

# **STANDISH NEIGHBOURHOOD DEVELOPMENT PLAN**

## **Submission Draft Version**

**A report to Stroud District Council  
into the examination of the  
Standish Neighbourhood Development Plan  
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI  
NPIERS Independent Examiner

16 May 2022

## Contents:

	<b>Page</b>
1 Summary	3
2 Introduction	4
3 The Neighbourhood Plan - as a Whole	12
The Neighbourhood Plan - Policies	14
4 Referendum	20
5 Background Documents	23

## 1.0 Summary

- 1.1 The Standish Neighbourhood Development Plan has been prepared to set out the community's wishes for the hamlets in the parish of Standish and the surrounding countryside. It includes development principles for the proposed strategic development site PS19a that is proposed in the Stroud Local Plan Review adjacent to Stonehouse which lies within the parish. It also includes an allocation for a mixed use development at Stagholt Farm which is contingent upon site PS19a being allocated in order to provide access to the development site.
- 1.2 I have given careful consideration to the plan as a whole and the individual policies and have concluded that all the policies are unclear, imprecise and / or poorly phrased. There are also many policy statements within the text of the justification. I have held an Exploratory Meeting with officers from Stroud District Council and members of Standish Parish Council and their planning consultant to discuss my concerns and consider how the policies could be reframed.
- 1.3 I have considered paragraph10(3) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) which defines the nature of the modifications that an examiner may recommend.
- 1.4 Advice in paragraph 2.13.6 of the NPIERS Guidance to service users and examiners proposes that in certain circumstances further remedial work can be undertaken subject to the examiner, qualifying body and the LPA agreeing that there is a reasonable prospect of remedying the plan's shortcomings by placing the examination on hold.
- 1.5 I am required to undertake the examination of the SNP as submitted. I consider that the revisions required to the plan to ensure it meets the Basic Conditions would be so extensive that the SNDP would be radically different to that submitted for examination. I am not satisfied that there is any prospect of my recommending modifications to the plan in accordance with paragraph10(3) of Schedule 4B of the 1990 Act that would improve the clarity of the plan without radically revising the Plan.
- 1.6 It is with regret, therefore, that I have to recommend that the Standish Neighbourhood Development Plan as submitted in October 2021 does not meet the Basic Conditions and should not proceed to a referendum.

## 2.0 Introduction

### Background Context

- 2.1 This report sets out the findings of the examination into the Standish Neighbourhood Development Plan.
- 2.2 The Parish of Standish is situated at the foot of the Cotswolds AONB 5 kilometres north west of Stroud on the B4008. There is a collection of hamlets including Stroud Green, Little Haresfield and Standish. At 2011 there were 227 people living in the parish in 140 households.

### Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Standish Neighbourhood Development Plan (SNDP) by Stroud District Council (SDC) with the consent of Standish Parish Council in December 2021. I do not have any interest in any land that may be affected by the SNDP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

### Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
  - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.
- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by

section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, as incorporated into UK law; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

The following prescribed condition relates to neighbourhood plans:

- Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

### **The Examination Process**

2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

2.9 At the request of SDC and SPC, I held an Exploratory Meeting to consider my concerns on the SNDP and whether it would be possible to improve it through modifications. I am satisfied that the responses received have enabled me to come to a conclusion without the need for a hearing.

2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the SNDP.

- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Screening Opinions, Environmental Report for the Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations. In my assessment of each policy, I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.

### Legislative Requirements

- 2.12 The neighbourhood plan making process has been led by Standish Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.13 Paragraph 4 of the Basic Conditions Statement confirms that Neighbourhood Plan area was designated by SDC on 4 February 2014. Paragraph 8 of the Basic Conditions Statement confirms that there are no other neighbourhood plans covering this area.
- 2.14 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Plan states the date 2040 and paragraph 3 of the plan says that it covers the period to 2040. Paragraph 6 of the Basic Conditions Statement states that the period is 2021 - 2040. The start date of the plan should be included on the front cover to improve clarity.
- 2.15 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990. Paragraph 38 of the plan refers to evidence in the 2020 Gloucestershire Minerals Local Plan that a large part of the parish is safeguarded as a Minerals Resource Area for Sand and Gravel.
- 2.16 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. I have noted in my report where the SNDP policies are compliant with this requirement.

