

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

Slimbridge 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 Slimbridge Neighbourhood Area was designated by resolution of the Council's Environment Committee on 23rd July 2020.

A submission version of the Slimbridge Neighbourhood Development Plan (SNDP) was accepted by the Council on 26th July 2023, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Following submission of the SNDP to the local authority, Stroud District Council publicised the Plan and supporting documents and invited representations during the consultation period 18th September to 30th October 2023.

The Council appointed Mr John Slater MRTPI as independent examiner of the SNDP. The examination concluded on 14th January 2024 with the submission of the Examiner's Report recommending that the SNDP, 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 SNDP, 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 SNDP has been assessed against the National Planning Policy Framework and national Planning Practice Guidance and modifications proposed to comply with national policy.
- 2- The SNDP, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. The SNDP has been subject to sustainability assessment that identifies the plan will have an overall positive effect.
- 3- The SNDP, 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 SNDP has been assessed against the adopted Stroud District Local Plan and modifications proposed to ensure the SNDP does not become out-of-date in the context of a review of strategic policies in the Local Plan.
- 4- The SNDP, 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 January 2023, which confirmed to Slimbridge Parish Council that a SEA and a full HRA were not required on the SNDP.
- 5- The SNDP, 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 January 2023, which confirmed to Slimbridge Parish Council that a SEA and a full HRA were not required on the SNDP.
- 6- The SNDP, 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 SNDP, 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 SNDP 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 Slimbridge 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 Slimbridge 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

Slimbridge Parish Neighbourhood Development Plan 2022-2040

Submission Version

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

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

John Slater Planning Ltd

15th January 2024

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 European and Human Rights Legislation	9
The Neighbourhood Plan: An Overview	10
The Neighbourhood Plan Policies	11
The Referendum Area	22
Summary	22

Executive Summary

My examination has concluded that the Slimbridge 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 the reference to the maintenance and management of watercourses from the policy, as it does not constitute “development”.
- All areas at risk of flooding should be mapped and the policy should refer to new development being subject to a sequential test and, if necessary, passing the exception test, if it is to be located in an area at risk of flooding.
- Changing the retrofitting policy to “encourage” the meeting of the LETI Climate Emergency Retrofit Guide targets and these targets to be included as an appendix to the plan.
- Including within the natural capital and ecosystems policies, examples of how householders can adopt measures to improve their performance and removing reference to the national biodiversity net gain policy.
- Including better information showing the location of the three ancient willow trees and also the deciduous woodland at the Slimbridge Wetland Centre. Removing the requirement that new tree planting should be justified by ecological and arboricultural assessment.
- Including the need to assess “cumulative impact” when considering new renewable energy developments.
- Removing the requirements to achieve water efficiency targets.
- Deleting the policy regarding pre-application consultation.
- Providing insets plan showing the location and extent of each local green space.
- Providing clarification as to the working from home policy.
- Allowing new tourism businesses within well-designed new buildings as well as building conversions.
- Removing The Nest as a non-designated heritage asset and clarifying the extent of the local listing in respect of the Gloucester and Sharpness Canal.

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 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 Slimbridge 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 Slimbridge 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 Slimbridge 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 Slimbridge 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 Slimbridge 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, if amended in line with my recommendations, only relates to the development and use of land, covering the area designated by Stroud District Council, for the Slimbridge Neighbourhood Plan, on 23rd July 2020.
10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2020 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 Slimbridge 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 Slimbridge. That was carried out on Wednesday 16th November 2023.

15. I entered the parish from the north, along the A38, through Cambridge, before turning right at the Slimbridge roundabout and into the village. I initially orientated myself by driving through the village and turning around just before the canal. Travelling back through the village, I saw the Post Office, St John's Church, the Village Hall, the cemetery, the Social Club, the playing fields and sports pavilion before passing the school. I then crossed the roundabout and turned left into Dursley Road, passing the football club and the Wisloe Stables. I was able to gauge the likely changes to this part of the parish, that would result from the inclusion of the proposed new settlement in the Local Plan, before entering Cambridge, where I noted the location of both the Showground and The Green.
16. Passing through Cambridge, down Ryalls Lane to the canal, I then returned to Slimbridge via Longaston Lane. On my tour, I recognised a number of the key views, particularly those along the canal and the long distant views of the tower of St John's. I then explored the western side of the parish, taking in Moorend, Hurst Farm and Gossington. I returned to Slimbridge and finished my tour with a visit to the Slimbridge Wetland Centre.
17. Upon my return from Gloucestershire, I prepared the document entitled Initial Comments of the Independent Examiner, dated 20th 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 Slimbridge Parish Council on 5th December 2023 and from Stroud District Council, on 8th December 2023. Both responses were placed on the appropriate websites.

