



Stow-on-the-Wold Town Council

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Town Clerk & RFO: Claire Evans

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Andy Mead
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3 Princes Street
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Dear Mr Mead

Please see below the response from Stow on the Wold Town Council.

As requested, Stow on the Wold Town Council has published your letter on the website. We hope that your visit to Stow on the Wold was informative.

I set out below the Town Council's answers to your questions, but I have begun the response by addressing other matters raised during the Regulation 16 period which place some of our answers in a fuller context for your consideration.

If you have any further queries, please do not hesitate to contact the office.

Yours sincerely

Claire Evans
Clerk & RFO to the Council.

Regulation 16 Matters

The Town Council (TC) has reviewed the Regulation 16 responses and has noted they have raised some matters that it considers require its response and, in doing so, provide a wider context for the specific questions you have raised.

Vision & Objectives

The TC expects the examiner will have quite quickly observed that some of the Neighbourhood Plan (NP) policies are intended to deliver a vision of Stow (not the Swells) that departs from where the town has been and where it is now. The TC has argued this point at length in its submission documents, including the independently prepared Strategic Environmental Assessment (SEA).

That vision has been born out of community engagement for almost a decade that has shown the TC a majority of the people that live in the town want and need change. Most in the community are no longer willing to live with the, perhaps unintended, consequences of well-meant policy restricting any meaningful growth of the town for over half a century. Therefore the community is increasingly concerned that the town may have already reached a tipping point, or be very close to it. A town consists of its built environment, its natural environment, and its population. All these factors should be considered in its planning.

The TC agrees that the town is at a crossroads with two very different futures ahead. Its vision represents a departure from the past to create a more sustainable community with a broader population and economic profile. Conversely, the local planning authority (LPA) and other objectors wish the town to remain on its current path and its residents to accept that is the price of its environmental constraints.

The TC hopes that it is not too late for planning decisions to help follow a new path but acknowledges that the NP is now its 'last chance saloon'. The LPA's work on the new Local Plan 2041 published last week (see below) indicates there is no prospect of the TC's vision being embraced through that route. Put simply, if this argument is lost now, the TC will not have another opportunity to change course.

The Planning Balance applied to Plan Making

This ultimately rests on planning judgement in balancing competing national and strategic policy objectives. Here, the 'exceptional circumstances' tests of the 2023 National Planning Policy Framework (NPPF) §183 provide the scales on which that balancing act must be carried out, but NPPF §29 provides the platform on which the scales rest. The TC considers that there is no rationale for neighbourhood planning if §29 can only operate when the §183 scales are weighted in precisely the same way as they would be for an LPA making sound policy choices in operating §20.

The TC had hoped that its engagement with the LPA and Cotswold National Landscape (CNL) would have led to them both accepting the TC as plan maker being able to operate §183 provided it did so reasonably. Instead, the LPA and others have implied that the TC has not done so, either because it is not able to meet the burden of proof with its evidence, or that the evidence that it has used cannot be submitted as it has been produced by the land promoter. They have also alleged the TC has not operated its site assessment process fairly and has been unduly influenced by the land promoter.

The TC considers these allegations are baseless. It has gone to considerable lengths in its evidence and rationale – notably appendices E and F – to explain how it has met its obligations. It has not sought to underplay harm but notes that it is easier to quantify harm to

existing assets than it is to evidence benefits that do not yet exist, especially when those benefits are part of a trend trajectory that the TC intends to change so that the future does not repeat the past.

The TC and the Land Promoter

In respect of its relationship with the land promoter, the TC has gone to great lengths to be consistent and transparent, in so far as this is possible when finalising a site allocation policy and its supporting evidence base. The TC had no direct relationship with any land interest party up to the summer 2022 site consultation exercise, other than to invite the respective land interests to provide information on their proposals for the community to comment on and for the initial strategic environmental assessment of reasonable alternatives. Only once the TC had chosen a preferred site did it need to engage more fully with the landowner and promoter.

