



Kingswood Parish Council Hearing Statement

Stroud Local Plan Examination

**Matter 1 – Compliance with statutory
procedures and legal matters**

February 2023

This Hearing Statement is prepared and submitted on behalf of Kingswood Parish Council (KPC).

ISSUE 1.1 – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004?

- Q1. Has the Council submitted robust evidence to demonstrate that the duty to cooperate has been met? In particular:**
- a. Have all relevant strategic matters been identified and has the process for identification been robust? What actions have been taken to address these matters and are there any outstanding concerns?**
 - b. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters and have all outcomes been adequately evidenced? Is there robust evidence to support the cooperation activities that have taken place?**
 - c. Have any unmet needs been appropriately considered when preparing the Plan?**

KPC Response:

1. The Council's Duty to Cooperate Statement (October 2021) was submitted to the Secretary of State as further evidence of cooperation which demonstrates that the Local Plan and its policies were not informed by this engagement – which is, after all, the entire reason for the Duty to Cooperate as explained in the NPPF: *“effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy”*¹.
2. Planning Practice Guidance (PPG) states that authorities should make any statements of common ground (SOCG) available on their website by the time they publish their draft plan so that communities and stakeholders have a transparent picture of how they have collaborated:
*Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated.*²
3. Following Government Guidance (PPG) above it is important to recognise what evidence SDC published at the Regulation 19 stage, and we rely on our Regulation 19 submission for this information.

¹ NPPF paragraph 26

² Paragraph: 020 Reference ID: 61-020-20190315 <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

4. KPC notes that the Strategic Housing Matters SOCG and the Strategic Employment Matters SOCG with Cheltenham, Cotswold, Forest of Dean, Gloucester, Tewkesbury districts and GFirstLEP are both still in Draft form despite these SOCG topics being arguably the most important strategic issues and the Local Plan now being at the Examination stage.

Issue 1.2 – Has the Plan been prepared in accordance with other legal and procedural requirements?

Sustainability appraisal (SA)

- Q2. Paragraph 32 of the National Planning Policy Framework (the Framework) indicates that local plans should be informed throughout their preparation by a SA that meets the relevant legal requirements.**
 - a. Has the SA methodology been robust? Are the key sustainability issues identified comprehensive and are they suitably reflected in the SA objectives and sub-objectives?**
- Q3. Does the SA adequately consider the likely significant effects of reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?**
- Q4. Has appropriate account been taken of the Cotswolds Area of Outstanding Natural Beauty (AONB) and other natural and historic environment designations within the appraisal and the alternatives assessed?**
- Q5. Have unreasonable alternatives been appropriately considered and have adequate reasons been given as to why these have not been selected?**
- Q6. Is it clear how the SA has informed judgements about future growth within the Plan and the choice of spatial strategy? Does it support the spatial strategy or is there anything in the SA which indicates that changes should be made to the Plan?**
- Q7. Overall, does the SA adequately assess the environmental, social and economic effects of the Plan in accordance with legal and national policy requirements?**

KPC Response:

5. KPC is concerned that methodology applied within the Sustainability Appraisal is too broad-brush and does not adequately assess options for the Local Plan's growth strategy. As stated within the Sustainability Appraisal Report for the Stroud

District Local Plan Review: Pre-submission Draft (2021)³, paragraph 4.66 states that (our emphasis added) *“the summary of the appraisal findings for the four initial options alongside the hybrid option and the four additional options for the growth strategy are re-presented in Appendix 8 of this SA Report. The appraisal work for these options in Appendix 8 is ‘policy-off’; i.e., it does not reflect any of the requirements for development which are detailed in the relevant policy (Policy CP2) which sets the strategy for delivering development in the plan area.”*

6. With the above in mind, it is wholly unclear as to how the SA can effectively assess the environmental, social and economic effects of implementing Core Policy CP2 (Strategic Growth and Development Locations) in the absence of any real information regarding the location of proposed sites and/or the quantum and distribution of development earmarked for each settlement. As such, KPC cannot support the findings of the SA on the basis that the initial options testing process does not integrate any substantive evidence and is therefore purely a subjective assessment on where development can be accommodated.
7. Further to the above, paragraph 4.68 of the Sustainability Appraisal Report states that *“the smaller settlements provide access to a more limited range of services and facilities; however, these locations are only to accommodate a smaller amount of growth over the plan period. Where this development is delivered there is potential for new residents to make use of existing services thereby supporting their viability. As such, mixed effects (significant positive and minor negative) are expected for the policy in relation to SA objectives 2: health and 6: services and facilities”*. This justification for allocating housing to smaller settlements falls woefully short of what is required to adequately assess a location’s suitability for development. In particular, the grouping of all “small settlements” and assumptions made regarding the existing level of infrastructure required in these locations is overly simplistic. In stating that there is a “more limited range of services and facilities” and adding that “[however], these locations are only to accommodate a smaller amount of growth” is a clear disregard for the complexities of positive planning, and as such fails to comply with paragraph 11 of the NPPF, which stipulates that *“Plans and decisions should apply a presumption in favour of sustainable development”*.

