Response to the Clarification Questions from the examiner, posed to CDC and DAPC, on 12 October 2023

Objective LO1: A representation has been made concerning the wording of this objective.
a. Is the wording in conflict with the objectives of the Cotswold Local Plan (CLP)?

CDC:

The Objective is an expression of community sentiment and ambition, not a policy, so in the Council's view does not need to be subject to the same degree of technical scrutiny. While 'conserve' might be a more comfortable phrasing, this probably would not be as accessible.

Beyond this point, the objective seeks to protect 'the rural aspects' of the village, and the surrounding countryside. The rural aspects are not defined, but could reasonably be considered to include these factors picked up in proposed policies. It is well-established that neighbourhood plans can contain policies on local vistas and Local Green Spaces.

DAPC:

DAPC does not think the wording conflicts with the CLP as it is supported by CLP section 3.0.2 to 3.0.4. DAPC are very conscious of the effects of the development boundary on the surrounding countryside and the rural village. DAPC believe in open spaces that help give the residents footpaths, safe play areas, wildlife paths and a better air quality.

b. Would it prevent development from coming forward within the development boundary of the village?

CDC:

No. This is an objective, not a policy, and it highly unlikely to overrule the strategic policies of the Local Plan, most pertinently Cotswold District Local Plan DS2: Development within Development Boundaries and S4: Down Ampney, in the planning balance. Also see answer to 2(b).

DAPC:

DAPC does not see why it should. There are two developments under construction, Broadway Farm (aka Down Ampney Meadow) – 44 dwellings, and Rooktree Farm – 9 dwellings), plus Duke's Field extension – 10 dwellings which has just received planning approval. A further development of between 9 and 15 affordable houses is at the design phase in area (area DA_8 in CLP). There are few if any infill areas possible within the development area except Duke's Meadow (the field opposite the school) which is an important open space in the centre of the village and the subject of LGS designation (Policy LP2).

c. Is it the rural <u>character</u> of the village which DAPC seeks to protect?

CDC: We suggest this is a question best answered by Down Ampney Parish Council themselves. 'Character' is more clearly understood in a planning context, and would give the Local Authority clearer direction. To stay true to the objective, we believe it should be the 'rural character of the village and the surrounding countryside'.

DAPC:

The village is rural – it is both the character and its setting in the countryside which needs protecting. DAPC is willing to change the wording from the, perhaps, vague word aspect to be more specific.

2. Objective LO2:

a. Should this apply only to designated green spaces and open aspects of areas within the village or are these protected in any event?

CDC: This objective provides the community impetus to develop policies that deliver on it. Within the Plan, this would include vistas (LP1), Local Green Space (LP2) and Green Infrastructure (HP4), but also Design (HP3). The breadth of the objective would appear well-reflected in the range of policy which flows from it. As covered above, we do not believe the wording of an objective needs to be analysed in depth.

The Cotswold District Local Plan presents policies which conserve the village character and setting, but the Local Plan does not allocate Local Green Spaces nor does it identify particular vistas within Down Ampney. We welcome the granularity that the NDP, and other NDPs in the district, provide.

DAPC:

This objective is intended to apply to the whole parish of Down Ampney. Some of the policies in the plan aim to meet this objective.

b. Without an amendment to apply the objective to designated areas only, does the objective lack clarity?

CDC: No. The development management implications of the objective are realised through the presented policies.

DAPC:

The village is rural; residents like and wish to preserve the fact they can see green countryside either from or close to their residences. Notable vistas have been identified in Fig 4.9 (page 20) of the Neighbourhood Plan. The objective seems clear in that any new development should allow the same facility to both the existing dwellings and any new dwelling.

3. Policy IP1:

Having regard to comments made in the responses to Regulation 16 consultation:

a. Should this policy make reference to the use of Sustainable Drainage Systems (SuDS)?

CDC: Drainage is covered in the adopted Local Plan, at Policy INF8 (please also consider EN14 Flood Risk), which clearly states requirements around SuDS. Our understanding is that Policy IP1 has been drafted to complement the Local Plan, and to identify an issue of particular local concern. The Local Plan notes at 11.8.13 local circumstances than mean SuDS may not always offer an effective solution in the locality.

DAPC:

SuDS was referenced in earlier, Reg 14, issues but was removed. It is referenced in the Design Guidance and Codes document but could easily be reinstated in the main DANP.

b. Should the Policy refer to developments of 10 or more dwellings in order to be in general conformity with CLP Policy INF8?