As it is crucial this point is understood and accepted, the TC has invited the land promoter to make its own statement as follows:

“Bloor Homes is the largest privately owned housebuilder in the country. Bloor Homes Western is one of the nine Bloor regions and through our Tewkesbury office we have successfully delivered hundreds of new homes throughout the Cotswolds with the benefit of approvals from the local planning authorities within which the Cotswolds is located. Most recently, we have brought forward schemes in Bourton-on-the-Water, Chipping Norton, Cirencester, Fairford, Long Hanborough and Moreton-in-Marsh.

As you will be aware, Bloor first engaged with the NDP Group on the early stages of the emerging Neighbourhood Plan in 2020. Indeed, I recall writing to Heather Siphthorp (former Clerk & RFO of the Council) in August 2020 to introduce Bloor Homes to the Town Council and to confirm that Bloor have an option agreement in place with the Whitby Trust for two of the eleven land parcels which had been subject to community consultation as part of the emerging Stow on the Wold and The Swells Neighbourhood Plan for potential future allocation for development, namely Site 6. ‘Land north of Tesco store and behind McCarthy & Stone retirement complex – Hawkesbury Place, Fosseyway’; and Site 7. ‘Land north of Tesco and east of Edwardstow Court dementia/care home’.

Our invitation to discuss the two sites with the Neighbourhood Plan sites sub-group on a ‘without prejudice’ basis and in accordance with the sub-group’s Consultation Protocol was subsequently accepted and it began over three years of constructive, engaged dialogue between the NDP Group and Bloor as the Draft NDP emerged in consultation with the local community. For the avoidance of any doubt on this matter, it was made explicitly clear to Bloor from the very first meeting that any potential development allocation in the NDP would be for a mixed-use scheme; a community hub and a visitors car park would need to be accommodated alongside new open market and affordable homes. As such, Bloor has consistently and actively promoted the site to the emerging NDP and its supporting policy framework accordingly.

Notwithstanding Bloor’s site promotion to the emerging NDP provided for a potential housing development quantum of around 240 dwellings on a larger land area under Bloor control than is the subject of the Draft allocation, this was reflective of the fact that the Parish boundary of Stow on the Wold and The Swells essentially bisects an open field in the north of the site; the Parish boundary has no defining features ‘on the ground’. This approach by Bloor to defining ‘the site’ was based on established field boundaries and, notably, was consistent with representations and a ‘call for sites’ submission which Bloor had made to the emerging Cotswold Local Plan Review. However, in accepting that the NDP cannot allocate land for development in a neighbouring parish (Broadwell), Bloor revised the potential land

use arrangements on the site in order to align with the NDP boundary. The revised masterplan as shown within the supporting text to Policy SSNP7 of the Submission Draft NDP illustrates a development of around 170 much needed open market and affordable homes as well as a new community hub, visitors car park and supporting infrastructure in accordance with Draft Policy SSNP7.

As you are aware, Bloor has undertaken a considerable amount of supporting and technical work to inform our understanding of the site, its constraints and opportunities. I can confirm the Draft allocation is a deliverable scheme for Bloor and we are committed to working with the local community to bring forward this exciting 'generational' development opportunity."

The TC therefore considers those allegations are a smoke screen for other parties simply disagreeing about how the TC has struck the balance between social and economic benefits on the one side of the scales with environmental costs on the other. Its judgement has not been flawed and its evidence is proportionate to the matter in hand. And it therefore considers that unless the LPA can demonstrate how the TC has acted unreasonably in exercising its planning judgement, it cannot decide that SSNP7 should be deleted.

Housing Supply and Reasonable Alternatives

The LPA and others have argued that Stow is not a suitable location for meeting any of the housing needs of the District. The LPA goes further in stating that the town's housing needs, including affordable housing, would be better met by Moreton in Marsh five miles to its north.

The TC cannot accept that exporting its open market and affordable housing needs to another town in the District is in any way a reasonable alternative. It has asked its independent SEA consultants, AECOM, to consider this matter in the light of the LPA's criticisms. It has replied:

"The key point to note is that we did revisit work to explore reasonable alternatives (RAs) in light of CDCs Regulation 14 consultation response and, in turn, an updated assessment of RAs was provided to the Town Council ahead of submission and was available to inform Regulation 16 publicity.

