



# Stroud District Council

The Town & Country Planning Act, 1990 (As Amended); The Localism Act, 2011 and  
The Neighbourhood Planning (General) Regulations 2012 (As Amended) and  
other relevant legislation

## **Dursley Neighbourhood Development Plan Decision Statement - Proceeding to Referendum**

### **1. INTRODUCTION**

Following the examination of a neighbourhood plan the Council is required to consider each of the examiner's recommendations and decide what action to take in response to them. The Council must also come to a formal view of whether the draft plan meets legal requirements including the Basic Conditions set out in legislation.

### **2. BACKGROUND**

The Dursley Neighbourhood Area was designated by resolution of the Council's Environment Committee on 4th February 2014.

A submission version of the Dursley Neighbourhood Development Plan (DNDP) was accepted by the Council on 25th May 2018, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Following submission of the DNDP to the local authority, Stroud District Council publicised the Plan and supporting documents and invited representations during the consultation period 15th June to 27th July 2018.

The Council appointed Mr John Slater MRTPI as independent examiner of the DNDP. The examination concluded on 6th September 2018 with the submission of the Examiner's Report recommending that the DNDP, once modified, should proceed to a referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.

In accordance with legislation, the local authority must consider each of the recommendations made in the Examiner's Report, decide what action to take in response to each recommendation and what modifications should be made to the draft Plan in order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

### 3. DECISION AND REASONS

Having considered the examiner's recommendations and reasons for them, Stroud District Council's Environment Committee agreed on **13th September 2018** that:

- 1- The DNDP, as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. The DNDP has been assessed against the National Planning Policy Framework and national Planning Practice Guidance and modifications proposed to comply with national policy.
- 2- The DNDP, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. The DNDP has been subject to sustainability assessment that identifies the plan will have an overall positive effect.
- 3- The DNDP, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the development plan as a whole for the area. The DNDP has been assessed against the adopted Stroud District Local Plan and modifications proposed to ensure the DNDP does not become out-of-date in the context of a review of strategic policies in the Local Plan.
- 4- The DNDP, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations. The Examiner's assessment has involved considering the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in November 2015, which confirmed to Dursley Town Council that a SEA and a full HRA were not required on the DNDP.
- 5- The DNDP, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites and European offshore marine sites. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in November 2015, which confirmed to Dursley Town Council that a SEA and a full HRA were not required on the DNDP.
- 6- The DNDP, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. The Examiner considered the Convention's Articles 6(1), 8 and 14 and it's First Protocol Article 1. Nothing in his examination of the Draft NDP indicated any breach of a Convention right. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
- 7- The DNDP, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The DNDP sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect; it does not include provision about development that is 'excluded development' and does not relate to more than one neighbourhood area or repeat an existing planning permission.

Stroud District Council's Environment Committee resolved on **13th September 2018**:

1. to accept all recommended modifications of the Examiner's Report (Appendix A)
2. that the Dursley Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
3. to take all appropriate actions to progress the Dursley Neighbourhood Development Plan to referendum on the 15th of November 2018.

Stroud District Council agrees with the examiner that there is no reason to extend the referendum area beyond the boundaries of the plan area as they are currently defined.

Appendix B sets out the modifications to be made in response to the examiner's recommendations, Stroud District Council's response, together with the reasons for them.

#### **4. SEA/ HRA SCREENING**

The modifications set out in Appendix A, both separately and combined, produce no likely significant environmental affects and are unlikely to have any significant effects on European Designated Sites.

Therefore an update of the Strategic Environmental Assessment / Habitat Regulation Assessment screening opinions are not considered required.



