

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

Brimscombe and Thrupp 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 Brimscombe and Thrupp Neighbourhood Area was designated by resolution of the Council's Environment Committee on 22nd February 2016.

A submission version of the Brimscombe and Thrupp Neighbourhood Development Plan (BTNDP) was accepted by the Council on 3rd August 2023, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Following submission of the BTNDP to the local authority, Stroud District Council publicised the Plan and supporting documents and invited representations during the consultation period 6th September to 18th October 2023.

The Council appointed Mr John Slater MRTPI as independent examiner of the BTNDP. The examination concluded on 18th January 2024 with the submission of the Examiner's Report recommending that the BTNDP, 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 **21st March 2024** that:

- 1- The BTNDP, 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 BTNDP has been assessed against the National Planning Policy Framework and national Planning Practice Guidance and modifications proposed to comply with national policy.
- 2- The BTNDP, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. The BTNDP has been subject to sustainability assessment that identifies the plan will have an overall positive effect.
- 3- The BTNDP, 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 BTNDP has been assessed against the adopted Stroud District Local Plan and modifications proposed to ensure the BTNDP does not become out-of-date in the context of a review of strategic policies in the Local Plan.
- 4- The BTNDP, 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 September 2022, which confirmed to Brimscombe and Thrupp Parish Council that a SEA and a full HRA were not required on the BTNDP.
- 5- The BTNDP, 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 September 2022, which confirmed to Brimscombe and Thrupp Parish Council that a SEA and a full HRA were not required on the BTNDP.
- 6- The BTNDP, 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 its 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 BTNDP, 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 BTNDP 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 **21st March 2024**:

1. to accept all recommended modifications of the Examiner's Report (Appendix A)
2. that the Brimscombe and Thrupp 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 Brimscombe and Thrupp Neighbourhood Development Plan to referendum no sooner than May 2024.

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.



Brendan Cleere
Strategic Director of Place
Duly Authorised in that behalf

Date: 21/03/2024

Appendix A – Examiner’s Report

Brimscombe and Thrupp Neighbourhood Development Plan 2022-2040

Submission Version

A Report to Stroud District Council on the Examination of the
Brimscombe and Thrupp Neighbourhood Development Plan

John Slater BA (Hons), DMS, MRTPI, FRGS

John Slater Planning Ltd

18th January 2024

Contents

	Page
Executive Summary	3
Introduction	4
The Examiner's Role	4
The Examination Process	6
The Consultation Process	6
Regulation 16 Consultation	7
The Basic Conditions	7
Compliance with the Development Plan	8
Compliance with European and Human Rights Legislation	9
The Neighbourhood Plan: An Overview	10
The Neighbourhood Plan Policies	12
The Referendum Area	17
Summary	17

Executive Summary

My examination has concluded that the Brimscombe and Thrupp 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 –

- Removing reference to the Community Energy Enterprise model in terms of renewable or low carbon energy generation and clarifying that the requirements for delivering community benefit does not relate to the installation of solar panels or similar private schemes on existing buildings / sites.
- Removing from the Sustainable Transport policy the need to have regard to the Sustainable Transport Hierarchy and supporting development which contributes to improving pedestrian and cycling facilities along the A419.
- Ensuring that the measures to be taken to deliver improvements in the natural environment are relevant to the nature and location of the proposed development.
- Including reference to the National Design Guide in the design policy.
- Removing three locally valued viewpoints from the Key Views policy.
- Introducing into the new or start up business policy the requirement that severe impacts are appropriately mitigated.
- Clarifying that the working from home policy only applies where planning permission is actually required.