Our updated work to explore RAs specifically involved accounting for CDCs view that the neighbourhood plan should/could focus on smaller site allocations and/or give greater weight to the potential for affordable housing needs in Stow on the Wold to be provided for in Moreton ITM. In particular, see the discussion on page 12 (under the heading "Arriving at RAs") and the appraisal on page 20 (under the heading "Population and communities").

Focusing on the role of Moreton, this is specifically discussed on page 12, whilst the appraisal on page 20 includes reference to "reliance on meeting unmet affordable housing needs outside of the plan area". The scope of RAs is limited by the scope of the plan, but all work to define and appraise RAs must naturally account for the baseline situation."

Local Plan 2041

The examiner may now be aware of the publication by the LPA of a number of documents for Regulation 18 consultation in relation to its update of the adopted Local Plan 2031 and its roll forward of that plan to 2041.

The TC observes that the strategic policy framework to 2031 remains materially unchanged in relation to most of the NP policies. In some respects, it considers the proposed

modifications to strengthen climate change and settlement self-containment add weight to the NP vision.

The Topic Paper on the Local Plan 2041 Vision, Objectives and Development Strategy Options provides some initial insights on the scale of development that it is likely to plan for in the next decade and its spatial option preferences.

The TC notes that these are a hybrid of four options, which include allocations in the Principal Settlements that are *“likely to encourage less car use and thus reduce transport related carbon emissions by offering more alternatives (public transport, walking and cycling) and good access to services and facilities ... (and) ... allows for a proportion of future growth to take place in smaller settlements thus helping support their vitality and viability and enabling development sites to be locally identified (e.g. through Neighbourhood Plans) ...”*.

EXAMINER QUESTIONS

Q1 Date of submission to CDC; dates of Reg 16 consultation.

Q to STC. Please could the date of the submission of the Stow and The Swells Neighbourhood Plan (SSNP) to CDC be confirmed?

TC Answer

The Town Council submitted the Neighbourhood Plan to Cotswold District Council on the 2nd October 2023. The plan was formally validated by the LPA on Friday 3rd November 2023. The TC notes that the LPA had adopted a validation process for Regulation 15 that is not consistent with either the Regulations or the relevant Planning Practice Guidance, resulting in the time taken from submission to the commencement of the Regulation 16 period being seven weeks. The relevance of this timing is addressed in answering your Q7 below.

Q3 Policy SSNP2

Q to CDC. Policy SSNP2 A defines Lower Swell as a small village that is only suited to small scale residential development and Policy SSNP2 B Upper Swell as a hamlet with no local services that is not suited to small scale residential development. Does CDC consider these definitions and the use of the term “Rural Area” as opposed to “countryside” in Policy SSNP2 C generally conform with Policy DC3 of the CDLP?

TC Answer

Although the question is posed to the LPA, the TC can also offer a response. Its use of the term ‘rural area’ was a legacy from a previous iteration of the policy. CDC did not draw attention to it at Reg 14 and it is not intended to alter the meaning of DC3. The examiner may therefore wish to recommend a change of wording to improve its clarity.

Q4 Policy SSNP3

- a. **Q to STC.** How does the STC justify the degree of detail described in Policy SSNP3 B?
- b. **Q to CDC.** Given the objection to the detail of the policy by CDC, is CDC able to suggest an alternative form of words?

TC Answer

The mix is prescribed in the HNA report. If the examiner considers it too inflexible then the TC would be happy with a modification to the policy wording, provided the policy retains this emphasis of housing mix.

Q5 Policy SSNP4

Q to STC. Does the STC have any comments about the difficulties of enforcement of the policy through development management and the ways to circumvent the aims of the policy raised by CDC (another example being that a resident householder of Stow might acquire a newly built house with a Principal Residence occupancy condition and then either sell or let their current house without the condition, thereby creating a second home)?

TC Answer

Other LPAs appear willing and able to support this policy intent and to ensure its successful implementation. The TC accepts that there are limitations of the planning system, which cannot on its own deliver a perfect solution. However, alongside the other national policy initiatives to which the LPA refers, this policy should send a strong signal to the market and investors that this type of tenure is not what Stow or the Swells need.

Q6 Policy SSNP5

Q to STC. Policy SSNP5 considers specialist accommodation for older people and states that they will not be permitted unless they are of small scale and deliver no more than a total of 40 units and/or dwellings of this type over the Plan period. What is the justification for a limit of 40 units?