The Consultation Process

19. The preparation of a neighbourhood plan was initially prompted by concerns regarding a potential development at Wisloe Green.
20. After the application had been submitted by the Parish Council for neighbourhood area status, a Steering Group was set up and workshop sessions were held with the Gloucestershire Rural Communities Council. In September 2020, an initial questionnaire was circulated with the parish newsletter, which generated 61 responses, showing strong support for the preparation of a neighbourhood plan. One of the working groups took on the task of preparing a community questionnaire, which was finally circulated in March 2021. This was responded to by 40% of the households, but only six businesses replied. Its results were reported in May 2021. Between May and July 2021, drop in events were held in the Village Hall and also the Churchyard and the Forge.

21. A housing needs survey was commissioned and face-to-face meetings were held with local businesses in the summer of 2021. The Steering Group also attended the Slimbridge Flower Show and the Slimbridge Heritage Weekend as well as a Village Hall coffee morning held in December 2021.
22. In addition to the specific events, the work on the neighbourhood plan was publicised via the Parish Council website, its Facebook pages and the Slimbridge, Cambridge and Gossington Village Forum as well as through regular articles in the village newsletter.
23. A Pre-Submission version of the neighbourhood plan was published, which was subject to what was known as a Regulation 14 consultation, which ran from 23rd February 2023 to 5th March 2023. This consultation produced 68 responses. Some changes to the document were made and these are shown on the document Post Regulation 14 Key Revisions shown on the Parish Council website.
24. I am very satisfied that the community has had ample opportunity to be consulted and to be able to influence the content of this neighbourhood plan despite the constraints imposed by the Covid pandemic.

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 18th September 2023 and 30th 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, 15 responses were received, including: Stroud District Council, National Highways, Historic England, Gloucestershire County Council, Environment Agency, Wisloe Project Team, Ernest Cook Trust, Gloucestershire Wildlife Trust, Severn Trent, Natural England and Network Rail. I also received 3 representations from local residents plus a letter of commendation submitted by the Chair of the Slimbridge NDP Steering Group.
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 examination 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.
33. Policy CP3 sets the settlement hierarchy. Slimbridge 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. Cambridge 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. Slimbridge falls within the Berkeley Cluster. Policy HC1 supports residential development within defined settlement development limits, subject to meeting 9 criteria. Policy HC4 covers rural exception sites which can be supported outside but adjacent, to third tier settlements.
36. 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 allocations, including the proposed Wisloe Garden Village as well as the wider Strategic Road Network. The District Council is working with National Highways, South Gloucestershire Council and the County Council to address these issues and it has requested a six month pause to undertake a Joint Action Plan. It is anticipated that the examination will recommence in 2024 and the local plan is likely to be adopted, either in late 2024 or 2025.
37. In this draft plan, Slimbridge is a Tier 3b) settlement, a medium sized village with no retail or employment role, but a good basic level of community facilities and services. Cambridge is now classed as a Tier 4a) settlement, a small settlement with no retail role and minimal local services and facilities, but is well connected to Slimbridge's services. Both are shown as having a settlement boundary.
38. That plan's spatial strategy includes a large-scale new settlement known as Wisloe Garden Village, mainly within the parish, which will provide approximately 1500 homes, and other associated facilities including employment space.
39. I can attach little weight to the emerging policies, both in terms of the basic conditions which relate to general conformity with strategic policies in the adopted local plan, but also that the Wisloe settlement proposals are the subject of ongoing objections and the need to resolve matters that demand further work, before the Inspectors are in a position to pronounce upon the planning merits of that part of the strategy.
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 17th November 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 of work that has been put into this neighbourhood plan exercise, bearing in mind that the Parish Council only commenced work on a neighbourhood plan for Slimbridge in 2020 and that there has been an intervening global pandemic to deal with.
45. This is a neighbourhood plan that is very firmly focused on the parish of Slimbridge. It seeks to produce planning policy covering the matters that are important to the community, such as protecting its community facilities, its heritage and landscape. It does not have to make any housing allocations.
46. Running parallel to this plan is the work on the new local plan which is now at its public examination, albeit that has been paused. Notwithstanding the neighbourhood plan's planning policies, the emerging local plan has the potential to significantly change the nature of this parish, especially to the east of the A38, with the Wisloe Garden Village proposal. Thankfully I do not have to consider the implications of that strategic allocation. However, once the new local plan is adopted, the Parish Council may wish to revisit this neighbourhood plan, to consider whether the policies need to be updated to reflect the new strategic policy context.
47. I am satisfied that this plan, when taken as a whole will deliver sustainable development. It has policies that encourage employment, protects community facilities and open spaces, protects the parish's heritage and its natural environment and valued views. It encourages the retrofitting of existing buildings to be more energy efficient. The plan sets high expectations in terms of design and I would highlight the Design Guidance section of the Parish's Design Statement which picks up features that will help inform the design approach of any new development.