**Barry Wyatt**  
Strategic Head (Development Services)  
Duly Authorised in that behalf

Date: 17/09/2018

## Appendix A – Examiner’s Report

John Slater Planning Ltd

# Dursley Neighbourhood Development Plan 2018-31

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## **Submission Version**

A Report to Stroud District Council on the Examination of the Dursley  
Neighbourhood Development Plan

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6th September 2018

## Contents

|   | Page |
|---|------|
| Executive Summary                               | 3    |
| Introduction                                    | 4    |
| The Examiner's Role                             | 4    |
| The Examination Process                         | 5    |
| The Consultation Process                        | 6    |
| Regulation 16 Consultation                      | 7    |
| The Basic Conditions                            | 7    |
| Compliance with the Development Plan            | 8    |
| Compliance with EU and Human Rights Legislation | 8    |
| The Neighbourhood Plan: An Overview             | 9    |
| The Neighbourhood Plan Policies                 | 10   |
| The Referendum Area                             | 18   |
| Summary   | 18   |

## Executive Summary

My examination has concluded that the Dursley Neighbourhood Development Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- That reference to the Dursley Urban Design Framework be removed from the wording of the policy regarding Town centre Improvements but should remain as part of the plan's evidence base.
- That the Green Infrastructure Policy be deleted.
- That the policy be amended which protects views of the town from outside the plan area.
- That the restrictions on housing development to small infill and disused/ underused sites to be removed from all sites inside the settlement boundary.
- Allowing non-residential buildings to be converted into visitor accommodation.
- The community facilities should be listed in the policy and some retail type uses, such as opticians, no longer be designated as Community Facilities
- That Land off Acacia Drive and Long Street Town Green be removed from the list of Local Green Space.

The referendum area does not need to be extended beyond the plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Stroud District Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Dursley Town Council. A Future Dursley Neighbourhood Development Plan Steering Group was appointed to undertake the plan preparation made up of Town Councillors and local resident volunteers. Dursley Town Council is a “qualifying body” under the Neighbourhood Planning legislation.
3. This report is the outcome of my examination of the Submission Version of the Dursley Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Stroud District Council, the Local Planning Authority for the neighbourhood plan area.

## The Examiner’s Role

4. I was formally appointed by Stroud District Council in June 2018, with the agreement of Dursley Town Council, to conduct this examination. My role is known as an Independent Examiner.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 40 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Stroud District Council and Dursley Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
  - That the plan should proceed to referendum on the basis that it meets all the legal requirements.

- That the plan should proceed to referendum if modified
  - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Dursley Neighbourhood Plan area.
  8. In examining the Plan, the Independent Examiner is expected to address the following questions
    - a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
    - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.
  9. I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Stroud District Council, for the Dursley Neighbourhood Plan on 4<sup>th</sup> February 2014.
  10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2018 up to 2031.
  11. I can confirm that the plan does not cover any “excluded development”.
  12. There are no other neighbourhood plans covering the area covered by the Plan designation.
  13. Dursley Town Council as a parish council is a qualifying body under the terms of the legislation.

## **The Examination Process**

14. 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 if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I am satisfied that I am in a position to properly examine the plan without the need for a hearing.

17. I carried out an unaccompanied visit to Dursley and the surrounding countryside on 9<sup>th</sup> August 2018. This enabled me to familiarise myself with the town and the surrounding areas and countryside.
18. Following my site visit I had a number of matters that I needed to raise with the Town Council. These were set out in a document entitled Initial Comments of the Independent Examiner dated 10<sup>th</sup> August 2018. I received a response on 23<sup>rd</sup> August with a follow up response with a list of community facilities received on 5<sup>th</sup> September 2018.
19. All the documents have been put up on the relevant website.

## **The Consultation Process**

20. The Town Council first considered producing a neighbourhood plan in the second half of 2013. An initial public workshop was run as a joint session looking at a neighbourhood plan for Dursley and a separate plan for Cam, which was facilitated by Gloucestershire Rural Community Council. This was attended by 15 residents and councillors.
21. There were a wide range of techniques used to seek the views of residents and other stakeholders within the town including attending town events, such as farmers' markets, town trader meetings, the annual carnival and the flower and produce show as well as seeking invitations to other public gatherings such as a Zumba class. The Steering Group specifically went out to seek the views and contributions from pupils at Rednock School, where students ran a focus group and also carried out some site assessments and shop audits. Age relevant activities also sought the views of pupils at Dursley Primary School. A business survey was conducted between August and October 2014. A separate consultation exercise took place with landowners and also surrounding parishes. There were separate consultation exercises conducted where local green space had been proposed for residents living in the vicinity of those sites that the plan was putting forward.
22. I consider that the Steering Group actively sought to positively engage with the Dursley community when preparing the plan. All this activity culminated with the publication of the Pre- Submission Version of the plan which was the subject of a nine-week consultation, known as the Regulation 14 consultation which took place between 24<sup>th</sup> November 2017 and 12<sup>th</sup> January 2018. These consultations were supplemented by three drop-in sessions and publicity was given in the "Dursley Matters" newsletter and in the local Gazette newspaper. This produced a total of 80 responses which are summarised in Appendix F of the Consultation Statement

