

## Response to Examiner's "Report on the Preston Neighbourhood Development Plan 2020-2036" (V4, 4 January 2021)

1. The Preston Neighbourhood Development Plan (PDNP) Steering Group (SG) met on 6 January 2021 to consider the report and concluded the following:
  - a. **The following proposed modifications were agreed to be reasonable and necessary:**
    - i. **PM1**
    - ii. **PM3**
    - iii. **PM4**
    - iv. **PM5**
    - v. **PM6**
    - vi. **PM7**
  - b. **Proposed modifications PM2, and the related explanatory paragraphs 4.8-4.20, were not considered to be justified and the Steering Group wishes to receive clarification from the Examiner on a number of points. Overall, the Steering Group consider that the Examiner's logic is flawed.**

### Background

2. The PDNP was prepared in conformity with the policies in the NPPF 2019 (NPPF). The NPPF states that neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area<sup>1</sup> and that they may use non-strategic policies to set out more detailed policies for specific areas including conserving and enhancing the natural historic environment and setting out other development management policies<sup>2</sup>.
3. The PDNP has only ever sought to promote the non-strategic policies the NPPF empowers it to do. At no time throughout the preparation of the PDNP has the SG ever sought to do otherwise.
4. Throughout the preparation of the PDNP the SG has been in consultation with the Local Planning Authority, Cotswold District Council (LPA) which has provided a significant level of support and advice.
5. The LPA's comments from Sophie Price in her note dated 16/9/18 are attached as Appendix A below. In this note, the LPA raises a number of specific landscape points which, the Steering Group agreed, would require specialist professional input. For this reason, and in response to the comments from the LPA, the Steering Group determined it was necessary to use its Precept to obtain professional landscape advice.
6. The Examiner is asked to note that this note from the LPA did not identify a conflict between strategic and local policies. However, it clearly indicated that the assessment should be holistic so that there are no areas left "up for grabs". It is also recommended that the policy

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<sup>1</sup> NPPF footnote 16

<sup>2</sup> NPPF 28.

be criteria based. However, on the latter point, no detail was provided on what "criteria based" policies would look like. The final approach in Policy 1 seeks to meet the criteria set out in this 16/9/18 note.

7. As a result of this advice from the LPA, landscape architects Portus & Whitton were commissioned in a competitive tender process and were asked to meet the requirements set out by the LPA in its note. Portus & Whitton were selected because of their local knowledge of Cirencester and Preston.
8. The Landscape Character Assessment (LCA) was finalised and the PNDP was substantially modified to take account of the new evidence. The revised PNDP and the landscape evidence was submitted to the LPA for comment before Reg. 14 consultation was undertaken to ensure that there would be no conflicts between strategic and local policies. The full response from the LPA is set out in Appendix B.
9. The pre-Reg. 14 comments were extensive and helpful and every effort was made to accommodate every suggestion. Policy 1 is considered specifically in the LPA's comments.
10. The comments raised concern about the use of the term "Special Landscape Area" because it was considered to be ill-worded because it could be confused with the strategic policy. The policy was re-titled as a result.
11. The SG considered whether to change the reference to a "Preston Landscape Area" and therefore modified the name to include "local" to indicate clearly that this was a local policy in accordance with the NPPF paragraphs cited above. As stated above, Policy 1 was never intended to be anything other than a local policy because NDPs cannot contain strategic policies.
12. The LPA's pre-Reg. 14 comments then suggested a number of changes and proposed policy wording. The Examiner's attention is pointed to the top of the forth page of Appendix B which states that "current local plan policies ... do not promote development in the NDP area". The Examiner is also asked to note that the LPA's comments include reference to the Portus & Whitton LCA and that it endorses the concept of a "green wedge". The comments also request that a map be included that sets out key views.
13. The SG considered these suggestions and, in discussion with Portus & Whitton, felt that the approach set out in the Reg. 14 draft and carried forward in the Reg. 15/16 draft (submission) addressed the LPA's concerns but in a slightly different way and with more detail.
14. At no time did the SG seek to subvert the LPA's advice or to stray into the realm of strategic policy.