PS38: South of Wickwar Road, Kingswood (dwellings, strategic landscaping and open space uses) SA Scores (Appendix 7 of the Sustainability Appraisal Report for the Stroud Local Plan Review: Pre-Submission Draft Plan, Working Draft, April 2021⁴)

8. The SA scoring for the Pre-Submission Local Plan site allocation Policy PS38 (South of Wickwar Road, Kingswood) remains inaccurate. Site PS38 (South of Wickwar

³ CD3

⁴ <https://www.stroud.gov.uk/media/1485366/appendices-5-9.pdf>

Road) attained a 'minor positive' scoring in relation to SA Objective 6 (Services and Facilities) and was justified by the following: *"this site is at a tier 3a settlement. This site included community space uses in line with the Site Allocation policy text included in the Draft Plan. Local Sites Allocation Policy PS38 in the Pre-submission Draft Plan does not include the requirement for community space uses. However, it includes reference to delivering highway safety improvements to access services within the village of Kingswood."* This justification does not in any way align with the SA Scoping Report for the Stroud District Local Plan Review (2018) own definition of SA Objective 6, which instead noted that SA Objective 6's (to maintain and improve access to all services and facilities) sub-objectives/measures are as follows:

"SA 6.1 Does the Plan promote compact, mixed-use development?"

SA 6.2 Does the Plan promote the provision of new and the protection of existing services and facilities at sustainable locations?"

SA 6.3 Does the Plan encourage the protection of existing town centres including their vitality and viability?"

9. The following section demonstrates how none of the ascribed sub-objectives is achieved through site allocation PS38 (South of Wickwar Road). In relation to SA sub-objective 6.1, Policy PS38 comprises an allocation for 50 residential units to the south of Wickwar Road, a minor road which provides the only feasible route option into the centre of Kingswood. It is therefore evident that the development proposal would not include infrastructure which would support the level of housing proposed on the site. In terms of the site's compactness, the respective 2016 Call for Sites form⁵ notes that the site (Land at Cloverlea Barn, subsequently renamed to the South of Wickwar Road) is 2.5ha.
10. With regard to SA Sub-Objective 6.2, the justification (as above) notes that Kingswood is regarded as a Tier 3a settlement and that highway improvements will be delivered as part of the scheme to ensure that services within Kingswood can be accessed. As highlighted earlier in our representations, this classification is incorrect and essential education infrastructure is not capable of supporting further growth within Kingswood.
11. Given that there is considerable existing pressures on local school places within both Kingswood and Wotton under Edge, in addition to the absence of any educational infrastructure to be provided under Local Sites Allocation Policy PS38 (South of Wickwar Road), there is overwhelming evidence to suggest that the scoring for SA Sub-Objective 6.2 is incorrect, as significant adverse impacts would be caused to the existing local educational services and in no way would the site allocation "protect" existing services.

⁵ https://www.stroud.gov.uk/info/plan_strat/SALA%20Site%20Submissions_101_125_redacted_opt.pdf

12. In relation to SA Sub-Objective 6.3, the SA Objective 6 (services and facilities) justification highlights that Kingswood is a ‘Tier 3a’ settlement. In addition, Policy PS38 (South of Wickwar Road) states that pedestrian and cycle routes will provide (our emphasis added) “access to key destinations in the village”. As noted in the Stroud District Settlement Role and Function Study Update (2019)⁶, 2011 Census data for Kingswood highlights that the population stands at 1,389, compared to that of 4,889 in Wotton under Edge.
13. The Stroud District Settlement Role and Function Study Update (2019)⁷ reveals that, as of 2018, Kingswood and Wotton-under-Edge have the following relative levels of community services and facilities:

Group	Services and facilities	Kingswood	Wotton-under-Edge
Healthcare	Hospital/A&E/Minor Injuries Unit	No	No
	Strategic Total Score	0	0
	GP, Doctors Surgery, Health Centre (NHS)	No	Yes
	Pharmacy, dispensing chemist (NHS)	No	Yes
	Dentist (NHS)	No	Yes
	Local Total Score	0	3
Financial	Bank/Building Society	No	Yes
	Strategic Total Score	0	1
	Post Office	Yes	Yes
	Local Total Score	1	1
Education	Secondary School	No	Yes
	Sixth Form	No	Yes
	Further Education College	No	No
	Strategic Total Score	0	2
	Primary School	Yes	Yes
	Pre-school playgroup or nursery	Yes	Yes
	Local Total Score	2	2
Recreation and cultural facilities	Library (in a building)	No	Yes
	Cinema or theatre (permanent)	No	Yes
	Swimming pool (public access)	No	Yes
	Sports/leisure centre	No	Yes

⁶ <https://www.stroud.gov.uk/media/1032745/settlement-role-and-function-update-2018.pdf>

⁷ EB72

	Strategic Total Score	0	4
	Place of worship	Yes	Yes
	Village hall/event space/community centre	Yes	Yes
	Pub	Yes	Yes
	Playing field/sports pitch	Yes	Yes
	Childrens play area (equipped play area)	Yes	Yes
	Local Total Score	5	5
Transport	Railway station	No	No
	Petrol filling station	No	Yes
	Transport Total Score	0	1
	STRATEGIC PROVISION	0	7
	LOCAL PROVISION	8	12
	Current classification in the 2015 Local Plan Settlement Hierarchy	Tier 3	Tier 2

Figure 1: Service and facility audit (Stroud District Settlement Role and Function Study Update, 2019)

14. KPC acknowledges that since the publication of the Stroud District Settlement Role and Function Study Update (2019) the parish boundary has changed and the Katherine Lady Berkeley's secondary school and sixth form now fall within Kingswood parish. Despite this change, it is considered that access to and from this school is limited to Wotton Road only, therefore it is not possible to safely cycle or walk to or from site allocation PS38 (South of Wickwar Road) to the Katherine Lady Berkeley school due to the absence of sufficient walking and cycling infrastructure within Kingswood. It is also recognised that the main access to Lady Berkeley's secondary school is narrow and not fit for purpose as it fails to provide sufficient turning space for school buses.
15. As evidenced above, Kingswood currently severely lacks healthcare, education and recreation and cultural facilities in comparison to nearby Wotton-under-Edge. With this in mind, it is expected that in order for Kingswood to accommodate the 50 dwellings allocated to the Parish within the Stroud Local Plan, additional infrastructure is required to ensure that the day-today needs of the local community (existing and proposed growth) are met. It is important to note that Wotton under Edge is allocated no additional housing over the Plan period, whilst Kingswood is also currently subject to further development pressures through additional planning applications.
16. This unsustainable growth pattern conflicts with paragraph 104d) of the NPPF and also highlights how the 'minor positive' scoring of SA Sub-Objective 6.3 is incorrect, as contrary to the Sub-Objective criteria, the level of growth proposed coupled with the lack of existing infrastructure in Kingswood would lead to considerable

strains on existing services, resulting in an erosion of Kingswood’s overall vitality and viability.

PS47: Renishaw New Mills, Kingswood (employment uses and strategic landscaping) SA Scores (Appendix 7 of the Sustainability Appraisal Report for the Stroud Local Plan Review: Pre-Submission Draft Plan, Working Draft, April 2021⁸)

17. KPC notes that Appendix 7 of the Sustainability Appraisal Report for the Stroud Local Plan Review: Pre-Submission Draft Plan, Working Draft, (April 2021) found that Policy PS47 (Renishaw New Mills) in the Pre-Submission Draft Local Plan scored ‘major positive’ for both employment and economic growth. In establishing this score, the SA Scoping Report for the Stroud District Local Plan Review (2018)⁹ created a number of sub-objectives in relation to economic objectives. Of particular note are the following sub-objectives:

- **SA Sub-Objective 16.1:** Does the Plan allow for an adequate supply of land and the delivery of infrastructure to meet the District’s employment needs?
- **SA Sub-Objective 16.2:** Does the Plan provide for accessible employment opportunities?
- **SA Sub-Objective 16.3:** Does the Plan support the prosperity and diversification of the District’s rural economy?

18. KPC disputes the above ‘major positive’ SA scores for both employment and economic growth on the grounds that the delivery of 10ha of employment land does not in itself guarantee that Policy PS47 (Renishaw New Mills) will fulfil economic objectives due to the questionable viability of the existing employment site.

19. As highlighted in Policy PS47, the Land west of Renishaw Mills is *“allocated as an extension to the key employment site EK17 Renishaw New Mills [...] [the site] is allocated for a mix of office, B2 and B8 uses, providing opportunities to extend and improve the employment offer at the existing Key Employment site particularly within the advanced manufacturing sector and associated uses”*.