## Regulation 16 Consultation

23. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 15<sup>th</sup> June 2018 and 27<sup>th</sup> July 2018.
24. This consultation was organised by Stroud District Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
25. In total 8 individual responses were received. These came from Natural England, Gloucestershire County Council, Severn Trent Water, Stroud District Council, Pegasus Group on behalf of Stroud District Council Property Services Team, Gladman Development Ltd, Bell Cornwell on behalf of Avant Homes Ltd and Sports England.
26. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

## The Basic Conditions

27. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
28. The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -
  - Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
  - Will the making of the Plan contribute to the achievement of sustainable development?
  - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?
  - Whether prescribed conditions are met and prescribed matters have been complied with?

- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

29. During the course of this examination the Government issued a revised National Planning Policy Framework. However, in accordance with the stipulation of Paragraph 214 of the 2018 NPPF, this examination has been carried out applying the policies in the 2012 version of the Framework.

### **Compliance with the Development Plan**

30. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Stroud District Local Plan, adopted in November 2015
31. Dursley is a town that alongside the neighbouring settlement of Cam, is to be the focus for development in the southern half of the district. Dursley itself is not identified as an area to have strategic growth but is identified as the first-tier settlement known as an Accessible Local Service Centre in Core Policy CP3.
32. Policy CP2 includes a presumption that housing development will take place within settlement development limits.
33. The local plan has a separate chapter dealing with the strategic growth area covering Cam and Dursley which, in fact, is to be located to the north east of Cam and will provide for 415 new homes. This is outside the Dursley plan area. Littlecombe Business Park is identified as a key employment site. The plan prioritises the improvement of the Dursley town centre's public realm as well as development having to conserve the high-quality natural landscape surrounding the town. Only modest housing development is anticipated within Dursley, which is aimed at meeting local housing need.

### **Compliance with European and Human Rights Legislation**

34. Stroud District Council prepared a Screening Report in a letter dated 4<sup>th</sup> January 2018 which concluded, having consulted Natural England, Historic England and the Environment Agency, that the Dursley Neighbourhood Plan is unlikely to have any significant effects on the environment and a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the "Environmental Assessment of Plans and Programmes Regulations 2004" would not be required.
35. The District Council, as competent authority, also at the same time, issued a screening opinion under the Habitat Regulations. The assessment concluded that

the Plan will not likely have a significant effect on the Severn Estuary SAC, SPA / Ramsar site or Rodborough Common SAC, which are the nearest European protected sites.

36. In the light of recent case law that deals with assumptions regarding mitigation made at the screening stage I have invited the District Council to revisit their screening report but they have informed me, following the taking of legal advice that they do not need to revisit their original screening opinion.
37. I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

38. Dursley is an important town in this part of Gloucestershire surrounded by landscape of the very highest quality. The town has been over recent years the focus of much regeneration and I was particularly struck by the quality of the new development that is taking place in the town.
39. The Town Council has produced a well-presented plan that responds to a focused range of issues covering matters that are important to residents in the town. It has not had to allocate land for development and draws upon a range of other documents some of which I have had to treat as being part of the evidence base rather than as part of the neighbourhood plan in itself.
40. Towards the front of the document, the plan identifies 4 Potential Areas for Enhancement. The document is particularly anxious that these are not to be considered as allocations. These have not been put forward as site specific policy proposals, as the Town Council has stressed that they are merely summarising community views and drawing together policies that affect the site, which are found elsewhere. I have accordingly not treated them as development plan policies which specifically could be used to determine planning applications for those sites. I note that the Reliance House site already has planning permission for a car park. The proposals for Cambridge House would be covered by the relevant housing policies in the plan and the proposals for Dursley Bus Station do not need planning permission. I am content to leave this part of the document unaltered apart from putting forward a suggestion that the supporting text makes it clear that these 4 proposals are not part of the development plan.
41. I have had to amend the wording of a number of policies to ensure that they do meet the basic conditions test but unusually a large number do not need to be modified at all. Only one policy has been recommended for deletion and that relates to proposals to establish a network for wildlife, which at this point in time does not give sufficient clarity as to be the basis for determining planning applications.