TC Answer

In the previous 10 years two significant developments have been built in Stow on the Wold which comprise of 106 properties at Beechwood Park and 92 units in the McCarthy Stone

development (Edwardstow & Hawksbury Place). These developments have also contributed to the distortions within the age demographic of Stow on the Wold.

These 198 properties are in addition to the 71 existing homes of this type already in Stow on the Wold. Therefore, it is not appropriate to add many more.

The TC had originally sought to prevent any age-restricted housing schemes in the plan period. However, it recognised that this may have been too inflexible, and it sought to judge what a reasonable supply number could be. The TC remains firmly of the view that a cap is necessary, rather than it being left to a case-by-case basis. It understands that provision of approx. 40 homes would enable smaller but viable schemes to come forward.

Q7 Policy SSNP7

- a. **Q to STC.** The allocation for development, including 170 houses on land northeast of Stow, includes a housing scheme for approximately 70 affordable homes. Given the recent planning permission (23/01513/FUL) on land north of Oddington Road for 37 affordable houses, what is the justification for exceeding the NP Housing Needs Assessment and does this still contribute to the exceptional circumstances required to permit major development in the National Landscape (formerly referred to as AONB)?

TC Answer

The TC notes that although the LPA made a decision to permit the development at Oddington Road, no formal decision notice has been issued. Indeed, there remain doubts that the scheme will be viable with important highways matters left to be dealt with at a later date.

The TC has always acknowledged that the delivery of affordable homes as part of its site allocation was one of the public benefits that made the 'exceptional circumstances' case. It does so on the basis that the HNA provided a minimum target to plan for and not a ceiling and that the HNA methodology has its limitations in proving need at this scale at a moment in time.

The TC would not expect the LPA or any other party to argue that the provision of 37 homes at Oddington Road will resolve Stow's affordable housing problem. There will always be a need for affordable houses. CDC's housing officer provided a report on the Oddington Road application that stated there was a need for housing for 127 people currently on the waiting list. It was also made clear during the planning committee meeting that the LPA would always have a requirement for affordable housing in this area.

Although the TC welcomes in principle the provision of new affordable homes in the town, it notes that the location is one at which the LPA had strongly resisted development for many years. The fact that the LPA views its decision to approve the application as a key factor in the consideration of exceptional circumstances raises two important points.

Firstly, the officer's report to committee did not consider the recommendation to approve the application would have any bearing on the NP. The officers reiterated this in answering questions from councillors during the meeting. It is unfortunate that the LPA considered the

application at committee only three weeks before the end of the NP Regulation 16 period, and the officer's report made no mention that the emerging nature of the NP could enable the LPA to consider refusing the application on the grounds of prematurity (NPPF §49/§50). If the LPA considered the proposal would have the effect on the NP as set out in its Regulation 16 response, then the TC considers the officer's report and answers to committee were inconsistent. It cannot see how the LPA can maintain both positions at once.

Secondly, the TC can only assume that the LPA and others have misunderstood its formulation of the exceptional circumstances justification. An objective reading of the submitted documentation, including the NP vision, objectives, supporting text to the policy, its appendices E and F, and the basic conditions statement should make it very clear that, although the delivery of affordable homes is one benefit, there are many more important proposed benefits.

In summary, the TC considers that the weight to be attributed to the delivery of affordable homes as a public benefit in the NPPF §183 balance has not been affected by the Oddington Road decision, which has yet to be implemented and in any event took no account of the NP as a material consideration in this respect.

b. Q to STC. What are the proposals to deal with sewage from the allocation? Does the sewerage have the capacity to accept it? What are the proposals to avoid flooding on adjoining land which could be caused by the development?

TC Answer

The TC has asked the land promoter to respond to this question. It has engaged with Thames Water to the extent that is necessary at the site allocation stage and its specialist drainage engineering consultant, BWB, states that:

"It is expected that foul drainage from the development will most likely need to be pumped via an on-site foul water pumping station which will outfall to public sewers located to the south within Well Lane. There will be early and ongoing consultation with Thames Water to confirm the most appropriate point of discharge for foul drainage and to allow time for any necessary infrastructure improvements to be implemented.

