

## Somerford Keynes Neighbourhood Development Plan

### Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

#### **Initial Comments**

The Plan provides a very distinctive vision for the neighbourhood area.

The presentation of the Plan is very good. The difference between the policies and the supporting text is very clear.

The various appendices are very helpful and comprehensive. Appendices 3 (Character Assessment) and 6 (Local Green Spaces) are particularly distinctive in the context of the wider Plan.

*Thank you for your kind words. We are grateful for the opportunity to offer some explanation and clarification on the Policies you have highlighted. We appreciate particularly your acknowledgement of elements of the Plan that you thought worthy of commendation. In the responses following, we have sought, as far as possible, to retain the intent of the various Policies whilst accommodating your comments. However, there are some Policies where we would be particularly grateful for your suggestions to make them relevant and functional policies.*

*Somerford Keynes Parish Council responses to your points of clarification are embedded with your clarification note (in italics).*

#### **Points for Clarification**

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan.

##### *Policy SKPOL 1*

The policy is generally well-presented.

However, is there a degree of internal tension between criteria b) and c)?

*It is intended that all of the criteria are interdependent and none of them stand alone. Tension between b) and c) could be held to exist if each was treated separately, but the intention was that any development should be adjacent to existing development within the defined limits. If it requires further clarification, c) could be expanded to read, " - - -development within the defined limits", for example.*

In criterion e) are the 'existing open countryside views' defined? Are they those in Appendix 7?

*Criterion e) relates to the linear pattern of the Village, which means that almost every dwelling enjoys open countryside views. Consultations emphasized the high value placed on this open aspect and a strong wish to retain it for future development. The Policy wishes the District Council to consider maintaining the existing linear development in future planning decisions. The purpose of the Policy is to ensure that residents' existing open countryside views are not negatively impacted by development.*

*Appendix 7 supports SKPOL13 – Key Views, the purpose of which is described in para. 11.3.1.3, identifying specific vistas regarded as being of particular importance.*

If they are not defined how does the Parish Council anticipate that the District Council would apply this criterion in a clear and consistent fashion throughout the Plan period?

*Policy SKPOL2*

I understand the purpose behind this policy.

However, is it a land use consideration?

In any event how would the District Council administer the policy through the development management process?

*Paras 7.3.2.1 and 7.3.2.2 explain the interest in the local community in downsizing to smaller properties when the opportunity arises, thus freeing larger properties for families, for example. It is hoped that this Policy would generate a planning condition in appropriate circumstances to help meet local aspirations. We understand that there are similar conditions in use currently, e.g. for key workers. The three month timeframe was selected so that any such condition would not be onerous for a developer. It is appreciated, also, that there are circumstances in which a property may be built without the intention of putting it on the open market in the first instance.*

*Policy SKPOL4*

Does the Plan have any view about what might constitute 'small scale and/or low intensity' activities?

Does the Parish Council have any comments on the additional criterion as proposed by the County Council?

*We have tried to avoid being too prescriptive in defining limitations. In this case, we seek to ensure that the scale and intensity of any development would be proportionate to the context in which that development takes place.*

*The Local Plan Policy DS3 does not define "small scale", and it is for the decision maker to make a judgement based on a Plan's policy criteria. However, the Local Plan does explore the term in paragraph 6.3.5 – 'being proportionate in scale and appropriately designed, needs to be in keeping with the rural nature of the locality. Care should be taken that such development, which could include minor infilling does*

*not harm open spaces or gaps that make a positive contribution to the character of the village, including views and vistas.*

*We note the comment of Gloucestershire County Council. As they acknowledge in their representation, we have responded to the majority of their comments. The addition they suggest is compatible with the other elements in this Policy and we would have no objection to its inclusion.*

#### *Policy SKPOL5*

The policy is generally well-constructed.

However, the first criterion is very specific and relates to achieving an accreditation which is not directly related to the planning system. I can see that the Natural England accreditation system is detailed in paragraph 8.3.1.8.

On this basis I am minded to recommend that the first criterion takes on a more general nature (relating to improved landscaping and biodiversity).

Does the Parish Council have any comments on this proposition?

*The specific commitment to Natural England's accreditation was adopted in consultation with Cotswold Water Park Trust, the principal leaseholder, and has remained unaltered since a very early stage. However, we appreciate the comment that it may be better to make this a more general criterion. A possible wording could be, "they facilitate and enhance the biodiversity and natural landscaping of the Park, (e.g. by pursuing Natural England's Country Park accreditation)". However, we are happy to receive your guidance on this.*

#### *Policy SKPOL7*

The design of this policy has a different format from the other policies in the Plan. Indeed, as submitted it is not written in policy format.

