

Hardwicke Neighbourhood Plan 2015-2031

**A report to Stroud District Council on the Hardwicke
Neighbourhood Plan**

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Executive Summary

- 1 I was appointed by Stroud District Council in April 2017 to carry out the independent examination of the Hardwicke Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 28 April 2017.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the Plan area. In particular, it proposes a series of environmental policies to control the design of new development and designates local green spaces. At its heart is an ambition to secure the future of the village as a vibrant, sustainable rural community which maintains a connection with the countryside to its south and west.
- 4 The Plan has been significantly underpinned by community support and engagement. It seeks to achieve sustainable development in the plan area and which reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to the recommended modifications set out in this report I have concluded that the Hardwicke Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
8 June 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Hardwicke Neighbourhood Plan 2015-2031 (the Plan).
- 1.2 The Plan has been submitted to Stroud District Council (SDC) by Hardwicke Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both SDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations SDC carried out a screening assessment. The conclusion of the draft screening report

was that there were no significant environmental effects as a result of the production of the Plan.

- 2.7 The required consultation was carried out with the three prescribed bodies. All three were content with the outcome of the screening assessment.
- 2.8 SDC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. Its Habitats Regulation Assessment (HRA) screening report concluded that the Plan was not likely to have any significant effect on a European site. This conclusion was supported by Natural England. In coming to this decision, the relevant bodies took account of the Rodborough Common SAC, the Cotswolds Beechwoods SAC and The Severn Estuary SAC/SPA/Ramsar site.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The various reports set out a robust assessment of the relevant information. None of the statutory consultees have raised any fundamental concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. 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. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement and its update (June 2017)
- the various Assessments in the evidence base
- the representations made to the Plan.
- the Stroud District Local Plan 2015
- National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- recent Ministerial Statements (March, May and June 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 28 April 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined in this fashion. There was one request that the examination should proceed by way of hearing. However, that representation was very detailed and gave me all the information that I need to examine the Plan.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement is generally thorough and well-prepared. It provides a proportionate level of detail to the Plan and its policies. However, the original Statement did not set out how the emerging plan took account of the various comments and representations received at the pre-submission phase of the Plan. This matter was rectified by the submission of a revised Statement during the examination process. I am satisfied that no party was disadvantaged by this omission. SDC published the revised Consultation Statement and carried out a period of targeted consultation.
- 4.3 Section 2 of the Statement sets out details of the wider consultation events that has been carried out as part the evolution of the Plan. The consultation events were well-structured and followed a clear sequence. Details are provided about:
- The inaugural workshop in September 2013
 - Designing a logo (February 2014)
 - The community general questionnaire (April 2014)
 - The consultation with the Youth Club (July 2014)
 - The Housing Needs Survey (January 2015)
 - The community drop in event (March 2015)
 - The parish Assembly (April 2015)
 - The establishment of a live website (March 2016)
- 4.4 The Consultation Statement provides very useful information about the methods of community engagement. It is helpfully supported by the reproduction of the various leaflets that were used.
- 4.5 It is clear to me that consultation has fundamentally underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the limited number of representations the submitted plan (see 4.8 below).
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. SDC has carried out its own

assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 12 April 2017. This exercise generated comments from various persons and organisations:

- Marine Management Organisation
- Sport England
- Highways England
- Gloucestershire County Council
- Stroud District Council
- Environment Agency
- Network Rail
- The Canal and River Trust
- Redrow Homes
- Natural England
- Historic England

4.9 In examining the Plan I have taken account of all the representations received. In some cases, I have highlighted specific representations in this report where it is both appropriate and relevant to do so.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area is located in the western part of Stroud District and to the immediate south of the built-up area of Gloucester. It comprises of the whole of Hardwicke parish. It was designated as a neighbourhood area on 4 February 2014.
- 5.2 The Plan area sits in an interesting landscape and provides a challenging context within which to prepare a neighbourhood plan. As the Local Plan comments, all the District's major routes to the north pass through this part of the District. They include the M5, the A38 and the Gloucester Sharpness Canal. Junction 12 of the M5 lies to the south of Hunts Grove. The motorway acts as a hard edge to the urban expansion of Gloucester City.
- 5.3 The Plan area is one of contrasts. The built-up settlement in the north of the Plan area is the principal focus of development. It sits to the north of pleasant open countryside in what the Plan describes as 'Rural Hardwicke' The traditional Hardwicke village has remained largely unchanged in terms of its layout and street pattern. The original core areas of the village are based on Church Lane and Pound Lane and St Nicholas Church. The Gloucester Sharpness Canal runs through the middle of the Plan area. It provides a fascinating route from the River Severn into Gloucester Docks. It is one of the defining features of the Plan area. The area to the west of the Canal is open countryside.