## The Basic Conditions

### Basic Condition 1 – Has regard to National Policy

- 2.17 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.
- 2.18 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance

states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

- 2.19 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*

- 2.20 The NPPF of July 2021 is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019. References in the SNDP to paragraphs in the NPPF should be checked and updated where necessary before the final plan is published.
- 2.21 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the delivery of strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.*”
- 2.22 Table 1 of the Basic Conditions Statement includes comments on how the policies of the SNDP have taken account of relevant sections of the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

### **Basic Condition 2 - Contributes to sustainable development**

- 2.23 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.24 Table 2 of the Basic Conditions Statement considers how each policy supports the delivery of the three themes of sustainable development.
- 2.25 I am satisfied that the Plan contributes to the delivery of sustainable development and therefore meets this Basic Condition.

### **Basic Condition 3 – is in general conformity with strategic policies in the development plan**

- 2.26 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan relevant to the area comprises Stroud District Local Plan adopted in November 2015. This is currently subject to a review and consultation

was carried out on the pre-submission draft SLPR in June – July 2021. The Plan was submitted for examination on 25 October 2021.

- 2.27 Table 3 of the Basic Conditions Statement assesses how the Neighbourhood Plan policies conform to the relevant strategic planning policies of the adopted Local Plan and the November 2019 draft of the emerging Local Plan. This table will require updating before the final plan is published.
- 2.28 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

#### **Basic Condition 4 – Compatible with EU obligations and human rights requirements**

- 2.29 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.30 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment (SEA) is submitted with a Neighbourhood Plan proposal or a determination from the competent authority (SDC) that the plan is not likely to have “significant effects.”
- 2.31 The Basic Conditions Statement only includes the summary of the screening opinion for the SEA. The full report was not included with the submission documents and I have asked for it to be provided to me.
- 2.32 The Standish Neighbourhood Plan was screened in by Stroud District Council in July 2020 as requiring Strategic Environmental Assessment (SEA), in a combined screening opinion for SEA and HRA. The screening opinion does not identify a specific receptor or feature which might be sensitive to significant effects from the proposals of the Neighbourhood Plan. Rather, the screening opinion simply gives the following view: *“It is our opinion that the plan will require SEA/HRA as it proposes to allocate a site”*.
- 2.33 The Environmental Report was prepared by independent consultants and is dated April 2021. The report sets out the reasons why no reasonable alternative site options were considered. The assessment of the plan was carried out under the following themes: Biodiversity, Climate change, Community Vitality, Historic environment, Landscape and Natural Resources. Changes were recommended to the plan which were incorporated into the submission draft plan.
- 2.34 The conclusions of the Environmental Report are set out in paragraphs 5.51 – 5.54 that: *“Overall, the assessment finds that the policies and proposals of the Neighbourhood Plan are likely to give rise to minor long term positive effects in relation to the Biodiversity, Climate Change, Community Vitality and Landscape SEA themes. Neutral effects are anticipated in relation to the Historic Environment and*

*Natural Resources SEA themes. Significant negative effects are not anticipated in relation to any SEA theme.”*

