



## **Representation to the Fairford Neighbourhood Plan Regulation 16 consultation**

Please find below comments from **Cotswold District Council (CDC)** on the Fairford Neighbourhood Plan 2020-2031.

CDC acknowledges the work that has been put in by the authors of this NDP and commends them for their efforts.

The Council hopes that the following comments, observations and suggested amendments will assist with the progress on the plan through examination. In general these have been written to try to identify either points which in officers' opinion may not meet the Basic Conditions against which the NDP will be assessed, or where the wording used may be open to interpretation during the development management process.

As context, Cotswold District Council is committed to a partial update of its Local Plan, with an aim to adopt an updated Local Plan in 2023. Following an Issues and Options Consultation in early 2022, the focus of development will remain broadly consistent with our current strategy of directing development towards our 17 Principle Settlements. Reflecting the corporate ambitions of the Council, housing affordability and climate change considerations are likely to drive some other policy changes.

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**p24 para 3.7** – 'Policy DS2: Development Boundaries – to update the current defined development boundaries to take account of the new site allocation (FNP14) and the withdrawal of site F\_35B'.

The wording of this section is unclear. It references the extant LP policy, in line with the purpose of this section, but confuses the purpose of this reference by noting that the development boundary will change as a consequence of NDP's own site allocation and site 'deallocation', given weight by FNP1 and FNP14. It would be clearer to simply reference the LP policy, in the same fashion as the other LP policy references, and explain its relationship to the NDP's proposals elsewhere.

**p26, para 3.9.** We note Fairford's analysis of the sites allocated in the Local Plan, and support their intention to allocate an alternative site. Notwithstanding the evidence that Fairford has presented regarding the developability of the Local Plan allocations, and their clear confidence that these sites will not come forward for development, we understand these sites will remain Local Plan allocations until they are formally deallocated. The SHELAA 2021 finds F35B to be unavailable and the updated assessment of F44 (in light of the new SSSI designation) finds the site to be unsuitable. Both sites are recommended in the SHELAA to be deallocated.

### **p37 FNP1 The Fairford and Horcott Development Boundaries**

Para 6.7, To save confusion CDC suggest removing the specific reference to DS1 and DS2 and refer instead to 'DS policies'. This ensures DS3 and DS4 are included, the latter of which defines exceptions to the presumption against market dwellings in the open countryside.

### **p39 FNP2 Providing a New Burial Ground**

We welcome this policy, which balances an acknowledged infrastructure need with tests to ensure its development would be sustainable. There is some 'conflict' with LP INF5 in the requirement to provide off-street parking, but we would expect this to be within the space for difference enabled by the requirement for the Neighbourhood Plan to be in 'general conformity'.

### **p41 FNP3 Maintaining Viable Community Facilities**

We welcome the identification of facilities of community value, ensuring their function will be taken fully into account in any development management decisions. The description of the facilities is particularly helpful. It would be helpful to make clear if the list is exhaustive. If so, it would benefit from inserting semicolons/commas and an 'and' after the penultimate item.

### **p45 FNP4 Managing Flood Risk**

Policy FNP4.1 is superfluous and duplicates NPPF and the [PPG](#). Please note the PPG was updated on 25 August 2022 to reflect changes to the NPPF.

In FNP4.1, the policy seeks to control the allocation of sites, but we cannot see how a neighbourhood plan policy can achieve this: the NDP policy does not direct policy development in either the Local Plan or a successor Neighbourhood Plan, albeit it would be the intention of the LPA to respect the objectives of an extant NDP in any such exercise.

It is not clear how policy FNP 4.2, 4.3 and 4.4 will work with the established sequential and exception tests. Para 6.22 provides useful context.

Paragraph 6.23 explains that FNP4 is designed to address issues not adequately addressed by CDLP and national policy and guidance but it is not clear where these issue gaps are.

