Communities. These plans communicate the requirement to consult the Ministry of Defence (MOD) where specific forms of development are proposed, and the Direction sets out the Local Planning Authority's obligations with regard to both consultation and what actions are to be taken depending on responses to that consultation.

The Neighbourhood Plan area is washed over by statutory safeguarding zones drawn to ensure that the operation and capability of both RAF Fairford and RAF Brize Norton is not compromised or otherwise degraded by development. It is requested that reference is made in the Neighbourhood Plan to a requirement that new development does not compromise the operation or capability of Defence sites and assets.

Policy FNP14 provides guidance for a new low or zero carbon residential development on land identified between Leafield Road and Hatherop Road. This site falls within statutory safeguarding zones drawn to preserve the operation and capability of both RAF Fairford and RAF Brize Norton. The requirement for safeguarding consultation would be triggered by proposals for development within the designated policy area that exceeds a height of 15.2m above ground level; would be clad, finished, or constructed of metallic materials; or would include or incorporate a refuse tip, reservoir, sewage disposal works, nature reserve or bird sanctuary. In addition, consultation should take place where the development introduces or contains any area of open water, whether permanent or temporary, or Sustainable Drainage Systems (SuDS). The same circumstances apply to development at the Whelford Road Industrial Estate under Policy FNP17.

The area to which the Neighbourhood Plan would apply falls within an area characterised by bodies of water, many formed as a result of mineral extraction and working. This proliferation of waterbodies contributes to a substantial population of waterfowl and other species which have the potential to be hazardous to aviation safety. This may be relevant to the provisions of Policy FNP4 Managing Flood Risk. It is requested that an additional provision is added that makes clear that where development includes the provision of attenuation or drainage basins, or incorporates any SuDS, there will, due to statutory safeguarding concerns, be a requirement for an assessment of the potential for the development to form an environment attractive to birds and, where necessary, mitigation measures shall be incorporated to minimise the potential of the development to provide such an attractive environment.

Should the issues raised by the DOI be addressed primarily in the review of the CDLP due to their applicability at a wider scale than an individual neighbourhood plan? If not, is the CDC able to suggest the phrasing of an appropriate policy aimed at consultation on the implications of development proposed at Policies FNP14 and FNP17?

CDC:

The National Planning Policy Framework explains plans should, “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”² ‘The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002’, provides adequate guidance and procedure to guide the determination of planning applications within safeguarded areas³.

² NPPF Paragraph 16(f)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

³ Annexe 2: Arrangements for safeguarding aerodromes, technical sites and military explosives storage areas international and national aviation background: Aerodrome safeguarding maps: “Birdstrike” hazard <https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002#annexe-1---the-circular>

The adopted Local Plan at paragraphs 11.5.12 and 11.5.13, explains, “*The Council will seek through its development management process to ensure that any risks between aircraft movements and proposed developments are removed, both for the safety of the general public and aircrew alike.*” and “*The Council will also expect planning proposals to address any relevant potential air safety and or aerodrome operation issues in the vicinity of protected airspace.*”⁴

Within the supporting text of policy FNP14 and FNP17 or para 6.23 where it points applicants to the Gloucestershire SUDS Design and Maintenance Guide, it may be beneficial to note the 2002 direction to emphasise the statutory responsibility of the LPA to preserve the operation and capability of both RAF Fairford; with specific example to DOI’s concerns relating to SUDS and needing to minimise the attractiveness to birds.

Outside of this neighbourhood plan making process, the Council will reflect on these representations to see if additional commentary is warranted within the Local Plan as part of its Local Plan Partial Update process. The Council will continue to liaise with neighbouring authorities on this matter as new plans emerge and/or extant plans are updated.

FTC:

FTC would be happy to include appropriate words in the supporting text of policy FNP14, policy FNP17 and/or para 6.23 as suggested by CDC, to highlight DOI's concerns to developers.

In addition, FTC propose to insert this text into the LGSS section on RAF Fairford and a brief footnote reference to it in the CDA’s Design Section, for the same purpose of highlighting DOI’s concerns to developers.

