

# Brimscombe and Thrupp Neighbourhood Development Plan 2022-2040

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## Initial Comments of the Independent Examiner

**Prepared by**

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**17<sup>th</sup> November 2023**

## **Introductory Remarks**

1. As you will be aware, I have been appointed to carry out the examination of the Brimscombe and Thrupp Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents which I have been sent. I visited Brimscombe and Thrupp Parish and the surrounding settlements and countryside on Wednesday 15<sup>th</sup> November 2023.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but that may only be necessary, if there are issues that emerge from the responses to this note which I feel warrant further exploration.
3. Set out in the following paragraphs are a number of matters that I wish to receive, either clarification or further comments / information from the Parish Council or in some cases from Stroud District Council. Such requests are quite normal during the examination process and the replies will help me prepare my report and come to my conclusions.

## **Regulation 16 Comments**

4. I would firstly like to offer the Parish Council the opportunity to comment on the representations that were submitted as part of the Regulation 16 consultation. I am not expecting a response in respect of every point, just those that the Parish Council feels it wishes to respond to.

## **Stroud Local Plan**

5. I would like the District Council to identify which of the adopted local plan policies are considered to be strategic policies, in the context of the basic condition test requiring that the plan should be in general conformity with.
6. I have seen that the Local Plan Review is currently at examination. Is the District Council in any position to estimate when the new local plan is likely to conclude its examination stage - a best guess estimate would suffice. I need to establish what weight to give the emerging policies, although not necessarily in terms of the above-mentioned basic condition. I appreciate that the Joint Inspectors have asked for various matters to be addressed post the hearings. I am assuming that none of the additional work being undertaken has implications for this neighbourhood plan.

## **Mapping**

7. I have to express a particular concern generally with the quality of the mapping in the plan, particularly in terms of the legibility and utility of the maps, showing designations, against a backdrop of the whole parish. The plans have been reduced, to fit within the layout of the pages in document and it is difficult to be able to identify specific boundaries, whether it be the boundary of the

protected open spaces shown in Figure 2, or the designated wildlife sites in Figure 4, the notable habitats in Figure 5, the priority habitat sites in Figure 6, the boundaries of the character areas in Figure 7. Would it be possible to have maps at a larger scale, perhaps at A4 size or with a stronger base map to allow sites to be more easily identified.

8. I raise this issue due to the fact that decision makers are likely to be struggling to determine whether a site is within or not within some of the areas shown or is affected by a particular policy, It may be understood by the Parish Council but may not be so clear for officers in the planning department or a Planning Inspector dealing with an appeal.
9. I wonder whether the District Council could assist the Parish Council in making the mapping clearer. I did find it using the document particularly challenging when I was trying to identify the location of some sites during my site visit and I am sure that others would struggle in the same way.

### **Policy CC2: Renewable and Low Carbon Energy Generation**

10. The equivalent local plan policy refers to “schemes being of direct benefit to the area and the local community”. Does the District Council have a view as to whether the model of a Community Energy Enterprise is the only acceptable way for demonstrating direct community benefits? Does it consider that the detailed proposals are in line with the requirements set out in paragraph 156 of the NPPF or does it go further?
11. Could the Parish Council comment on whether all the requirements of the policy are relevant for the installation of solar panels or perhaps a riparian site owner promoting micro hydropower, would need to enter the same arrangement for being a CEE to meet the requirements? It seems to me that the policy is geared much more towards wind turbines rather than other forms of renewable energy.

### **Policy CC3: Sustainable Transport and Active Travel**

12. This policy applies to **all** development, but there are many developments which have no implications in terms of sustainable transport. What threshold with the Parish Council suggest should be applied i.e. should it be developments which generate additional travel movements?
13. Is there an approved scheme for improving the environment for pedestrians and cyclists along the A419 that applicants could be expected to deliver or contribute to.

