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Report on the Kemble and Ewen Neighbourhood Development Plan 2020 to 2031

An Examination undertaken for Cotswold District Council with the support of the Kemble and Ewen Parish Council on the January 2020 submission version of the Plan.

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Contents

	Page
Main Findings - Executive Summary	3
1. Introduction and Background	3
• Kemble and Ewen Neighbourhood Development Plan 2020 to 2031	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
2. Approach to the Examination	5
• Planning Policy Context	5
• Submitted Documents	6
• Site Visit	6
• Written Representations with or without Public Hearing	6
• Modifications	6
3. Procedural Compliance and Human Rights	7
• Qualifying Body and Neighbourhood Plan Area	7
• Plan Period	7
• Neighbourhood Plan Preparation and Consultation	7
• Development and Use of Land	8
• Excluded Development	8
• Human Rights	8
4. Compliance with the Basic Conditions	8
• EU Obligations	8
• Main Issues	9
• Vision and Objectives	9
• Community Facilities	10
• Local Green Spaces (LGS) and Other Open Spaces	10
• The Scale of the Villages	11
• Access to the Countryside	12
• Identity and Character of the Villages	12
- Kemble and Ewen Design Guide	12
- Site Briefs	13
• Glossary	15
• Overview	16
5. Conclusions	16
• Summary	16
• The Referendum and its Area	16
• Concluding Comments	16
Appendix 1: Modifications	Attached
Appendix 2: Revisions to the Design Guide	separately

Main Findings - Executive Summary

From my examination of the Kemble and Ewen Neighbourhood Development Plan (KENDP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Kemble and Ewen Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Kemble and Ewen as shown on the map at page 5 of the submitted Plan;
- The Plan specifies the period during which it is to take effect: 2020 to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Kemble and Ewen Neighbourhood Development Plan 2020 to 2031

- 1.1 Kemble and Ewen Parish, which has a population of about 1,036,¹ is located in gently undulating agricultural landscape, characteristic of the Cotswold countryside. The village of Kemble lies about 7 km south west of Cirencester, with Malmesbury a further 14m to the south, linked by the A429. Tetbury is about 12 km to the south west. Regular rail services between Cheltenham and London Paddington call at Kemble Station, on the western edge of the village. Ewen, a much smaller village within the Parish, lies about 2 km due east of Kemble.
- 1.2 A reference to the possibility of preparing a neighbourhood plan was first reported at the Annual Parish Meeting on 1 May 2015. Evidence was subsequently gathered; a Steering Group was formed; questionnaires were distributed; and workshops were held. The KENDP was submitted to Cotswold District Council (CDC) in February 2020, representing over four years' work for those involved.

¹ 2011 Census.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the KENDP by CDC, with the agreement of the Kemble and Ewen Parish Council (KEPC).
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;

- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').²

2. Approach to the Examination

Planning Policy Context

2.1 The current Development Plan for Kemble and Ewen Parish, excluding policies relating to minerals and waste development, is the Cotswold District Local Plan 2011–2031 (CDLP) which was adopted in August 2018. The CDLP defines Kemble as a Principal Settlement.

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG)

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and all references in this report are to the February 2019 NPPF and its accompanying PPG.³

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Kemble and Ewen Neighbourhood Development Plan 2020–2031, dated January 2020;
 - the map on page 5 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, dated December 2019;
 - the Basic Conditions Statement, dated December 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment Screening Report, dated July 2019; and
 - the requests for additional clarification sought in my letter of 26 August 2020, and the responses dated 2 September from KEPC and 11 and 23 September from CDC.⁴

Site Visit

- 2.4 I made an unaccompanied site visit to the KENDP Area on 20 August 2020 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in Appendix 1 to this report.

³ NPPF: paragraph 214. The Plan was submitted under Regulation 15 to CDC after 24 January 2019.