CDC:

No. Policy INF8 does not contain a 10 dwelling (or major development) threshold requirement. It might be neater to apply the development management 'major development'¹ threshold (as defined by the NPPF), however the Council is content with the 6 or more dwellings requirement as it directly addresses a well evidenced issue.

DAPC:

INF8 mentions rainwater runoff only in passing in "c.". It does not mention a specific number of dwellings. It does not deal with the problems of pluvial flooding. DA is very flat (see below picture of Broadway Farm area before construction started) and problems with run-off have occurred in the past. This policy is aimed at a particular local problem and is merely requiring that a developer produces calculations to justify that it has taken the necessary steps to ensure that its development does not exacerbate the problem.



¹ MAJOR DEVELOPMEN

nes will be

provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m2 or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

CDC:

Yes. It is an accepted fact that extreme events will increase due to climate change and measures have to be taken to address risks to properties, existing and new. The policy is not overly onerous, for example it does not impose Grampian style restrictions on development; rather it places the onus on the applicant to demonstrate that development has considered drainage.

As per Thames Water's submission, "surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, watercourses or surface water sewer. It is important to reduce the quantity of surface water entering the sewerage system in order to maximise the capacity for foul sewage to reduce the risk of sewer flooding. Limiting the opportunity for surface water entering the foul and combined sewer networks is of critical importance to Thames Water."

Policy IP1 would aid Thames Water's position and request. The policy could be enhanced by including additional supporting text to make clear that the applicant and the Local Authority engage with Thames Water as early as possible to agree a drainage strategy and a phasing plan for proposed development sites. <u>https://www.cotswold.gov.uk/media/1echeqxi/thames-water.pdf</u>. This would help make it evident how a decision maker should react to development proposals (NPPF 16 (e)).

DAPC:

The figure of 5 dwellings is a reasonable figure in this context.

d. Should the capacity of the water supply infrastructure be a matter to be taken into account in the DANDP Infrastructure policies?

CDC:

Water supply infrastructure is increasingly a topical issue, which we believe could well be a topic for consideration within a neighbourhood plan. However, a neighbourhood plan is not required to present policy on all possible relevant considerations, but instead has the autonomy to choose what issues are considered of local importance. It is the role of the Local Plan, and in future the National Development Management Policies to provide a comprehensive policy environment.

DAPC:

Water supply has not been a problem generally in the past. However, there have been recent problems with water pressure in parts of the village. It appears to be reasonably covered in CLP INF8 but DAPC would be open to reinforce the matter.

4. Policy CP1:

Would it be appropriate to make reference to the impact of new development in Down Ampney on the provision of community infrastructure such as libraries outside the Plan area?

CDC:

No. The purpose of the policy currently is clearly to offer an extra layer of protection of important community facilities already in the village. Introducing consideration of other facilities which would most probably be sited outside the plan area would complicate matters, and be at risk of trying to give the plan materiality beyond the designated neighbourhood area. We believe that Policies INF 1 and 2 of the Local Plan adequately cover this issue.

It is worth noting that Cotswold District Council will collect Community Infrastructure Levy on qualifying developments within Down Ampney, which will be invested to meet broader needs, including beyond the neighbourhood boundary.

DAPC:

Unfortunately, the mobile library in the area stopped working many years ago. The provision of other infrastructure such as dentists, surgeries, schooling other than primary, hospitals, and shops (other than the local community-run shop) are a cause for concern, particularly as there is no suitable public transport available.

5. Policy HP1:

It is a requirement of the Basic Conditions² that neighbourhood plan policies have regard to national policy and be in general conformity with strategic local plan policies. CDC has identified this policy as unlikely to meet these requirements in respect of national policy or the local plan.

DAPC:

The root of the problem lies in the resentment of residents at the designation of DA as a "principal" settlement (CLP Policy SA1). The justification for "principal" settlements was a points-based system which included scoring for various items of infrastructure to ensure that the settlement was sustainable. This included public transport. At the time there was some public transport that would allow residents to get to and from work in Cirencester, although not Swindon, the major employment centre in the area. Present public transport does not permit anyone to get to and from work to anywhere outside the village. In the original assessment DA was ranked 25th. This is 5 places lower than Kempsford, for instance, that has just had a planning application turned down because Kempsford was deemed unsustainable. See the documents included at the end. It would seem logical, therefore, that any future amendment to the CLP would remove "principal" settlement status from DA. Be that as it may CLP Policy S4 allocates some areas for development (in addition to the major development approved but not built before the CLP came into force – Broadway Farm). To meet the concerns stated in 7.5.4 S4 gives guidance on non-strategic infrastructure that should be made. At the present time none of these improvements have been implemented despite the fact that all the proposed development sites have been approved or are in the process of application.

² Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act').

a. Do DAPC or CDC propose any amendments to the policy to ensure that it would meet the Basic Conditions?

CDC:

To the Council's mind, a focus on density, divorced from wider considerations of site layout and setting is not an effective means to secure high quality development - an ambition we share with Down Ampney. We support the Down Ampney Design Code, and are confident that the extra detail this provides, along with the extant policies of the Local Plan, will achieve this objective.

However, our principal concern is that the precise figure given in the policy is exceptionally low, and not based on a realistic or accurate reading of the current density of the village. It is conflict with NPPF para 125, "...it is especially important that planning policies and decisions avoid homes being built at low densities..." and "...plans should contain policies to optimise the use of land in their area...".

Quantitative policies might be appropriate in metropolitan areas where plan making authority is seek to increase density of development to maximise development opportunities and better deliver national policy. However the converse is not appropriate. This policy would restrict the amount of development that can be achieved on land in the parish and has limited design justification and credentials. Should this policy survive it is unlikely to garner much weight in the planning balance as material considerations indicate otherwise (i.e. NPPF paras 124 to 125). It would therefore fail NPPF 16 (a), (b) and (f).

DAPC:

DAPC would welcome new wording that would meet both the CDC's concerns but also the residents' aspirations to keep the village as a rural settlement. The density figure referred to is an overall figure calculated using the number of houses within the development area – about 302 (including those being constructed or in the planning stage) divided by the gross development area – about 24 ha. The total would be 23 ha if the main roads were removed from the overall development area. In detail the densities by area are:

| The Pheasantry | 17 dw/ha (dwellings per hectare) |
|---------------------------------------|----------------------------------|
| Duke's Field (current) | 12 dw/ha |
| Duke's Field 2 (application approved) | 22 dw/ha |
| Old Estate Yard | 11 dw/ha |
| Broadway Farm (aka DA Meadows) | 14 dw/ha |
| Broadleaze and Linden Lea together | 25 dw/ha |
| Suffolk Place | 8 dw/ha |
| Housing fronting main road | 11 dw/ha |

We believe that we are making effective use of land in accordance with the NPPF paragraphs 119 to 125. Broadway Farm was partially a brownfield land with old unused agricultural barns. NPPF paragraph 124 (b to e) particularly applies to the village and has been taken into account in the plan. Green infrastructure, required to keep Down Ampney as a rural village, has a major impact on density figures. For example, Broadway Farm, which is under construction, has some green infrastructure, partly because of the "ponds" and underground storage areas required for SuDS. In contrast the newly approved Duke's Field 2 development has no green infrastructure and thus the density figure is much higher.



Broadway Farm (DA Meadows) – 14 dw/ha



Duke's Field 2 – 22 dw/ha

b. The supporting text at paragraph 8.4 states that housing density should be maintained at the current average level of 12.5 dwellings per hectare. How could this accord with Local Plan Policy DS2 to allow for infill development within the village development boundary?

CDC:

We do not believe that it can. As outlined in our representation, we do not think that this density has been properly calculated. That point notwithstanding, the objective on maintaining the current density is flawed, as it would prevent any infill within the development boundaries, and thus is directly in conflict with the strategic policies of the Local Plan and NPPF para 124 and 125.

DAPC:

There are few if any infill areas possible in DA except Duke's Meadow which is an important open green space in the centre of the village and the subject of LGS designation (Policy LP2). NPPF paragraph 124 (b to e) particularly applies to the village and has been taken into account in the plan.

6. Policy HP4:

Natural England requests that the policy reflects opportunities that green infrastructure provides to support the Nature Recovery Network and the Cotswolds Nature Recovery Plan. a. Would it be appropriate to add to the policy to include these matters?

CDC:

We suggest this might be best answered by Down Ampney Parish Council. We support this suggestion, noting that the value of existing and new GI will be enhanced where it can connect to a broader network. We believe that this would elaborate on the existing policy, but would not stretch it beyond the authors' original intent.

An alternative approach would be to add further information to the supporting text, ensuring that Natural England's very reasonable expectation is picked up in the Plan, without imposing additional strictures not drafted by the QB.

DAPC:

Agreed. DAPC could add reference to NE's request.

b. With regard to the last clause, would this place an unreasonable requirement on new development? Should the enhancement of linkages only be sought where they are capable of being achieved, i.e. where feasible?

CDC:

We suspect the current modifier, 'where appropriate' is intended to cover this. However, where feasible would be clearer – conceptually, we'd imagine that the requirement is appropriate where it is feasible, but could still be 'appropriate' even where unfeasible, so the proposed modification is welcome.