- 2.35 Potential cumulative effects were considered in paragraph 5.54: *“It is recognised that allocation of Stagholt Farm through the Neighbourhood Plan will be contingent on proposed site PS19a being allocated in the Local Plan Review, once adopted. Effects from development at Stagholt Farm will necessarily form part of wider effects from the much larger strategic development of PS19a. In this sense, cumulative effects from Stagholt Farm are inevitable, though in practice the small scale of the allocation relative to the scale of PS19a (i.e. 24 dwellings out of around 650 dwellings in total) means that effects from Stagholt Farm are unlikely to add any meaningful significance to effects from the wider PS19a development. Cumulative effects are considered likely to be negligible. “*
- 2.36 Consultation was carried out with the statutory environmental bodies on the Environmental Report between 10 March and 14 April 2021. A response from the Environment Agency dated 12 April 2021 comments on the Scoping Report of December 2020; it does not comment on the conclusions on the Environmental Report. No response has been provided from Natural England or Historic England.
- 2.37 Without evidence that the statutory environmental bodies were consulted on the SEA Environmental Report, I am unable to conclude that that the assessment has been carried out in accordance with the legal requirements. This matter could have been addressed by consulting the statutory environmental bodies during the examination if there had been reasonable prospects of the plan satisfying the Basic Conditions in other respects. *(Note – following receipt of my draft report, the Parish Council has provided me with the text of the letter sent to consultees in July 2021 on the second Regulation 14 consultation of the Plan which refers to the SEA and HRA. It is advisable to include copies of relevant correspondence to demonstrate that this legal requirement has been satisfied in the SEA / HRA report or Consultation Statement when the Plan is revised.)*
- 2.38 In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on a Special Area of Conservation or Special Protection Area, or other ecologically important European site (Ramsar) as a result of the plan’s implementation.
- 2.39 Paragraph 1.3 the HRA of the Standish Neighbourhood Plan explains that the assessment is required to determine if there are any realistic linking pathways present between an international site and the Neighbourhood Plan and where Likely Significant Effects cannot be screened out, an analysis to inform Appropriate Assessment to be undertaken to determine if adverse effects on the integrity of the international sites will occur as a result of the Neighbourhood Plan alone or in combination.
- 2.40 Previous HRA work for Stroud Local Plan has highlighted several impacts pathways that require analysis regarding increased development within the Standish Parish. These are as follows:

- Recreational pressure (for Cotswold Beechwoods SAC & Seven Estuary SAC, SPA & Ramsar); and
  - Air pollution: impact of atmospheric nitrogen deposition.
- 2.41 Two policies of the SNDP were screened in as a precaution (S2 and S4) even though both relate to sites already allocated in the Stroud Local Plan. Paragraph 6.3 states that *“the HRA screening exercise undertaken in Appendix A indicates two policies that were expected to have likely significant effects on the European Sites due to air quality and recreational pressures.”*
- 2.42 Paragraph 7.5 states that *“Following Appropriate Assessment, a number of recommendations were made to improve the policy framework provided in the Standish Neighbourhood plan. These are as follows:*
- *Adding reference in Policy S2 to the need for South Standish to be recreationally self-sufficient and incorporate significant large areas of publicly accessible semi-natural greenspace, to reduce the need for recreation further afield; and*
  - *Adding a reference in both S2 and S4 to the need to make a financial contribution as per the Severn Estuary Mitigation Strategy.”*
- 2.43 The conclusion of the HRA is *“that subject to recommendations made in this assessment, combined with the overarching Stroud District Local Plan Draft, the Standish Neighbourhood Plan will contain sufficient policy framework to ensure no adverse effects on the integrity of international designated site will occur in isolation or in combination with other projects and plans.”*
- 2.44 I am satisfied that the mitigation measures recommended in the Appropriate Assessment have been included in Policies S2 and S4 of the submission draft of the SNDP. This is considered sufficient to conclude that there will be no likely significant adverse effects of the Standish Neighbourhood Plan on European Designated Sites.
- 2.45 No evidence has been provided that consultation was carried out with Natural England on the HRA assessment as required. I am not able to conclude therefore that the HRA assessment has been carried out in accordance with the legal requirements. This matter could have been addressed by consulting Natural England during the examination if there had been reasonable prospects of the plan satisfying the Basic Conditions in other respects. *(Note – following receipt of my draft report, the Parish Council has provided me with the text of the letter sent to consultees in July 2021 on the second Regulation 14 consultation of the Plan which refers to the SEA and HRA. It is advisable to include copies of relevant correspondence to demonstrate that this legal requirement has been satisfied in the SEA / HRA report or Consultation Statement when the Plan is revised.)*
- 2.46 Paragraph 15 of the Basic Conditions Statement comments on Human Rights and states that: *“The Neighbourhood NDP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning in the context of human rights are: protection of property, right to respect for private and family life and prohibition of*