Development Plan Context

- 5.4 The development plan context is comprehensive and has provided a clear framework for the preparation of the neighbourhood plan.
- 5.5 The Stroud District Local Plan was adopted in November 2015. The Plan provides an up to date context against which the Plan can be assessed (as one of the basic conditions). All the policies in the plan are strategic policies for the purpose of neighbourhood planning.
- 5.6 The neighbourhood area is affected directly and indirectly by a series of Core Policies in the Local Plan. Core Policy CP3 sets out a settlement hierarchy for the District. The settlement of Hardwicke falls within the third of five tiers of settlements described as 'Accessible Settlements with Limited Facilities'. The Plan comments that these settlements possess a limited level of facilities and services that, together with improved 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 to provide through any Neighbourhood Plans some opportunities for growth and to deliver affordable housing. The strategic allocation of Hunts Grove, which is partly within the Plan area, is anticipated to form a tier two local service centre settlement. Core Policy CP4 provides particularly useful guidance to the Plan. It seeks to bring forward high quality

and distinctive development. Proposals are expected to be integrated into the neighbourhood concerned, to protect and enhance a sense of place and to create safe streets, homes and workplaces.

5.7 The Plan area falls within the Gloucester Fringe strategic growth area. This is one of eight mini place making plans within specific parish cluster areas in the District. Strategic development for this particular cluster includes that set out in Policy SA4 Hunts Grove extension. The part of this site within the neighbourhood area is shown on its Proposals Map. Paragraph 3.49 of the Local Plan sets out a range of guiding principles for development in this mini plan area. They include:

- The Gloucester fringe will continue to be a major focus for employment provision;
- Appropriate development will be supported to maintain Hardwicke (and Upton St Leonards outside the neighbourhood plan area) in their roles as Settlements with Limited Facilities;
- Conserve and enhance the landscape and built character of the urban/rural fringe to provide a strong and high-quality edge to the City of Gloucester;
- Secure high-quality distinctive design; and
- Improve non-motorised connections between the City suburbs and the rural hinterland.

5.8 The Local Plan also includes an extensive range of other related policies. The following policies have a particular impact on the submitted Plan:

CP2 Strategic Growth and Development Locations
 SA4 Hunts Grove strategic site allocations
 SA4a Quedgeley East strategic site allocation
 HC1 Meeting small-scale housing needs within defined settlements
 ES7 Landscape Character

Site Visit

5.9 I carried out an unaccompanied visit to the Plan area on 28 April 2017. I approached the Plan area from the M5/A38 and Pound Lane. In doing so I was able to see the relationship between the Plan area, the strategic road network and the built-up area of Gloucester to the immediate north. I parked in the Recreation Ground in Green Lane. Given the compact nature of the Plan area I was able to carry out the majority of my visit on foot.

5.10 I looked initially at the Recreation Ground and the associated playing fields. They were very well-maintained. I saw the very effective post and rail fence and hedgerow that forms its southern boundary.

5.11 I then walked back along Pound Lane to the village pond opposite the corner of Green Lane and Sticky Lane. I saw that it was also very well-maintained and provided an unexpected haven for wildlife. I then continued into Sticky Lane to look at

the Village Green and the Millennium Stone. I saw the range of Horse Chestnut trees in various places on the Green.

- 5.12 I then carried on along Green Lane and walked to the south along Glevum Way. It was being extensively used during my visit. In doing so I walked through the various identified open spaces and the local green space in this part of the Plan area.
- 5.13 I then carried on south to the Church and then along Stank Lane to the Canal.
- 5.14 I then walked back to the north along Church Lane and Sellars Road up to the Pilot Inn. I saw some very interesting buildings as I did so, including Old Hall.
- 5.15 In order to get a full impression of the Plan area I drove around the local road network including the built-up part of Hardwicke to the north of Green Lane and to the west of the Canal.
- 5.16 I finished my tour around the village by driving along A38 towards Gloucester. In doing so I saw the employment land at the A38 roundabout and the allotment area to its immediate north.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Plan area:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan.
 - Seeking to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings
 - Contributing to conserving and enhancing the natural environment
 - Conserving heritage assets in a manner appropriate to their significance
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March, May and June 2015.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that aim to allow infill development to proceed within the context of high quality design. It also sets out to safeguard open spaces. Table 1 of the Basic Conditions Statement is particularly effective in terms of mapping Plan policies with the appropriate paragraphs in the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development. In the economic dimension, it includes two policies to provide a context for new housing and employment development (HOU1 and EC1). In the social role, it includes policies to promote accessibility into the countryside (GEN2), to encourage a mix of house sizes (HOU3), to maintain essential services (ISF1) and for the promotion of health and well-being through accessibility to open spaces (MTC3). In the environmental dimension the Plan positively promotes high quality design standards (GEN3) and sets out to safeguard the environmental assets in the Plan area (ENV1). It identifies a series of local green spaces (MTC2) within the context of safeguarding rural Hardwicke.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Stroud District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. I am satisfied that the Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. Other than to ensure compliance with national guidance I do not propose that major elements of the Plan are removed or that new sections are included. The Parish Council has spent considerable time and energy in identifying the issues and objectives that it wishes to be included in the Plan. This gets to the heart of the localism agenda. The various Assessments are very detailed and underpin the Plan with the type of evidence required for plan-making purposes.
- 7.4 The Plan is commendable to the extent that it includes only land use policies. This approach directly reflects Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