DAPC:

Part of the rationale for linkages of GI is to provide wildlife corridors. Isolated GI although welcome would not provide wildlife corridors to the wider countryside. The landscape and green infrastructure is greatly valued by its residents. Residential areas should be surrounded by an agricultural landscape including hedges, grass verges and mature trees. The phrase "where feasible" could be added.

Questions for DAPC

7. Policy IP2:

Can DAPC explain how a judgement of "overloaded" would be made in order to provide more clarity in the Policy?

DAPC:

Calculations of capacity of sewerage networks and the sewage treatment works at Ampney St Peter compared with the expected wastewater flows can readily be made to estimate possible hydraulic overload. Ampney St Peter STW is at present 50% undersized for its capacity (see paragraph 5.4.2). In 2020 the STW Thames Water discharged 2316 hours of untreated sewage into Ampney Brook which is almost 100 days of continuous pollution. It is not unreasonable to inspect such calculations whoever makes them.

8. Policy HP2:

CDC identifies a lack of clarity in the wording of this Policy.

Can DAPC be more precise in the definition of the type of housing which would "follow the general trend of support" without undermining the Local Plan policies which seek to meet local need for affordable housing as suggested by CDC?

DAPC:

Paragraph 8.8.3 includes a graph of the residents' opinions of the type of housing favoured. DAPC does not think that this undermines CLP policies. The policy gives figures of 60% for affordable and small dwellings and suggests larger dwellings and bungalows make up the rest. This appears to be in accordance with CDC's aims.

9. Policy HP3:

CDC points out that the matters referred to as examples in this policy are normally dealt with through conditions rather than at the planning application stage.

a. In these circumstances how would the policy work?

DAPC:

There have been occasions when conditions already agreed have been subsequently modified by request of the builder/developer that degraded the quality of the dwelling/development.

b. The aim of not diluting the quality of development as the planning process progresses is addressed in the National Planning Policy Framework (NPPF), Paragraph 135. Is it necessary to repeat the aim in the DANDP?

DAPC:

This last paragraph has been added to reiterate paragraph 135 of the NPPF because there have been several instances where CDC planners have not adhered to it in its subsequent allowance of changes to the original planning permission without reference to DAPC.

- 10. The results of the scoring are shown in the following table. The first option simply applied scores to each of the four categories, which are then added-up. The second and third options did the same except double scores were applied to employment and community facilities respectively. The settlements are listed in the resulting order of average ranking, and this is considered to be a reasonable starting point for assessing their respective sustainability credentials in terms of existing roles and functions.
 - Option 1 = Equal weighting applied to Employment, Retail, Community facilities and Sustainable travel.
 - Option 2 = Employment score doubled
 - Option 3 = Community facilities score doubled