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 offers local communities the opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan does provide the community with the ability to allocate land for particular purposes and to prepare the policies that will be used in the determination of planning applications in its area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the policies in the Stroud Local Plan, adopted in November 2015. 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 undertaken under the supervision of Brimscombe and Thrupp Parish Council. A Steering Group was appointed to undertake the Plan's preparations.
3. This report is the outcome of my examination of the Submission Version of the Brimscombe and Thrupp Neighbourhood Development 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 Examiner's Role

4. I was appointed by Stroud District Council in October 2023, with the agreement of Brimscombe and Thrupp Parish Council, to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 45 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 and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Stroud District Council and Brimscombe and Thrupp Parish 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 Brimscombe and Thrupp Neighbourhood Plan area.
8. In examining the Plan, the Independent Examiner is expected to address the following questions:
 - 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?
 - 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.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Town and Country Planning Act 1990 and been developed and submitted by a qualifying body?
9. I am able to confirm that the Plan, only relates to the development and use of land, covering the extended area which was designated by Stroud District Council, for the Brimscombe and Thrupp Neighbourhood Plan, on 24th May 2021, which followed revisions to the Parish Council boundary.
10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2022 up to 2040.
11. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
13. I am satisfied that Brimscombe and Thrupp Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

14. Once I had reviewed the submitted documents, my first task was to conduct a site visit to Brimscombe and Thrupp. That was carried out on Wednesday 15th November 2023.
15. I entered the parish from the direction of Stroud Town Centre and I initially drove the length of the parish, along the A419 to orientate myself. During the course of the next 2 ½ hours, I drove around the plan area, climbing up the hillside, with its properties running parallel to the scarp slope. I explored the countryside beyond the scarp line, up Claypit Lane, where I saw the impressive setting of Nether Lypiatt Manor. I also drove up the side valley along Toadsmoor Road before turning around at Chalford. I visited a number of the key sites along the canalside, including Brimscombe Mill and Brimscombe Port. I was able to appreciate many of the key views identified in the plan.
16. During my visit, I also drove up Butterrow Hill to Rodborough Common and looked back across the valley towards Thrupp. I was able to visit many of the proposed local green spaces and also the green spaces of community significance, as well as the row of shops at Brimscombe Corner which lie along the main road.
17. Upon my return from Gloucestershire, I prepared the document entitled Initial Comments of the Independent Examiner, dated 17th November 2023, which asked questions of both the Parish Council and Stroud District Council. In that note, I expressed my view that the examination would not need a public hearing and that remains the case.
18. I received the response from Stroud District Council on 8th December 2023 and from Brimscombe and Thrupp Parish Council, on 9th December 2023. Both responses were placed on the appropriate websites.

The Consultation Process

19. The Neighbourhood Development Plan Steering Group was set up in 2016, following two earlier public meetings which established the community's appetite to get involved with neighbourhood planning.
20. The first community event was a "drop in" event held on 22nd January 2017 at Stroud Brewery, which was attended by 120 people. This was followed by a Design Day, held on 21st May 2017, which helped identify the different character areas. A Climate Change Workshop was then held on 19th January 2020.
21. In autumn 2021, a residents' survey was conducted and this produced 129 responses.

22. The work of the Steering Group was publicised by reports presented regularly to the Parish Council, as well as via articles on the Parish website and Facebook pages.
23. All this work culminated in the preparation of a Pre-Submission version of the neighbourhood plan, which was subject to what was known as the Regulation 14 consultation, held over eight weeks, which ran from 16th July 2022 until 10th September 2022. This consultation produced 15 responses. Some changes to the document were subsequently made and these are shown in Section 5 of the Consultation Statement.
24. I am satisfied that the community have had a number of opportunities to be able to influence the content of the neighbourhood plan.

Regulation 16 Consultation

25. 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 six-week period, between 6th September 2023 and 18th October 2023. This consultation was organised by Stroud District Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.
26. In total, 10 responses were received, including: Stroud District Council, National Highways, Historic England, Gloucestershire County Council, Environment Agency, Sports England, Stroud Town Council, Regeneration Delivery lead - Stroud DC, Natural England and Network Rail.
27. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

The Basic Conditions

28. 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 are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
29. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
 - Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
 - 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?
 - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
 - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?
30. On 19th December 2023, the Secretary of State published a new version of the National Planning Policy Framework. However paragraph 230 of the new Framework states that for the purpose of examining plans, where the plan has reached pre – submission consultation stage before 19th March 2024, the plan will be examined against the policies in the relevant previous version of the Framework, which is the NPPF published on 5th September 2023. All references to the NPPF in this report will refer to that version of the Framework, unless otherwise stated.