Sections 1 to 4 of the Plan

- 7.8 These introductory elements of the Plan set the scene for its range of policies. They do so in a concise and proportionate way. The Plan is well-presented and arranged and is supported by well-chosen photographs and diagrams. The photographs add value and depth to the text in these sections of the Plan
- 7.9 The Introduction to the Plan (Section 1) provides a very clear context to the role and purpose of neighbourhood planning and to the designation of the neighbourhood plan area. It also sets out the key stages in the production of the Plan and the context provided by the development plan. Section 2 sets out the consultation methods used as part of preparing the Plan. This section overlaps with the separate Consultation Statement. Section 4 sets out some useful information on the challenges that have been addressed in making the Plan. It provides a very useful background and context to the Plan area. It also describes the overlaps between the emerging neighbourhood

plan and the Stroud Local Plan. Section 4 describes how this evidence and context have cascaded into its Vision and Objectives. The outcomes are both logical and thorough.

- 7.10 These introductory sections demonstrate that the Plan has been prepared and submitted in a structured and ordered way. The policies have been developed in an iterative fashion and are the outcome of research and an assessment of available information.

Policies in General

- 7.11 The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will ensure that decision-makers have clarity on the policies in the Plan. In appropriate circumstances the policies are criteria-based. The adoption of this approach will provide useful long-term clarity for decision makers, local residents and land owners and investors alike.

Policy GEN1 - Settlement Boundary

- 7.12 The policy sets out a strategic context to development in the Plan area by establishing

a settlement boundary. Having done so the policy then has a focus on setting out the types of development that would be appropriate outside the settlement boundary.

- 7.13 SDC comments that the policy is vague and does not consolidate the policy basis already set out in the development plan. In particular, it comments that the policy fails to identify the type of development that would be acceptable within the settlement boundary. It also comments that there is conflict with national and local policy regarding what development is appropriate in rural areas.

- 7.14 Redrow Homes raise similar comments within the context of its promotion of land for residential development in the general area to the south of Green Lane. It argues that the wording of the policy is excessively prohibitive and allows no flexibility to meet national planning objectives. I address the open space matters in greater detail in relation to Policy MTC2 in the Plan.

- 7.15 This policy is clearly a fundamental element of the submitted Plan. It provides the context to other policies. On this basis, it is important that it has regard to national policy and is in general conformity with strategic policies in the development plan. Paragraph 55 of the NPPF sets out circumstances where residential development may be acceptable in rural areas. Other elements of the NPPF make more general commentary on supporting a prosperous rural economy. Policies CP2/CP3/CP4 of the Stroud Local Plan provide a strategic context for the control of development in the District. Whilst there is no specific need for a neighbourhood plan to include policies on each and every issue where they do so there is an expectation that they provide a neighbourhood plan context to the relevant strategic local policy context.

- 7.16 The representation from Redrow Home draws my attention to the interim findings of the Planning Inspector who is currently examining the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. Redrow Homes also comments that the submitted neighbourhood plan is premature and prejudicial to the local plan process for both the Stroud Local Plan Review and for the JCS area. As part of my clarification of a series of matters with SDC on the submitted Plan I was advised that the Stroud Local Plan review process will commence in Autumn 2017 and is likely to conclude in 2022.
- 7.17 Plainly the neighbourhood plan has been submitted in challenging circumstances. Whilst some neighbourhood plans have had to grapple with emerging local plans within largely self-contained district areas, the Hardwicke Plan has the additional complication of the stated inability of the JCS authorities to accommodate the full extent of their housing needs within their administrative areas and its potential future implications on the neighbourhood area. In order to provide a solid basis on which a neighbourhood plan can be prepared the requirement is for it to be in general conformity with the strategic policies in the adopted development plan (in this case the Stroud Local Plan). Planning Practice Guidance (41-009-20160211) requires that neighbourhood plans take account of emerging local plans by sharing evidence and working collaboratively. In this case, the alignment and timing of the plans concerned has simply not allowed this to take place. As such I am satisfied that there is no prematurity issue as part of this examination. The same paragraph of the PPG is very clear that a neighbourhood plan can be submitted before or at the same time as the local planning authority is developing its local plan (in this case the Local Plan review).
- 7.18 At the same time I am satisfied that the submission of the neighbourhood plan will not prejudice either the Local Plan review or the future progress of the JCS. In particular, the former will make its own assessment of the Hardwicke site as promoted by Redrow Homes. In the case of the latter, the JCS main modifications are proposing an early review to address Gloucester's longer-term needs. Within this context, the local community and others will have their own opportunity to comment on any such draft proposals. In the scenario in which the proposal was included in the Local Plan review that Plan would have favour with the decision-maker as the last document to become part of the development plan. In any event, however national policy is clear that it is important to boost the supply of housing land (paragraph 47 of the NPPF). Within this context, I recommend that the sentence in the supporting text indicating that Hardwicke does not need any additional housing is deleted. Plainly this will be determined in the wider context of the Local Plan review.
- 7.19 Taking all these matters into account I recommend a series of modifications both to the policy and to its supporting text. In particular, the modifications to the policy make an appropriate distinction between development that would be acceptable within the settlement boundary and outside that boundary. The recommended modifications to the text provide a broader commentary to the policy itself. As some elements of the text in the submitted Plan are recommended for inclusion in the policy they are then recommended for deletion from the supporting text.