42. My amendments have concentrated entirely on the wording of the development plan policies themselves. In the light of my recommendations it may be necessary for some of the supporting text to be amended to ensure that the whole plan reads as a coherent planning document. This is a matter which can be taken forward through discussion between the Town Council and the District Council.

## **The Neighbourhood Development Plan Policies**

### **Policy TC1: Town Centre Public Realm Improvements.**

43. This policy draws upon the document described as the Dursley Urban Design Framework, which was produced in 2007 by Roger Evans Associates as part of the evidence base for the then emerging Stroud Local Plan. I understand that it is still a draft version of the framework, and in the adopted version of the Local Plan, published late in 2015, it is still referred to as the draft Dursley Urban Design Framework. An online search still identifies it as the Final Draft Version dated March 2007. I understand that the document has never been adopted as a Supplementary Planning Document. The document was at the time the subject of public consultation when it was first produced and I am told that it was part of the material that was displayed as part of the consultation on the neighbourhood plan.
44. I do have concerns about effectively conferring development plan status on to what is described as a draft document, produced over a decade ago. Much of the document's proposals have already been implemented with, for example, the integration of Sainsburys and the Leisure Centre into the town centre. The Submission Plan has chosen to include two extracts from the document, covering its Townscape Analysis and the Summary Diagram, as well as using the Town Centre Character Areas in Figure 13. The proposals are a mixture of site specific development guidelines and proposals for the improvement of the public realm.
45. My conclusion is that the document is quite dated and, it could be argued, may have largely served its purpose. It was prepared to be a part of an evidence base rather than being a policy document in its own right. It is not proposed to form part of the neighbourhood plan, either as an appendix, or integrated so as to be part of the plan – it will be a separate standalone document and was not submitted as part of the plan under Regulation 15. The document has not been updated by its authors for the neighbourhood plan, although an update report identifies which projects have been implemented. It can remain as part of the evidence base supporting the plan, but in terms of policy, I consider that the objectives of the policy be achieved by referring more generically to *development proposals that deliver improvements to the public realm in the town centre will be supported*.
46. I do think it is important that the geographical extent of the town centre should be defined on a plan which is linked to the policy so the extent of the policy is clear to all decision-makers. I propose to recommend that a plan be produced and would

recommend that it should coincide with the boundary of the town centre as set out in Figure 13 which identifies the town centre character areas.

### *Recommendations*

**Replace “support the delivery of the Dursley Urban Design Framework Plan 2007(as updated) with “deliver improvements to the public realm within the town centre as shown in Figure X”.**