⁴ View at: <https://www.cotswold.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/kemble-and-ewen-neighbourhood-plan/>. The 23 September CDC response (Revisions to the Design Guide) is also attached to this report as Appendix 2.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Kemble and Ewen Neighbourhood Development Plan has been prepared and submitted for examination by KEPC, which is a qualifying body. The KENDP extends over all the Kemble and Ewen Parish. This constitutes the area of the Plan designated by CDC on 28 October 2015.

Plan Period

- 3.2 The Plan clearly specifies the Plan period, which is from 2020 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.3 The comprehensive Consultation Statement (CS), including 11 Appendices, indicates a process of several stages of the preparation of the Plan from September 2015, when KEPC submitted an application to designate the Parish as a Neighbourhood Area. Three environmental appraisals were undertaken in 2016 and 2017 on behalf of KEPC which formed part of the evidence base for the Plan.⁵ Consultation took place on the Conservation Area and Landscape Appraisals by leafletting all households, organising a series of public events and uploading the documents onto the KEPC website. Two workshops were held in June and October 2018 to discuss and identify key issues from which developed a vision for the Plan and series of objectives which were then the subject of public consultation. An informal consultation draft Plan was produced and widely publicised from 25 March to 3 May 2019 in order to seek the community's views on the approach and the proposed policies.
- 3.4 The Pre-Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations on 23 September 2019. The consultation period ran for 6 weeks until 4 November 2019. The Plan could be viewed on the Parish Council website. Hard copies of the Plan were made available and it could also be read at two locations in Kemble. A total of 14 consultees responded to the consultation with 35 representations which are noted in Appendix 10 of the CS, together with separate comments made by CDC about the Design Guide in Appendix 10A.
- 3.5 The Plan was finally submitted to CDC on 26 February 2020. Consultation in accordance with Regulation 16 was carried out from 15 June 2020 to 10 August 2020. 10 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the KENDP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

⁵ The three environmental appraisals are as follows:

(i) The Kemble and Kemble Station Conservation Areas Appraisal and Management Guidance: Montague Evans; September 2016.

(ii) The Kemble Landscape Appraisal: Tyler Grange; September 2017.

(iii) The Kemble Heritage Appraisal: Archaeology & Planning Solutions; December 2017.

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Development and Use of Land

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.8 The Basic Conditions Statement advises that the KENDP has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the European Convention on Human Rights. It states that the Plan has been produced in full consultation with the local community and does not contain policies or proposals that would infringe the human rights of residents or other stakeholders, over and above the existing strategic policies at national and district-levels. It concludes the KENDP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I have considered this matter independently and I have found no reason to disagree with that position, especially as considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded and that the policies and proposals will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The KENDP was screened for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) by CDC. The details were submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations.⁶ The SEA screening assessment concluded that the policies of the Plan would not be likely to lead to significant environmental effects and, consequently, a full SEA was not required. Furthermore, CDC did not consider that an appropriate assessment under the Habitats Regulation was required. Historic England⁷, the Environment Agency⁸ and Natural England⁹, when consulted, agreed with those conclusions.

⁶ Strategic Environmental Assessment Screening Report: July 2019.

⁷ Response from Historic England, dated 27 June 2019.

⁸ Response from the Environment Agency, dated 24 May 2019.

⁹ Response from Natural England, dated 10 June 2019.

4.2 Having read the SEA and HRA Screening Assessments and the other information provided, and considered the matter independently, I also agree with those conclusions. Therefore, I am satisfied that the KENDP is compatible with EU obligations.

Main Issues

4.3 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.

4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹⁰

4.5 Accordingly, having regard to the Kemble and Ewen Neighbourhood Development Plan, the consultation responses, other evidence¹¹ and the site visit, I consider that the main issues in this examination are whether the KENDP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

Vision and Objectives

4.6 The process of preparing the Plan included using a workshop to identify key issues from which were derived five objectives. These were then used to define a vision for Kemble and Ewen which, on page 14 of the Plan, states that: "In 2031 Kemble and Ewen will be vibrant, caring village scale communities supported by local scale community facilities and infrastructure. Heritage, landscape, greenspace and ecological assets will be preserved and enhanced and access to the countryside facilitated". The five objectives are then each used to introduce the 12 policies in the Plan.