#### The Examiner's commentary paragraphs 4.8-4.20

15. Paragraph 4.10 of the Examiner's report contains a factual error. It states that the recommendation is to create a "Preston Special Landscape Area" which is incorrect because the word "Local" is omitted. To reiterate, the word "Local" was included in the proposed designation specifically to indicate that it was a local policy and not a strategic policy. This therefore causes the SG to be concerned that the Examiner did not understand the intent of Policy 1.

16. A second error is in the same paragraph 4.10 which continues "which should be of equal status and enforceability to that of a Special Landscape Area (SLA) designated at a "District Level". This is incorrect. What the policy wording states is: "This designation identifies the area of special local landscape value that should be afforded protection from development that erodes its identified quality" and development should be permitted "provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the area including its tranquillity". Para. 61 of the PNDP states: "this NDP policy is not a replication of the SLA, but adds further detail and identifies similarities for land in Preston".
17. The Examiner is drawing conclusions that are not borne out by the words in the policy and supporting text and this appears to have led him to draw the conclusion that the policy is strategic and not local. However, the policy wording specifically uses the word "local" and provides specific local evidence from the Portus & Whitton LCA which does not include land outside the parish boundaries. The Examiner's line of thinking is simply incorrect and not supported by the NDP policy wording or the supporting evidence.
18. In paragraph 4.11, the Examiner relies upon the LPA's response to the Reg. 16 draft where the LPA contends that Policy 1 "is seeking to operate strategically, rather than locally". This conclusion is not supported by the LPA comments which discuss the quality of landscape and its relationship with the AONB.
19. The LPA comment on the Reg. 16 draft states that the policy "will not act as a barrier to strategic growth required in the district...but would form part of the evidence base and list of constraints that the Council would consider as part of the plan making/site allocation process". The SG fully accepts this point because Policy 1 is a local policy and it therefore cannot preclude strategic allocations. This has never been disputed.
20. Turning to the current land use for the Parish, as the earlier LPA comments indicate, development outside the village would not be supported in any case because Preston Parish lies outside the development boundary<sup>3</sup>. The Portus & Whitton LCA considers the current landscape features and suggests how these might be developed in future in accordance with adopted Local Plan policies. It is unclear how this approach can be considered strategic when all the evidence is clearly local and also in accordance with the policies in the Development Plan.
21. Paragraph 4.12 then draws general conclusions about SLAs and how they are designated. This is not relevant to Policy 1 which is not an SLA. Based on this erroneous parity, the Examiner then concludes that Clauses A-C should be struck from Policy 1.
22. In paragraphs 4.13 and 4.14 the examiner effectively discounts the entire Portus & Whitton LCA on the basis that he does not support some of its conclusions, particularly in reference to the quality of land in adjacent areas. As the Examiner notes, landscape changes gradually over space, and it can be argued whether or not it is acceptable to consider adjacent areas, but if his point were taken, it appears to the SG that it would be more reasonable to amend the report to correct the offending statements rather than discount it in its entirety. If the Examiner is able to suggest amendments to the PNDP, then it is unclear why this same approach cannot be taken to its key supporting evidence which in effect is part of the PNDP. Therefore, rather than discounting the value of the LCA in its entirety, even if the Examiner's

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<sup>3</sup> Cotswold District Local Plan 2011-2031, policies DS1, DS3, DS4 in particular.

views are accepted, the SG would have expected him to take a more reasonable approach which would be to correct the character assessment so that the remainder of the document could be used. To discount it entirely is unreasonable.