### **Designated Wildlife Sites**

14. This is another policy where the clarity of mapping comes into play – can the scale of Map 4 be increased? Also, the numbers ascribed to the sites refers the reader to a website – can they be identified in the actual plan?
15. Is Site 14 actually located outside the parish boundary?
16. What is the Golden Valley Route Project?

#### **Policy CC4: Natural capital and Ecosystems Services**

17. Again, the policy places a requirement on **all** development, which would include changes of use. Is the intention that the policy should apply to changes of use of existing buildings or just new buildings?
18. Can the Parish Council give an example of how new development would be able to reduce levels of pollution along London Road?
19. Where would an applicant or decisionmaker go to ascertain whether a development is in accordance with the “best practice in application of nature-based sustainable urban drainage systems.”?

#### **Policy LRD2: Locally Valued Views**

20. A neighbourhood plan policy cannot cover land that falls outside of the plan area, even if it identifies a viewpoint with a view into the plan area as it would inevitably cover land outside the parish. In that this instance, it appears that four of the identified viewpoints, namely viewpoints 3,4,9 and 10 are all outside the neighbourhood plan boundary.
21. A decision maker will find it very difficult to ascertain the actual point the view is experienced from. Would it be possible for the individual viewpoints to be identified in separate inset plans so a decision maker would know from which point to assess the impact of a proposed development? Can the Parish Council also expand on why the particular viewpoints were chosen.
22. Whilst on my site visit, I was struck by the fact that the choice of some of the viewpoints are not particularly important or worthy of their status as being valued views, certainly compared to some other views across the valley, from the streets on the hillside. Some, for example, LVV2 Brimscombe Corner which is described as a typical view, but in the justification, it is the role of the local shops which the plan values, as a direct service to the population rather than identifying it as a particularly key vista.
23. Similarly, LVV7, Ham Mill, strikes me as not necessarily an important view in landscape terms, but rather its importance lies in it being a heritage site that requires sensitive restoration and regeneration. In the same way the Fromside playing fields have been justified, not in terms of the landscape significance but rather based on their than importance as a leisure facility which can be covered by other policies.

#### **Policy LRD3: Pre – application Community Engagement**

24. It is clear that the Parish Council recognises the value of pre-application engagement. That is in line with good practice and the Secretary of State advice. I note that the wording reflects paragraph 40 of the Framework. Is it the Parish Council’s expectation that an acceptable planning application could be refused on the basis that the applicant has chosen not to enter pre-application discussions?

### Policy E2: Home Working

25. Could the District Council comment on whether workspace that is ancillary to a primary residential use, could actually be described as commercial space?

### Policy CW1: Green Spaces

26. The plan identifies the Green Spaces of Community Significance by just round number. For the policy to be clearly identifying the areas to be protected by the policy, it is important that the extent of the sites should be identified by a boundary. Would it be possible for the maps to show a boundary for each of the green spaces to be identified in the same way as has been adopted for the local green spaces in the appendix. It is impossible to interpret from the map, the full extent of the proposed green spaces covered by the policy.
27. These Green Spaces of Community Significance will have a lower status than the local green spaces, yet they are essentially subject to the same level of protection as the local green space. Does the Parish Council have a view as to whether they should be subject to the same policy criteria as set out in paragraph 99 with the NPPF?

### Policy CW3: Community Facilities

28. Can the Parish Council provide me with the definition of what it considers to be a community facility as it seems to be that some of the premises identified are actually business premises e.g. local shops and Cafes which fall with in Class E of the Use Classes Order?

### Concluding Remarks

29. I am sending this note direct to Brimscombe and Thrupp Parish Council, as well as Stroud District Council. I would request that the two parties' response to my questions should be sent to me by 5 pm on **8<sup>th</sup> December 2023** and also copied to the other party.
30. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also Stroud District Council's website.

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Independent Examiner to the Brimscombe and Thrupp Neighbourhood Plan.

17<sup>th</sup> November 2023