Compliance with the Development Plan

31. 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, which was adopted in November 2015. This covers the period 2015 to 2031.
32. Policy CP2 includes a presumption that housing development will take place within settlement development limits for the areas outside the strategic sites. B Class employment development can take place within designated employment areas.
33. Policy CP3 sets the settlement hierarchy. Brimscombe is included within the third tier of settlements - Accessible Villages with Limited Facilities, which are described as villages possessing a limited level of facilities and services, which together with local employment, provide the best opportunities, outside the local service centres, for greater self-containment. They will provide for lesser levels of development, in order to safeguard their role and offer neighbourhood plans some opportunities for growth and to deliver affordable housing. These are all strategic policies.
34. Thrupp is included within the fourth tier of settlements known as Accessible Settlements with Minimal Facilities, where development will be limited to that needed to help meet the housing needs assessment and to improve employment opportunities, services and facilities
35. Brimscombe and Thrupp falls within the Stroud Valleys Cluster. Policy SA1 supports development at the following locations, Ham Mill for 100 dwellings and employment uses, Brimscombe Mill for 40 dwellings and

employment uses and Brimscombe Port for 150 dwellings, canal related tourism and employment uses. Policy HC1 supports residential development within the defined settlement limits as shown on the Local Plan's Proposal Map, subject to meeting 9 criteria.

36. Policy E11 identifies 3 key employment sites in the parish, Griffin Mills Industrial Estate, Hope Mills Industrial Estate, and Phoenix Industrial Estate.
37. Stroud District Council is currently preparing a Local Plan Review which will take the local plan through the period up to 2040. The draft local plan has reached its examination stage. That examination was paused for a summer break in June 2023 and the Inspectors raised concerns regarding two strategic allocations, as well as the wider Strategic Road Network. The District Council is working with National Highways and the County Council to address these issues and it has requested a six month pause to undertake a Joint Action Plan. A recent letter from the Local Plan Inspectors has raised concerns regarding the amount of work required and suggest that a pause of at least 12 months may be required. The District Council has been asked to respond.
38. In this draft plan, Brimscombe and Thrupp is a Tier 3a) settlement, an accessible settlement with local services which are expected to deliver lower level of growth than settlements designated as local service centres. The parish is expected to allocate land for 190 dwellings under draft Core Policy CP2. The plan again makes allocation at Brimscombe Mill and Brimscombe Port. It allows limited development within, and in exceptional circumstances, adjacent to settlement development limits.
39. I can attach little weight to the emerging policies, in terms of the basic conditions which relate to general conformity with strategic policies in the adopted local plan, however they do indicate to a certain extent a "direction of travel".
40. My overall conclusion is that the Neighbourhood Plan is in general conformity with the strategic policies in the adopted Stroud Local Plan.

Compliance with European and Human Rights Legislation

41. Stroud District Council issued a Screening Opinion, dated 28th September 2023 which concluded, having consulted with the three statutory consultees, that a full strategic environmental assessment, 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.
42. The District Council, as competent authority, issued a screening under the Habitat Regulations, in the same letter. This agreed with the assessment of Natural England that the plan is unlikely to have any significant adverse effects on European Protected sites.

43. I am satisfied that the basic conditions regarding compliance with European legislation, including the 2017 introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

44. I must firstly commend the Parish Council and the Steering Group for the amount and quality of the work that has been put into this neighbourhood plan exercise. I wish to pay particular tribute to the design and layout of the submission document. It is refreshing to be presented with such a clear and attractive document. It makes really good use of photographs and drawings. I found the section “What does this mean for me as a resident of the Parish”, particularly enlightening and it is an innovation that other neighbourhood plans could learn from, in making planning policy relevant to persons contemplating their own individual projects or developments.
45. Brimscombe and Thrupp is a fascinating parish, which I was pleased to discover and explore for the first time. As an area, it clearly faces regeneration challenges, focused on a number of key sites along with valley bottoms. However, the area’s industrial heritage also offers exciting possibilities for regeneration, complemented by a really attractive setting, which is recognised by its conservation area status. The unique geography of the parish presents stunning long-distance views, including of areas of farmland and woodland, which are attractive features of the AONB, which lies above the scarp line.
46. This is a neighbourhood plan that is very firmly focused on the parish of Brimscombe and Thrupp. It seeks to produce planning policy covering the matters that are important to the community, such as recognising the importance of key viewpoints and taking advantage of the area’s linear green and blue infrastructure assets and encouraging new employment opportunities as well as home working.
47. As part of the development plan, it will sit comfortably beside the adopted local plan and it does not seek to duplicate that document’s policies, such as those that establish the settlement boundary or makes key allocations for major sites along the valley floor. It does not seek to address questions of housing numbers or housing need – nor does it need to.
48. Whilst commending the documents design, I did have cause to raise some concerns regarding the quality and in particular the clarity of the mapping. This is in part a reflection of the unique geography of the Parish, in that much of the development is concentrated in relatively discrete areas, such as the valley floor and the valley sides. It is