A preliminary desk study has identified that the northern land parcel of the site boundary is largely underlain by limestone. Therefore, at this preliminary stage, it is envisaged that surface water runoff from the development will be disposed of through soakaway/infiltration into the ground. Soakaway testing to BRE365 standard and site investigations will be required to confirm whether drainage via infiltration is appropriate at the site. Should it be found that infiltration is not a viable means of surface water disposal, it would be proposed to outfall to the nearby watercourse or public sewer network. If this is required, then the discharge rate from the site would be restricted to equivalent greenfield rate to prevent any increase in downstream flood risk.

Through the application of Sustainable Drainage Systems (SuDS), multiple stages of treatment will be implemented to offer a level of protection to the water quality in the wider area. Wherever possible, SuDS features will be above ground to provide amenity and biodiversity benefits (such as infiltration trenches and basins). The storm water storage provided will be appropriately sized to account for the projected impacts of climate change."

In principle, therefore, there is nothing to suggest in the work undertaken so far that a viable, policy compliant drainage scheme cannot be delivered. The full technical work to set out exactly how such a scheme will be designed can only be undertaken at the planning application stage.

c. Q to STC. What is the justification for a new community hub as proposed in the allocation, given the references in Regulation 16 representations to the spare capacity for various community uses within Stow?

d. Q to STC. What is the evidence of the need for additional retail or office uses outside Stow town centre?

TC Answers

The proposition for the community hub evolved from a coincidence of the very clear need for the town to have a modern, multi-purpose, fully accessible, community facility and of the local business community expressing a keenness for the town to be better at growing its own businesses. As the idea developed, so the TC itself considered the option of relocating its office to the new facility.

Some local business people joined the NP steering group and led a task team to explore what this facility, or 'Hub', might look like and how it might operate. They accepted that any such project could only realistically come about as part of a larger development scheme to provide the land and construct the facility on behalf of an eventual operator. It knew there is no longer a means by which the public sector could invest in such a project and there is no publicly available land for this purpose. They also accepted that the town was only likely to have one chance of securing this benefit by the NP allocating land, given that the LPA had offered no solution in the Local Plan or through other means.

The TC has never disputed the fact that Stow does have some public facilities that the community can use. However, without exception, the buildings are not sufficiently adaptable to meet a range of needs, they are old, a number of them are listed, they are expensive to maintain, and they cannot meet modern accessibility standards. For example, the Church Rooms are too small to accommodate a full council meeting and any members of the public. Many of the facilities such as the Baptist Church do not have parking available so are not convenient for parties or less able participants.

A new community space will be an all-purpose building that can be used for people with all abilities and ages and allow space for exercise classes and community activities. As such it will become a strong symbol to the community that Stow is changing for the better.

Although the managed workspace idea was generated long before Covid it became obvious that those who required more space to work from home did not have it. The historic legacy of much of the town is buildings that are too small and not adaptable. Hot desking and hybrid working have become more culturally acceptable working practices, but the office space within Stow is negligible and incapable of meeting a growing demand. In actual fact, some existing buildings are being converted into shops or turned into hotels and holiday lets to

meet the demand of tourists. Recent examples are the Methodist Church and the Youth Hostel.

The TC accepts that the Hub can only provide a modest business facility but it will be a symbol of the town's brighter future in wanting to become less reliant on tourism to fund low paid, seasonal jobs. It does not consider that this provision – which explicitly does not include retail or any Class E use other than office – undermines the 'town centre first' principle for two main reasons.

Firstly, it will not be of a use or scale to undermine the town centre provision as explained in the NP documents. And secondly, its proposition cannot be delivered in the town centre given the heritage asset constraints of almost all of the buildings and land in the town centre. This has been a constraint on the TC's operations as well – it must move to premises that can meet its modern needs and be accessible to all.

The LPA and others have challenged the TC to provide a fully costed business plan for the Hub to prove that it is deliverable. With the policy requiring the delivery of the building, and the land promoter being willing to do so, the most common obstacles – land availability and capital cost – have been removed. There is therefore no reason to consider a scheme unviable as a matter of principle and it is neither necessary nor possible at this site allocation stage of an NP to prove otherwise. Instead, these details will be prepared as part of the planning application.