Bullet 3 - It is understood FTC wish the LPA to specifically consult on the EA and WRA/Fairford Town Council borehole records to ascertain information on ground water level variations in the area. How does the FTC see this working in practice? Is this information publicly available? Is it kept up-to-date? Can this information be plotted by the LPA to avoid unnecessary delays in the decision taking process? Could there be a suggestion in the NDP that the LPA should advise applicants to contact FTC prior to a planning application being submitted to obtain this information?

Bullet 5 -. This point is advisory and not mandatory.

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications> points applicants to contact EA or LPA. The SFRA also has some guidance for developers <https://www.cotswold.gov.uk/media/z0cjniif/11-1-4-level-1-strategic-flood-risk-assessment-dr-aft-report.pdf>.

Bullet 6 - it is not clear how this addresses a deficiency of existing policy either locally or nationally. If this is retained it could be useful to make reference to future updates that both CDC and GCC undertake periodically.

Minor formatting issues at FNP4.1 (footnote 5).

#### **p49 FNP5 Investing in Utilities' Infrastructure Improvements**

We support the intent of this policy, recognising that it is an issue of particular local concern. The explanatory note at 6.25 appears to overlook 'electricity' as essential infrastructure – presumably an oversight in light of the final clause of the policy. FNP5.5 is superfluous - recent changes to [building regulations 2010 \(approved document S, June 2022\)](#) now mandates this.

#### **p53 FNP6 Managing Traffic in the Town**

The NPPF supports the need to avoid adverse impacts through development and to mitigate them where they may occur. It requires the response to be proportionate. Development should be refused on transport grounds only where the residual cumulative impacts are severe. "Residual" here means after mitigation measures have been applied. Although the setting of a specific threshold of 10 dwellings or 1000 sq m of commercial floorspace may not conflict directly with the NPPF's requirement for proportionality, it could be counterproductive in the sense that a proposal for 9 dwellings (or 999 sq m of commercial floorspace) would fall through the net – even if the traffic impact of the development was significant due to location or a specific business use.

We welcome the emphasis throughout the plan on supporting the transition to electric vehicles, which chimes with the Council's declaration of a Climate Change emergency, and indeed the national ambition to move away from petrol/diesel powered internal combustion engines. However, building regs have recently been updated to require the provision of car chargepoints, a broader requirement than the clause added here.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1057375/AD\\_S.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057375/AD_S.pdf)

#### **p55 FNP7 Improving Access to Visitor Attractions**

We support this policy - we'd note that the improvements this policy supports would not only support access to visitor attractions, but could also promote active travel by residents for leisure and work, supporting reduced carbon emissions and better health and wellbeing.

#### **p57 FNP8 Protecting Local Green Spaces**

We support this policy in principle – while CDC has designated some Local Green Spaces in the Local Plan, we see their designation as a strong component in neighbourhood planning. The approach taken by Fairford in preparing the evidence and engaging with stakeholders appears to the Council as robust and appropriate.

#### **p59 FNP9 Protecting the Fairford-Horcott Local Gap**

The area covered by this policy is already outside the Development Boundary, and thus not susceptible to development unless it fits one of the exceptions to DS4.

The gap the policy refers to is readily discernible on the Insert Map for SP5.

Open market housing development in this area would be in conflict with LP policy DS4. Exceptions are set out in LP policies H3, H5, H7 and EC6. The proposed policy is in conflict with those LP policy exceptions in the event they cannot meet the requirement of this policy.

However, the examiner may judge that given the impact is local, it falls within the space allowed under 'general conformity', and rounds out the NDP's development strategy, maintaining this protection in the event the Council cannot evidence a 5 year housing supply or pass the Housing Delivery Test. The Council is comfortable that the policy sets a reasonable test for new development, supported by a proportionate evidence base.

This policy does not prevent the area being allocated through a Local Plan review/new Local Plan, although we absolutely note the grounds for the determination and appeal of the recent application on this site, and the evidence base supporting this policy.