**Prepare a map showing the extent of the town centre with a boundary based on Figure 13.**

### **Policy ES1: Green Infrastructure.**

47. I find this a most problematical policy and I have sought clarification as to the actual intentions of the Town Council in promoting this policy.
48. The policy states that the plan proposes to establish a green infrastructure network as indicated in Figure 7. However, Figure 7 does not show a network but it is a record of different natural habitat features and open spaces. It does show linear features – The Sculpture Trail in the woods above the town and what it describes as the Green link (intact hedgerow / tree line).
49. In its response to my Initial Comments, the Town Council clarified that “the green link is to protect and create multi-functional green infrastructure corridors that can support the movement of wildlife and biodiversity across Dursley.” My concern is that even looking at Figure 7 online, the map does not show *the network* that it is proposing to retain or set out the areas where there is a desire to connect the separate elements. Figure 7 is a Green Infrastructure Map and does not illustrate the network which the policy is seeking to create.
50. If the policy sought to protect the integrity of the local ecological network with its areas of important habitat, wildlife corridors and stepping stones and had indicated the areas where there are opportunities for habitat creation and pathways, such a policy would provide a sound basis for decision-making relating to sites on or adjacent to these routes. That is the approach promoted by the Secretary of State in Paragraph 47 of the NPPF 2012.
51. I do commend the ambition of the Town Council in seeking to promote a specific network but at the present time more work is needed to actually define the proposed network so that applicants will know whether they need to incorporate the network into their proposals. I note that the plan recognises the strong Local Plan policies that cover ecological matters, but I am afraid that the policy as it is currently framed does not meet basic conditions, in respect of compliance with the Secretary of State policy which is that “A policy should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply consistently and with confidence when determining planning applications. “

52. I did consider whether I could recommend amendments to the policy but I do not consider that I have the knowledge or evidence to justify showing the areas where the network could be promoted, where it does not currently exist nor do I have evidence as to whether it will be effective in achieving the aims of the policy in providing a route that could allow for the successful movement of wildlife through the town. I am therefore proposing that this particular policy be deleted as it is not a policy that could be used in a development management context.

***Recommendation***

***That the policy be deleted.***

**Policy ES2: Ancient Woodlands**

53. I fully appreciate the aims of the policy in terms of the role that the woods have in providing the backdrop to Dursley. The policy is in accordance with the provisions of the NPPF and I have no other comments to make.

**Policy ES3: Key Views and Landscapes**

54. A neighbourhood plan can only impose planning policies covering development that takes place within the plan area boundary. This plan proposes to protect the views towards the town from three viewpoints, including Peaked Down and Downham Hill which are all locations falling outside the plan area. This will require an amendment to the wording of the third paragraph of the policy.
55. In the first paragraph, the policy places an obligation on all planning applications to have to demonstrate how their proposals will enhance and protect the AONB. There will be some planning applications that will not have any effect on the AONB e.g. domestic extensions, shopfronts and other minor developments. To impose a requirement on them would be overly onerous. This can be covered by the addition of a caveat requiring only the developments which are of a scale which could have an impact on the AONB should be required to demonstrate how the proposal protects and enhances the protected landscape.

***Recommendations***

***In the first paragraph insert after “Planning applications” the following “proposing development which is of a scale that could impact on the surrounding landscape”.***

***In the third paragraph, delete “from/” after “Views”.***

### **Policy H1: Housing Development**

56. Within the strategic framework of the current Stroud Local Plan, and in view of the level of housing commitments, this policy is an appropriate response to the overarching strategic housing policies, related to Dursley at the current time. I am aware that work is underway on the new local plan and that is the appropriate vehicle for assessing whether the correct settlement boundary for the town should be extended or whether additional land should be identified for residential development. I therefore do not intend to promote the development on the southern corner of the town as promoted by Avant Homes Ltd, which should be more properly considered as part of the strategic policies in the emerging local plan.
57. I consider the scope of the policy can be extended to cover other sites within the settlement boundary, not just “small infill and disused/underused sites” in order to bring the policy into line with the NPPF as such sites can deliver sustainable development. As drafted the restrictions in the policy could prevent redevelopment opportunities taking place within the urban area, which could make more efficient and effective use of urban land and therefore limiting the need for the town to expand into the surrounding countryside, in the future. That would be contrary to the strategic Policy HC1 of the Local Plan.

#### ***Recommendations***

***In the second paragraph, delete “small infill and disused/ underused”.***

### **Policy H2: Housing Quality**

58. This policy needs to be modified as the first paragraph reads as the objective of the policy, rather than being a policy in its own right.
59. I was initially concerned that the second paragraph that the policy had crossed the line as requiring higher standard of energy efficiency and sustainable construction. Such requirements would not have been within the scope of a neighbourhood plan policy and would not have met the basic conditions as the Secretary of State has made clear that made plans cannot impose increased technical standards on housing development. However, as the policy, as written, could not be used to refuse a planning application that did not meet the standards, I have concluded that it can be considered to meet basic conditions. However, for the avoidance of doubt in the future in decision-making I will recommend that “particularly” be added before supported and encouraged.