important that the plan can be used with confidence by decision-makers and that depends on the providing clarity as to where specific policies apply. I was particularly concerned about being able to identify the specific locations of some of the key viewpoints and also the extent of some of identified and protected open spaces. I am reassured that these difficulties can be overcome and I will leave it to the Parish Council, working with the Stroud Planning department, to ensure that the final versions of this plan overcome these mapping challenges.

49. I have in a number of cases had to make proposed changes, in terms of reducing the expectations placed on applicants applying for planning permission. The scope of the neighbourhood plan to be able to dictate what information must be provided to accompany a planning application has to be tempered by what is proportionate, and should not be over onerous, especially if applied to all development taking place in the area, irrespective of its nature. The responsibility for identifying what reports and documents that must be submitted with a planning application lies with the District Council, via the local validation list.
50. The policies in the plan encourage high-quality design and I particularly commend the Community Design Statement that describes the different areas and how their components contribute to the parish's distinctiveness. The plan encourages more sustainable energy generation, sustainable transport and places importance on protecting the natural environment and the green and blue infrastructure assets. It seeks to protect community services and local green spaces. Taken as a whole, I am satisfied that the neighbourhood plan will deliver sustainable development.
51. My examination has concentrated on the plan's policies and their wording and whether the plan as a whole meets the basic conditions, as well as the other legal tests. It is beyond the scope of my role as examiner to have to re-draft the supporting text. There will be a need for an editing exercise to be undertaken, in view of the changes that I am recommending, to ensure that the resultant plan reflects my recommendations, yet still reads as a cogent and coherent planning document.
52. I will leave it to the Parish Council to work alongside the District Council planners to make these consequential changes to the supporting text and justifications, when preparing the Referendum Version of the plan, which will have to be published alongside Stroud District Council's Decision Statement.

The Neighbourhood Development Plan Policies

Policy CC1: Retrofitting Existing Buildings to Improve Energy Efficiency

53. As this is a policy that offers support for proposals which retrofit energy-efficiency measures to buildings, where these require planning permission, I am satisfied the policy meets basic conditions, particularly as it is not seeking to impose any requirements on applicants to carry out such works, which could conflict the Secretary of State policy that neighbourhood plans should not impose additional technical standards, in terms of construction, performance and layout of new dwellings. The policy does not require any modification.

Policy CC2: Renewable or Low Carbon Energy Generation in Brimscombe and Thrupp

54. I sought clarification from the Parish Council of a number of issues, as set out in my Initial Comments. Firstly, I needed to understand whether all the criteria applied and the Parish Council replied that its intention was that clause a) should apply in all cases and either clause b) or clause c).
55. The Parish Council, having reflected on the Regulation 16 comments, is now suggesting that the requirements in clause c) should only be schemes which are fully or partly owned by Brimscombe and Thrupp residents and businesses and should include provision that parish residents should be given priority. I am happy to accept that modification, which is more in line with the Secretary of State aspirations, are set out in paragraph 156 of the NPPF.
56. I believe that the originally suggested Community Energy Enterprise would have been a too restrictive model and there are other mechanisms to ensure that the local community benefits from new sustainable energy development that takes place within the parish. Clearly this would not be a relevant consideration where solar panels are placed on existing buildings or within the curtilage of a building or where a riparian owner wishes to harness hydro power. I will add this to the policy as a recommendation, as it would be counterproductive if the policy could be interpreted as seeking to prevent property owners from taking advantage of renewable energy.