23. In paragraph 4.14, the Examiner writes "I do not agree with the contention in the PNDP LCA that the landscape within sub areas 2-5 is of equal value, given the presence of features which have negative impacts such as the Cirencester urban fringe, the A417 and A419 dual carriageways and the electricity pylons." This is in response to commentary on page 51 (6<sup>th</sup> paragraph) of the LCA where Portus & Whitton gave their professional views as chartered landscape architects. If the Examiner does not agree with these chartered professionals, the SG feel that it would be reasonable for him to agree modified wording for this paragraph.
24. In paragraph 4.15 the Examiner discussed the key view of Cirencester Parish Church and the green wedge. He writes: "However, the retention of the open character of the green wedge would effectively constitute a blanket ban on built development within its boundaries, as indicated in paragraph 67 of the justification of the Plan." The Examiner's logic appears to indicate that this would be introducing a NEW level of control. However, as stated above, Local Plan policies DS1, DS3, DS4 effectively already constitute a "blanket ban on development". The Examiner's attention is drawn to the LPA's earliest comments which support the "green wedge" approach, and its later comments which suggest that a map of a view corridor is included (discussed above). There is nothing new in Policy 1, and it is wrong for the Examiner to imply that this is a change from the current Local Plan approach.
25. Paragraph 4.16 then draws the conclusion that the green wedge is comparable to a Local Green Space. This is inexplicable. The PNDP has a specific policy on Local Green Spaces (LGS) in Policy 3. The Examiner's comments on Policy 3 were positive and concluded that it met the basic conditions. The Examiner's attention is drawn to the list of LGSs in Policy 3: this list does not contain the green wedge.
26. NPPF paragraph 100 sets out the criteria necessary for a LGS to be designated which that it should be "demonstrably special to the local community" and "not an extensive tract of land". The green wedge is agricultural land – it fails to meet both criteria and therefore cannot be considered an LGS. The SG does not understand why the Examiner has concluded that the green wedge is comparable to an LGS and considers this to be an incorrect assumption that should be removed from the report.
27. Because of the erroneous conclusion that the green wedge is a failed LGS, the Examiner than concludes that Clause D should be struck from Policy 1. For the reasons set out above, this is incorrect and the proposed modification should be reversed.
28. The SG does not have any major concerns regarding paragraphs 4.17 -4.20 because they summarise the Examiner's thinking. However, in the light of the discussion above, the Examiner may wish to revisit these paragraphs.

## Conclusions

29. In conclusion, the SG has severe reservations and concerns about the approach taken by the Examiner in response to PNDP Policy 1 and considers matters raised to either be factually incorrect, or an incorrect and flawed analysis of policies in the Development Plan and the Submitted PNDP. Matters of particular concerns can be summarised as follows:
- a. The Examiner considers Policy 1 to be strategic when it is clearly a local policy in conformity with the provisions of the NPPF;
  - b. The conclusion that the "Preston Special Local Landscape Area" is a "Special Landscape Area" is wrong and contrary to the wording of Policy 1 and paragraph 61 of the PNDP.
  - c. Where the Examiner may disagree with the wording of some parts of the Portus & Whitton Landscape Character Assessment which forms part of the PNDP, he has taken the unreasonable approach to discount the entire report rather than to selectively seek amendments.
  - d. The implication that the "green wedge" seeks to introduce a new policy approach when it is in accordance with the policies in the Cotswold District Local Plan 2011-2031, policies DS1, DS3, DS4 is incorrect.
  - e. The conclusion that the "green wedge" is comparable to a Local Green Space is incorrect and not borne out by the policy tests in paragraph 100 of the NPPF and Policy 3 of the PNDP.
30. Finally, as the Examiner notes, Preston Parish has a population of around 330 residents. As can be expected, the Parish Precept is relatively small compared to larger settlements. Though the planning consultant's costs were fully covered by the grant supplied by Locality, the cost of the Portus & Whitton Landscape Character Appraisal was not, and represented a major financial outlay for the Parish Council. The report was prepared on advice from the LPA – it would not have been commissioned otherwise. Commissioning this report represented a financial choice for the Parish Council whether to support the NDP or to use the money for another purpose, such as new play equipment or improvements to the Village Hall.
31. The Examiner has not sought to work productively and respectfully with the Parish Council and the SG and has not sought to modify the LCA but has rather taken the drastic decision to strike it from the plan in proposed modification PM2.
32. The Landscape Character Assessment was a carefully prepared document that required over a year to produce and was subject to full consideration and many modifications to reach the stage where it fully reflects the current landscape qualities in the Parish. It cannot be argued in any way, despite the Examiner's reservations about certain sentences, that it would not be a useful tool in Development Management decisions. To delete it from the PNDP is unhelpful to future planning applicants and disrespectful to the Preston community.