#### ***Recommendations***

***That the first paragraph be deleted.***

***In the second paragraph insert “particularly “before “supported and encouraged”.***

### **Policy E1: Safeguarding Employment Sites**

60. I have no comments to make on this policy.

### **Policy E2: Encourage Start-up and New Businesses**

61. There are spelling mistakes in both the title and the text which needs correcting.

62. I have no comments to make on this policy except that the expectation of adequate information should be proportionate to the scale of development.

#### ***Recommendations***

***Correct spelling of “Businesses” and “assessment”***

***In the final paragraph replace “adequate” with “proportionate and appropriate”***

### **Policy E3: Town Centre**

63. I have no comments to make in respect of this policy except to refer in the policy to the new map showing the extent of the town centre as provided by Policy TC1

#### ***Recommendation***

***In the first after “Town Centre” insert “as shown in Figure X”.***

### **Policy E4: Visitor Accommodation**

64. Whilst I consider that this is a beneficial policy, there can be other buildings other than residential, such as former offices that could potentially be converted into visitor accommodation. To restrict guest houses just to previously residential buildings, would not meet the basic conditions.

#### ***Recommendation***

***Delete” residential”.***

### **Policy D1: Character and Design**

65. I have no comments to make on this policy.

### **Policy SF1: Community Facilities**

66. I note that the wording of the policy is based upon Delivery Policy Ei6 of the Stroud Local Plan. The glossary to the plan defines community (and cultural)

facilities as “services available to residents in the immediate area provide the day-to-day health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. Includes village halls, post offices, doctor and dentist surgeries, recycling facilities, libraries and places of worship.”

67. As submitted, the policy relied upon the map in Figure 15 to identify the facilities that are covered by the policy. I do not consider that the map offers sufficient clarity as to what facilities are actually being designated. I propose that they should be designated by being named in the policy and I asked the Town Council to provide me with a list of facilities, which I can then recommend be inserted into the policy itself.
68. I consider that opticians are essentially retail operations operating under Class A1 of the Use Classes Order, where the facility could be lost through the premises becoming a different retail business. I note that the policy is not seeking to protect chemists, which it could be argued, offer very similar dispensing services. I will be recommending that the opticians are not included.
69. Figure 16 includes the outdoor play spaces/ sports pitches that are already protected by the Local Plan. Some are also identified as Local Green Space. I do not believe that it is necessary to duplicate the reasons why particular areas are designated – it does not strengthen their protection.
70. I do not consider that there is a value in identifying Registered Assets of Community Value on the map, as their registration is a separate process, independent of the planning system, where properties remain on the list for the maximum of five years, which is less than the lifetime of the planning policies and this plan. To include them in the policy which runs for a period longer than their registration could be misleading. The purpose of the registration of Assets of Community Value is to allow the community to bid for the facility if the owner is minded to dispose of the land – it is not a planning designation.