Recommendations

Insert at the end of a) “and”, and at the end of b) replace ‘and’ with “or”

In c) delete the second sentence up to and including “evidence CEE delivery was not possible and that”

At the end, insert “This policy does not apply to solar panels placed on existing or proposed new buildings or within the curtilage of such sites or owner promoted hydro- power on riparian sites.”

Policy CC3: Sustainable Transport

57. I have reservations with regard to the overall policy expectation that “all developments should be planned in line with sustainable transport hierarchy”. In my experience, the main value of the hierarchy is to focus people thinking about the impact of their individual journeys, rather than as a key determinant in terms of the acceptability of development proposals. As such I do not think that the aspirations, set out in the first paragraph, as an expression of planning policy are deliverable but I have no objections to the retention of the diagram showing the Sustainable Transport Hierarchy being retained within the supporting text.
58. I do accept that the encouraging the use of non-car modes of transport should be encouraged and that is recognised by the policy requirements related to the need to produce a Travel Plan. I do agree that setting the threshold so that it applies only to major development, strikes the right balance in seeking innovative transport solutions as these are the developments with the potential to generate significant amounts of movement as required by paragraph 113 of the NPPF.
59. I am not convinced that a policy requiring contributions towards the improved environment for pedestrians and cyclists, in terms of *all* development proposals along the A419 corridor, would necessarily meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 which includes, inter alia that obligations are necessary to make the development acceptable in planning terms and are directly related to the development. For example, some developments will not necessarily lead to additional cycle or pedestrian journeys and therefore do not need to contribute.
60. I will propose a similar wording to that used in Local Plan Policy CP 13 which offers support to schemes that achieve these objectives.

Recommendations

Delete the first paragraph

In the final paragraph, replace “are expected” with “which” and add at the end “will be supported”

Policy CC4: Natural Capital and Ecosystem Services

61. I share the District Council’s concerns, as set out in its Regulation 16 comments that the policy expectation that all developments will be required to set out how the development will impact on the natural environment. There will be some developments that will have no demonstrable impact on the natural environment, such as a change of use of a building or elevational alterations. I believe the correct approach is set out in the second part of the policy, which is caveated by “where relevant”.

62. Subject to the deletion of the first paragraph, as the District Council recommends, I believe the wording can then be retained, but with further clarifying that the policy expectations as set out in requirements a) to h) are relevant to the form of development or indeed its location.

Recommendations

Delete the first paragraph

In the second paragraph, after “where relevant” insert “to the scale and form of the development and its location.”

Policy LRD1: Locally Distinctive High Quality Design

63. In addition to the National Model Design Code, there is further national guidance set out in the National Design Guide, which is also relevant to securing the objectives of the policy. I will also propose some changes to the drafting to expect proposals to have regard to the respective design guidance.

64. Beyond that I have no comments to make on this policy.

Recommendation

In the first paragraph, after “proposals will” insert “be expected to”
After “National Model Design Guide” insert “, National Design Guide”

Policy LRD2: Locally Valued Views

65. A neighbourhood plan policy can only control development within a designated neighbourhood area. Figure 8 identifies four viewpoints that are situated outside of the parish. I was initially concerned that the scope of policy was seeking to impact on development that lay between these four viewpoints and the parish boundary. However, closer examination of the policy is that it places an obligation on the development, which by implication will be situated within the plan area, to assess the impact of the proposed scheme, on the viewpoints, which can either fall within or outside the Parish. It is not actually a policy that seeks to protect the views from the viewpoint itself.

66. I will recommend some minor drafting changes to improve the clarity of expectations of the policy. For example I do not consider it necessary for an applicant to have to identify the impact of proposed development that are not visible from that viewpoint.

67. The Parish Council has agreed to produce improved plans showing with greater clarity the positions of the viewpoints and I will recommend these be incorporated within the final document. I do not consider that it is reasonable to expect applicants to have to undertake these studies in terms of other views that are not specified in the policy. That would not provide the clarity expected of a planning policy.

68. I had some concerns regarding the choice of a number of the suggested viewpoints. In particular I raised concerns regarding LVV2 – Brimscombe Corner, which is described as a “typical view”, which I do not consider warrants the same level of protection or analysis as

say the viewpoints that are described as exceptional or important views. The plan's justification for the inclusion of that view, refers to the importance of the small businesses to the community, rather than its importance as a locally valued view.

