

## **Representation to the South Cerney Neighbourhood Plan Regulation 16 consultation**

Please find below comments from **Cotswold District Council** (CDC) on the South Cerney Neighbourhood Plan 2021-2031.

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, we'd advise that CDC has committed to a partial update of its Local Plan, with an aim to adopt an updated Local Plan in 2023. In light of the White Paper, the trajectory of this update is subject to review. We wouldn't wish to pre-empt evidence or the options which will need to be consulted upon in due course, but our expectation is that the focus of development will remain broadly consistent with our current strategy of directing development towards our principle settlements. Reflecting the political ambitions of the Council, housing affordability and climate change considerations are likely to drive some other policy changes.

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Since the Regulation 14 Consultation, Natural England have proposed a significant expansion of the SSSI designation across the Cotswold Waterpark.

Despite this proposed expansion of the SSSI, the contents and intentions of the Neighbourhood Plan have not fundamentally changed and therefore the Council stands by its original conclusion that a Strategic Environmental Assessment is not required. We note that the change to the SSSI and thus the sensitivity of the area will need to be taken into account in future particularly in respect of any allocations.

**Para 2.1.10 "Many of the Lakes"**. Most of the lakes now fall within the SSSI.

### **All policies**

In our view policy criteria /clauses should be numbered to aid reference in planning decisions and also denote 'and/or' situations.

### **p.12 Policy SC1 Design Guidelines for South Cerney**

We support the intent of this policy.

As the design code will be reviewed along with the rest of the Local Plan we would encourage a reword, along the lines of "New developments should take account of the Cotswold Design Code (which is Appendix D to the 2011- 2131 CDC Local Plan) or any... relevant successor design guide or code and the South Cerney Neighbourhood Character Assessment (NCA) Appendix N.

The final two paragraphs of this policy are quite lengthy and descriptive and well as being rather prescriptive. We wonder whether the scene setting would fit better in the reasoned justification, and the policy revised to recognise the variety of designs in the Waterpark - for example; 'Within Lakeside holiday developments, more contemporary designs will be encouraging that are in character with other buildings in the vicinity'.

### **p.13. Policy SC2 Areas of separation**

Cotswold District Local Plan policies DS2, DS3 and DS4 provide a strategic framework for directing development towards Principal Settlements together with a presumption against development outside of Principal and Non-Principal Settlements. These policies collectively deliver Local Plan Objective 1c which seeks to "Protect the open countryside against sporadic development, while also avoiding coalescence of settlements, particularly around Cirencester".

It is noted that there is strong community support for the policy which is admirable. However, it is difficult to establish from the paperwork submitted what material planning considerations are directing the qualifying body to propose this type of policy response in this location. There is no doubt that the policy has been carefully written and positively framed but the application of the policy would be restrictive to all development including those exceptional uses identified in the supporting text to policy DS4. It would be useful to clarify that the intention of the policy is not to restrict such uses, where need is demonstrated and the planning balance indicates that it would help achieve sustainable patterns of development. The policy largely focuses on a visual impact, which is a rather limited lens through which to judge development - we suggest it needs reference to 'other relevant policies'. Reference to "perceptions" is unusual outside of protected designations (e.g. listed buildings).

The Development Management process will benefit from greater clarity on the application of the phrase 'compatible with a rural setting', further justification is welcomed in the policy's supporting text.

For the avoidance of any doubt the policy is unable to outweigh the need to address and meet objectively assessed needs for the District as part of future updates and reviews of the Cotswold District Local Plan. Equally this would apply to other strategic considerations such as the delivery of renewable energy. However, significant policy constraints already exist in the locality which affect future patterns of growth and delivery of infrastructure.

In conclusion, the policy seeks to restrict development across a large area of the parish, to avoid coalescence of settlements, which are currently in little danger of merging.

### **p.14 Policy SC3 Homeworking and Microbusinesses**

While we welcome and commend the aspiration of this policy, it is not really clear how this support translates into development proposals. Homeworking and microbusiness developments are not a class of development - homeworking development would be residential whereas microbusiness could be either residential or business premises.

Most development that may support such activity will be permitted development. Where development consent may be required, existing policy addresses the concerns articulated in the policy.

The issue could be considered as part of the NDP's design guidance.

**p.14 Policy SC4 Local Employment Opportunities**

The current wording sits better as a community action than a planning policy. It is unclear whether the first phase ‘development creating employment opportunities’ is related to the use class, or the process of development itself. The policy wording does not set a standard that must be achieved - thus the action sought could be ‘demonstrated’ by a wholly inadequate proposal.

**p.15 Policy SC5 Employment Development outside the Development Boundary**

This policy largely achieves the same as the Local Plan EC policies 1-3, but with different wording. Lakeside is already protected as an employment site.

Policy EC3 covers employment-generating uses outside of the Development Boundary - as indeed referenced in the policy. LP para 9.3.4 sets out that proposals must be in ‘keeping in terms of scale, size and function with the location’ in any case, which should ensure that adverse impacts on holiday settlements are taken into account.