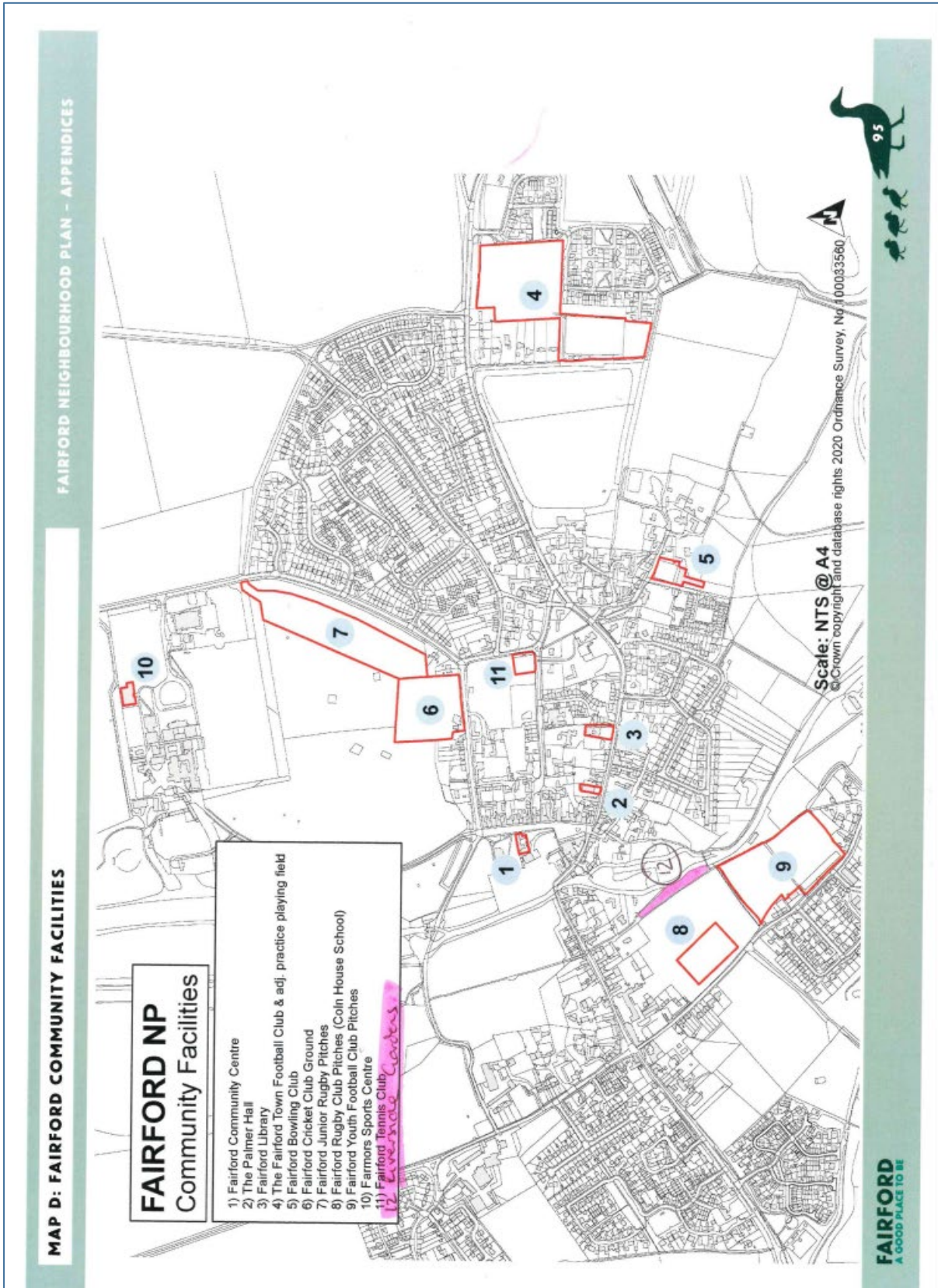
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⁴ Cotswold District Local Plan (adopted Aug 2018) - <https://www.cotswold.gov.uk/media/k2kjqv3b/cotswold-district-local-plan-2011-2031-adopted-3-august-2018-web-version.pdf> (page 176)

Appendix 1



Appendix 2

FAIRFORD NEIGHBOURHOOD PLAN PROPOSED CHANGES

All additions/changes in red

FNP4 MANAGING FLOOD RISK

FNP4.1. All sources of flood risk¹ must be considered at both the site selection and application stages, and the sequential test used to divert development to areas with lower probability of flooding, in accordance with NPPF guidance. **This policy is required since Fairford is liable to groundwater flooding, which is not specifically mentioned in the NPPF.** Development should not be ~~allocated or~~ permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

FNP4.2. In addition to meeting national and strategic planning policy requirements, proposals for development on land identified by the Environment Agency as lying within either Flood Zone 2 or 3, or in areas of Flood Zone 1 where there is evidence of flood risk from sources other than fluvial, will require a site-specific Flood Risk Assessment (FRA), using appropriate calculations based on the highest expected groundwater levels for the area (200 year maximum), at the first application stage. **This policy (as well as FNP4.3 and FNP4.4) are required to ensure that Sequential Tests and FRAs assess groundwater flood risk for the site and neighbouring land.** Proposals will only be supported where it can be demonstrated in the Assessment that:

6.23 This policy is designed to address these issues, to the extent that they are not adequately **(in respect of the groundwater, minor watercourses and combined sewerage issues particular to Fairford)** covered by CDLP policy EN14 and National policy and guidance (NPPF/PPG). The key points are

....
...