48. A number of the policies have sought to address matters that go beyond how a planning application is to be determined. The neighbourhood plan legislation is clear that a neighbourhood plan policy should be a policy for the use and development of land, to be used to determine planning applications. I have made a number of recommendations to ensure the policies do not extend beyond that remit, as on occasion they have extended into how applications should be prepared or what pre-application engagement is required. These have a place in the neighbourhood plan document but cannot be used to decide whether a planning application should be approved or refused. Much of the policy wording I have recommended for deletion could find a place in the supporting text.
49. My examination has concentrated on the plan 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. However, there will be a need for an editing exercise, 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. In a number of instances I have made recommendations relating to the mapping intended to improve the clarity and utility of the maps in supporting decision making.
50. 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 SCE1: Natural Flood Management in Slimbridge Parish

51. The first two paragraphs refer to the important role played by natural flood management in conserving and enhancing the ecological flood storage value of the parish's water environment and it refers to the importance of the management and keeping in good condition, its watercourse corridors.
52. Whilst these are important statements, the carrying out of maintenance or management does not fall within the definition of development, which is the overarching remit of a neighbourhood plan policy. Accordingly, whilst these statements can be included within the supporting text or refer to in the Practical Projects section of the document, they cannot be a policy dealing with the use and development of land.

53. The policy does go on to refer to areas of known surface water flooding. This includes the areas identified in Figure 3a and 3b which show the Environment Agency's risk of surface water flooding maps and the recorded flood outline. But the policy also refers to the River Cam and Lighenbrook catchment areas. It is important that a decision maker and indeed an applicant, knows the extent of these two watercourses' catchment areas, so as to be confident whether a site is one at a risk of surface water flooding or not.
54. The NPPF refers to sites which are a risk of all types of flooding. In addition to Figures 3a and 3b, I will recommend the Parish Council included in this section of the plan, a map showing the River Cam and Lighenbrook catchment areas. Within areas at risk of flooding new development will be expected, so that a sequential test and if necessary the exception test, can be applied to all development in these areas at risk of flooding, as set out in the Planning and Flood Risk section of the NPPF. If necessary, proposals should include appropriate mitigation and construction methods should be adopted to ensure that development is safe for its lifetime.

Recommendations

Delete the first two paragraphs of the policy and move to the supporting text.

Include a map showing the River Cam and Lighenbrook catchment area as Figure 3c.

Replace all the text in the third paragraph after "flooding issues" with "as shown in Figures 3a, 3b and 3c shall be subject to a sequential test, other than for minor development and changes of use, to avoid placing people and property at risk from flooding, in accordance with the requirements set out in paragraphs 159- 169 of the NPPF (the version issued on 5th September 2023) and, where permitted, should include appropriate mitigation and construction methods".

Policy SCE2: Retrofitting of Existing Buildings to Improve Energy Efficiency

55. The emphasis on this policy is offering "encouragement" and hence it does not undermine the Secretary of State's requirement that neighbourhood plans should not impose additional technical standards, in terms of construction, performance and layout of new dwellings.
56. The final paragraph could be interpreted as more than encouragement through the use of phrase "should seek to incorporate". I will propose explicitly to only "encourage" the meeting of these targets, which are unfortunately not included in the policy. I sought clarification of what these targets required, in my Initial Comments and I was directed to the targets set out in page 13 of the LETI Climate Emergency Retrofit

Guide document. I will recommend that this table be incorporated into the plan as an appendix, which can be referred to in the policy.

57. On 13th December 2023, a new Written Ministerial Statement from the Minister of Housing stated that “Any planning policies that propose local energy standards for buildings that go beyond current or planned building regulations should be rejected at examination” if they go beyond a well – reasoned costed rationale that covers viability, impact on housing supply and affordability and expressing the additional requirements as a percentage uplift of the targeted Emissions Rate calculated using the Standard Assessment Procedure.
58. However as the policy as amended would be only one of encouragement and is restricted to existing buildings, I am content to retain it, as a planning application could not be refused for failing to meet these targets.