20. Table 29 of the Stroud District Employment Land Review (March 2021)¹⁰ states that developer’s aspirations for the site are for *“manufacturing facilities for another enterprise of Renishaw’s owner, which will take up 50-60 percent of the site. Remainder of site to be a small business park for similar businesses”*. Table 41

⁸ EB79c

⁹ EB75

¹⁰ EB30

(Stroud District’s Realistic Employment Land Supply) of the Stroud District Employment Land Review (March 2021)¹¹ adds that, in terms of deliverability *“plans are well established and progressing for a high value advanced manufacturing business to occupy up to 60% of the site, i.e., 5.4ha. Renishaw to lead on delivery, tendering for developer partners as needed [...] no specific occupiers identified but Renishaw confident it can attract businesses once the main new occupier is established”*.

21. The above information is of particular concern to KPC, as it is acknowledged that as of 2nd March 2021 Renishaw Plc two major founders and investors were in the process of selling their combined 53% stake in the business¹². However, as of 7th July 2021 Renishaw Plc CEO Will Lees declared that the formal sale process has concluded as it has not identified a suitable buyer. This decision therefore provides much uncertainty with regards to the future of Renishaw, particularly with respect to its proposed expansion. These concerns are further highlighted in Stroud District Employment Land Review (March 2021), which concludes that *“forecasts produced for the ENA Study suggest manufacturing will decline over the next 20 years by some 1,700-2,800 jobs. A declining sector is not in evidence here, indeed manufacturing employment has grown in recent years, by some 500 jobs. As noted, the ENA Study also chose to discount the losses, reflecting other evidence sources in the report.*
22. *However even if the sector were to lose 2,000 jobs it would still be a major part of the local economy and likely to dominate requirements for land and property.”* This statement combined with the uncertainty regarding the future of Renishaw Plc provide significant evidence to suggest that there may be no demand for employment allocation PS47 (Land West of Renishaw Mills) and this could, in turn, result in the stagnation and possible decline of manufacturing businesses within Stroud District. As such, it is clear that the associated ‘major positive’ SA scores are inaccurate and are no longer justified. This matter raises serious concerns over whether the Plan is unsound due to its lack of robust and proportionate evidence, as per paragraph 35b) of the NPPF.

¹¹ EB30

¹² <https://www.thisismoney.co.uk/money/markets/article-9317705/Founders-engineering-giant-Renishaw-sale-50-years.html>

Consultation

Q11. Has the Plan been prepared in accordance with the Council’s Statement of Community Involvement and statutory consultation requirements? Has all relevant and available evidence been made available for consultation, at the various stages of Plan preparation?

KPC Response:

23. SDC has failed to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012¹³ which states that:

“(6) Where a local planning authority have co-operated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority’s monitoring report must give details of what action they have taken during the period covered by the report.”

24. We cannot locate any SDC Authority Monitoring Report (AMR) available on SDC’s website setting out what Duty to Cooperate activities the Council has undertaken.

Other regulatory and procedural requirements

Q12. Regulation 8(5) of the Town and Country Planning (Local Plan) (England) Regulations 2012 requires any new plan to list the policies in existing adopted plans which it is intended to supersede. The Plan before us appears to be a review of the existing adopted Stroud Local Plan (2015). Is the Plan proposing to supersede all the policies in this existing adopted plan and if so is this clearly set out? Is the Plan proposing to supersede any other adopted plans? Is there a list of policies proposed to be superseded, as required by the Regulations?

KPC Response:

25. Paragraph 1.0.7 of the Local Plan states that the “intention” is for the new Local Plan to replace in one document the 2015 Local Plan. However, it does not provide a list of policies proposed to be superseded. This should have been set out in the Local Plan for consultation.

26. Furthermore, the Council does not address in the Local Plan what it intends to do with its adopted Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPG), Supplementary Planning Advice (SPA) and the Village

¹³ <https://www.legislation.gov.uk/ukxi/2012/767/regulation/34/made> (see 34(6))

Design Statements and Conservation Area Statements. This should be clarified and consulted on.

Q13. The Plan identifies 'Core Policies' and 'Delivery Policies'. Paragraph 21 of the National Planning Policy Framework (the Framework) requires plans to 'make explicit which policies are strategic policies, and that these should be limited to the strategic priorities for the area and any relevant cross-boundary issues. Does the Plan accord with this requirement? Are strategic and non-strategic policies clearly distinguishable?

KPC Response:

27. Unfortunately, the Local Plan does not make explicit which policies are strategic and which are non-strategic making it impossible to distinguish the policy types. This should be rectified by the Council and consulted on.

END.