The PNDP SG requests that the Examiner revisit his consideration of Policy 1 in response to the arguments set out above and that he seeks to reach a reasonable and robust set of modifications in agreement with the SG and the LPA.

## Appendix A: Note from Local Planning Authority

### **PRESTON NDP EVIDENCE PAPER – GREEN GAPS**

#### **Comments from CDC 19/6/18**

#### **Background**

The Green Gaps evidence paper provides the evidence and background information to support policy 1 (and accompanying plan) in the draft NDP. This policy is likely to be re-worded following discussion with CDC. The new wording is not yet available.

The information presented includes

- A set of aerial (drone) photos of the village
- A set of photos taken from various viewpoints around the village back to the village
- Analysis of the photographs
- Analysis of relevant comments made by the local community
- Map regression
- Commentary on relevant parts of “Design in Preston”
- Conclusion – policy required on keeping Preston and Cirencester separate – “strategic green gaps”, which are shown on a map.

#### **Gaps in the evidence paper**

##### **1. Landscape character analysis**

In order to understand whether development around the edge of Preston village would impact on its character, it is important to understand its current landscape character. Useful information on how to do this can be found at -

CPRE – “What’s Special to you: Landscape issues in your neighbourhood plan”

<https://www.cpre.org.uk/resources/countryside/landscapes/item/4626-what-s-special-to-you-landscape-issues-in-your-neighbourhood-plan>

CDC website – landscape character resources

<https://www.cotswold.gov.uk/residents/planning-building/landscape/landscape-character/>

The current evidence very much relies on visual impact, rather than landscape character.

##### **2. Conservation Area character analysis**

There is currently no up-to-date conservation area appraisal for Preston; however given that the policy RJ (para 46) states that “support special consideration of the countryside surrounding the village as a setting for the CA”, it is important that a brief analysis is made of the CA and its setting and the features of that setting that conserve and enhance the CA.

This could refer to the agricultural background of the village, its linear character with fields and other open spaces permeating into the built form; its separate identity from other

and other open spaces permeating into the built form; its separate identity from other nearby settlements etc. It would not have to be a lengthy analysis – a few paragraphs would probably suffice.

**1. Local Green Spaces**

Are there any green spaces in Preston that warrant designation as LGS? These would then have a very high level of protection.

**2. Allocation**

Allocation of "green gaps" on a map is likely to be open to challenge notwithstanding that the current policy wording also includes some criteria based tests. It may be helpful to fine tune these criteria and to provide more evidence to back them up. E.g "degrades open views" – the more detailed analysis of the landscape character of the area around Preston may conclude that a key part of the local landscape character is open views across flat agricultural land (this may be included in the county level landscape character analysis too) and that these are key to the character of Preston as a village and a Conservation Area and that they are therefore worth protecting.

A map has been provided of the key green gap areas; however this could lead to the conclusion that all other areas are "up for grabs" and mapped sites are usually more challenged during the NDP consultation process than criteria based approaches. Quite a substantial area of land has been included within the allocation, including land that could be said to be negatively affected by the A419.

**3. Coalescence.**

It is important to describe how this is harmful at this particular site, rather than per se. Most key settlements have grown outwards over the last 50 years, towards the surrounding villages.