Recommendations

***In the final paragraph replace “should seek” with “are encouraged” and insert at the end “as set out in Appendix A”
Insert at the end of the plan document, Appendix A and then include the following table***

SIGNPOST Chapter 4 - LETI home retrofit targets - 4.3 Constituent element method			LETI best practice		LETI exemplar
Building element		Retrofit actions	Constrained retrofit	Unconstrained retrofit (cool temperate climate)	All retrofit types
Walls	Cavity	External, cavity or Internal insulation	0.24 w/m ² .K	0.18 w/m ² .K	0.15 w/m ² .K
	Solid uninsulated	External or Internal insulation	0.32 w/m ² .K	0.18 w/m ² .K	0.15 w/m ² .K
	Timber frame	External or Internal insulation	0.21 w/m ² .K	0.18 w/m ² .K	0.15 w/m ² .K
Roofs	Cold	Insulate	0.12 w/m ² .K	0.12 w/m ² .K	0.12 w/m ² .K
	Warm/flat	Insulate	0.22 w/m ² .K	0.12 w/m ² .K	0.12 w/m ² .K
Floors	Suspended timber	Insulate between joists	0.20 w/m ² .K	0.18 w/m ² .K	0.15 w/m ² .K
	Solid uninsulated	Excavate and insulate below	0.80 w/m ² .K	0.15 w/m ² .K	0.15 w/m ² .K

Windows and doors	Windows	Replace	1.30 w/m ² .K	1.00 w/m ² .K	0.80 w/m ² .K
	Doors	Replace	1.00 w/m ² .K	0.80 w/m ² .K	0.80 w/m ² .K
General envelope	Thermal bridging	Mitigate where possible	0.10 w/m.K	0.10 w/m.K	0.08 w/m.K
	Airtightness	Draught proofing, sealing of chimneys and vents	3.0 ach@50Pa	2.0 ach@50Pa	1.0 ach@50Pa
Systems	Systems and appliances	Fossil fuel free home	Fossil fuel free	Fossil fuel free	Fossil fuel free
	Ventilation type	Install and remove extract fans	MVHR*	MVHR	MVHR
	Lighting power	Replace lamps and fittings	50 lm/W	100 lm/W	100 lm/W
Hot water	Hot water tank	Increase insulation or replace	1.5 w/K	1.5 w/K	1.5 w/K
	Primary pipework	Insulate all pipework	90% of pipework insulated	90% of pipework insulated	90% of pipework insulated
	Shower demands	Low flow fittings	16 litres/pers.day	16 litres/pers.day	16 litres/pers.day
	Other demands	Low flow fittings	9 litres/pers.day	9 litres/pers.day	9 litres/pers.day
Renewables	Photovoltaic generation	Rooftop installation	0 % of roof area covered in PV panels	40 % of roof area covered in PV panels	40 % of roof area covered in PV panels

Policy SCE3: Natural Capital and Ecosystem Services

59. I have no concerns with the overall ambition of this policy, which I believe is in line with the policies as set out in the NPPF.
60. A neighbourhood plan policy cannot dictate what documents are required to accompany a planning application. That is a matter for the District Council's Local Validation List. I would recommend that the wording be changed to "applications will be expected to demonstrate," which will have the same effect
61. I did raise the question as to whether the scope of the policy intent would, for example, be reasonable in terms of domestic development. I found that examples set out in the Parish Council's response convincing and I will recommend that these examples are added to

supporting text, as positive examples to demonstrate how a householder could address the aspirations of the policy.

62. The final paragraph, requiring compliance with the national policy on biodiversity net gain, is unnecessary as this will shortly be a legal requirement on all eligible development. I propose this element of the policy be deleted.

Recommendations

At the end of the bullet points in the first paragraph insert

“Possible actions related to householder planning application could include some of the following: -

- ***Install green roofs or rain-gardens to capture, filter and manage excess water;***
- ***Create new habitats on site, including ponds and bog gardens to deal with heavy rain fall;***
- ***Use permeable surfacing;***
- ***Increase areas of planting including. a diverse mixture of native species to intercept surface water;***
- ***Create a compost heap to compost waste and improve soils;***
- ***Create new habitats including; ponds, bog gardens, areas with log piles and long grass;***
- ***Create new wildlife friendly linear features (e.g. native, mixed-species hedgerows) particularly along the edges of roads, to improve air quality;***
- ***Select plants to provide a variety of food for wildlife e.g. nectar rich/berries/grasses;***
- ***Protect and retain existing mature trees, especially orchard trees;***
- ***Increase tree cover with local orchard species;***
- ***Minimise areas of heavily managed amenity grass considering using wildflower and meadow mixes on less intensively used areas.”***

In the second paragraph replace” must be supported by a statement that sets out” with “should demonstrate”

Delete the final paragraph.