*discrimination. The NDP complies with the requirements of the Human Rights Act 1998.”*

2.47 From my review of the Consultation Statement and the additional information provided by the SPC following my request for more details about the consultations, I have concluded that the consultation on the SNDP has had appropriate regard to Human Rights.

2.48 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am not able to conclude that the consultations on the SEA and HRA reports have been carried out satisfactorily in accordance with the legal requirements. I am not able to conclude that the SNDP is compatible with EU obligations and with Basic Conditions Nos 4 and 5.

### **Consultation on the Neighbourhood Plan**

2.49 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

2.50 Following the designation of the neighbourhood area in 2015, the following key stages of consultation were:

- Community Visioning Event - 15 November 2018 with 15 residents in attendance. A vision for the area was developed and the potential themes for the plan were discussed.
- Community Consultation on Draft Policies - 23 March 2019.
- Regulation 14 consultation - 10 June - 22 July 2020 with 34 responses received.
- Second Regulation 14 pre-submission consultation 19 July – 30 August 2021 – no record of responses

2.51 The Consultation Statement provides no details about how the consultations were carried out. I have asked the QB to provide me with the further details and they have confirmed that publicity material was delivered to every household, placed on the village website, on parish noticeboards and in the parish newsletter. Emails were sent to statutory consultees and businesses. From this additional information I can conclude that the consultations were carried out satisfactorily. The Consultation Statement should be updated to provide more detailed information about how the consultations were carried out, the number of responses received and the main issues raised.

2.52 Consultation on the Regulation 16 Submission draft Plan was carried out by SDC from 24 November 2021 – 7 January 2022. In total 6 responses were received.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. This section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.3 The PPG states that *“a policy should be clear and unambiguous. It 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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area”*. I will consider this requirement as I examine each policy.
- 3.4 The SNDP is a plan that focuses on setting development principles and a framework for the preparation of the masterplan for the strategic development site that is being considered in the parish through the emerging Stroud Local Plan Review. It includes a proposal to allocate one site within this area at Stagholt Farm. It considers the level of development that would be acceptable in various parts of the plan area; it proposes improvement to the footpath and cycleway network.
- 3.5 The introductory sections of the Plan set out the background to the preparation of the plan, the history of the parish, a community profile, the planning policy context, and a spatial portrait of the area.
- 3.6 The policies are distinguishable from the supporting text by surrounding coloured boxes. However after careful consideration of the Plan it is evident that all the policies are unclear, imprecise and poorly phrased. There are also many policy statements within the text of the justification. The justifications do not adequately explain the underpinning evidence to the policies or how the policies are to be applied.
- 3.7 The Plan does not include a Policies Map that shows the sites allocated or referred to in the policies. There are 14 figures within the SNDP, some of which show sites referred to in the policies; others show background information. Figure 1 shows the plan area. Figure 8 shows the Character Areas referred to in Policy S1, Figures 10 – 13 shows various Public Rights Of Way (PROW) referred to in Policy S3. Figure 14 shows the site to be allocated in Policy S4 at Stagholt Farm. However this is referred to as “conditional” in the title to the figure and there is no plan to show its location in the plan area.

- 3.8 In order to improve the clarity of the Plan for users and decision makers, a Policies Map should be prepared with Inset Maps if considered necessary to clearly show those sites and areas allocated and referred to in the policies of the Plan.
- 3.9 I have raised my concerns about the way that all the policies and justifications in the plan are unclear and imprecise with SDC and the SPC. They requested that an exploratory meeting was held to discuss my concerns. This report summarises the points discussed about the content of the policies.

