

Down Ampney Neighbourhood Plan

Regulation 16 Representations.

On behalf of the Co-Operative Group.

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1. Introduction

- 1.1. Pegasus Group is instructed by the Co-operative Group (Co-op) to submit representations to the Down Ampney Neighbourhood Plan (NP), Regulation 16 Consultation. The Co-op submitted representations to the Regulation 14 NP in February 2022 and in May 2023. The consultation statement submitted alongside the Regulation 16 NP includes a link to those representations.
- 1.2. To confirm the Co-op's interest in Down Ampney, it sold much of its farming interests in 2015 although it has retained control of land around and within the village. The extent of the land is confirmed in the Regulation 14 representations although some of that land has since been disposed of. It has secured planning permission for residential development at Broadway Farm (44no. dwellings – reference 15/O1567/OUT), a site which has been sold to Sanctuary Homes.
- 1.3. Two of the three sites allocated for residential development in the adopted Local Plan (Rooktree Farm and Duke's Field) were controlled by the Co-op and both have been subject to planning approvals for 9 no. dwellings (22/OO287/FUL) and 10 no. dwellings (22/O3992/FUL) respectively.
- 1.4. An appeal by the Co-op for outline planning permission for 8 no. dwellings on land south of Charlham Way (21/O4185/OUT) was dismissed in October 2022.
- 1.5. These Regulation 16 representations repeat the content of the consultation response to the Regulation 14 consultation, where relevant and are set out in the same order as the NP. The purpose of these representations is to highlight where we consider that the NP does not meet the basic conditions that would allow it to proceed to a referendum. Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (and PPG paragraph O65 Reference ID: 41-O65-20140306) confirm that the basic conditions are:

'a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order.

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.



g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan). '

2. Chapter 4 – Landscape

Policy LP1

- 2.1. We maintain our objection to Policy LP1 ‘Notable Vistas’. In this regard, this chapter was updated in the revised Regulation 14 NP, *inter alia*, to reflect feedback from a ‘special exercise’ undertaken in May 2022 to gather residents’ suggestions of ‘Notable Vistas’ around the village that should be protected and managed through the policies of the emerging plan.
- 2.2. We reiterate that neither the NP, nor the supporting documents on the Parish Council website, suggest that the Landscape Chapter is supported by any recent technical work, such as a Landscape Visual Appraisal. Ironically, we note that the policy requires the preparation of a Landscape and Visual Appraisal to support development proposals.
- 2.3. Pegasus Group have undertaken their own analysis of the identified Vistas within a Landscape Statement which was appended to our Regulation 14 consultation response in February 2022. Our assessment is that there is little justification for this policy which seeks to restrict development without any reasoned justification for doing so.

Policy LP2

- 2.4. We maintain our objection to Policy LP2 ‘Local Green Space’. Area 1 on Figure 4.10 of the NP identifies land within the Co-op’s control to be designated as Local Green Space. We note that other areas proposed to be designated as Local Green Space in the NP have been removed from the Regulation 16 NP.
- 2.5. Paragraph 101 of the NPPF establishes the right of communities to protect green areas of particular importance to them through Local and Neighbourhood Plans. This essentially places a level of protection on said land, akin to that afforded to land designated as Green Belt (Paragraph 103).
- 2.6. However, paragraph 101 indicates that the designation of Local Green Space (LGS) needs to contribute to the delivery of sustainable development and complement investment in sufficient homes, jobs and other essential services. In other words, the designation of land as LGS should not hinder the wider objectives of delivering sustainable development, meeting housing needs, facilitating economic growth and delivering important services and facilities.
- 2.7. To this end, Paragraph 102 states that the Local Green Space designation should only be used where the green space is:
 - a) *‘in reasonably close proximity to the community it serves;*
 - b) *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - c) *is local in character and is not an extensive tract of land.’*
- 2.8. In relation to criteria (b), the NP has not shown that the land identified is demonstrably special to the local community and holds a particular local significance.



2.9. The Pegasus Landscape Statement appended to the Regulation 14 consultation (paragraph 3.49) considers whether the proposed LGS designation meets the tests set out in Paragraph 102 of the NPPF. It concludes that the site fails to meet the criteria of bullet b) on the basis that:

- It is unremarkable and has unremarkable inherent natural beauty;
- Is recent in origin being enclosed and defined by neighbouring 20th Century developments and has no historic significance;
- Is in private ownership and so has no recreational value to the community;
- Reference to the site as a 'village green' is misleading as it comprises an unremarkable and undesignated private parcel of farmland surrounded by 20th century housing;
- Is subject to disturbance from neighbouring developments and traffic and cannot be considered tranquil; and
- Possesses habitats of limited ecological interest and biodiversity.

2.10. Consequently, we consider that the proposed designation fails the basic conditions test because it is not in accordance with paragraph 102 of the NPPF. It should be removed from the NP.

3. Chapter 5 – Infrastructure – Roads, Transport and Drainage

Policy IP1

- 3.1. Policy IP1 is not in accordance with national planning policy because it requires flood risk and drainage strategy for minor development. As a result, it fails the basic conditions test (Part (a)).

Policy IP2

- 3.2. In relation to Policy IP2, it should be noted that the statutory undertaker for sewerage has a responsibility to make provision for suitable infrastructure, and perceived current shortcomings in this respect should not be seen as precluding new development. As worded, the policy fails the basic conditions test (Parts (a) and (d)).
- 3.3. In this respect, we would reiterate our representation to the Regulation 14 NP, that accommodating a degree of growth at rural settlements is often an effective means of prompting sometimes long overdue system upgrades to infrastructure such as sewerage.