Policy SCE4: Trees, Woodland s and Hedgerows

63. This policy, in respect of ancient and veteran trees, goes beyond national policy guidance, which is that these trees should only be lost if there are “wholly exceptional reasons and a suitable compensation strategy exists”. I propose that this caveat be introduced into the neighbourhood plan policy.
64. In terms of the identified veteran trees, I did not find it easy to identify the trees which are to be treated as ancient trees from the row of trees standing beside the canal. The Parish Council have reassured me that they are included on the Woodland Trust Ancient Tree Inventory. I have

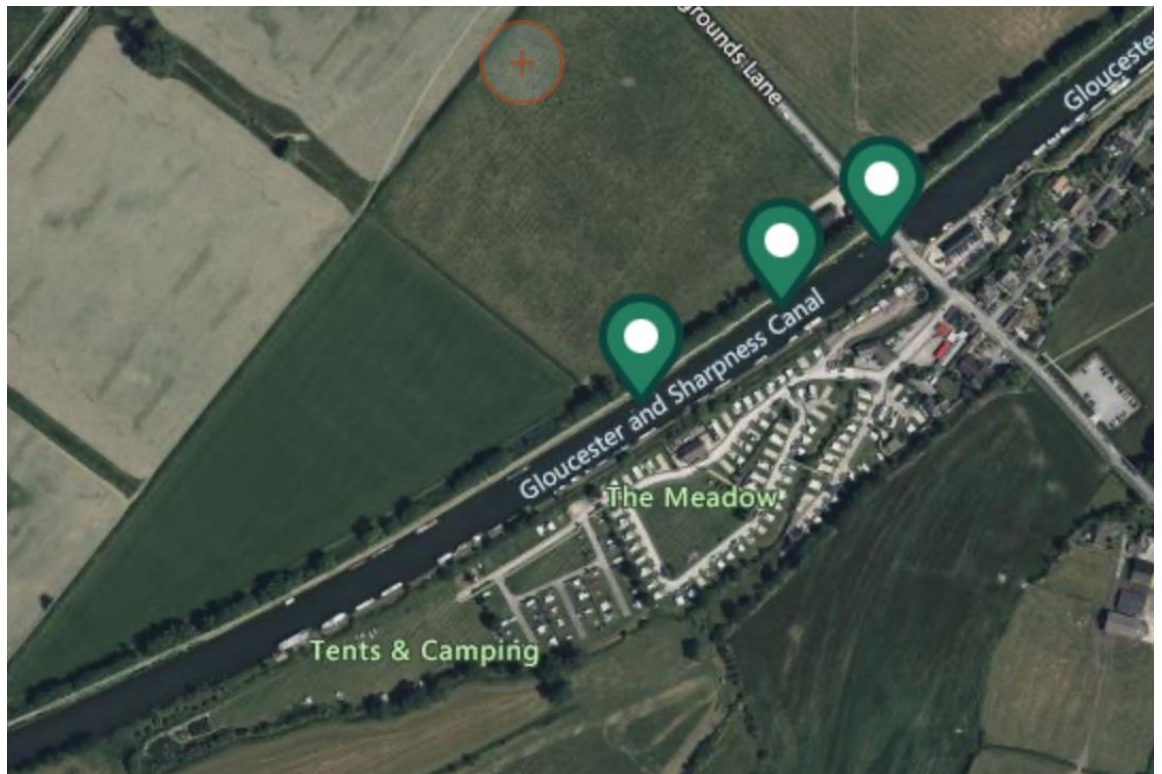
interrogated that website and it appears to show far more accurate locations of the 3 veteran trees, than is shown in Figure 7. I propose that the attached screenshot should be included in the document to reflect more accurately in the location of the trees in question, as an inset. I will also recommend that the map references be introduced to the key.

65. Stroud District Council has pointed out that the requirements in the policy actually go beyond the requirements set out in BS5837. I therefore propose to remove reference to the width of the buffer and root protection areas as these are covered in BS5837 document – Trees in Relation to Design, Demolition and Construction. I am also proposing to remove reference to hedgerows, as none are identified on either of the maps.
66. I was also concerned regarding the legibility of the Priority Habitat Inventory- Deciduous Woodland in relation to the Slimbridge Wetland Centre. I have interrogated the MAGIC website and have been able to identify, by zooming in on the database, the precise areas. I consider that it would be helpful to include that as an inset plan.
67. Finally, in terms of new tree planting, I do not consider that is a proportionate requirement to oblige applicants to carry out ecological and arboricultural assessments to justify new tree planting.

Recommendations

At the end of the first paragraph, after “resisted” insert “except where there are wholly exceptional reasons and a suitable compensation strategy exists”

In the key of Figure 7 after “Veteran Tree - willow” insert “at Map references SO 72759 04247; SO 72689 04204; SO 72591 04139: See inset for a more accurate location of the ancient trees”



Insert the following inset map to show the extent of deciduous woodland around the Slimbridge Wetland Centre



***Delete the second paragraph.
Amend the second title to read “Other existing Trees and Woodland”
In the first sentence of the third paragraph of the policy, delete “and hedgerows”
Under the title New Trees, omit all the text in the final paragraph after “supported”***

Policy SCE5: Renewable or Low Carbon Energy Generation in Slimbridge parish

68. The relevant section of the NPPF (paragraph 155) refers to policy maximising the potential suitable development in the field of renewable or low carbon energy, whilst ensuring that adverse impacts are appropriately addressed, including cumulative impact. I will therefore include reference to “cumulative impact” in my recommendation to bring into line with Secretary of State policy.