Replace the policy with the following:

Development proposals will be supported within the settlement boundary as shown on the policies map, on existing employment sites, and on sites allocated within the Stroud District Local Plan provided they meet the criteria set out in other policies in the Local Plan.

Outside the settlement boundary development appropriate to a rural area will be supported where it:

- **meets the essential need for a rural worker to live permanently at or near their place of work in the countryside; or**
- **would represent the most viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or**
- **would re-use redundant and disused buildings and lead to an enhancement of their immediate settings; or**
- **would incorporate a dwelling of exceptional quality or innovative nature of design; or**
- **otherwise satisfies criteria set out in the development plan for development in rural areas**

All development should reflect the characteristics of its locality in general, and should safeguard the open spaces and local green spaces identified in this Plan.

Insert the following sentence at the start of the supporting text:

Policy GEN1 provides an overarching spatial approach to the Plan. It establishes a settlement boundary and identifies the types of development that will be supported both within and outside this boundary.

Delete As such, Hardwicke.... meet its needs'

Delete the final paragraph of the supporting text and replace it with the following:

Development outside the settlement boundary will be controlled in a manner that is consistent with both national and local planning policies. The second part of the policy sets out the types of development that will be supported in this rural area. This policy and others elsewhere in the Plan seek to reinforce the importance of the countryside to the south and west of the settlement boundary. They also respect the importance of the historic core of Hardwicke village based on the Parish Church of St Nicholas, Church Lane, Pound Lane and Sticky Lane.

Policy GEN2- Accessibility

- 7.20 This policy offers support to proposals that will contribute towards improving access to the countryside for visitors and residents alike. The supporting text helpfully identifies the opportunities for circular walk/cycle trails based on the Glevum Way, the Church and the Gloucester-Sharpness Canal.

- 7.21 The policy and its supporting text are well-crafted. They are distinctive to the Plan area. The policy meets the basic conditions.

Policy GEN3 - High Quality Inclusive Design

- 7.22 This policy identifies the Plan's objectives for high quality design. It does so in a very comprehensive fashion. It requires development proposals to have regard to local context and character. It also provides an overlap with Local Plan policy.
- 7.23 The policy has regard to national policy. In particular, it accords with paragraph 60 of the NPPF to the extent that it seeks to promote and reinforce local distinctiveness without being prescriptive. It is also in general conformity with the strategic policies of the development plan. It meets the basic conditions.

Policy HOU1 – Infill Development

- 7.24 This policy would apply both within the existing settlement boundary and within the areas shown on the policies map where new strategic allocations are proposed by the District Council. The policy is underpinned by a series of criteria, all of which are both appropriate and distinctive to the Plan area.
- 7.25 I recommend a modification to the opening part of the policy so that it gives the necessary clarity to the decision-maker. This will ensure that the policy has regard to national policy.

Replace 'considered...that:' with 'supported subject to the following criteria'

Policy HOU2 – Providing well-designed homes

- 7.26 This policy sets out the Plan's ambition for the delivery of well-designed new homes. It expects new dwellings to be visually attractive as a result of good architecture and appropriate landscaping.
- 7.27 In its representation SDC comments that the policy is vague and is open to subject interpretation. I agree with its comments. I recommend a modification to address the issue and to frame the policy so that it can be readily applied through the development management process. This will give it the clarity required by the NPPF.

Replace the policy with:

Proposals for new residential development will be supported where the houses:

- **are visually attractive as a result of good architecture and appropriate landscaping;**

- **draw on the existing character of the immediate area; and**
- **reflect good design principles set out within the Stroud Local Plan and supplementary planning guidance**

*At the end of the supporting text following the policy add the following sentence:
Policy HOU2 draws attention to the need to reflect supplementary planning guidance produced by the District Council. The Stroud District Residential Design Guide SPG (November 2000) is particularly applicable to this policy’.*

Policy HOU3 – Dwelling Mix

- 7.28 This policy sets out a requirement for new residential development to provide an appropriate mix of dwelling types and sizes. The supporting text refers to the Future Housing Assessment document. It also draws attention to the Hunts Grove development.
- 7.29 The approach taken is appropriate and evidence-based. I recommend a modification to frame the policy so that it can be readily applied through the development management process. This will give it the clarity required by the NPPF.