4. Chapter 8 – Residential Housing and Non – Residential Building Design

Policy HP1

- 4.1. Policy HP1 attempts to impose a very low density unless a clear need can be demonstrated by the applicant why this should not apply. We maintain our objection that this conflicts with national planning policy, which advocates making efficient use of land as a priority, having regard to factors such as local character, rather than the reverse.
- 4.2. This is made clear at Paragraph 125 of the NPPF, which states, *inter alia*, that:
- “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”*
- 4.3. We consider it is important to take a precautionary approach to allow development to come forward at a reasonable density in the future, faced with a considerable demand for housing of all types, while nonetheless having regard to the prevailing local character.
- 4.4. To this end, the likely consequence of adopting an unreasonably low density target such as 12.5 dph is that more land has to be released for development as other, preferred, sites either only deliver a small number of homes or are not built out at all due to a lack of viability.
- 4.5. Importantly, at this density, the pattern of new development would not reflect the existing density of development in the village and would restrict the residential site allocations to be built out at the quantum of dwellings required by the Local Plan. This would lead to a conflict between the Local Plan policy and Policy HP1 and the consequence is that further land would be required to meet the identified housing need in the village.
- 4.6. The delivery of homes making efficient use of land, while nonetheless integrating these sympathetically with the local context, will by contrast ensure the village gains the homes it needs while reducing the need to release additional land or expose itself to the threat of unplanned, ‘speculative’ development proposals.
- 4.7. Accordingly, to avoid conflict with the basic conditions test, we would recommend that the policy is omitted and development proposals are assessed on the basis of informed design policies, both local and national, within the ambit of which matters of density will naturally fall in any event.

Policy HP3

- 4.8. In relation to Policy HP3, ‘Design of New Development in Down Ampney’ and AECOM’s ‘Down Ampney Design Guidance and Codes’, we have some considerable concern in respect of Code SL 04 (‘Respect Views and Vistas’). Although it avoids express reference to it, this inevitably will be read alongside the (we consider) poorly founded ‘Notable Vistas’ upon which we have set out our objection above.

- 4.9. It is acknowledged that views, landmarks and characteristic connections to the open countryside, where applicable, are important considerations in the design process. However, we consider that the apparent intention to preserve these at any cost, on the basis of potentially a single nomination for protection, is an approach that would lead to contrived outcomes in practice.
- 4.10. This is echoed at Code SL 03 'Village Edge', point 02, which appears to advocate the limiting of densities in order to preserve views from existing properties to the countryside in the event that they are enclosed by new development. This is in our view an inappropriate response in circumstances where the village edge has inevitably moved, and such a transition should rationally be taken from the newly created edge.
- 4.11. It is also questionable whether the objectives of point 01 would be achievable in practice, where an approach whereby new dwellings back on to the open countryside is seemingly advocated; in reality, the desire for privacy and security is likely to prompt some homeowners to seek a more robust boundary treatment, such that planting of more substantial hedgerow by developers should be considered acceptable, for instance.

Policy HP4

- 4.12. Amended draft Policy HP4, 'Green Infrastructure', states in full:

"The network of Green Infrastructure (GI) within the neighbourhood plan area will be protected for its recreation, open space and wildlife value.

New GI, particularly where it creates links to the existing GI network and improves access to the countryside for informal recreation and net gains in biodiversity will be supported. Development will only be permitted where it retains/protects/enhances the recreational, biodiversity, water management and other functions of the GI network.

New development should enhance linkages to the wider existing GI network and improve access to the countryside for informal recreation, where appropriate."

- 4.13. The plan included at Figure 8.9 of the emerging Plan identifies key designations, committed and allocated development, and proposes specific areas of land as future Green Infrastructure.
- 4.14. We have made representations previously in respect of this approach, and in our view while the delivery of high-quality Green Infrastructure within new development is supported as a general principle, attempting to guide where this should be located in the NP is not appropriate and we object accordingly.
- 4.15. We consider that the NP should omit formal designation of GI – not least because the presumption may then become that other, undesignated, areas of GI are not worthy of enhancement – together with the first paragraph of HP4.
- 4.16. As an overarching point, we remain of the view that the NP should allocate land for housing. We have previously made representations in this respect, including the relationship to Paragraph 14 of the Framework and the 'added protection' from which NHP areas may benefit in certain circumstances. Our Regulation 14 consultation response on housing needs is summarised below.



- As part of the District Council's Partial Update of its Local Plan, it is likely that Down Ampney as a Principal Settlement will be required to support the delivery of the district's wider housing needs;
- It is likely that, as a minimum, there will be a need to deliver somewhere in the region of 10-15 additional dwellings at the village by the end of 2031;
- There is a good level of support for further housing in the village and this needs to be explored in detail through a local housing needs survey;
- Small scale development is unlikely to deliver any affordable housing and so schemes of 10 or more dwellings should be considered to meet any identified affordable needs; and
- The NP needs to allocate sites to meet an identified local need in order to benefit fully from the protections afforded by Paragraph 14 of the NPPF.

4.17. Our Regulation 14 representation includes suggested sites to meet this housing need including the land which the NP is proposing to designate as Local Green Space which is located within the Development Boundary of Down Ampney.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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