Recommendation

After “environmental impacts” insert “including cumulative impact”

Policy SD1: Locally Distinctive, High Quality Design

69. Stroud District Council in its Regulation 16 comments, asserted that the National Model Design Code is not a design code, but is guidance to help the production of design codes. However the National Design Guide includes in paragraph 3 “this National Design Guide and the National Model Design Guide and Guidance Note for Design Codes illustrates how well-designed places that are beautiful, healthy, greener, and enduring and successful, can be achieved in practice.” I therefore do not need to recommend that, the reference to the National Model Design Code, be removed but I will add in the reference to the National Design Guide.
70. The Secretary of State in a Written Ministerial Statement to the House of Commons dated 25th March 2015, stated that neighbourhood plan “should not set any additional technical standards or requirements related to the construction, internal layout or performance of new dwellings”. The Parish Council has confirmed that it is not its intention to mandate requirements beyond the Building Regulations, but rather it seeks to encourage the highest possible energy performance. I therefore propose an amendment that reflects the concept of the “encouragement” of these highest standards.
71. The final paragraph imposes water efficiency requirements. Again, the Secretary of State advice is that any requirements for compliance with national technical standards with regard to water efficiency can only be imposed by a local plan policy, rather than a neighbourhood plan.

Recommendations

After “National Model Design Code” insert “, the National Design Guide”

Replace the third paragraph with “Developments are encouraged to be designed to reduce carbon emissions and energy demand. High standards of sustainable design and construction will be supported. Both new build and refurbishment of existing homes are encouraged to meet the energy use targets as set out in the Net Zero Carbon Toolkit (2021)”.

Delete the final paragraph of the policy.

Policy SD2: Pre - application Community Engagement

72. Whilst I fully applaud the intention behind this policy, unfortunately it does not meet the requirements of what a neighbourhood plan policy should be, namely a policy for the use and development of land, which can be used to *determine* a planning application. Essentially the proposed policy covers “process” matters i.e. how a planning application is developed and prepared including pre-application consultation. I fully accept that this is good practice which can be highlighted in the neighbourhood plan document, but it is not a policy which sets out how a planning application should be determined. I recommend that, as a policy, it should be deleted but it can remain a permanent part of the neighbourhood plan document, including the pre-application protocol.

Recommendation

The policy be deleted.

Policy SD3: Sustainable Development to Meet Local Housing Need

73. I only have one minor concern and that is that the policy states that schemes that meet local housing need will only be supported *in principle*. One of the requirements of a plan, as set out in paragraph 16 of the NPPF, is that plans should “be prepared positively” and be “clearly written and unambiguous, so it is evident how a decision maker should react to a development proposal.” If the proposal meets requirements of the development plan, then it should be approved without introducing “wriggle room”, which is implied by offering only support “in principle”.

Recommendation

Delete “in principle”

Policy SLW1: Community Facilities

74. The Parish Council has confirmed that the proposal only has to meet one of the three criteria are set out and I will call you recommend it, in the interest of clarity, that “and/or” should be replaced with “or”.

Recommendation

In the first two bullet points replace “and/ or” with “or”

Policy SLW2: Local Green Space

75. I have no issues with the selection of the six proposed local green spaces, which I believe have been amply justified in the Slimbridge Parish Local Green Space Report. However the scale of the map and Figure 10 is too small for the boundaries of the proposed local green space to be established, with clarity and indeed it is impossible to identify the location of the Gossington Green because of the map’s scale. I would recommend

that detailed inset plans should be included showing the extent of the identified spaces.

76. I believe the policy meets the basic conditions.

Recommendation

Insert individual site plans showing the extent of each local green space

Policy SLW3: Getting Around

77. I have no concerns with the policy, especially as it recognises the connections to the public rights-of-way network should only be required “where it is appropriate”. The making of contributions to the wider public rights-of-way is encouraged and as such any payment made pursuant to a planning obligation will be expected to have to meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Policy SLW4: Local Economy

78. I have no comments to make on this policy as it recognises the limits of the policy to prevent the loss of commercial premises, to residential use under permitted development rights.