Replace ‘will’ with ‘should’

Policy HOU4 – Residential Gardens

- 7.30 This policy addresses new residential proposals in gardens of existing dwellings. The supporting text comments about some new developments of this type which, in the opinion of the Parish Council, have conflicted with the general pattern of the settlement.
- 7.31 SDC suggests that the policy approach is adequately controlled by Policy HOU1 and could therefore be deleted. I agree that such an approach would have merit. Nevertheless, on balance I am content that the policy should remain in the Plan, albeit in a modified format. It is not within my remit to improve the Plan and the deletion of this policy is not necessary to ensure that the Plan meets the basic conditions.
- 7.32 I recommend modifications both to the policy itself and to the supporting text. In relation to the policy I recommend that its format is modified so that it provides clarity to the decision-maker on what types of proposals will and will not achieve planning permission. As submitted the policy requires only that applicants demonstrate that they do not cause significant adverse impacts. In relation to the supporting text I recommend that it cross-refers the policy to Policy HOU1.

Replace ‘need to...that’ with ‘be supported where’ and ‘local character and amenity’ with ‘character, appearance and amenities of the immediate locality’.

Add the following sentences at the end of the supporting text:

Policy HOU4 addresses this particular matter due to its significance to the local community. The policy has been designed to add value to Policy HOU1 in this Plan. That policy is more general in the issues it addresses. Proposals for residential development in existing gardens will need to comply with the provisions of both policies.

Policy ISF1 – Maintain Services

- 7.33 This policy sets out to safeguard existing local facilities and services. The policy would resist their loss through redevelopment or change of use unless it can be demonstrated that the facility is no longer viable. The Facilities and Services Assessment helpfully sets out the existing services of this nature in the Plan area, and those that will be delivered on the forthcoming Hunts Grove development.
- 7.34 I am satisfied that the principle and purpose of this policy is both appropriate and distinctive to the Plan area. In particular, it takes account of the new facilities that will be developed at Hunts Grove. However, I recommend two modifications to ensure that the policy meets the basic conditions. The first provides the clarity required by the NPPF in identifying in the policy that the local facilities and services to be safeguarded are those listed in the Assessment. This is not immediately apparent in the submitted policy. I also recommend that the Assessment lists only those facilities within the Plan area. The submitted version includes several facilities in the adjacent parish. Whilst I acknowledge that residents of Hardwicke will use these and other facilities a neighbourhood plan cannot control development elsewhere.

Insert ‘as listed in the Facilities and Services Assessment’ between ‘services’ and ‘through’

In the Facilities and Services Assessment delete any facility that is located outside the neighbourhood area

Policy MTC1 - Gloucester Sharpness Canal

- 7.35 This policy celebrates the importance of the Canal to the history and the environment of the Plan area. It recognises its increasing recreational and leisure value and supports proposals that would enhance these features.
- 7.36 The policy and its supporting text are well-crafted. The policy meets the basic conditions.

Policy MTC2 – Safeguarding Rural Hardwicke and its rural character

- 7.37 This policy identifies a significant amount of land to the south-west of Green Lane as open space. The intention of the policy is to safeguard the rural character of this part of the Plan area. The policy itself reads as though the open space is a single open space. However, the supporting text and the associated Open Space Assessment clarify that there are 25 separate proposed open spaces. Eight of the open spaces are proposed as local green spaces (LGSs) based on the community’s assessment

of the various open spaces against the criteria in the NPPF (paragraph 77). The various open spaces vary significantly in size. At one extreme, open space 21 is 0.1 acres in extent, whereas at the other extreme open spaces 4 and 9b are 41.4 acres and 36.7 acres respectively.

- 7.38 The Open Spaces Assessment is very thorough in the way it scores the various sites against a series of factors. Several of the factors overlap with information in the NPPF relating to key principles for the designation of LGSs. Its section 6 is particularly helpful in describing each of the sites and identifying the ways in which the community consider them to be important. The Assessment also underpins the next policy which addresses open spaces and green infrastructure.
- 7.39 The policy has attracted a representation from Redrow Homes. There is a significant overlap between the various open spaces to the south-west of Green Lane and land which it is promoting for residential development. This matter has already been addressed in this report in paragraphs 7.14 to 7.18.
- 7.40 As I mentioned earlier in this report I looked at the various sites in detail on my visit to the Plan area. For the purpose of the examination I will address the proposed LGSs in some detail given the significance that they have in the NPPF and the implications of their designation for this purpose. In each case I will make my own assessment against the three criteria in the NPPF.

Area 2: Playing Fields north of Green Lane (9.6 acres).