69. Equally LVV7 – Ham Mill is not, in my opinion, a viewpoint or a vista and its justification refers to how it provides an illustration of “how future development should make sympathetic use of existing buildings rather than the complete demolition.” This does not attest to the quality of the viewpoint.
70. Finally I do not consider that the justification offered in respect of LVV 12 - Fromeside Playing Fields which is justified as being a “much-loved leisure resource” supports that designation as a locally valued view. I accept it requires protection as a community resource as that is provided by Policy CC1.
71. It appears from a contributor's comment, submitted alongside the Parish Council's response to my Initial Comments, suggests that at least one member of the Parish Council or Steering Group agreed with my conclusions on this policy!

Recommendations

Remove LVV2, LVV7 and LVV12 from the table after para 8.14 and from Figure 8 and the Appendix

Replace the first sentence of the second paragraph with “major development proposals will be expected to show whether the development would be visible from the identified Locally Valued Views as shown in table 1 and mapped on figure 8 and where there is intervisibility how the development would be viewed from those viewpoints.”

Include detailed inset plans showing the location of each of the locally valued viewpoints

Policy LRD3: Pre – application Community Engagement

72. Paragraph 132 of the NPPF does, in terms of its discussion on design quality and encouraging early discussion on the design and style of emerging schemes, recognise that in that context “applications that can demonstrate early, proactive and effective engagement with the community should be looked at more favourably than those that cannot”. Clearly that is a policy that has implications in terms of how an application is to be determined, as opposed to how an application is processed. Equally, the Framework, when extolling the benefits of pre application engagement, recognises that a developer cannot be required to engage with pre application discussions.
73. I consider the purpose of the policy will be more clearly understood if the policy should be one that concentrates on encouraging that community engagement. However to be clear this policy cannot be used to refuse what would be an acceptable planning application, just because the proposed protocol has not been followed.

Recommendations

Re order the paragraphs so that the third paragraph becomes the first paragraph followed by the first and second paragraph. In the new first paragraph, delete “therefore” and in the final paragraph, replace “expected” with “encouraged”

Policy E1: New and Start Up Businesses

74. My only reservation with this policy is that whilst the impacts of development on the issues identified can be properly assessed, I consider the policy should go further to support new employment by offering the scope to enable schemes to include measures so that “any severe impacts are appropriately mitigated”.

Recommendation

In the first paragraph, after “impact of proposals” insert “and any severe impacts are appropriately mitigated”

Policy E2: Home Working

75. I believe that it would assist the clarity of the policy to recognise that many proposals residential extensions and conversions to enable people to work from home may not actually require permission if they are uses which are incidental to the residential use the property. I will insert an appropriate caveat as a recommendation. I will also include the suggested changes proposed by the parish council to replace “commercial space” with “working space”.

Recommendations

***In the second paragraph replace “commercial” with “working”
After “residential properties” insert “, and where planning permission is required,”***

Policy CC1: Local Green Space

76. I consider that it would improve the clarity of the policy to confirm that the plan is designating the areas of local green space so as to have the same status as set out in paragraphs 101 to 103 of the Framework. I have no comments to make on the choice of the local green spaces which have been appropriately justified by the information set out in Appendix 2.
77. I note that the owner of LG8 had questioned at Regulation 14 stage the inclusion of the Bourne Orchard site but I note that the appeal for 4 houses on the site was dismissed on appeal and there is no reason why the community should not confer LGS status.

Recommendation

***At the start of the first paragraph, insert “The following sites are”
After “Local Green Spaces” insert “in accordance with the provisions set out in paragraphs 101 to 103 of the NPPF (September 2023 version)
Insert the list of LGSs after the first paragraph***

Policy CW2: Green Spaces of Community Significance

78. The Parish Council has agreed to the District Council's Regulation 16 suggestion that the title of the policy should be changed to "green and blue infrastructure" and then identified areas should be described as "identified areas of green and blue infrastructure".
79. I was initially concerned with the boundaries of the space are not properly defined on the maps. I have subsequently been provided by the link that reassures me that the boundaries of the individual areas can be properly delineated, albeit as it was shown in reference to an aerial photograph. I propose to leave it to the Steering Group and the District Council to agree the actual mapping of these areas when preparing the Referendum Version of the plan.