**4. Views.**

A series of photographs of views have been produced and it would be useful if they were accompanied by a detailed analysis, for example it is usually considered that views from footpaths are more important than views from roads as they are being used for leisure and recreation, whereas drivers should be concentrating on the road. Are any of the footpath views from particularly important footpaths (promoted paths)? Are any of the views taken from known viewpoints? It is evident that if you take photos around any village they will show that development will change those views, the difficulty is understanding if that change will be detrimental. Why is the landscape to the west of the village more valuable than that to the east? Would coalescence still be an issue if development came forward to the north of the village between the A417 and Kingshill Lane?

Para 48 states that "the Cirencester built-up area has steadily encroached on the Preston border so that it is visually obvious from many vantage points into and out of the village". Does this mean the village itself or the parish? It would be useful to have some views to illustrate this point and to demonstrate if and why it is harmful?

Para 50 discusses views from the A417, but it would appear from the photos (photo 6) presented that the village is already read in the landscape with the background of new development behind it – would further development increase that impact, given the lie of the land?

Para 51 of the draft NDP. The evidence is not clear as to how it reaches the conclusion that the “most important views to preserve are those from Cirencester’s urban fringe towards Preston village and from the A419 approach to Cirencester”, rather than from other directions, although potentially these are most at threat from development pressures.

Also need to be aware that views that are currently blocked by trees, for example southwest towards the village from Witpit Lane may become more open in the future if trees and hedgerows are reduced or removed.

## Appendix B: Note from Local Planning Authority in response to pre-Reg. 14 draft

### Preston Neighbourhood Development Plan 2019-2031

#### Regulation 14 Consultation Draft.

##### Pre-consultation Comments on behalf of Cotswold District Council

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p.3, para 3. We would suggest that you directly quote the basic conditions rather than paraphrase. In our experience this is a common modification sought by independent examiners.

p.4, supporting evidence – addresses 'applicants' yet the evidence base is of interest to a wider field of stakeholders than simply 'applicants'.

p.6 para 2 Typo - refers to A41

p.7, para 21. The AONB is erroneously referred to as the ANOB. It should also read Cotswolds AONB.

The document goes to p.8 and then starts again at p.1 (the page with figure 2)

p.2 para 31. Typo - reminder should be remainder

p.2 para 31 The two sets of data about the number of people living in detached and semi-detached properties do not seem to tie together.

p.6 para 41. This para states that the LCA should be considered when planning apps are prepared - it might be better to put a reference to the LCA in policy to give it more strength.

We have reviewed the LCA prepared by Portus and Whitton and it provides a very useful description of the various landscape parcels across the village. While generally we would not give as much emphasis to views from roads, given the relative lack of PROWs in the village we understand why this approach has been taken. It would be useful to understand the usage of the lanes for NMUs as compared with cars. The report does include suggestions on a policy approach - much of this has been taken forward in the draft NDP and comments are provided against the appropriate policies and text in the NDP.

Para 44/45. Standard landscape assessment methods usually give more weight to views from footpaths than from roads, but we note that para 44 suggests that the roads should be primary visual receptors - please see comment in previous para.

Para 46. The sentence "Preston Parish is of an intrinsically high landscape quality recognised by a proportion of the parish being designated as part of the Cotswolds AONB" is not strictly speaking correct. The designation of part of the parish as AONB recognises the fact that part of the parish is of intrinsically high landscape quality, not the whole parish. (The equivalent of saying that Cirencester is all of high historic interest because part of it is covered by a Conservation Area designation)

To state that the SLA "affords a similar level of protection, at local scale, as the AONB at national scale" is slightly confusing. The SLA is a lower tier designation and the protection is at a lower level than the AONB (with a very different policy approach in the NPPF), however it does recognise the local landscape importance of the SLA and its key landscape characteristics.

Character area 1 falls within the AONB so it is already subject to a high level of protection. The rest of the parish is outside the AONB and the SLAs.