### Planning Policy Context

- 3.10 The SNDP is being prepared at the same time as the Stroud Local Plan Review in its course of preparation. The Pre-submission plan includes a strategic mixed use development site within the plan area which is referred to as allocation site PS19a North west of Stonehouse. The SNDP is seeking to change the name of this proposed allocation to South Standish. SDC has raised concerns that this may lead to confusion. I agree with this sentiment. The site is proposed for allocation in the Local Plan Review and the national planning guidance states that neighbourhood plans should support the delivery of strategic development proposals. It is not appropriate for a neighbourhood plan to seek to change the name of a strategic site as this would not aid clarity in the interpretation of the policies in the development plan.
- 3.11 Paragraph 37 of the SNDP states that “*only limited development will be permissible in Standish except under paras 80 and 84 of the NPPF*”. This form of development should be referred to “as exceptional development” under the NPPF. Paragraph 2.77 of the justification to SLP Policy CP3 explains that “*Very small settlements not mentioned in the settlement hierarchy will be treated as open countryside, where development will be restricted to that which contributes to diverse and sustainable farming enterprises, recreation, tourism and essential community facilities, in accordance with Policy CP15.*” It would be helpful to plan users to include reference to this Local Plan policy to provide the context for Policy S1.
- 3.12 Paragraph 40 will require updating to reflect the latest position on the Local Plan Review.
- 3.13 STC has suggested an amendment to paragraph 42 to improve its clarity which I concur with.
- 3.14 Paragraph 45 notes the status of the plan’s policies in relation to the proposed allocation in the Local Plan Review. The second sentence requires clarification.

### The Neighbourhood Plan

#### Vision and Objectives

- 3.15 A Vision for Standish is set out in Box 2 under paragraph 6 of the Plan. This is not a vision statement but is in effect a bullet point list of objectives some of which are very

detailed. As an advisory note, it is customary for the Vision statement to paint a picture of how the plan area is envisaged in 2040. The objectives would then form the framework for the policies.

### Policy S1 Standish Development Framework

- 3.16 The Policy seeks to set out the appropriate level of development in each of seven sub-areas of the parish. The sub-areas are based on a Landscape Appraisal report prepared by independent consultants dated July 2019. The report considers the potential impact of the proposed site allocation at PS19a and what specific mitigation should be provided both within the development parcel and around its boundary to fully mitigate the potential effects of the proposed allocation.
- 3.17 Table 1 identifies 7 character areas in Standish parish and includes a brief description of the area and the policy statements set out in Policy S1. The areas are shown on Figure 8. The QB has noted that site PS19b is no longer being proposed in the draft SLPR and has provided me with an updated Figure 8 which shows revisions to the boundaries of Areas B and G.
- 3.18 Area B is identified as an important feature in the setting of the AONB. However Areas C, D and E also adjoin the AONB. The setting of the AONB should not be defined as a particular area because the impact of a development on the setting of the AONB will depend on the scale and nature of the development proposal. It is considered the descriptions of Areas C, D and E should also make reference to their role as part of the setting of the AONB.
- 3.19 Policy S1 sets out a Development Framework to define the nature of development in each area. The first paragraph states that development will be appropriate according to its location. There follows a statement for each area A to F which state that “development will normally (or generally) be inappropriate except....”.
- 3.20 I consider that the wording of these area policies to be unclear, imprecise and negatively worded; and therefore is contrary to national and strategic policies. Furthermore, they do not add any local policy requirements to national and strategic policies on development in the AONB and its settings, in the countryside or where they may affect heritage assets or their settings.
- 3.21 It states that in Area C planning permission will not be granted unless potential harm can be mitigated to an acceptable level. It is not appropriate for policies in neighbourhood plans to set out when permission will or will not be granted. NPPF paragraph 2 which states that “*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.*”
- 3.22 The sixth paragraph states that Area G will be subject to Policy S2 / Great Oldbury and will be referred to as South Standish. This area is that identified in the SLPR as a potential development area; the nature and scale of the development in this area will be determined through the Local Plan Review, not Policy S2.