79. I was initially concerned with the idea of commercial space at residential properties. The Parish Council clarified that the test would be whether other persons, who are not resident in the property, use it as their place of work. They also referred to where people visit the premises for services such as dance studios or a creche. However a policy, by itself, cannot dictate whether the planning permission is required. For example, childminders can use their homes for up to a certain number of children without needing permission. Similarly professional people may offer, for example, home tutoring or health treatments - which do not amount to a material change of use. I propose to clarify it, by reference, to “where planning permission is required) as suggested by the Parish Council although some uses may well fit within Use Class E.

Recommendation

Replace the second sentence with “Where planning permission is required, any proposal for small scale development that falls within Use Class E will be supported where;

- ***There will be no unacceptable impact on the amenities of residential properties in the immediate locality; and***
- ***Measures to mitigate any adverse impact of traffic generation, noise and odours are included, where required”***

Policy SLW5: Managing Tourism and Rural Diversification in Slimbridge Parish

80. This policy, as submitted, “only allows new or improved tourist accommodation to be located by reusing existing buildings”. This is contrary to the expectations of the Secretary of State, in paragraph 84 of the NPPF, which also expects plans to support “well designed new buildings”. This

change has been accepted by the Parish Council in its response to my Initial Comments.

Recommendation

In the second bullet replace “where appropriate” with “or well-designed new buildings”

Policy SLH1: Locally Valued Key Views

81. I have no concerns regarding the identification of the locally chosen key views and then I have no other comments in terms of the expectations of the policy.

Policy SLH2: Heritage Assets and Archaeology

82. The first part of the policy is a requirement that proposals comply with the principles set out in the existing local plan policy, which will already apply to Slimbridge Parish. Essentially this a policy requiring compliance with another policy. This is unnecessary duplication, contrary to Secretary of State advice in paragraph 16f) of the NPPF.
83. The second element deals with the areas with potential for archaeological remains. It refers to an area around Lightenbrook, Lynch Field and Stanborough Mead. I will recommend that the extent of the area of special interest is shown on a map to be included within the plan, as two of these areas of special interest are not identified on ordnance survey maps or in the plan and a decision maker may not have the local knowledge to know whether the heightened potential for finding Roman and Iron Age remains, is relevant to their site, requiring particular investigation.
84. The final element to the policies, setting an expectation that applicants refer to the Local Heritage Report and engage with the County Council and other archaeologists is essentially a “process matter” rather than a policy to be used to determine a planning application. It can be moved to the supporting text rather than included with the policy. I am advised by the District Council that planning officers can use their discretion where they believe there is potential for finds to be made and the County Council is automatically consulted on major schemes.

Recommendations

Delete the first paragraph

Include a map of the area around Lighten Brook, Lynch Field and Stanborough Mead and insert at the end of the second paragraph “as shown in Figure X”

Delete the final paragraph

Policy SLH3: Locally Valued Non-Designated Heritage Assets

85. I have no fundamental concerns regarding the choices of the heritage assets and their justification which are fully set up in the Slimbridge Local Heritage Report.

86. I do, however, have reservations regarding the designation of “The Nest” – the modern sculpture erected on Slimbridge Roundabout in 2021, which is being put forward as a heritage asset. As it is only two years old, the report recognises that it could be recognised as a heritage asset “in time”. I do not consider it presently meets the definition of being a “heritage asset” as set out in the Glossary of the NPPF and I will propose it to be deleted from the list.
87. I did seek clarification as to the extent of the designation of the Gloucester and Sharpness Canal and the Parish Council confirmed it was expected to cover the canal, the towpath and the canal banks. I will clarify that in my recommendation.
88. In terms of the ridge and furrow fields, I have examined many neighbourhood plans where these have been identified as non-designated heritage assets. However Figure 12 b shows ridge and furrow fields, which have not been verified as such and I will be recommending that these areas are excluded from the designation.

Recommendations

Delete “HA07 The “Nest” on Slimbridge Roundabout”

After “HA15 Gloucester and Sharpness Canal” insert “– canal channel, its banks and towpath”

Remove “Ridge and Furrow fields – not verified” from Figure 12 b

The Referendum Area

89. 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 Slimbridge Parish Neighbourhood Plan as designated by Stroud District Council on 23rd July 2023 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

90. I congratulate Slimbridge Parish Council on reaching a successful outcome to the examination of its neighbourhood plan.
91. It is clear that a lot of hard work has gone into this plan by volunteers on behalf of the local community over the last few years and I am pleased to recognise their sterling work.
92. This is a locally distinctive plan which deals with the issues that are important to the community. The plan recognises that the issues around the proposed new settlement at Wisloe Green are beyond the scope of the neighbourhood plan and will be resolved through the local plan process.

