

INDEPENDENT EXAMINATION OF THE STOW ON THE WOLD AND THE SWELLS

NEIGHBOURHOOD PLAN

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Claire Evans
Clerk and RFO Stow on the Wold Town Council

Joseph Walker
Cotswold District Council

Examination Ref: 01/AM/SSNDP

22 January 2024

Dear Ms Evans and Mr Walker

STOW ON THE WOLD AND THE SWELLS NEIGHBOURHOOD PLAN

Following the submission of the Stow on the Wold and the Swells Neighbourhood Development Plan (the Plan/SSNDP) for examination, I would like to clarify some initial procedural matters. I also have a number of questions for Stow Town Council (STC) and Cotswold District Council (CDC) to which I would like to receive a written response by **Monday 5 February 2024**, if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

2. Site Visit

I aim to carry out a site visit to the neighbourhood plan area this week (beginning 22 January 2024). The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from STC and CDC.

I have 10 questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response by **Monday 5 February 2024**.

5. Examination Timetable

As you will be aware, the intention is normally to conduct the examination (including the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the Plan. However, in view of the need to address the issues raised in my questions, the examination timetable may be extended. The IPe office team will endeavour to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Town Council and District Council websites.

Thank you in advance for your assistance.

Yours sincerely

Andy Mead

Examiner

Annex

From my initial reading of the Stow on the Wold and Swells Neighbourhood Plan, the supporting evidence and the representations that have been made to the Plan, I have the following questions for STC and CDC. I have requested the submission of responses by **Monday 5 February 2024**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Specific questions of clarification to each Council are listed below, albeit that is not intended to preclude either Council from commenting on any of the questions asked.

1. Date of submission to CDC; dates of Reg 16 consultation.
 - a. **Q to STC.** Please could the date of the submission of the Stow and The Swells Neighbourhood Plan (SSNP) to CDC be confirmed?
 - b. **Q to CDC.** Please could the dates of the Regulation 16 consultation be confirmed?
2. Policy SSNP1.
 - a. **Q to CDC.** Please could CDC supply a plan showing the Stow on the Wold Settlement boundary which accords with the Cotswold District Local Plan (CDLP) and includes the “white triangle” referred to in the Regulation 16 representation, but excludes the proposed allocation under Policy SSNP7?
3. Policy SSNP2
 - a. **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 DS3 of the CDLP?
4. 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?
5. Policy SSNP4
 - a. **Q to CDC.** The Plan indicates (paragraph 5.17) that in 2011 17% of the housing stock were second homes. Does CDC consider this is an unusual percentage within the District? Has the Council any evidence about the proportion of second homes in other Parishes within the District?
 - b. **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)?

6. Policy SSNP5

- a. **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?
- b. **Q to CDC.** How should “local connection” be defined? Should this be applied to Policy SSNP5 and also to the qualification for affordable dwellings in Policy SSNP3 A?

7. Policy SSNP7

- a. **Q to STC.** The allocation for development, including 170 houses on land north east 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)?
- 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?
- 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?

8. Policy SSNP8

- a. **Q to CDC.** CDC comments that the allocation in Policy SSNP7, including car parking 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?

9. Policy SSNP11

- a. **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?

10. Policy SSNP13

- a. **Q to CDC.** SSNP13 A. The District Council does not believe that this policy should apply to all development. To which development should it apply?
- b. **Q to CDC.** SSNP13 B. Does CDC have any comments on the proposed new regulatory regime of enforcement as described in paragraph 5.52 of the SSNP. Would a planning condition as described in Clause B and in Appendix D (paragraph 7) of the Plan be reasonable?
- c. **Q to CDC.** Is the degree of detail sought by Clauses B, C and D more appropriate to be dealt with under the Building Regulations?