

Kingswood Neighbourhood Plan Health Check

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Prepared by

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1. Introduction

This report provides the findings of a 'health check' on the Kingswood Neighbourhood Plan (Pre-Submission) Regulation 14 Consultation October 2015 and the Submission Version January 2016 (incomplete). As a short deadline was required for this work, I commenced the health check on the October 2015 version. I was subsequently sent the January 2016 version which contained deletions and amendments to the text and policies. Wherever possible I have taken these into account but there may be a small number of instances where suggestions made in my report have already been made in the updated version.

Kingswood Parish Council has requested the 'health check' through the Neighbourhood Planning Referral Service (NPIERS). My report is an independent, desk based review designed to identify areas where the Plan in my opinion does not comply with the 'Basic Conditions' (defined in paragraph 3 below) or other legal requirements (Paragraph 4). I have also commented on the overall structure of the Plan. My comments are advisory only and are intended to inform and assist the Parish Council in producing a robust Plan as they move forward to the next stage.

The development of the Neighbourhood Plan (NP) has been led by the Parish Council (PC) as the 'qualifying body' and has been overseen by a small Steering Group comprising members of the PC and the local community.

I have liaised with Ricardo Rios from Stroud District Council, Mary Leonard, Clerk to the PC, and Jon Goodall, Consultant acting on behalf of the PC.

2. Background to the Neighbourhood Plan

Kingswood Parish lies in the southern part of Stroud District Council area close to the M5 motorway. Its location has meant there has been a high proportion of growth in recent years which has increased pressure on local services and facilities. Pressure for new housing

development in the parish continues. There are a wide range of commercial premises in the parish giving it a strong employment role.

The community wants to ensure that new development meets local needs and is commensurate with the scale and form of the village ensuring, where possible, that the key features of the parish are enhanced and conserved. The NP addresses the issues of lack of affordable housing for local people, improvement to local infrastructure and services and the importance of retaining local employment facilities. The rural character of the parish also needs to be conserved for its agricultural and landscape value and opportunities for recreation and nature conservation. The NP also recognises the distinctive historic environment and importance of green spaces.

3. The Basic Conditions

If a Neighbourhood Plan is to 'pass' an independent examination then it must meet the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. The Plan must:-

- Have regard to national policies and advice contained in guidance issued by the Secretary of State.
- Contribute to the achievement of sustainable development.
- Be in general conformity with the strategic policies of the Development Plan.
- Be compatible with European Union (EU) and the European Convention on Human Rights Obligations.

A Basic Conditions Statement will need to be submitted alongside the Neighbourhood Plan to the District Council. However this statement was not provided as part of the health check.

3.1 National Planning Policy

This is principally set out in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG). At the heart of the NPPF is a presumption in favour of

sustainable development. With regard to neighbourhood planning, this means local communities should develop plans which plan positively to support and shape local development that is outside the strategic elements of the Local Plan. They should provide a practical framework with which decisions on planning applications can be made.

In particular it should be noted that a policy should be clear and unambiguous and 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. Many of my comments on individual policies in paragraph 5.6 relate to these points.

3.2 Sustainable Development

A Neighbourhood Plan must demonstrate how its policies contribute to improvements in economic, environmental and social conditions. There is no legal requirement for the Plan to have a sustainability appraisal but how the Plan contributes to sustainable development will be covered in the Basic Conditions Statement. I have made comments in the paragraphs below where policies in my opinion do not promote sustainable development.

3.3 The Development Plan

To meet the Basic Conditions, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan. This ensures that neighbourhood plans cannot undermine the overall development strategy set out in the Development Plan.

The relevant Development Plan is the Stroud District Local Plan (SDLP) which was adopted in November 2015. References are made throughout the NP to the Local Plan, the Development Plan, the emerging Local Plan and the Local Plan 2005. A reference to the SDLP should be made in the suggested paragraph on the Basic Conditions (See 5.2). All other references need to be updated where necessary and checked for accuracy to ensure they have not changed whilst the NP was being prepared.

Kingswood is as designated as a 'Third Tier' settlement within the Local Plan which is defined as 'Accessible Settlements with Limited Facilities'. These settlements are to provide for lesser levels of development in order to safeguard their role and to provide through neighbourhood plans, some opportunities for growth, and to deliver affordable housing.

3.4 European Obligations

In accordance with the Environment Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC, Stroud District Council issued a screening opinion on 7 January 2016. This advised that the NP is unlikely to give rise to significant environment effects or have significant effects on European Designated Sites that would require consideration under the Habitats Directive. A Strategic Environmental Assessment and Habitat Regulation Assessment are therefore not required.

It is not known if an Equality Impact Assessment has been undertaken but the qualifying body must ensure that the NP is fully compatible with the European Convention on Human Rights.