That being said, there may be some room for a policy that provides ‘local flavour’, and that highlights that development outside of the Development Boundary could impact on the existing holiday villages.

As a general point, we would suggest the Local Plan reference is to the ‘Local Plan policies’ with the specific policy referenced in the reasoned justification, to future proof against the changes to the Local Plan.

The final clause referencing the NCA is unnecessary - any development proposal is already expected to have regard to the NCA as a consequence of SC1.

**p.16 Policy SC6 Holiday Accommodation and Access to Lakes**

The policy conflates two separate (albeit related) issues and as written comes across a little confused. References to holiday homes duplicates the policy position already contained within the Local Plan and therefore it does not need repeating - although it is understood why the qualifying body would wish to speak to this point.

A suggested way forward would be to remove references to holiday homes and instead focus on access and the role that all development has in protecting and enhancing access to the lakes.

Given the suggested changes it would be worth considering Policy SC6 and SC16 - subject to references to holiday homes being removed.

Suggested wording is offered:

**POLICY SC6**

**Access to the Lakes**

- 1) Inclusive public access to and from the lakes is a local community aspiration and development that seeks to protect and enhance public access will be supported. Development will be encouraged to take account of, and where possible help to, resolve known issues identified in appendix J.

### **p.17 Policy SC7 Non-residential Visitor Facilities**

The policy states that development that significantly harms the tranquillity of lakes used for quiet recreational pursuits (...) will not normally be permitted. 'Not normally' is vague -it may be useful to state what the 'abnormals' are that might enable this development –particularly in the context of Natural England's notification of the extension of the SSSI.

It would be useful to see reference to the SSSI and the importance of biodiversity and delivering nature recovery - while it is covered in other local and national policy, we think it would be useful context.

This policy picks up on the direction of LP EC10 - Development Of Tourist Facilities and Visitor Attractions and SP5 - Cotswold Water Park: Post-mineral Extraction After Use, but with an added focus on tranquillity, covered in LP EN4.

### **p.18 Policy SC8 Existing recreational open spaces and allotments**

We support this policy, which provides appropriate recognition and protection of valued open spaces.

### **p.19 Policy SC9 Protection of Community and Cultural Facilities**

It would be useful if the preliminary line of this policy advises whether this list is exhaustive or indicative.

There are a number of facilities on the list where the use could be significantly altered without any need for development - the pharmacy and post office are not distinctive use classes from other forms of retail.

Class F.2 is new 'local community uses' – e.g. small shops, community halls and swimming pools etc. Changes of use within these classes do not require planning permission.

We suggest some rewording, along the following lines, to ensure the policy is positively worded:

*Development proposals that will result in the ~~loss~~ **change of use, or redevelopment**, **including** ~~or~~ significant reduction in the scale and value of a community and cultural facility, will ~~be resisted unless~~: **only be supported where...***

Regarding the final clause - the explanation of economically viable could be put in the RJ rather than the policy text itself – the approach taken in the Local Plan.

**p.21 5.10.1** states "under pressure from the 500,000 annual visitors" - there are a range of pressures on the biodiversity of the area and not just visitors (we'd be interested to know whether this figure is just 'tourists' or whether it is inclusive of day 'visitors' from Swindon and Cirencester, or indeed from within the Waterpark). Other pressures include pollution, invasive species (e.g. mink); disturbance by dog walkers (many of whom could be very local); farming practices etc. - see para 5.10.5.

**5.10.3** The CWP Biodiversity Action Plan has now passed its "sell-by date" as it was an action plan for 2007-2016. The CWP Nature Conservation Forum is currently working on a

CWP nature recovery plan but that is only in draft at present. Perhaps it could be referred to as "in preparation" as the replacement for the BAP, to give this section a bit more currency in the future.

### **p.21 Policy SC10 Important Local Ecology Sites**

We have reservations about this policy - it is similar to the Local Plan Policy EN9, but we feel does not quite reflect an appropriate planning balance.

As a very specific point, geology is not part of ecology, so the title is a bit of a misnomer - a catch all title might be 'Nature conservation'

We have previously expressed concern over paragraph 5.10.1.3 'As part of the consultation process, a Cotswold Water Park Ranger observed that, the lakes surrounded by holiday homes have become of little ecological value due to human intervention, and the same can be said of those stocked by fishing clubs.' This may well be an individual viewpoint, but it rather begs the question why these self-same lakes have been included within a SSSI.

We find para 5.10.2.1 is unclear. The old CWP boundary was set decades ago and is no longer relevant in terms of Local Plan policy or indeed other complementary policies and strategies such as the BAP or the new nature recovery plan. These tend to include most of South Cerney. There are certainly sites of ecological interest that are not included within the SSSI (both within the old CWP boundary and outside). We suggest an amendment, to something like, 'There are many sites of local ecological interest that are not within the SSSIs and that are recognised as being of ecological importance, for example as priority habitats or by designation as "local sites". These are appreciated ...'