- 3.23 SDC has commented on the proposal in the plan to change the name of the proposed site allocation in the Local Plan Review from “Northwest of Stonehouse” to “South Standish”. The potential site is referred to in the Local Plan Review as “PS19a Northwest of Stonehouse”. The site will form an extension to the larger settlement of Stonehouse, notwithstanding that it is located in Standish parish. I agree with SDC that the proposed name change may cause confusion when cross referencing the policy in the SNDP with that in the Local Plan Review.
- 3.24 Areas A to F are sub-divisions of the countryside where development is limited to the exceptional circumstances set out in national planning policy in NPPF paragraph 80 on rural housing and paragraph 84 on the rural economy.
- 3.25 Area A is the AONB and any development proposals here will be considered against national and strategic policies. NPPF paragraph 176 states that “*The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*” Section 16 of the NPPF sets out matters to be considered in determining applications for proposals that may impact on a heritage asset and its setting.
- 3.26 The Stroud Local Plan includes Policy CP15 “A Quality Living and Working Countryside” which sets out the principles for considering development in the countryside. Policy ES7 addresses the delivery of development in the AONB and its setting; Policy ES10 sets out the principles for “Valuing our historic environment and assets”.
- 3.27 I consider that the policy statements in Policy S1 are unduly restrictive and do not accord with national or strategic policies on development in the countryside. All areas A to F are in the countryside and it is unhelpful to try to differentiate the amount or nature of the development that may or may not be acceptable in each area.
- 3.28 I have turned to consider the purpose of Table 1 and Figure 8. Table 1 is a description of the various landscape sub-areas of the parish as described in the Landscape Appraisal. However it also includes policy statements about development in each area. The justification should summarise the evidence to justify the policy and explain how the policy is to be applied and not simply repeat policy statements.
- 3.29 The introductory paragraphs to Policy S1 set out the local context in terms of the importance of the AONB, open space and green infrastructure. However, I have a number of concerns about the wording of some of the statements. Some statements are misleading, use emotive language or are negatively worded.
- 3.30 Paragraph 68 refers to areas at risk of flooding. However, it is not clear where these areas are as they are not shown on a map in the Plan. I have noted that Local Plan Policy ES4 sets out a comprehensive approach to managing flood risk. The final paragraph of Policy S1 does not add any locally specific policy or guidance to the Local Plan policy.

- 3.31 The penultimate paragraph of Policy S1 states that development will respect the character identified in the Standish Landscape Assessment and will seek to avoid harm to tranquillity, generate biodiversity net gain and avoid flooding and retain natural areas along watercourses. It is considered that all these matters are addressed in the policies in the Local Plan or national legislation (in the case of biodiversity net gain). I consider that the policy does not add any locally specific guidance to that set out in national and strategic policies.
- 3.32 At the Exploratory Meeting, there was a discussion about how the Policy and Table 1 could be reframed to better describe the characteristics of each landscape area and the design considerations that should be applied to development within them.
- 3.33 The Standish Landscape Assessment and the descriptions of the sub-areas of the parish have some value to decision makers and could be retained in the plan as part of the background descriptions of the area. Should the plan makers wish to include a list of national and strategic policies that govern development in the countryside and the AONB this may be included in the supporting text.
- 3.34 After considering each part of the policy I am recommending that the policy as a whole does not meet the Basic Conditions.