On this basis I am minded to recommend that the policy becomes more freestanding in its nature and that the Local Plan context is consolidated in paragraph 9.3.2.1.

Does the Parish Council have any comments on this proposition?

*The policy identifies specific areas of flood risk rather than infrastructure. The policy provides detail to Local Plan policy EN14 criterion (1) and provides specific Parish level context to the Local Plan Policy. Our intention is to use and extend a Local Plan policy with a local dimension. Creating a more stand-alone policy risks introducing duplication and confusion.*

*We recognise that this is not a standalone policy with the current wording and would be happy to receive your advice. A possible re-wording might be "Development in the Parish will not be supported without specific provision for the mitigation of flood risk. In particular, attention should be given to the following areas: "*

*Policy SKPOL9*

In the second sentence should 'and/or development' read 'and/or redevelopment'? Otherwise its approach is confusing.

The Baker's Arms is a commercial facility whereas the other two facilities are community facilities.

Should the policy reflect this commercial use with some reference to viability?

*We agree that the change to "redevelopment" makes sense.*

*We recognise the commercial nature of the Bakers Arms and that its continuance must take account of its financial viability. Its importance to the community is shown by its registration as an asset of community value. Could the point be addressed by adding an additional criterion to reflect the commercial nature of the pub? For example, "In particular, the loss of a Community Facility will be resisted unless the property has been continually, actively and effectively marketed for at least 12 months and that the use is no longer of commercial interest".*

*Policy SKPOL10*

The quality of the survey work/appendix underpinning the policy is first-class.

*Policy SKPOL12*

Does this policy add any distinctive value either to national or local policy?

In any event, is the control of outdoor advertising and signage a matter for a neighbourhood plan to address?

*This Policy was included as a consequence of strongly-held local views about the potentially intrusive nature of signage in rural environments. It recognizes the statutory responsibilities of planning authorities in this matter, but wished to emphasise to those authorities the strength of local feeling on the matter.*

*Policy SKPOL13*

As submitted, SKPOL13 is not a policy.

I am minded to recommend that the policy becomes more freestanding in its nature and that the Local Plan context is consolidated in paragraph 11.3.1.1.

Does the Parish Council have any comments on this proposition?

*We recognise that this is not a standalone policy with the current wording and would be happy to receive your advice. Our intention is to build upon an existing CDC Local Plan Policy by providing a specific and distinct local dimension without introducing duplication or confusion. Therefore, we would welcome your advice is to how the policy can be made more freestanding in nature whilst maintaining its link with the CDC Local Plan.*

*Policy SKPOL14*

As SKPOL13

I am minded to recommend that the policy becomes more freestanding in its nature and that the Local Plan context is consolidated in paragraph 11.3.2.1.

Does the Parish Council have any comments on this proposition?

*As our response to SKPOL13.*

#### *Policy SKPOL16*

As SKPOL13

I am minded to recommend that the policy becomes more freestanding in its nature and that the Local Plan context is consolidated in paragraph 11.3.3.1.

Does the Parish Council have any comments on this proposition?

*As our response to SKPOL13.*

#### *General*

The front cover describes the Plan as the ‘Somersford Keynes Parish Council NDP’

Paragraph 2.4 describes the Plan as the ‘Somersford Keynes NDP’

The header describes the Plan as the ‘Somersford Keynes and Shorncote NDP’

Which is the correct title of the Plan?

*Apologies for causing unnecessary confusion. Somersford Keynes Parish Council is the official name of the Parish Council. However, we believe that Somersford Keynes and Shorncote Neighbourhood Plan is a more inclusive name for the Plan.*

#### **Representations**

Does the Parish Council wish to comment on any of the representations made to the Plan?

*We note the representations. We have no objection to changing/correcting matters of fact (Swillbrook, Shorncote reedbeds). The representations by A & G Steeves-Booker and by Hills have been covered previously in the Consultation Statement. We believe that Mr Ireland’s comments are counter to the representation received from residents at the three public consultations on the NDP. Also, we note the representation by Ridge Consulting, made to accommodate their declared financial interest.*

#### **Protocol for responses**

I would be grateful for responses and the information requested by 25 February 2020. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please

could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Somerford Keynes Neighbourhood Development Plan.

10 February 2020