Recommendations

Retitle the policy with "Green and Blue Infrastructure"

Retitle the table "Identified Areas of Green and Blue Infrastructure"

Replace Figure 9 with a map that clearly shows the boundaries of all the sites

Policy CC3: Footpaths, Bridleways and Cycleways

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

Policy CW3: Community Facilities

81. I am satisfied that the policy is in line with the Secretary of State's approach as set out in paragraph 93 of the NPPF and I have no recommendations to make.

The Referendum Area

82. 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 enlarged area of the Brimscombe and Thrupp Parish Neighbourhood Plan as designated by Stroud District Council on 24th May 2021 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

83. I congratulate Brimscombe and Thrupp Parish Council on reaching a successful outcome to the examination of its neighbourhood plan and I particularly commend the design and layout of the submission version. It is a really attractive document to work with compared to other neighbourhood plans I have examined.

84. This is a locally distinctive neighbourhood plan which deals with the issues that are important to the Brimscombe and Thrupp residents and businesses.
85. 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 be made.
86. **I am therefore delighted to recommend to Stroud District Council, that the Brimscombe and Thrupp Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS
John Slater Planning Ltd
18th January 2024

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><i>Policy CC2</i> Insert at the end of a) "and", and at the end of b) replace 'and' with "or" In c) delete the second sentence up to and including "evidence CEE delivery was not possible and that" At the end, insert "This policy does not apply to solar panels placed on existing or proposed new buildings or within the curtilage of such sites or owner promoted hydro- power on riparian sites."</p>	Agreed	For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions.
<p><i>Policy CC3</i> Delete the first paragraph In the final paragraph, replace "are expected" with "which" and add at the end "will be supported"</p>	Agreed	For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions.
<p><i>Policy CC4</i> Delete the first paragraph In the second paragraph, after "where relevant" insert "to the scale and form of the development and its location,"</p>	Agreed	For clarity.
<i>Policy LRD1</i>	Agreed	For clarity

<p><i>In the first paragraph, after “proposals will” insert “be expected to”</i> <i>After “National Model Design Guide” insert “, National Design Guide”</i></p>		
<p><i>Policy LRD2</i> <i>Remove LVV2, LVV7 and LVV12 from the table after para 8.14 and from Figure 8 and the Appendix</i> <i>Replace the first sentence of the second paragraph with “major development proposals will be expected to show whether the development would be visible form the identified Locally Valued Views as shown in table 1 and mapped on figure 8 and where there is intervisibility how the development would be viewed from those viewpoints.”</i> <i>Include detailed inset plans showing the location of each of the locally valued viewpoints</i></p>	<p>Agreed</p>	<p>For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions.</p>
<p><i>Policy LRD3</i> <i>Re order the paragraphs so that the third paragraph becomes the first paragraph followed by the first and second paragraph.</i> <i>In the new first paragraph, delete “therefore” and in the final paragraph, replace “expected” with “encouraged”</i></p>	<p>Agreed</p>	<p>For clarity.</p>
<p><i>Policy E1</i> <i>In the first paragraph, after “impact of proposals” insert “and any severe impacts are appropriately mitigated”</i></p>	<p>Agreed</p>	<p>For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions.</p>
<p><i>Policy E2</i> <i>In the second paragraph replace “commercial” with “working”</i> <i>After “residential properties” insert “, and where planning permission is required,”</i></p>	<p>Agreed</p>	<p>For clarity.</p>

<p><i>Policy CC1</i> At the start of the first paragraph, insert “The following sites are” After “Local Green Spaces” insert “in accordance with the provisions set out in paragraphs 101 to 103 of the NPPF (September 2023 version) Insert the list of LGSs after the first paragraph</p>	<p>Agreed</p>	<p>For clarity.</p>
<p><i>Policy CW2</i> Retitle the policy with “Green and Blue Infrastructure” Retitle the table “Identified Areas of Green and Blue Infrastructure” Replace Figure 9 with a map that clearly shows the boundaries of all the sites</p>	<p>Agreed</p>	<p>For clarity.</p>