4. Legislative and regulatory requirements

4.1 Neighbourhood Area Designation

The application for designation as a Neighbourhood Area was submitted by the 'Qualifying Body' Kingswood Parish Council and approved by Stroud District Council on 19th June 2014. The Neighbourhood Plan relates to one neighbourhood area only.

4.2 Plan Period

A Neighbourhood Plan must specify the period for which it is to have effect.

The Kingswood Plan states in the introduction that it covers the years 2014 to 2031. It would be useful to include those dates on the front cover.

4.3 Development and Use of Land

The NP must not contain policies that relate to 'excluded development' including minerals and waste. The policies should relate to the development and use of land.

I confirm that the plan does not cover 'excluded development' and generally policies and proposals relate to the development and use of land. Where this is not the case I have highlighted the issue in my detailed comments.

4.4 Community Engagement

Paragraph 155 of the NPPF sets out advice on early and meaningful community engagement and collaboration on plan preparation. Consultation is an important part of the Neighbourhood Plan process and can provide the foundation for a 'yes' vote at the referendum.

Regulation 15 (1) (b) of the Neighbourhood Planning Regulations 2012 requires a Consultation Statement to be submitted when the Neighbourhood Plan is submitted for examination. This statement should set out who was consulted and how, together with the outcome of the consultation and how the issues raised have been addressed. The Consultation Statement was sent to me as part of the health check. The community engagement carried out appears to meet the 'Regulations'. However to make the document clearer I would suggest that the 'Regulation 14' consultees be set out in a list and the table format used only for those making a response. For clarity, Appendix 1 Table 1 which sets out a list of events should be cross referenced with the appropriate responses in other Appendices.

5. Plan Content

5.1 General Comments

There are numerous references throughout the document to intended reviews of the NP. It appears to me that the PC considers the current NP is only an 'interim' Plan prior to more development being accepted which the parish feels is inevitable. Several of the policies and text require developers to provide infrastructure with their proposals although it is not clear given that only 'infill' development and affordable housing is proposed in the NP how this will be achieved. I have no specific suggestions for amending the NP but maybe a review of some of the text and policies is required.

5.2 Introduction

Whilst I consider an introduction should not be overly long, there are some points that could be included in the introduction to set the context of the NP. These are some of the points that could be included:

- Explanation of what a NP is and why the PC is preparing one.
- Designation and plan period (mentioned above).
- Something on the process. How the NP has developed through the different stages and how community feedback has influenced the direction. What is the current stage eg Submission Version.
- Add some brief information on the need to comply with the Basic Conditions.

5.3 History and Local Characteristics

Again this section should not be overly long. However I think you need to set Kingswood Parish in context. In reading the NP, I found that I knew little about the parish before I was reading the Vision and Objectives. For example I was not aware of the large employment

sites until much later in the Plan. I think you need to enlarge this section using some of the information already in the current Appendix (but still keep the more detailed and statistical information in the Appendix).

5.4 Vision and Objectives

The vision is unusual in that it is a series of statements of how it is hoped the parish will be in 2031. I do not see that as of particular concern but the objectives are much shorter. I think you need to ensure that your objectives support the vision and that the planning policies will deliver them. Currently this is not clear. I would therefore suggest in this section you state which policies cover which objectives and in the policy section state the objective(s) at the beginning of each topic section.

5.5 Planning Policy Chapters

The policy topic chapters differ in their layout. Some begin with an introduction, a policy justification and then the policy. Others do not have a specific heading 'policy justification'. The Business and Employment chapter for example begins with NPPF objectives whereas others do not. Some topics include a heading containing local evidence. The Environment Chapter has several sub-headings (some without policy justification headings). The Transport section is particularly confusing with an overly long introduction covering a variety of topics with the policies lying towards the end of the section. I suggest a standard format for each policy section to assist the reader. This could be for example – state the objective the policy is addressing, give an overview/introduction to the policy, the policy intent, the policy itself, the justification including the evidence and community support/feedback.

5.6 Planning policies

For the most part I have commented on individual policies. However if the policy is not included below then I consider it meets the Basic Conditions and does not require amendment.

Policy SL1

There is no plan of the settlement development limit although it is stated in the text that it is indicated on the proposals map. The plan needs to be close to the policy for reference. SDLP Policy CP3 does give neighbourhood plans in settlements such as Kingswood the opportunity to promote growth in line with its designation. However the steering group have chosen not to allocate any sites for residential development but to focus new development within the settlement limit. I would like to see an explanation in the text as to the type of opportunities that are likely to come forward for development within the settlement limit to promote sustainable development, one of the objectives of the NP. The first part of the policy does not 'add' any more information to the SDLP policy HC1. The second part (1st bullet point) makes reference to SDLP policies. However the NP should 'stand on its own two feet'. There are various policies in the SDLP where development would be permitted outside the settlement limit eg E14, E15, and CP15. The exceptions to allowing development in the settlement limit need to be set out in full in the NP. The second part (2nd bullet point) could not cover all development proposals and needs re-wording.