The draft NDP implies that the landscape of Preston village is of equivalent landscape quality to that of the District's designated SLAs. The Portus and Whitton report states (p.22 para 7) "...because of its equivalent importance, it should be protected in a similar manner"; however the report does not provide any evidence of a comparative study of landscape quality across the District, assessing the landscape in Preston against that of the designated SLAs.

Landscape studies (White reports etc) undertaken at a strategic level have not shown the landscape quality of character areas 2-5 to be high enough to warrant inclusion in either the AONB or the SLA. The areas within the District subject to SLA designation were not contested at the Local Plan examination.

The recent Inspector's report on the adopted Local Plan 2018 states of SLAs, '*...identification of these areas is justified. Based on reviews in 1982, 2001 and 2017*' (para 278, p58).

It would not be appropriate to protect the landscape of areas 2-5 of Preston Parish at the same level as any areas of AONB or SLA. There is no direct precedent in terms of the North Cirencester SLA - this is of a recognised higher landscape quality.

A more appropriate response would be to draft a policy that requires any new developments to recognise the local landscape characteristics - as set out in the Portus and Whitton report.

The report and the draft NDP highlight the setting of the AONB as an issue, it should be noted that Local Plan para 10.6.1 "The purpose of SLA designation is to protect locally significant and valued landscapes that have particular intrinsic qualities or character. ... in some cases they provide important settings and effective buffers for the AONB", i.e. protecting the setting of the AONB is not the only purpose in designating the SLAs and that the setting of the AONB is not limited to land within SLAs.

Para 47. The landscape report and the draft NDP refer to the parish serving "an important green wedge" purpose. The local plan does refer to green wedges, but does not state where these are located. it is accepted that the open agricultural character of Preston contributes positively to the setting of Cirencester within the countryside and it is important that any policy recognises that.

It should be noted that the Preston NDP area is also currently subject to (amongst other policies) Local Plan Policy DS4, and DS3 where applicable, to preclude the open

countryside from 'new build open market housing which for strategic reasons is not needed in the countryside' (LP para. 6.4.4).

pp.9-11. Description of the landscape areas.

The description of area 2 taken from the Portus and Whitton report advises of capacity to absorb development – yet neither the Local Plan nor the NDP are seeking to enable this through policy (other than for example, where it is essential for appropriate rural activities - agricultural workers dwelling). Does this invite speculative approaches – by including this policy neutral evidence directly within the policy document?

#### p.12 Policy 1 Preston Special Landscape Area

In order to be in line with national and local policy this draft NDP policy will require some re-working, however the overall aim of the policy to protect and enhance the important features and character of the landscape of Preston should be retained.

As indicated earlier the reference to a Special Landscape Area for Preston should be removed. The use of the same terminology for both a District-wide and a parish-level designation will lead to confusion. Any landscape designation at a parish level is, by definition, at a different tier to a strategic landscape designation at a District level. Consequently, we suggest renaming the policy to reflect its intent, rather than the proposed mechanism e.g. 'Policy 1 – Protect and enhance the countryside. The scope of any potential Local Plan review is currently under discussion and if Preston feels that the areas covered by the District-level SLAs are incorrect and should be expanded, this may be the opportunity to ask the District Council to look at that.

Part C – The first 8 actions in this criterion as it stands are unlikely to be within the purview of planning policy, so risk being struck out at examination. In light of the Climate Change emergency an embargo on solar farm development specifically with no reference to the impact this might have, compared with other forms of development, seems inappropriate. CDC has declared a climate emergency and an ambition to become a zero carbon district as soon as possible. Neighbourhood Plans, where possible, could contribute to this aim by proactively including zero carbon building and renewable energy generation ambitions within their NDPs.

C.X While we welcome the consideration of biodiversity net gain, this doesn't really fit logically under a landscape policy. In practice the net gain clause would not be effective, as this will be subject to government legislation and is already specifically covered in the NPPF. As the legislation is still draft the NDP would need to be clear how that 10% would be assessed given that the DEFRA metric is not yet embedded in the law and is still being reviewed. We note that the District Council is considering what percentage would be appropriate, i.e. do we want to go above and beyond the government target (robust evidence will be required to do that)? Why has 10% been chosen? Is there evidence - other than the figure in the draft legislation?