¹⁰ PPG Reference ID: 41-041-20140306.

¹¹ The other evidence includes the responses from KEPC dated 2 September 2020 and CDC dated 11 and 23 September 2020 (see Appendix 2 to this report) to the questions in my letter of 26 August 2020.

Community Facilities (Policies KE1 and KE2)

4.7 Policy KE1 seeks to protect community facilities and public houses for community use. Policy KE2 supports the improvement of local infrastructure and, in particular, improvements to Kemble Village Hall, Kemble Playing Field and Kemble Primary School. Proposals to support the sustainable re-use of the Tetbury/Cirencester to Kemble rail lines, whilst laudable, are too general to be an effective development management mechanism. Therefore, consistent with my question to KEPC about this issue and its response, I shall recommend that part of the policy is modified to "re-use of the Tetbury/Cirencester to Kemble railway lines for some form of sustainable transport". **(PM1)** Both policies have regard to national guidance¹² generally conform with Policy INF2 of the CDLP and would meet the Basic Conditions.

Local Green Spaces (LGS) and Other Open Spaces (Policies KE3 and KE4)

4.8 The CDLP has already designated three LGS in Kemble. Policy KE3 of the KENDP proposes four more LGS, three in Kemble (KE3/1, KE3/2 and KE3/4) and one in Ewen (KE3/3). Appendix 1 of the Plan assesses each of the proposed LGS against the criteria described in the Local Green Space Designation Toolkit produced by CDC. As explained in the NPPF, 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) local in character and is not an extensive tract of land.¹³

4.9 I agree with the assessment in Appendix 1 of the Plan that each of the proposed LGS is in reasonably close proximity to, or within, either Kemble or Ewen. Each LGS is local in character and not an extensive area of land. However, although I agree that KE3/1, KE3/4 and KE3/3 are special to the local community, I am not convinced that KE3/2 has any particular quality which elevates it to be "demonstrably special". It is attractive countryside and lies within the Special Landscape Area, but so does most of the land on the edge of the village. The land is visible on entering the village along the main road, rather than prominent. I agree that the land has some landscape value. The Landscape Appraisal shows it to be within the "Small scale farmland" category. But the appraisal notes that this category has no rare features or elements. It is typical farmland.¹⁴

4.10 Therefore, for the above reasons, I shall recommend the deletion of KE3/2. Policy KE3 would then have regard to national guidance, generally conform with the aims of Policy EN3 of the CDLP and meet the Basic Conditions. In addition, CDC noted in its Regulation 16 response that the

¹² NPPF: paragraph 92.

¹³ NPPF: paragraph 100.

¹⁴ Kemble Landscape Appraisal: Tyler Grange; September 2017 (p.20).

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LGS designated at Kemble in the CDLP should be added to the KENDP Policies Map and I agree that this would assist in avoiding ambiguity for the management of development. **(PM2)**

- 4.11 Policy KE4 seeks to protect open spaces within Kemble and Ewen in addition to those defined as LGS. The policy has regard to national guidance¹⁵, generally conforms with Policy INF2 of the CDLP and meets the Basic Conditions. The justification explains that there are several smaller open spaces which add to the character of the area, using grass verges as an example. I have sympathy with the comment by CDC that the implementation of the policy would be assisted by delineating the areas on a map. However, the spaciousness within both villages can be attributed to a combination of features, some of which, such as some of the wider grass verges, would be defined quite arbitrarily.
- 4.12 Therefore, it seems to me that the introduction of a phrase within the policy aiming to prevent significant harm to the spacious character of Kemble and Ewen would meet the objective of protecting green spaces and avoid the practical difficulty of a blanket protection of all open space. Accordingly, I shall recommend an appropriate modification to the policy which also incorporates the qualification of Ewen to be the built-up area, in the absence of a defined development boundary. **(PM3)**

The Scale of the Villages (Policy KE5)