Policy CA1

The word 'preserve' is inconsistent with the NPPF. The policy is repetitive and should be made more concise.

Policy CA2

This policy has been revised to give it a more positive tone. However the wording appears to infer that all development will be supported unless it results in loss or harm to listed

buildings. The wording needs to be carefully considered and to make sure that it is not merely repeating the NPPF or the Local Plan policy ES10 and supporting text.

Policy H1

The revised policy contains mainly statements rather than policy.

Rural exception sites need to be explained in the text.

Paragraph 3 is a commitment by the PC. However exception sites are notoriously difficult to deliver. How can the PC commit to meeting the affordable housing need over the Plan period in full? I think you need to consider this part of the policy as an aspiration rather than a planning policy.

Policy H2

I would query putting a precise number of dwellings in this policy. The 13 affordable dwellings required in the survey is only a snapshot in time. Would the requirement to allow other affordable housing for those in local employment not exceed this figure as well as the fact that affordable housing needs are likely to increase? The policy as it stands does not promote sustainable development.

What is the justification for only one site? This needs further explanation.

1st bullet point. This is an exceptions policy so cannot comply with other policies eg SL1.

The last paragraph is a statement not a policy.

Paragraph at bottom of page 25. How will the NP make provision through the policy framework to support meeting affordable housing needs? You need to make this clear how this could be achieved eg through SDLP policies.

Policy BE1

The introductory text refers to NPPF objectives and states that the local community and businesses support these. However this is not reflected in the policy which only refers to protection of existing employment site from alternative non-employment uses. There is no policy on supporting growth of existing businesses, rural businesses and tourism. The supporting text should either be amended or consideration given to additional policies in this section. Comments on the actual policy BE1 relate to the use of the term sustained/reasonable which needs to be more specific.

Policies GSC1 and GSC2

'Assets of community value' do not fall within planning legislation. I would refer to them as 'community facilities' and identify them in the text/map.

The first sections of GSC1 would be better included within your non-policy actions chapter as they are essentially aspirational policies. The penultimate paragraph is vague; I do not understand what is required. The last paragraph is a statement and not a policy.

Environment Polices

I suggest the map on page 33 is labelled.

Policy E1

I suggest that you refer to the map in the policy. I note my previous comments regarding local importance have been inserted into amended Plan. I am not sure I understand the amendments to the 3rd bullet point.

Policy E2

I suggest a clause for when replacement on site is not practical.

Policy E4

This policy designates certain areas as Local Green Space. This embraces a new opportunity in the NPPF which enables local communities to protect green areas of particular importance to them and offers a level of protection. The area should be in reasonable proximity to the community it serves, be demonstrably special to the local community and local in character. It would be helpful if each site was assessed against these 3 criteria in a table below the policy and an accurate plan showing the boundaries of each site. Early contact with landowners is also encouraged in the NPPG. The NPPF states that development should be ruled out other than in very special circumstances. It is not appropriate therefore for the NP policy to set out its own policy regime as set out in the last paragraph.

Policy E5

Further evidence to support the important views identified should be included eg a map showing the direction and extent of the view, and the area to be protected. This also applies to policy LA1.

Policy FR1

I note that this policy has been amended in the January 2016 version to include responses from engineering consultants, Stroud District Council and the Environment Agency.

In the light of these amendments I have no further comments on this policy.

Transport Policies

The January 2016 version did not include the Transport Chapter so comments relate to the October 2015 version.

As mentioned previously, the whole chapter and particularly the introduction are very long and this leads to an 'unbalanced' Plan. Many of the policies are aspirational (eg T2, T5, T6) and not land use policies and could be included in your non planning section and linked with your projects in Transport, Road Safety and Access chapter. I consider the whole chapter needs reviewing and made more concise.

5.7 Glossary

The January 2016 version did not include the glossary so comments relate to the October 2015 version.

The glossary is long and wide-ranging. It needs to be checked to ensure that it only covers the terms that have been used in the NP.

5.8 Non policy Actions etc Transport Road Safety etc Drainage and Maintenance etc

These chapters will not be examined but provide useful information on community projects and actions. There are areas where policies in the previous topic chapters could be included here which are mentioned in the text above.

6. Summary and Recommendations

I have commented on various aspects of the NP including the general content, format, layout and policies and raised some questions for the PC. My view is that further work needs to be undertaken before the NP is ready for submission to SDC. These include reviewing the format and layout of the Plan to include areas where I consider there are omissions, reviewing references to the Local Plan, reviewing policies so they are clear and concise and meet the basic conditions (in particular they have regard to the NPPF, and SDLP and do not repeat higher tier policy.)