93. 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.
94. **I am therefore delighted to recommend to Stroud District Council, that the Slimbridge 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
15th 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 SCE1</i> Delete the first two paragraphs of the policy and move to the supporting text. Include a map showing the River Cam and Lighenbrook catchment area as Figure 3c. Replace all the text in the third paragraph after "flooding issues" with "as shown in Figures 3a, 3b and 3c shall be subject to a sequential test, other than for minor development and changes of use, to avoid placing people and property at risk from flooding, in accordance with the requirements set out in paragraphs 159- 169 of the NPPF (the version issued on 5th September 2023) and, where permitted, should include appropriate mitigation and construction methods".</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 SCE2</i> In the final paragraph replace "should seek" with "are encouraged" and insert at the end "as set out in Appendix A" Insert at the end of the plan document, Appendix A and then include the table</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>

**set out in page 13 of the LETI Climate
Emergency Retrofit**

*Policy SCE3
At the end of the bullet points in the first
paragraph insert
“Possible actions related to householder
planning application could include some of the
following: -*

- Install green roofs or rain-gardens to capture, filter and manage excess water;*
- Create new habitats on site, including ponds and bog gardens to deal with heavy rain fall;*
- Use permeable surfacing;*
- Increase areas of planting including. a diverse mixture of native species to intercept surface water;*
- Create a compost heap to compost waste and improve soils;*
- Create new habitats including; ponds, bog gardens, areas with log piles and long grass;*
- Create new wildlife friendly linear features (e.g. native, mixed-species hedgerows) particularly along the edges of roads, to improve air quality;*
- Select plants to provide a variety of food for wildlife e.g. nectar rich/berries/grasses;*
- Protect and retain existing mature trees, especially orchard trees;*
- Increase tree cover with local orchard species;*
- Minimise areas of heavily managed amenity grass considering using wildflower and meadow mixes on less intensively used areas.”*

Agreed

For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions.

<p><i>In the second paragraph replace” must be supported by a statement that sets out” with “should demonstrate”</i> <i>Delete the final paragraph.</i></p>		
<p><i>Policy SCE4</i> <i>At the end of the first paragraph, after “resisted” insert “except where there are wholly exceptional reasons and a suitable compensation strategy exists”</i> <i>In the key of Figure 7 after “Veteran Tree - willow” insert “at Map references SO 72759 04247; SO 72689 04204; SO 72591 04139: See inset for a more accurate location of the ancient trees”</i> <i>Delete the second paragraph.</i> <i>Amend the second title to read “Other existing Trees and Woodland”</i> <i>In the first sentence of the third paragraph of the policy, delete “and hedgerows”</i> <i>Under the title New Trees, omit all the text in the final paragraph after “supported”</i></p>	<p>Agreed</p>	<p>For clarity</p>
<p><i>Policy SCE5</i> <i>After “environmental impacts” insert “including cumulative impact”</i></p>	<p>Agreed</p>	<p>For clarity.</p>
<p><i>Policy SD1</i> <i>After “National Model Design Code” insert “, the National Design Guide”</i> <i>Replace the third paragraph with “Developments are encouraged to be designed to reduce carbon emissions and energy demand. High standards of sustainable design and construction will be supported. Both new build and refurbishment of existing homes are encouraged to meet the energy use targets as set out in the Net Zero Carbon Toolkit (2021)”.</i> <i>Delete the final paragraph of the policy.</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>Policy SD2 The policy be deleted.</p>	Agreed	To be in general conformity with national policy and therefore ensure it meets the basic conditions.
<p>Policy SD3 Delete “in principle”</p>	Agreed	For clarity.
<p>Policy SLW1 In the first two bullet points replace “and/ or” with “or”</p>	Agreed	For clarity.
<p>Policy SLW2 Insert individual site plans showing the extent of each local green space</p>	Agreed	For clarity.
<p>Policy SLW4 Replace the second sentence with “Where planning permission is required, any proposal for small scale development that falls within Use Class E will be supported where;</p> <ul style="list-style-type: none"> • There will be no unacceptable impact on the amenities of residential properties in the immediate locality; and • Measures to mitigate any adverse impact of traffic generation, noise and odours are included, where required” 	Agreed	For clarity
<p>SLW4 In the second bullet replace “where appropriate” with “or well-designed new buildings”</p>	Agreed	To be in general conformity with national policy and therefore ensure it meets the basic conditions.
<p>SLH2 Delete the first paragraph Include a map of the area around Lighten Brook, Lynch Field and Stanborough Mead and insert at the end of the second paragraph “as shown in Figure X” Delete the final paragraph</p>	Agreed	For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions.

<p><i>SLH3</i> Delete “HA07 The “Nest” on Slimbridge Roundabout” After “HA15 Gloucester and Sharpness Canal” insert “– canal channel, its banks and towpath” Remove “Ridge and Furrow fields – not verified” from Figure 12 b</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>
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