| SETTLEMENT | OPTION 1 | OPTION 2 | OPTION 3 | AV RANKING |
|------------------------------|------------------------|-------------------------|-------------------------|---------------------------|
| Cirencester (excl. Stratton) | 16 (1 st) | 20 (1 st) | 20 (1 st) | 1 (1 st) |
| Bourton-on-the-Water | 15 (2 nd =) | 18 (2 nd =) | 19 (2 nd =) | 2 (2 nd =) |
| Moreton-in-Marsh | 15 (2 nd =) | 18 (2 nd =) | 19 (2 nd =) | 2 (2 nd =) |
| Tetbury | $14 (4^{th} =)$ | 17 (4 th =) | 18 (4 th) | 4 (4 th) |
| Chipping Campden | $14 (4^{th} =)$ | 17 (4 th =) | 17 (5 th =) | 4.3 (5 th =) |
| Stow-on-the-Wold | 14 (4 th =) | 17 (4 th =) | 17 (5 th =) | 4.3 (5 th =) |
| Fairford - Horcott | 11 (7 th =) | 14 (8 th) | 15 (7 th) | 7.3 (7 th =) |
| South Cerney | 11 (7 th =) | 15 (7 th) | 13 (8 th =) | 7.3 (7 th =) |
| Lechlade | 10 (9 th =) | 12 (11 th =) | 13 (8 th =) | 9.3 (9 th =) |
| Willersey | 10 (9 th =) | 13 (9 th =) | 12 (10 th) | 9.3 (9 th =) |
| Andoversford | 9 (11 th =) | 13 (9 th =) | 11 (11 th =) | 10.3 (11 th) |
| Blockley | 9 (11 th =) | 12 (11 th =) | 11 (11 th =) | 11 (12 th) |
| Mickleton | 9 (11 th =) | 11 (13 th =) | 11 (11 th =) | 11.6 (13 th) |
| Siddington | 8 (14 th) | 11 (13 th =) | 9 (14 th =) | 13.6 (14 th) |
| Coln/ Quenington/ Hatherop | 7 (15 th =) | 10 (15 th) | 9 (14 th =) | 14.6 (15 th) |
| Kemble | 7 (15 th =) | 9 (16 th =) | 9 (14 th =) | 15 (16 th =) |
| Temple Guiting | 7 (15 th =) | 9 (16 th =) | 9 (14 th =) | 15 (16 th =) |
| Northleach | 7 (15 th =) | 8 (19 th) | 7 (18 th =) | 17.3 (18 th) |
| Didmarton/ Leighteron | 6 (19 th) | 9 (16 th =) | 7 (18 th =) | 17.6 (19 th) |
| Avening | 5 (20 th =) | 7 (20 th =) | 6 (21 st =) | 20.3 (20 th =) |
| Kempsford | 5 (20 th =) | 7 (20 th =) | 6 (21 st =) | 20.3 (20 th =) |
| North Cerney | 5 (20 th =) | 7 (20 th =) | 6 (21 st =) | 20.3 (20 th =) |
| Upper Rissington | 5 (20 th =) | 7 (20 th =) | 6 (21 st =) | 20.3 (20 th =) |
| Chedworth | 5 (20 th =) | 6 (24 th =) | 7 (18 th =) | 20.6 (24 th) |
| Down Ampney | 5 (20 th =) | 6 (24 th =) | 6 (21 st =) | 21.6 (25 th =) |
| Poulton | 5 (20 th =) | 6 (24 th =) | 6 (21 st =) | 21.6 (25 th =) |
| Birdlip | 4 (27 th =) | 6 (24 th =) | 5 (27 th =) | 26 (27 th =) |
| Coates | 4 (27 th =) | 6 (24 th =) | 5 (27 th =) | 26 (27 th =) |
| Sapperton | 4 (27 th =) | 6 (24 th =) | 5 (27 th =) | 26(27 th =) |
| Bibury | 4 (27 th =) | 5 (30 th) | 5 (27 th =) | 28 (30 th) |
| Ampney Crucis | 3 (31 st) | 4 (31 st) | 4 (31 st) | 31 (31 st) |

11. It should be noted that this evidence is based only on the social and economic strands of sustainability. The third strand – environment – is of critical importance to Cotswold District. In terms of landscape, around three-quarters of the District lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) – a national designation which, along with national parks, has the highest status of protection in relation to landscape and scenic beauty. No district has a greater area of AONB.

Cotswold Local Plan: Focussed Changes

SA Report

The full rationale for taking forward these Spatial Strategy Options over the remaining Spatial Strategy Options was presented in the *Second Issues and Options-Supporting Information* document (December 2010).

Once the broad spatial strategy for the district had been framed following consultation on the Second Issues and Options Paper, 31 settlements in the district were suggested for potential inclusion in the proposed development strategy. These settlements were then considered through the *Role and Function of Settlements Study* (July 2012).

In order to explore how different settlements ranked in terms of their overall social and economic sustainability, scores were applied to the conclusions from the *Role and Function of Settlements Study* in respect of the following categories:

- Employment
- Retailing
- Community facilities
- Sustainable travel

In addition, evidence related to flood risk, landscape, conservation areas, archaeological sites, public rights of way, wildlife sites and other environmental considerations was considered.

Likely capacities of the candidate settlements were also assessed, taking account of the Strategic Housing Land Availability Assessment (SHLAA). On this basis, it was decided that the development strategy would not take forward settlements where the SHLAA had demonstrated limited capacities (i.e. less than 40 housing units).

Following this process, 17 out of the 31 settlements were taken forward for the preferred development strategy for the district. The full justification for including these 17 settlements in the preferred development strategy is presented in the *Development Strategy Evidence Paper*.

Subsequent to the publication of the latest review of the SHLAA, Down Ampney was added to the settlements to take forward for the development strategy, giving a total of 18 settlements. The decision to include Down Ampney was taken by the Council in December 2013.

On the basis of the above process, the 18 settlements taken forward for the development strategy for the Local Plan were as follows:

| Andoversford | Blockley | |
|----------------------|------------------|--|
| Bourton-on-the-Water | Chipping Campden | |
| Cirencester | Down Ampney | |
| Fairford | Kemble | |
| Lechlade | Mickleton | |
| Moreton-in-Marsh | Northleach | |
| Siddington | South Cerney | |
| Stow-on-the-Wold | Tetbury | |
| Upper Rissington | Willersey | |

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