- **LPA should advise applicants to contact** EA and WRA/Fairford Town Council for borehole records which should be consulted for information on ground water level variations in the area.
- Fairford Town Council and the relevant authorities (GCC, CDC and Thames Water) should be contacted when preparing the FRA to obtain any more specific or up-to-date information that may exist.
- In respect of all development within the Fairford Parish area, the guidance in section 6 of the CDC SFRA (JBA, 2014) should be followed, where it does not conflict with this policy and supporting guidance. **Seasonal groundwater levels should be considered at the pre-application stage.**

FNP 5 INVESTING IN UTILITIES' INFRASTRUCTURE IMPROVEMENTS

6.25 By "Utilities Infrastructure" this policy means not only sewerage and water supply (as set out in INF1 and INF8 of the CDC Local Plan) but also **electricity and** broadband. Flood protection is covered in FNP4.

FNP9 PROTECTING THE FAIRFORD – HORCOTT LOCAL GAP

Addition of paragraph 6.51 in response to comments by Natural England

6.51. This Local Gap lies within the Cotswold Water Park Nature Recovery Plan, part of the Nature Recovery Network, and is an important location in the Nature Recovery Network, acting as a landscape connection to the Cotswold Water Park Site of Special Scientific Interest (SSSI). The retention, creation and management of the habitats in this area are important to the conservation of the SSSI and its function within the Nature Recovery Network.

FNP10 RIVER COLN VALUED LANDSCAPE

Sentence added to 6.54 and addition of paragraphs 6.55 and 6.56 in response to comments by Natural England, Gloucestershire Wildlife Trust and CDC para. 61

6.54. The designation complements the proposed Local Gap to its west and together they are intended to maintain the special landscape character and visual integrity of the land to the south of the town. The open character and landscape qualities of this area supplement the Special Landscape Area north of the town (EN6 of CDLP) and extends the wildlife corridor along the River Coln.

6.55. This landscape, adjacent to the river, is part of the wider Cotswold Valleys Nature Improvement Area (NIA), a Defra backed scheme. This policy provides an opportunity, in terms of potential, to return land within the catchment to water meadows / flood plains similar to the improvements that the Ernest Cook Trust is actively exploring north of the town.

6.56. This site lies within the Cotswold Water Park Nature Recovery Plan, part of the Nature Recovery Network, and is an important location in the Nature Recovery Network, acting as a landscape connection to the Cotswold Water Park Site of Special Scientific Interest (SSSI). The retention, creation and management of the habitats on this site are important to the conservation of the SSSI and its function within the Nature Recovery Network.

FNP11 VALUING TREES AND HEDGEROWS

Addition of paragraph 6.62 in response to comments by Gloucestershire Wildlife Trust

6.62. This policy supports the Nature Recovery Network by promoting Biodiversity Net Gain and Green Infrastructure in new development.

FNP12 ACHIEVING HIGH STANDARDS OF DESIGN

Change to k) of the Design principles in response to Examiner question 4 and new paragraph 6.63 in response to comments by Gloucestershire Wildlife Trust

k) Crescents and 'cul-de-sac' estates are not typical of old Fairford and are not encouraged in new developments. Due consideration should be given to pedestrian/cycle connectivity and vehicle access resilience in the case of larger developments.

Addition

6.63 Gloucestershire is the home to Building with Nature (BwN), which is the UK's leading quality benchmark for Green Infrastructure in new development. Building with Nature was developed in partnership with the Gloucestershire Local Nature Partnership and Local Authorities. It is recommended that attention be paid to the BwN Standards Framework.

FNP13 CONSERVING NON-DESIGNATED HERITAGE ASSETS

Changes to 13.1 to ensure consistency in use of term 'Non-Designated Heritage Assets' - response to CDC para.69

FNP13.1. The FNP identifies the buildings and structures, as listed in Appendix 2: List of Non-Designated Heritage Assets and shown on the Policies Map, as **Non-Designated Heritage Assets** by way of their local architectural or historic interest. Proposals that will result in harm to, or unnecessary loss of, a **Non-Designated Heritage Asset** will be resisted, unless it can be demonstrated that there is a public benefit that outweighs the harm or loss.

EVIDENCE BASE - LANDSCAPE AND LOCAL GREEN SPACE STUDY

Proposed addition of Section 2.3 of the DIO/MOD document at Section 5 of the Landscape and Local Green Space Study - RAF/USAF Fairford 5.4.4