### **Policy S2 Major Development in South Standish**

- 3.35 The Stroud Local Plan Review submission draft Plan is proposing to allocate an area of 36 hectares of agricultural land to the north west of Stonehouse (site PS19a) that lies totally within Standish parish. The site allocation policy sets out the requirement for the preparation of a development brief incorporating an indicative masterplan that is to detail the way in which the land uses and infrastructure will be developed in an integrated and co-ordinated manner.
- 3.36 Policy S2 seeks to set out how the masterplan will be prepared to take account of the views of the Standish community. It lists a number of supporting statements and assessments that should be prepared as evidence to demonstrate that particular development principles will be delivered. These Development Principles are set out separately in the Plan and do not form part of the policy.
- 3.37 I have a number of concerns about Policy S2:
- The introduction to the policy does not set out the context for the policy from the Local Plan Review. It should make it clear that the site is a proposed allocation and include a brief summary of the description of the proposed development. It is suggested that an extract of pages 108 – 111 of the Local Plan Review could be included in an Appendix for information.
  - The main policy requirements are set out in a box headed South Standish Development Principles, not the policy itself.
  - The statements in the policy box are concerned about a number of background evidence studies and the matters they should demonstrate. There are some

aspirations amongst the statements but they are not clearly set out as required by national planning guidance.

- The first paragraph of the policy is confusing as it refers to major development or development in the proposed allocation PS19a. It is considered that the requirements set out would be too onerous to apply to all major development proposals.
- The development principles seek to ensure that there are effective transport links between the new community infrastructure and the existing community and that all members of the Standish community will be able to participate equally. In view of the current road network and nature of the country lanes in the area it is difficult to envisage how this is to be achieved.
- Some requirements are too detailed for planning policy and should be included in supplementary guidance.
- Some requirements will be covered by LPA policy eg open space requirements
- Planning policy cannot require development standards to exceed the Building Regulations (Written Ministerial Statement of March 2015)

3.38 At the Exploratory Meeting the discussion focused on reframing the policy so that it was contingent upon the site being allocated in the SLPR. It was also suggested that

- The policy included the following statement: *“In the event of Site PS19a being allocated for development by Stroud District Council, the following will apply:”*
- There was no need to repeat matters set out in the SLPR Policy;
- The policy requirements should be framed in a similar manner to those in the SLPR policy.

3.39 Neighbourhood Plan policies can play a role in helping to shape strategic development allocations by setting out locally important considerations. However, they cannot stipulate how and when the community is to be consulted at the pre-application stage. In response to a question whether pre-application community consultation is compulsory, government guidance is that *“Pre-application engagement with the community is encouraged where it will add value to the process and the outcome.”*

3.40 After considering each part of the policy I am recommending that the policy as a whole does not meet the Basic Conditions.

### **Policy S3 Sustainable Transport**

3.41 This policy makes a number of proposals about sustainable transport routes which I have summarised as follows:

- The strategic development (presumably proposed allocation PS19a) to enhance the PROW and strategic cycleway network;
- Development to be supported where they make reasonable contribution towards delivery of identified improvements of PROW network;

- Developer contributions should be made towards a multi user path from Horsemarling roundabout to Black Bridge and a strategic cycleway from the Horsemarling roundabout towards Gloucester as shown on Figure 11 or by two other optional routes.
  - Any development that would result in a material increase in traffic using a railway crossing should be refused
- 3.42 I consider that the wording of the policy is unclear and imprecise and is not capable of being interpreted consistently by decision makers.
- 3.43 A neighbourhood plan cannot determine the contributions that a proposed strategic development will make to sustainable transport routes outside the development site.
- 3.44 The policy includes a proposed new multi user route, but it is evident that the preferred route has not been determined.
- 3.45 At the Exploratory Meeting it was suggested that the policy should be reframed to set out a clear description of the design of the multi user routes within and around the proposed allocation site PS19a and from them to the PROW in the rest of the parish. The policy should also support the principle of the development of a long distance strategic multi user route from Horsemarling roundabout towards Gloucester without specifying a particular route.
- 3.46 After considering each part of the policy I am recommending that the policy as a whole does not meet the Basic Conditions.