#### **p61 FNP10 River Coin Valued Landscape**

The area covered by this policy is already outside the Development Boundary, and thus not susceptible to development unless it fits one of the exceptions to DS4, so the same point applies as made to FNP9 above.

The Council is comfortable that the policy sets a reasonable test for new development, supported by a proportionate evidence base.

This policy could be strengthened further to emphasise the open character and landscape qualities (much like EN6) - as explained in the supporting text.

#### **p63 FNP11 Valuing Hedgerows and Trees**

We welcome the intention of this policy, which recognises the landscape and biodiversity benefits of planting.

#### **p65 FNP12 Achieving High Standard of Design**

We welcome the emphasis on high quality design. In particular, we commend the extensive evidence base that sits behind this policy, and support the extraction of the key design cues at Appendix 3 to provide an accessible and clear prompt to developers.

#### **p69 FNP13 Conserving non-designated heritage assets**

We welcome the intention of this policy, and applaud the efforts made in compiling the evidence base. For ease of use, and to give the assets identified full prominence, we suggest that the list of assets could be part of the policy itself.

We note that two terms have been used - non-designated heritage assets (the words used in the NPPF) and local heritage assets. Is there a difference? It would be simpler if it was only NDHAs, which would align with the Local Plan terminology.

#### **p71 FNP14 A New Low Carbon Community in Fairford**

A number of bullets (a, b, c) are technically unnecessary, in that they refer to existing requirements of the plan and / or the Local Plan (f, j, l)) and so can be read into the policy without being referenced. However, it could be argued they round out the description of the proposal, and they may offer reassurance to the reader that these points have been considered. Indeed, the policy is not seeking to dis-apply the referenced Local Plan policies, so we do not think their inclusion is problematic.

Given the size of this development, and the ambition for it to deliver a link road between Hatherop Road and Leafield Road, inevitably it has a highways impact. We understand and applaud the Town Council's aim to use this opportunity to relieve some of the traffic pressure points in the town through both the location and design of this proposal, and encourage the Town Council to continue to seek engagement from the County Council to ensure it delivers on this.

### **p75 FNP15 Housing Type and Mix**

Para 15.5 As noted above re FNP6, Building Regulations now cover this point in detail. Although we welcome the ambition of this clause, it no longer adds to existing requirements [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1057375/AD\\_S.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057375/AD_S.pdf).

### **p79 FNP16 Zero Carbon Buildings**

The opening phrase is unnecessary, as the other policies are 'read-in' to this policy - the policy could start at 'Innovative'.

### **p81 FNP17 Growing our Local Economy**

We welcome the intention of this policy, which should facilitate economic growth and seeks to stop the loss of employment land.

### **p83 FNP18 Sustaining a Successful Town Centre**

We note the requirement in Para 18.3 is very similar to EC8 (6). FNP18.2 echoes EC8(5). The examiner may consider this unnecessary duplication. It is clear that the vitality of the town centre can be affected by what would amount to minor changes in larger town centres, such as Cirencester and Tetbury. Fairford may wish to focus on the loss of floorspace rather than use, as a use may continue, but be compromised where floorspace is lost. It would help in those instances where an applicant is seeking a partial change of the total town centre floorspace. Such a change is not a substantial deviation from the intent of the policy as written and would not invite further consultation. This would offer a clear distinction to local plan policy EC8 and thus would offer added value to the overall policy framework.

### **p85 FNP19 New Visitor Accommodation**

The approach here is essentially the same as the Local Plan, but the presentation does create some confusion - Para 6.105 reads rather as policy, but is not formatted as such.

Para 6.105 could be made into a clause in the policy to explain the difference, albeit it seems to repeat LP (EC11(7) and other relevant policies. *'Proposals for camping facilities outside the defined Fairford Development Boundary will be supported provided there are no harmful effects on landscape and wildlife'*.

EC11 of LP relates to accommodation (EC10 does not –a ref in Appendix 2 of the FNP may suggest otherwise).

### **p87 Implementation and Monitoring**

No specific comment, other to endorse the inclusion of this section.

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