- 4.13 Policy KE5 supports development within the Kemble Development Boundary as defined in the CDLP and subject to several criteria listed in the policy. It is aimed at development on infill sites, whilst avoiding subdivision of existing plots and back land development. Criterion (h) in Policy KE5 seeks to avoid conflict with guidance in the Kemble Landscape Appraisal and the Kemble and Kemble Station Conservation Areas Appraisal. CDC has commented that the Conservation Areas Appraisal has not been adopted by the local planning authority and given that the Appraisal recommends changes to the Conservation Area boundary which have not been implemented by the District Council, there may be confusion. I agree and shall recommend that the criterion is deleted from the policy and included in the paragraph 5.12 of the justification. **(PM4)**
- 4.14 I also note that paragraph 5.13 includes the assertion that Ewen is not a sustainable location for new development. This conflicts with Policy DS3 of the CDLP which accepts that small scale development may occur in settlements other than those defined as "Principal Settlements" in order to support sustainability and vitality in the long term. I recommend that the relevant sentence should be deleted from paragraph 5.13. **(PM5)** Subject to those two modifications, this section of the Plan would have regard to national guidance¹⁶ generally conform with Policies DS2 and DS3 of the CDLP and meet the Basic Conditions.

¹⁵ NPPF: paragraph 97.

¹⁶ NPPF: paragraphs 68 & 69.

Access to the Countryside (Policy KE6)

- 4.15 Policy KE6 aims to protect Green Infrastructure (GI), particularly where it improves access to the countryside. The policy has regard to national guidance¹⁷, generally conforms with Policy INF7 of the CDLP and so meets the Basic Conditions. CDC commented that the definition of GI in the KENDP Glossary is not the same as in the NPPF, suggesting that the latter should be preferred. I agree, especially as the NPPF definition is more general, thereby offering fewer possibilities for confusion. An example is the reference in the KENDP Glossary to “high-quality green spaces”, to which there is no such qualification in the NPPF. Therefore, I shall recommend that the Glossary be amended to use the NPPF definition. **(PM6)**

Identity and Character of the Villages (Policies KE7, KE8, KE9, KE10, KE11 and KE12)

- 4.16 Policy KE7 seeks to ensure that development would accord with the Kemble and Ewen Design Guide. The policy also sets out site briefs for development in the three housing sites in Kemble defined in the CDLP, K_1B, K_2A and K_5.

Kemble and Ewen Design Guide

- 4.17 In its Regulation 16 response, CDC raised many issues about the text of the Design Guide (DG) which led me to seek clarification from both the District Council and KEPC. The Council then came to a position which is outlined in the schedule of agreed amendments to the DG, which I was invited to consider.¹⁸ The schedule described 31 suggested amendments, most of which are agreed between CDC and KENPC and which I also endorse.¹⁹ I consider the exceptions below.
- 4.18 *DG page 18: bullet point 5.* I agree with KENPC that brick walling is not a typical Kemble boundary feature and should not be referred to as a suggested treatment. Therefore, I shall recommend that the amendment should be treated as a modification, but subject to the deletion of “and in some instances brick walling, although this is not characteristic of Kemble”. **(PM7)**
- 4.19 *DG page 18: bullet point 6.* CDC objected to the statement that “At least one of the perimeter walls sides should be a low wall or low growing vegetation” because there is no reasoned justification, added to which there is no definition of “low.” I am sympathetic to the point made by KEPC that the open views in the villages should not be curtailed, but equally I acknowledge that the height limit of a wall to be “low” would lack clarity for effective development management. In addition, the

¹⁷ NPPF: paragraphs 91, 150, 171 & 181.

¹⁸ Attached to this report as Appendix 2: Revisions to the Design Guide.