### Policy S4 Stagholt Farm

- 3.47 The policy allocates land at Stagholt Farm for a mixed use development of 24 dwellings (including at least 7 affordable dwellings) on two areas of grassland, and an unspecified number of self build houses, small scale tourism and lodging and small E class employment uses through the redevelopment of the farm buildings.
- 3.48 The policy does not specify how access to the site would be provided. SPC has stated that the landowner has not reached an agreement about access. The current means of access to the farm is clearly not adequate for the development proposed. A new means of access would be required from the adjacent site PS19a if it were allocated in the SLPR. Access would be taken from the proposed allocation in a manner to be set out in the Masterplan for the allocation.
- 3.49 The NPPG states that *“A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.”*
- 3.50 The SEA Environmental Report states that *“No alternative site options have been identified for potential allocation through the Neighbourhood Plan. Fundamentally, this reflects the key fact that the allocation of Stagholt Farm is not driven by the need*

*to meet a housing target, but rather to rationalise available land to enable a coherent strategic scheme.*

- 3.51 *“The absence of a housing target and the absence of evidence of local housing need within Standish – plus the general presumption against development in Tier 5 settlements in the Local Plan - means that there is no need for the Parish Council to undertake a call for sites to explore potential locations for growth within Standish. This highlights the fact that Stagholt Farm is additionally unique in the context of the plan area as having potential to function as a part of the Stonehouse urban area, i.e. a Tier 1 settlement rather than any of the Tier 5 settlements elsewhere in the parish.”*
- 3.52 At the Exploratory Meeting, it was suggested that the policy should state that the site could only proceed if site PS19a were allocated for development in the SLPR and access were provided from it. The discussion focused on reframing the policy so that it was contingent upon access to the being provided from site PS19a if it is allocated in the SLPR.
- 3.53 After considering each part of the policy I consider that the policy as worded means that the site is not deliverable; therefore, the policy does not meet the Basic Conditions.

## 4.0 Referendum

- 4.1 I have given careful consideration to the plan as a whole and the individual policies and have concluded that all the policies are unclear, imprecise and / or poorly phrased. There are also many policy statements within the text of the justification. I have held an Exploratory Meeting with officers from the Stroud District Council and members of Standish Parish Council and their planning consultant to discuss my concerns and consider how the policies could be reframed.
- 4.2 I have considered paragraph10(3) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) which defines the nature of the modifications that an examiner may recommend.
- 4.3 Advice in paragraph 2.13.6 of the NPIERS Guidance to service users and examiners proposes that in certain circumstances further remedial work can be undertaken subject to the examiner, qualifying body and the LPA agreeing that there is a reasonable prospect of remedying the plan's shortcomings by placing the examination on hold.
- 4.4 I am required to undertake the examination of the SNP as submitted. I consider that the revisions required to the plan to ensure it meets the Basic Conditions would be so extensive that the SNDP would be radically different to that submitted for examination. I am not satisfied that there is any prospect of my recommending modifications to the plan in accordance with paragraph10(3) of Schedule 4B of the 1990 Act that would improve the clarity of the plan without radically revising the Plan.
- 4.5 It is with regret, therefore, that I have to recommend that the Standish Neighbourhood Development Plan as submitted in October 2021 does not meet the Basic Conditions and should not proceed to a referendum.

## 5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Standish Neighbourhood Plan 2022-2040 Submission Draft Version
- Standish Neighbourhood Plan Basic Conditions Statement October 2021
- Standish Neighbourhood Plan Consultation Statement September 2021
- Standish Neighbourhood Plan SEA Environmental Report September 2021
- Standish Neighbourhood Plan HRA Screening Opinion October 2021
- Stagholt Farm Site Allocation Evidence Paper October 2021
- Safe and Sustainable Travel in Standish Evidence Report May 2017
- Standish Sustainable Transport Evidence Paper October 2021
- Standish Landscape Appraisal July 2019
- National Planning Policy Framework July 2021
- Planning Practice Guidance (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Stroud Local Plan (2015)
- Stroud Local Plan Review Submission Draft October 2021