- 7.41 This is a traditional recreation ground. It has a full-size football pitch and two smaller junior pitches with a range of ancillary facilities. I am satisfied that it is in close proximity to the community it serves. In particular, it sits to the west of the village hall and the Royal British Legion building. It is also clear that the playing fields are demonstrably special to the local community by virtue of its extensive formal and informal recreational use. It is the only formally-recognised and maintained recreational area in the village. It is local in character. The playing fields comfortably satisfy the criteria for LGS designation.

Area 3: Footpaths between Green Lane and the Church

- 7.42 This proposed LGS is a footpath linking Green Lane to the Church. I walked along sections of the path on my visit to the Plan area. I understand fully the comments made in the Assessment about the attractiveness of its various vistas and its extensive use. Nevertheless, the footpath is a footpath rather than an open space in its own right. It does not meet the rigorous criteria in the NPPF for LGS designation. In any event the footpath is safeguarded through separate highways legislation. On this basis, I recommend that it is not identified as LGS.

Area 5: Area around the village pond

- 7.43 This area is as described in the Assessment. I looked at it as part of my visit. It is a classic LGS. It is a small parcel of open space close to the community it serves.

Area 6: The Village Green

- 7.44 The area is a rectangular village green. At its northern end, there is a very impressive Millennium stone. It is a tranquil area at the heart of the historic village. I saw from my visit that it was both well-maintained and well-endowed with Horse Chestnut trees. I am satisfied that it meets the criteria for designation as a LGS.

Area 8: Four Mile Elm allotments

- 7.45 This proposed LGS is a well-used series of allotments to the immediate west of the A38. As the Assessment comments, it represents a haven of calm in an otherwise busy area dominated by traffic noise. It clearly provides recreational benefits to those who tend the allotments. It is in close proximity to the community it serves and is local in scale. I am satisfied that the site meets the criteria set out in the NPPF.

Area 9a: Open Fields on the south-east side of Church Lane

- 7.46 For clarity this is the smaller part of the site within the northernmost part of the wider area 9 in the Open Spaces Assessment. I walked through this parcel of land when I visited the Plan area.
- 7.47 The parcel of land is very different in its character from the wider area 9 and indeed the other parcels of agricultural land proposed as open spaces elsewhere in the Plan. Rather than being in arable use it is open grassland. The Assessment comments that the parcel of land is well-known by the community for walking or strolling. I saw several people doing just that on my visit.
- 7.48 I am satisfied that the proposed LGS is within close proximity of the community it serves. I am also satisfied that it is local in scale and is not an extensive tract of land. At 5.1 acres, it is modest in size. The Assessment describes certain attributes of the site which confirms that it is demonstrably special to the local community and holds a particular local significance. Information is provided about its informal recreational use, its tranquillity and its ecological importance. With its views of the Church tower and the Cotswold AONB and the escarpment, the area is considered to epitomise the local character of Hardwicke. I agree with this assessment and consider that the identification of this parcel of land meets the basic conditions for designation as a LGS.

Area 16: Dales Wharf Promenade

- 7.49 This area of proposed LGS is very distinctive to the Plan area. It is well-known in the community and has benches and a grass space between the promenade itself and the adjacent gardens. It is an important area that links a modern residential

community to its maritime heritage. It comfortably meets the criteria for LGS designation set out in the NPPF.

Area 22: Open Space between Dales Wharf promenade and the Dinmore Brook crossing

- 7.50 This area sits to the immediate north of Area 16. It is a tranquil space with a variety of landscaping and wildlife. It comfortably meets the criteria for LGS designation set out in the NPPF.
- 7.51 The evaluation of the proposed local green spaces in this section of the report should be read with the equivalent exercise for the proposed open spaces in Policy MTC3. Within the context of the submitted Plan an interconnected series of local green spaces and open spaces were proposed both in their own right and to safeguard the rural character of Hardwicke in general, and to the south-west of Green Lane in particular. To take account of the outcomes of this evaluation I recommend modifications to the contents and the structures of both policies. Both are underpinned by the Open Spaces Assessment. Policy MTC2 (as modified) would focus on local green spaces. Policy MTC3 (as modified) would focus on open spaces.

Replace the policy with the following:

The Neighbourhood Plan designates the following locations as Local Green Space, as shown on the Policies Map:

- **Playing Fields north of Green Lane**
- **Area around the Village Pond**
- **The Village Green**
- **Four Mile Elms allotments**
- **Open Field on south east side of Church Lane**
- **Dales Wharf Promenade**
- **Dales Wharf Promenade/Dinmore Brook crossing**

New development will not be permitted on land designated as Local Green Space except in very special circumstances

Replace the first and second paragraphs of supporting text with the following:

The Open Spaces Assessment has identified a series of open spaces that are important to the community. In different ways, they provide an outlook from the built-up area and the range of footpaths offer good opportunity for outdoor amenity activities. Some of the open spaces are identified as local green spaces. These are addressed in policy MTC2. Some of these local green spaces sit to the south of the built-up area. They help to provide a wider connection to the countryside in general, and to the historic core of Hardwicke in particular.