¹⁹ See **PM14** below.

requirement for “low growing vegetation” is not able to be controlled through development management. Therefore, I shall recommend a substitute phrase which aims to maintain the open aspect within and around development. **(PM8)**

- 4.20 *DG page 23: top sketch.* CDC objected to the sketch which shows a design of perpendicular parking with no front garden and suggested either deleting the sketch or amending it to illustrate parking which is not perpendicular and also has garden space. KEPC agreed to the change. However, given that the suggestion from CDC is in the alternative, and with no proposed illustration, I shall recommend that the sketch is deleted. **(PM9)**
- 4.21 *DG page 44: row 1.* CDC commented that it may not always be appropriate to use Cotswold stone tiles/slates within the Conservation Areas, dependent on building type, age, etc. and that consideration should be given to the use of artificial Cotswold stone tiles/slates. KEPC agree to the suggestion, subject to the use of artificial stone/tiles being in less sensitive locations. I see the merit in both points of view but, in recognition of the desirability of enhancing the appearance of the street scene within conservation areas, I shall recommend the qualification of the KEPC. **(PM10)**
- 4.22 *Glossary.* CDC commented that the Glossary is not comprehensive and should be deleted. The simple and brief Glossary only occupies two pages of the DG, which contains 58 pages and many illustrations and I am surprised the opportunity was not taken to integrate a definition of architectural terms within the body of the DG, using some of the excellent photographs of the area as examples. Nevertheless, I do not object to the retention of the Glossary, provided it is accurate and shall also recommend the inclusion of the web site links to architectural terms suggested by CDC. **(PM11)**

Site Briefs

- 4.23 The development briefs for the three sites allocated for housing in the CDLP are a valuable element of the Plan and should be considered in parallel with the DG. The briefs for K1_B and K_5 each seek to avoid development of a “suburban character” and I agree with CDC that it is an ambiguous phrase, especially given that there may be a variety of building styles within suburbs. Reference is made in each case to the need to avoid a standard house type and I consider that is sufficient guidance for what is sought. Therefore, I shall recommend the deletion of the phrase. **(PM12)**
- 4.24 Allocation K1_B refers to creating a village edge by using a mixture of stone and native tree and hedge species. CDC is concerned that this lacks clarity, but I consider that the requirement is consistent with the boundary treatment guidance in the DG KE05 and seeks to avoid wooden fencing, which would be inappropriate for the edge of the settlement.

- 4.25 The detailed guidance for allocation K_2A is a local interpretation of the circumstances of the site and its surroundings and I consider it is reasonable to include in the Plan, with the exception of (i), which is part of the process prior to the submission of a planning application and which I shall recommend for deletion. **(PM13)**
- 4.26 Accordingly, subject to the above modifications, I endorse the KENDP Design Guide as amended by the CDC schedule noting that, together with the remainder of Policy KE7, it has regard to national guidance²⁰, generally conforms with Policies EN2 and S6 of the CDLP and therefore meets the Basic Conditions. I recommend that the Design Guide is modified by the schedule, attached to this report as Appendix 2: Revisions to the Design Guide, as amended.²¹ **(PM14)**
- 4.27 Policy KE8 describes requirements for the Kemble and Kemble Station Conservation Areas. The policy has regard to national guidance²² generally conforms with Policies ENV10 and ENV11 of the CDLP and meets the Basic Conditions, subject to the correction of the typographical error in the final phrase of clause c), which I shall recommend.²³ **(PM15)**
- 4.28 Policy KE9 deals with development affecting non-designated heritage areas (NDHA). This policy also has regard to national guidance²⁴, generally conforms with Policy EN12 of the CDLP and meets the Basic Conditions, with two exceptions. The first exception is that the list of NDHA includes two tracts of land at KE9/6 and KE9/7 which, although identified by a symbol on the Policies Map of the Plan, lack sufficient precision for effective development management. KEPC confirmed in its response to a question of clarification that the areas delineated should be those shown in the Kemble and Kemble Station Conservation Area Appraisal and Management Guidance submitted and publicised as part of the supporting evidence of the Plan.²⁵ I recommend that the areas are shown on the Policies Map of the Plan. **(PM16)**
- 4.29 The second exception is the reference in the policy to the possible addition of further NDHA. As CDC commented in its representation, NDHA may be identified when considering planning applications and therefore need not await a revision of the Plan. Accordingly, I shall recommend a minor rewording of the policy. **(PM17)**
- 4.30 Policy KE10 considers archaeology and seeks to assess the potential effects of development on heritage assets which, in line three of the policy, are explicitly archaeological. The policy has regard to national

²⁰ NPPF: paragraph 125.