A more positively worded policy that sets out what development should contribute to the landscape if it comes forward is more likely to be acceptable, particularly in light of the current local plan policies which do not promote development in the NDP area, for example;

**Policy 1 – Protect and enhance the countryside**

**Proposals for development in the Preston NDP area will be supported where they:-**

- **meet the requirements of the NDP, Local Plan and other relevant policies**
- **respect the landscape character and qualities of the area, as set out in the relevant landscape character assessments (including the Portus and Whitton report Nov 2019)**
- **retain the open landscape character of the area, and its positive contribution to the setting of Cirencester, in particular the “green wedge” to the north-east of the A419/Ermin Way.**
- **ensure that the rural landscape continues to permeate into Preston village and that glimpsed views between properties to the countryside are retained**
- **protect and enhance key views THESE NEED TO BE IDENTIFIED ON A MAP**
- **enable, where appropriate,**
  - **replanting of non-native tree plantations with native broadleaved species and better management of shelterbelts**
  - **maintenance and restoration of dry stone wall boundaries**
  - **restoration of historic hedgerow lines**
  - **maintenance and enhancement of water-courses**

p.15 Policy 2 Design

We have some concerns that some of the guidelines as set out in the Design in Preston document may not be achievable once the Building Regulations have been updated. Other guidelines are not reasonable, for example the limitations proposed for external wall and roofing materials.

Current Preston policy with commentary:

A. Development proposals should comply with the following guidelines from Design in Preston - *some of these guidelines are not reasonable, for example in terms of external wall and roofing materials - for example if a development was an extension to an existing modern house or was a new house in a very contemporary style in conjunction with local plan policies and the Cotswold Design Guide.*

B. Publicly accessible green spaces (such as the formal spaces around community infrastructure and incidental spaces such as grass verges) within the village built-up

area should be retained. *These should all be illustrated clearly on a map to provide certainty. What happens if a new driveway is put across a grass verge - would this be contrary to policy? Should the NDP include designation of any local green spaces if these are of particular importance?*

C. Where old farm buildings are converted to residential or commercial use, design reference to recent successful conversions in the village such as Mildred's Farm Barns *this is not a particularly good example of a conversion, for example the windows have dark brown storm proof glazing which would be contrary to the current design code* should be made in conjunction with the Cotswold Design Code.

D. Materials used in new developments, conversions and extensions should reflect the Cotswold Design Code and local Preston preferences as follows:

i. The principle elevation should be stone and render is only acceptable on rear or side walls that are not visible from public vantage points such as the village high street or public rights of way. *This is overly prescriptive, there are likely to be situations where render and other materials are appropriate on front elevations, for example on buildings that are already rendered.*

ii. Roofing material should be natural or re-constituted stone tiles. *This is overly prescriptive, there are likely to be situations where other materials are more suitable, for example there are instances of clay tiles on older buildings in the village.*

iii. Property boundaries should be limited to hedges or Cotswold Stone Walls. Commercially produced lap-board wooden fences should not be visible from any public vantage points such as the village high street or public rights of way. *This is already covered in the Cotswold Design code, but seems reasonable*

We would suggest:

**Proposals for new development, including extensions to existing buildings, should be of the highest design standards, in accordance with the relevant policies of the Cotswold Local Plan and the Cotswold Design Code.**

**The proposals should have specific regard to:**

- ii. **reflecting the key local features and development guidelines described in the Design in Preston Design Statement (2016);**
- iii. **retaining key areas of publicly accessible green spaces (such as the formal spaces around community infrastructure and incidental spaces such as grass verges) within the village built-up area (as shown on map XX);**
- iv. **using locally characteristic building materials, for example Cotswold stone and reconstituted Cotswold stone for walling**

**and roofing and timber for windows and doors, where appropriate**

- v. **providing high quality boundary features, such as hedges and Cotswold stone walls, particularly where these are visible from public vantage points.**

p.17 Policy 3 Employment Land

The District's Development Plan – either through the Local Plan or neighbourhood plans, cannot curtail permitted development rights, so while this policy could prevent changes of use that are not currently permitted, it will not be able to prevent those changes permitted through the General Permitted Development Order 2015. The current wording suggests that it imposes a more general restriction, so perhaps does not meet with the requirements of Paragraph 16 (d) of the NPPF which requires policies to be 'clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'.