Para 5.10.2.7 'under the protection of Natural England as Priority Habitats and/or [SSSI]'. NE do not specifically protect priority habitats - they are recognised in the relevant legislation and guidance but are not strictly speaking "protected".

### **p.22 Policy SC11 Designation of Local Green Spaces**

National policy determines the circumstances where development on Local Green Space is permissible. The second paragraph of this policy is not wholly clear, and introduces unnecessary complication through the phrase: 'including development that preserves and enhances the attributes for which it was designated.'

We request that this be changed to something like 'Proposals for development within the designated Local Green Spaces will only be supported in very special circumstances'.

### **p.23 Policy SC12 Local Heritage Assets**

We welcome the attention given to non-designated heritage assets by this policy, which is covered by LP EN12. However, the introductory phrasing may not provide the appropriate balance as required in local plan policy and the NPPF - 'historic characteristics are to be conserved and where possible enhanced' appears to preclude the redevelopment of such assets.

Isis Lake holiday homes have been included in the list of NDHAs, we would suggest that they are not sufficiently old to be counted as a heritage asset, as they are less than 30 years old and are not of a sufficiently high architectural quality.

Taking listing as a parallel process. Government guidance for listed buildings can be found at -

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/757054/Revised\\_Principles\\_of\\_Selection\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757054/Revised_Principles_of_Selection_2018.pdf)

19. Buildings less than 30 years old: such buildings are not normally considered to be of special architectural or historic interest because they have yet to stand the test of time. It may nevertheless be appropriate to list some modern buildings despite their relatively recent construction – for example, if they demonstrate outstanding quality (generally interpreted as being equivalent to Grade I or II\*). The Secretary of State calculates the age of a building from the point at which the ground was first broken.

#### **p.24 Policy SC13 Redevelopment of Clark’s Hay Garage**

References to “barrages” and “does not serve the village” are not in keeping with the good practice. Plan should be inclusive and objective and devoid of emotive language. The aspiration to improve the aesthetics of the site is, however, an acceptable planning response, although it is suggested that the Parish Council include wording that indicates that it will work constructively with the owner to bring about positive improvements.

#### **p.25 Policy SC14 Alleviation of flooding**

- It might be useful for the RJ to note/ reference EA guidance e.g. on FRAs (proportional response) e.g. ‘seek Environment Agency advice’ (as per national guidance (<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>))
- The RJ could for clarity define what is meant by ‘high risk’ as this does not correlate directly with the map key at Appendix K – for example within what distance of the ground surface?
- The policy also includes a clause (sentence 2) for a specific requirement - Monitoring of groundwater levels will be required for at least one year on all such sites. This is based on the SFRA L2 recommendation, this or any other source should be referenced as evidence in the RJ to support this. *‘It is recommended that the FRA should propose a schedule to monitor groundwater levels from the conception to the completion of a proposed development. This schedule should ideally include a scheme for monitoring groundwater levels for a year post development to ensure that there is no alteration to the groundwater regime. (SFRA L2, 2016, pg46)*  
<https://www.cotswold.gov.uk/media/t5pbt5s/6204-strategic-flood-risk-assessment-level-2-may-2016.pdf>

#### **p.25 Policy SC15 Energy use and renewable energy**

As drafted, the policy is limited to buildings, rather omitting consideration of other renewable instalments. The reference to ‘unacceptable visual or amenity impact’ risks being too restrictive - it does not elaborate on what level of impact is acceptable. We suggest a reword, along the lines of:

‘Energy Efficiency measures and the deployment of renewable energy technologies will be supported, where the energy and environmental benefits outweigh any environmental or other impacts.’

Please note that CDC is committed to an update of the Local Plan, with an explicit aim that it will be green to the core. An important pillar of this will be consideration of how the district contributes to its own energy needs through renewables, so this policy may have a very short shelf life, particularly if a more restrictive wording survives. Equally, the partial update is likely to consider opportunities to improve the energy efficiency (and thus minimise increases in energy demand) of new buildings as well as supporting the retrofit of historic buildings.

**p.26 Policy SC16 Sustainable Travel and Rights of Way network**

See comments made at policy SC6. There is no requirement to reference tourism and leisure - this is implied already. You may wish to simplify to “All development...”

We welcome the attention given to transport issues – these are often an awkward fit with neighbourhood planning, but clearly an important component of place-shaping. The Council has recently appointed a Sustainable Transport Lead, who is tasked with identifying and helping deliver opportunities such as those identified here.

**p.27 Policy SC17 Reduction of light pollution**

We suggest making reference to local plan policy and para 10.4.11 which refers to the national dark skies mapping information.

The policy does not cover the landscape impacts of lighting on both landscape character and appearance, and thus to that extent, does not go as far as the NPPF statement at 5.17.2. We suggest this should be picked up in the policy to ensure it fully reflects the NPPF.

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