The TC notes that objectors have also claimed the Hub will generate significant new traffic movements. It disagrees, noting that the location lies within a 15 minute walk (< 800m) of 95% of the town's population and its travel plan will seek to incentivise visits by non-car modes. There is also the prospect of the Hub providing a substitute for longer journeys currently needed to access jobs and services.

Q8 Policy SSNP8

Q to CDC. CDC comments that the allocation in Policy SSNP7 should be deleted? If so, what are the views of CDC on parking in Market Square.? Should the aim be to reduce car parking in Market Square and, if so, where would it be relocated?

TC Answer

The TC wishes to answer this question too. It should be noted that Gloucestershire County Council (GCC) is the authority responsible for on street parking which includes the Market Square, not the LPA.

As noted above, the LPA would wish Stow to remain as it is. It is not therefore likely to see any adverse consequence of the deletion of SSNP7 or SSNP8(G). Even if it considers that there are any harmful effects on the heritage and functioning of Market Square of the dominance of traffic and parking it has shown no appetite for trying to resolve them in a positive way. However, the TC notes that the LPA supports public realm improvements (CDLP Policy S13) but there has never been a plan to deliver this objective, much less to commit the funding.

To secure this benefit that can only be instigated by the SSNP7 allocation, the TC requires the making of the NP with that policy. GCC has understandably been reluctant to commit the resource to bringing forward specific proposals until the principle has been agreed, but it supports the objective of tackling parking to improve Market Square. The principle of providing peripheral parking around the town's edges is well established and successful. The TC plans to engage GCC and the town centre's businesses and their employees on preparing proposals as a priority on the making of the NP with the aim of having the key principles agreed by the time an application is made to deliver the SSNP7 allocation.

Q9 Policy SSNP11

Q to STC and CDC. When the SSNP is made (adopted), the Stow Design Code will be part of the development plan to sit alongside the Cotswold Design Code which is being reviewed as part of the CDLP Review. Given the comments of CDC in the Regulation 16 consultation, it seems to me that the details of the Design Codes need to be compatible so that whether the CDLP Review is adopted before the SSNP is made, or vice versa, confusion is minimised. Therefore, to avoid excessive detail in the examination which is only aimed at determining whether the Plan meets the Basic Conditions, I may recommend in the report that STC and CDC confer in order to agree the Stow Design Code. Please could both Councils comment on this suggestion?

TC Answer

The TC would not welcome such a recommendation. It has invested considerable resource to producing the NP Code following the excellent work of the Civic Society and Steering Group members. Its approach is specifically designed to synchronise the NP Code with the adopted District Code to avoid confusion in precisely the way intended by the Government.

The adoption of the CDLP Review and revised District Code may be two or more years away and the TC notes that the Reg 18 tracked changes document does not include a revised District Code as Appendix D as it remains work in progress. Had there been a proposed revised draft published by the LPA then there may have been time for the TC to consider modifications prior to submission, but accepting that the revised District Code would still require examination and could change again before its adoption.

The NP Code, along with the adopted District Code, will serve an important purpose in managing design decisions across the NP area until a new District Code is adopted. At that point, the TC undertakes to review if and how the NP Code should be modified to synchronise with the new District Code again to avoid confusion. In practice, the TC considers this is solely a matter of structure and presentation, not of content, which the TC considers is consistent with the National Model Design Code and is fit for purpose now and for the foreseeable future.

In any event, the TC notes that the LPA, and most other Reg 16 respondents, are generally very supportive of the NP Code, though the LPA has referenced parts of the Code that it

considers are missing specific coding and has offered the view that the code is too prescriptive in places. To be clear in respect of the first point, the NP Code only contains coding where the TC considers there is value to be added to what the District Code, or other Local Plan policies, already state. Where the NP Code is silent that is because the TC considers existing policy and guidance are sufficient. This is explained in full in the introduction to the NP Code and in the NP policy supporting text. On the second point, the TC considers that coding is inevitably more prescriptive, and less subjective, than the traditional ways in which design decisions have been judged. This is the explicit intention of the Government in promoting design coding.