### ***Recommendations***

***In the first sentence replace “any” with “the following”***

***Insert at the end of the policy:***

***“Allotments behind Dursley Cemetery***

***Library, May Lane***

***Archway Dental Practice, Parsonage Lane***

***Castlegate Dental Practice, Parsonage Lane***

***Walnut Medical Practice, May Lane***

***Acorn Medical Practice, May Lane***

***Ley Surgery, May Lane***

***The Vale Community Hospital***

***Chantry Centre, Long Street,***

***Kingshill House, Kingshill Lane***

***Town Hall, Market Place***

***Community Centre, Rednock Drive,***

***Methodist Church Rooms, Castle Street***

***The Vibe Youth Centre, Parsonage Street***

***The Tabernacle Church, Parsonage Street***

***Acacia Drive Play Park***

***Maple Close Play Area***

***The Mill Ponds Play Area, Riversmill***

***Jehovah's Witness, Kingshill Road***

***Dursley Tabernacle United Reform Church, Parsonage Street***

***St Dominic's Presbytery Catholic Church, Jubilee Road***

***Dursley Methodist Church, Castle Street***

***St James the great C of E Church, Silver Street***

***St Marks C of E Church, Woodcote,***

***Dursley Police Station, Kingshill Road***

***Dursley Academy Primary School***

***Rednock Secondary School***

***Post Office, Parsonage Street***

***Dursley Sports Centre, Rednock Drive***

***The Pulse, Gym, Pool and Studio***

***Kingshill Cemetery"***

***Figure 15 to be amended in line with the above***

## Policy SF2: Local Green Space Designation

71. I have visited the 8 proposed local green spaces and I have had particular regard to the evidence submitted in the Local Green Space Designation Evidence report– September 2017. I note that 6 of the 8 sites are in the ownership of the District Council. The Property Services team at Stroud District Council has objected to the designation of 2 of the sites, namely land of Acacia Drive and Highfield Play Park and Field. I will address each area in turn.
72. I noted that the Highfield Play Park contained many recreational facilities and is clearly located in close proximity to the surrounding residential areas. The area is used for both passive and active recreation. I noted from their objection, that the Property Team are seeking to avoid designation, on the basis that it may fetter future master planning options, should the new local plan promote development on this edge of Dursley. However, I am satisfied that if new development were to take place in the vicinity, it would itself require the provision of open space and recreational facilities. In considering the issue of the compliance with basic conditions, the adopted local plan recognises its role as open space and it also shows it as being outside the settlement boundary. I place particular weight on the site’s current recreational value, being in close proximity to the housing area which it serves. It is a local facility that is evidently well used and I therefore recommend that it be retained as local green space.
73. I have not come to the same conclusion in respect of the land at Acacia Drive. Whilst this is one of the few areas of open space on the housing estate, I have seen no evidence as to how it is used recreationally by young people and there is an absence of play facilities and the slope of the land would mitigate against it being used for active sports or recreation. The status of local green space is the highest category of protection for green areas and I do not consider the evidence is convincing enough to justify designation. The sighting of fox and deer would not constitute “a richness of wildlife” and I do not consider that the area exhibits the tranquillity claimed, which are two examples of how “an area could be demonstrably special to the local community”. Accordingly, I have concluded that the evidence does not convince me that the open space at Acacia Drive meets the criteria set out in paragraphs 76 and 77 of the NPPF 2012 and I will be recommending that Acacia Drive be excluded from the list of local green space.
74. I also consider that the evidence submitted relating to Long Street Town Green has been superseded by the construction of the new road accessing the Littlecombe development. I do not now consider that this will in the future still be a tranquil area and from what I observed on site, it is not an area where people again wish to have picnics or pick blackberries. I appreciate that the current position is somewhat temporary, but I cannot be satisfied that the remaining areas of green space would justify LGS status.

*Recommendations*

***Remove from the list and Figure 17 – Land off Acacia Drive and Long Street Town Green***

**Policy T1: Car Parking**

75. If this policy had been requiring a higher car parking standard than the Local Plan I would have needed to be satisfied that there was evidence to justify this as a requirement. However, this policy only says that any proposal which exceeded the parking levels will be supported, which does not require the provision of higher parking standards in the town. I therefore believe the policy can be said to meet basic conditions.

**Policy T2: Improve Connections for Cyclists and Pedestrians**

76. I consider that this policy does meet basic conditions.

**The Referendum Area**

77. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Dursley Neighbourhood Plan as designated by Stroud District Council on 4<sup>th</sup> February 2014, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

**Summary**

78. The Steering Group has produced a very professional locally distinctive neighbourhood plan. I congratulate the group on all their hard work that has gone into its preparation. There has clearly been a lot of care that has gone into the preparation of this document and it will sit well alongside the Stroud Local plan and will be a sound basis for decision making on planning applications in the town.

79. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

John Slater Planning Ltd

**80. I am therefore delighted to recommend to the Stroud District Council that the Dursley Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

6<sup>th</sup> September 2018



# Stroud District Council

The Town & Country Planning Act, 1990 (As Amended); The Localism Act, 2011 and  
The Neighbourhood Planning (General) Regulations 2012 (As Amended) and  
other relevant legislation

Appendix B - The modifications to be made in response to the examiner's recommendations, Stroud District Council's response, together with the reasons for them.

| Examiner's recommendations  | Stroud District Council's Decision | Reason   |
|---|------------------------------------|--|
| <p>Page 21, Policy TC1,<br/>Replace "support the delivery of the Dursley Urban Design Framework Plan 2007(as updated) with "deliver improvements to the public realm within the town centre as shown in Figure X".</p> <p>Prepare a map showing the extent of the town centre with a boundary based on Figure 13.</p> | Agreed                             | For clarity.   |
| <p>Page 28, Policy ES1<br/>That the policy be deleted</p>   | Agreed                             | To be in general conformity with national policy and therefore ensure it meets the basic conditions. |
| <p>Page 32, Policy ES3<br/>In the first paragraph insert after "Planning applications" the following "proposing development which is of a scale that could impact on the surrounding landscape".<br/>In the third paragraph, delete "from/" after "Views".</p>  | Agreed                             | For clarity.   |
| <p>Page 37, Policy H1<br/>In the second paragraph, delete "small infill and disused/ underused".</p>  | Agreed                             | To be in general conformity with local policy and therefore ensure it meets the basic conditions.    |

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|--|--------|--|
| <p>Page 37, Policy H2<br/> That the first paragraph be deleted.<br/> In the second paragraph insert “particularly” before “supported and encouraged”.</p>  | Agreed | For clarity  |
| <p>Page 39, Policy E2<br/> Correct spelling of “Businesses” and “assessment”<br/> In the final paragraph replace “adequate” with “proportionate and appropriate”.</p>  | Agreed | For clarity.   |
| <p>Pages 41, Policy E3<br/> In the first after “Town Centre” insert “as shown in Figure X”.</p>  | Agreed | For clarity.   |
| <p>Pages 42 Policy E4<br/> Delete “residential”</p>  | Agreed | For clarity  |
| <p>Page 50, Policy SF1<br/> In the first sentence replace” any” with “the following”<br/> Insert at the end of the policy:<br/> “Allotments behind Dursley Cemetery<br/> Library, May Lane<br/> Archway Dental Practice, Parsonage Lane<br/> Castlegate Dental Practice, Parsonage Lane<br/> Walnut Medical Practice, May Lane<br/> Acorn Medical Practice, May Lane<br/> Ley Surgery, May Lane<br/> The Vale Community Hospital<br/> Chantry Centre, Long Street,<br/> Kingshill House, Kingshill Lane<br/> Town Hall, Market Place<br/> Community Centre, Rednock Drive,<br/> Methodist Church Rooms, Castle Street<br/> The Vibe Youth Centre, Parsonage Street<br/> The Tabernacle Church, Parsonage Street<br/> Acacia Drive Play Park<br/> Maple Close Play Area<br/> The Mill Ponds Play Area, Riversmill</p> | Agreed | For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions. |

|  |               |   |
|--|---------------|---|
| <p><i>Jehovah's Witness, Kingshill Road</i><br/> <i>Dursley Tabernacle United Reform Church, Parsonage Street</i><br/> <i>St Dominic's Presbytery Catholic Church, Jubilee Road</i><br/> <i>Dursley Methodist Church, Castle Street</i><br/> <i>St James the great C of E Church, Silver Street</i><br/> <i>St Marks C of E Church, Woodcote,</i><br/> <i>Dursley Police Station, Kingshill Road</i><br/> <i>Dursley Academy Primary School</i><br/> <i>Rednock Secondary School</i><br/> <i>Post Office, Parsonage Street</i><br/> <i>Dursley Sports Centre, Rednock Drive</i><br/> <i>The Pulse, Gym, Pool and Studio</i><br/> <i>Kingshill Cemetery"</i><br/> <i>Figure 15 to be amended in line with the above</i></p> |               |   |
| <p><i>Page 53, Policy SF2</i><br/> <i>Remove from the list and Figure 17 – Land off Acacia Drive and Long Street Town Green</i></p>  | <p>Agreed</p> | <p>To be in general conformity with national policy and therefore ensure it meets the basic conditions.</p> |