²¹ See PM7-PM11.

²² NPPF: Section 16 Conserving and enhancing the historic environment.

²³ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

²⁴ NPPF: paragraph 197.

²⁵ Kemble and Kemble Conservation Areas Appraisal and Management: Montagu Evans: September 2016.

guidance²⁶, generally conforms with Policy EN1 of the CDLP and meets the Basic Conditions.

- 4.31 The majority of the Plan area is covered by the Kemble/Ewen Special Landscape Area (SLA), with a small triangle in the north west located within the Area of Outstanding Natural Beauty (AONB) and the remaining land south of Kemble and Ewen villages being within open countryside. Policy KE11 aims to protect the landscape and includes a clause which virtually repeats Policy EN6 of the CDLP, and so is unnecessary. However, the second clause sets out more detailed criteria against which planning proposals will be assessed and would apply throughout the Plan area. Criterion h) within the policy would retain woodland, trees and hedges without any qualification. It would not generally conform with Policy EN7 of the CDLP which sets out a more balanced approach and includes references to the need to conserve and enhance trees, woodland and hedges of high value. Therefore, I shall recommend the deletion of criterion h) which would not diminish the protection of trees in the landscape already afforded by the Development Plan through Policy EN7 of the CDLP.
- 4.32 I shall also recommend modifications to assist effective development management including a reference to “valued” landscapes in criterion e), “aesthetic” erosion in criterion f) and the addition of “significant detrimental impact” to criterion g). Subject to those modifications, the policy has regard to national guidance²⁷, generally conforms with Policy EN6 of the CDLP and meets the Basic Conditions. **(PM18)**
- 4.33 Policy KE12 considers Cotswold Airport. There is some overlap with general criteria-based policies in the CDLP aimed at avoiding harm from development. However, the factors in clause i.(a) and (b) are in general conformity with the strategic CDLP policies and have regard to national guidance²⁸, as would the remaining two clauses of the policy subject to the following amendments. Clause ii requires a modification by the qualification of significance to enable it to align with the CDLP.²⁹ To assist effective development management, clause iii should qualify mitigation by where it is possible. Finally, the test of significance should be added to where negative impacts might lead to a refusal of planning permission. I shall recommend those modifications to the policy. **(PM19)**

Glossary

- 4.34 The final section of the Plan following the Appendices is a Glossary of planning terminology. CDC commented that it should be updated, that it includes terms not used in the Plan and that it contains definitions which are different from those in the NPPF. I have already recommended a modification to the definition of Green Infrastructure, but it is inevitable

²⁶ NPPF: paragraph 189.

²⁷ NPPF: paragraph 170.

²⁸ NPPF: paragraph 104 f).

²⁹ CDLP: paragraph 11.5.11.

that some terms may alter over time and possibly due to new regulations and case law during the life of the Plan prior to any review. However, to minimise the possibility of the glossary being misleading, I recommend that web links are provided to the NPPF glossary and to the PPG so that those who wish to enquire further may obtain clarification. **(PM20)**

Overview

- 4.35 Accordingly, on the evidence before me, with the recommended modifications, I consider that the policies within the KENDP are in general conformity with the strategic policies of the CDLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Kemble and Ewen Neighbourhood Development Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the KENDP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The KENDP as modified has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The Parish Council is to be commended for its efforts in producing a clear and concise Plan which was well presented. Within the comprehensive accompanying documentation, the Basic Conditions Statement was especially useful. The various Appraisals submitted with the Plan as supporting evidence were thorough, well-illustrated and very informative. I enjoyed reading the Plan and visiting the area. With those modifications, the KENDP will make a positive contribution to the Development Plan for

the area and should enable the rural Cotswold character and appearance of Kemble and Ewen to be maintained whilst enabling sustainable development to proceed.

Andrew Mead

Examiner