Policy MTC3 – Health and Well-being

- 7.52 This policy provides a context within which open spaces can be safeguarded, retained and enhanced. It is underpinned by the Assessment as detailed in the previous policy.
- 7.53 It is clear that significant effort and research has been invested in the Assessment in general, and its identification of LGSs and open spaces in particular. I am satisfied that in principle the characteristics of the Plan area warrant the identification of both LGSs and open spaces.
- 7.54 In terms of the details in the Assessment I am satisfied that many of the identified open spaces meet the basic conditions. In particular, they have a close affinity with the concept of open space as addressed both in the NPPF and Planning Practice Guidance. They are areas in use as open space and for sporting and recreational purposes. They are important in their role in promoting healthy communities.
- 7.55 However I recommend that the following proposed open spaces are deleted from the Policies Map:

Fields behind Tudor Cottages
 Fields to the north west of Church Lane
 Fields between Sticky Lane and the Quedgeley Business Park
 Fields to the south east of Church Lane
 Fields north of Shorn Brook
 Fields south of Green Lane

These parcels of land have their own characteristics and appearances. They have an inherent attractiveness. They also provide an agricultural context to the historic heart of Hardwicke. Nevertheless, they are not areas of open space within the context of national or local planning policies. They are parcels of agricultural land of different shapes and sizes. Other than where public footpaths run through certain parcels of land there is no public access into the land concerned nor do they have any direct recreational use. In several cases, they are very significant tracts of land.

- 7.56 Plainly the parcels of land provide an important context to the distinction between the urban and rural landscapes in the Plan area. This matter is addressed in my recommended modifications both to Policy GEN 1 and to its supporting text. This overall spatial policy (as recommended to be modified) has regard to national policy. It represents the most appropriate way in which decisions on the spatial distribution of development can be made in a strategic fashion.
- 7.57 I also recommend that the supporting text is modified so that it properly takes account of the recommended modifications. This will provide the clarity required by the NPPF both to the developer and to the decision-maker alike.

Add ‘as shown on the policies map’ after ‘infrastructure’
Delete ‘as well as open spaces’
Add the following as a separate paragraph to the policy:

Proposals to provide easy and safe access to local parks and valued informal open spaces will also be supported.

Delete the following proposed open spaces from the policies map:

Fields behind Tudor Cottages

Fields to the north west of Church Lane

Fields between Sticky Lane and the Quedgeley Business Park

Fields to the south east of Church Lane

Fields north of Shorn Brook

Fields south of Green Lane

Replace the supporting text with the following:

Policy MTC3 provides a context for the protection and enhancement of open spaces in the Plan area. They are shown on the policies map and their details are set out in the Open Spaces Assessment January 2017. Footpaths within these areas and footpaths that connect into these open spaces should also be retained.

Policy ENV1 – Environmental Assets

- 7.58 The policy provides a context within which the natural environment will be conserved and enhanced through the Plan period. It makes a specific series of requirements with which new development should comply.
- 7.59 The policy is appropriate to the Plan area. It has regard to national planning policy. I recommend a modification to clarify the requirement or otherwise for the need to provide and maintain effective sustainable urban drainage systems. As SDC comment this requirement will not necessarily extend to each and every development site. I also recommend that the format of the criteria lettering is corrected.

Insert ‘where proven necessary’ after criterion d.

Remove the double layering of letters applied to the criteria

Policy ENV2 – Landscape

- 7.60 This policy sets out to ensure that new development protects existing trees, hedgerows and other landscape features. It also requires that new planting should incorporate native species. This policy is particularly appropriate given the sensitive location of the Plan area on the southern fringe of Gloucester and within the Rolling Agricultural Plain landscape area.
- 7.61 I recommend a modification to the policy to bring clarity to the new planting requirements.

Replace ‘arboreal species to’ with ‘trees and shrubs characteristic of’.

Policy ENV3 – Wildlife

- 7.62 This policy sets out to protect valuable biodiversity habitats as shown on the proposals map. The various areas are identified in the Ecological Assessment document. The policy continues by offering support for proposals that would contribute to the net improvement of biodiversity and wildlife corridors in the areas that surround these identified sites.
- 7.63 The policy has regard to national planning policy (NPPF 109-119) and is in general conformity with the development plan. I recommend two modifications to the policy to ensure that it meets the basic conditions. The first provides the clarity required by the NPPF in identifying in the policy how the decision-maker will react to any proposals for development on the identified sites. The second repositions key elements of supporting text from the policy into the supporting text.

Replace the first paragraph of the policy with:

Proposals for development on land identified as Biodiversity Sites on the Policies Map will not be supported.