We note that Local Plan policy - EC2 - safeguards sites such as this unless there is no reasonable prospect of B class use. We suggest that the policy could be redrafted to be more positively framed:

- 1) **Proposals to change a B class use to another employment generating use, such as commercial or agricultural uses will be supported where it is in accordance with the Local Plan EC2 safeguards such sites unless there is no reasonable prospect of B class use**
- 2) **Proposals to change existing B class use to non-B class uses will be supported when;**
  - a. **The proposal is not for the change of use to individual units in the Village Farm employment area and**
  - b. **The proposal is for the simultaneous change of use of all B-class uses in the Village Farm employment area and compelling evidence can be provided that the overall estate is no longer commercially viable**

An explanation of 'compelling evidence' could put in the RJ- 'and has been recently actively and appropriately marketed for at least 12 months' or 'such as a change in material circumstances i.e. no funding, or the property is in poor condition' etc.

p.20 Policy 4 Footpaths and Cycleways

This policy seeks to ensure that any new development will lead to an investment in infrastructure for cyclists and pedestrians. While we embrace this principle, and particularly the aspirations for improved crossings of the major routes transecting the parish, we note that development of a scale to lever the investment necessary is not being proposed by the neighbourhood plan nor the local plan.

At points i, v, and vi, this policy appears to create an expectation that new public rights of way will be created on land that is likely to be distant from the development plots, and therefore quite possibly not within the same ownership. Is the NDP group confident that the access can be secured in the event that development comes forward?

We would suggest additional wording in the policy or the RJ (based on Angmering NDP) to emphasise method of funding provision, for example:

**'Support will be given to proposals which increase or improve the network cycle ways, footways and footpaths.**

**Developer or CIL contributions will be sought from new developments to fund improvements to the existing networks as well the provision of new connections, in particular where these have been identified in the sustainable transport evidence paper (Appendix XXX). This includes:[.... ]'**

p.22 Policy 5 Community Infrastructure

We are unclear what Criterion A is expected to deliver, and thus don't believe it is usable within the Development Management process. Paragraph 16 (d) of the NPPF which requires policies to be 'clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'.

Criterion B

We wonder why this criterion only applies where a DAS is required and note that would include LBC applications.

We presume that the concerns behind this policy are loss of existing community infrastructure and the pressure that any new development might put upon that infrastructure, but we are struggling to see what exactly it is drafted to deliver, and how it might create a policy requirement beyond local plan policy INF2.

We note that other made and emerging Neighbourhood Plans in our district have policies aimed at retaining and investing in community infrastructure - for example: Tetbury policy 5;

Policy 6 Transport and Village Amenity

We welcome a policy that emphasises the aspiration that new development will not unduly affect the existing traffic conditions. We note that development proposals can only be turned down on the basis of road impact where the impact is severe (national reference?) – so while this policy may be able to 'push' consideration and management of this issue, it will not in itself enable development proposals that do not maintain the 2018 baseline to be refused.

We note that development proposals outside the neighbourhood area may also impact in the manner under consideration – the plan could incorporate a community aspiration to use the baseline evidence to inform the parish council's representations on proposals outside the parish boundary, for example;

**'Where appropriate, traffic management measures will be encouraged that seek to reduce the impact of proposed development on the community by improving highway safety and sustainable transport links, in particular at the Toll Bar Junction, Kings Hill Lane and on Preston Village High Street'.**

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