In the second part of policy delete ‘Green wildlife...and fauna’

Add the following sentence at the end of the supporting text:

‘Policy ENV3 recognises that green wildlife corridors are important to help safeguard local flora and fauna. On this basis, the second part of the policy sets out a positive context within which new development that contributes to the net improvement of biodiversity and wildlife corridors in the surrounding area will be supported’.

Policy CT1 – Parking

- 7.64 This policy addresses the matter of developments that generate high levels of traffic. The Parochial School is identified as a particular example of this type of use.
- 7.65 There is a degree of disconnection between policy itself and the supporting text. The policy comments that developments that generate high levels of traffic will be encouraged to provide areas of parking and drop off points. As submitted this policy does not have the clarity required by the NPPF. In any event the supporting text is more focused on new developments providing car parking to standards identified in the development plan. I recommend modifications to both the policy and to the supporting text. In relation to the former the modification will ensure that development plan parking standards are respected and that drop off points are provided where appropriate. In relation to the supporting text they reflect the recommended modifications to the policy.

Replace the policy with the following:

All new development should provide car parking in accordance with the standards set out in the development plan. Where appropriate proposed developments that attract high levels of traffic at certain times should provide for car parking and drop off facilities either within the site or within close proximity to the facility.

Reverse the position of the two paragraphs of supporting text.

In the first paragraph replace 'Gloucestershire.... Stroud District Local Plan' with 'development plan in place at the time of the determination of any planning application. At the time of the submission of the Plan this was Policy CP13 of the Stroud District Local Plan. This Plan gives a local dimension to the Gloucestershire Local Transport Plan.'

In the second paragraph add the following sentence at its end:

In appropriate circumstances developments that generate significant levels of traffic at specific times during the day should also provide dropping off facilities in order to ensure the safety of the local highway network'.

Policy EC1 – Location of Employment Development

- 7.66 This policy identifies that new employment uses should be directed towards existing employment areas as shown on the Policies Map. It also comments that proposals for employment development elsewhere will be considered against the requirements of General Policy 1.
- 7.67 I am satisfied that this policy has regard to national policy. Its cross-reference to General Policy 1 is helpful in this regard. I recommend a modification to the first sentence of the policy to provide the necessary clarity to the uses addressed in the policy and to ensure that the decision maker will be able to apply the policy consistently. As submitted the policy simply requires that employment uses will be 'directed' to existing employment sites.

Replace the first sentence of the policy with:

'Proposals for new employment development (Use Classes B1, B2 and B8) on the existing employment sites as shown on the Policies Map will be supported'

Policy EC2 – Existing Employment

- 7.68 The policy identifies that proposals for the change of use of existing business premises to other non-employment use classes will be resisted unless the existing use can be demonstrated to be no longer viable.
- 7.69 I recommend a modification to the policy so that it has the necessary clarity on what proposals will and will not be supported. The policy will need to have regard to national planning policy. The General Permitted Development Order 2015 has introduced significantly different permitted development rights than those that were in place at the time the Plan was being developed. In particular Classes O and P respectively of that Order provide a degree of flexibility (subject to conditions) for changes of use from offices (B1a) and storage/distribution (B8) to residential use without the need for planning permission.

- 7.70 I also recommend a modification to the wording of the policy itself so that it provides an appropriate amount of flexibility to the decision-maker. As submitted the policy is prescriptive and will not allow SDC to consider all material planning considerations which may impact on individual proposals

Insert 'Insofar as planning permission is required' at the start of the policy.

Replace 'be resisted' with 'not be supported'.

Other matters

- 7.71 A Proposals Map has been submitted with the Plan. I recommend that it is more properly described as a Policies Map. Where I have recommended modifications to policies in this report and which require a reference to the map base I have recommended the use of 'Policies Map' in the relevant modification.
- 7.72 I also recommend that the title of the Plan reflects its purpose and becomes 'Hardwicke Neighbourhood Plan – Policies Map'. In addition I recommend that the key makes a more direct reference to the policies concerned.

Changes references from Proposals Map to Policies Map

Change the title of the Map to 'Hardwicke Neighbourhood Plan – Policies Map'

Insert the text in brackets after the following policy areas included in the submitted 'Proposals' Map

Local Green Space (Policy MTC2)

Open Space (Policy MTC3)

Employment Land (Policy EC1)

Biodiversity Sites (Policy ENV3)

Settlement Boundary (Policy GEN1)

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It is positively prepared and includes a range of housing allocations.
- 8.2 Following my independent examination of the Plan I have concluded that the Hardwicke Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a series of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Stroud District Council that subject to the incorporation of the modifications set out in this report that the Hardwicke Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Stroud District Council on 4 February 2014.

- 8.6 It is very clear to me that a huge amount of hard work and dedication has been put into the preparation of this Plan. I am grateful to everyone who has contributed towards the smooth delivery of this examination.

Andrew Ashcroft
Independent Examiner
8 June 2017