

INDEPENDENT EXAMINATION OF THE DOWN AMPNEY NEIGHBOURHOOD PLAN

EXAMINER: Wendy Burden BA (Hons) DipTP MRTPI

Julia Kilminster
Clerk to Down Ampney Parish Council

Joseph Walker
Cotswold District Council

Examination Ref:01/WB/DANDP

12 October 2023

Dear Ms Kilminster and Mr Walker

DOWN AMPNEY NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Down Ampney Neighbourhood Development Plan (the Plan/DANDP) for examination, I would like to clarify some initial procedural matters. I also have a number of questions for Down Ampney Parish Council (DAPC) and Cotswold District Council (CDC), to which I would like to receive a written response by **Wednesday 1 November 2023**, if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

2. Site Visit

I aim to carry out a site visit to the neighbourhood plan area in the week beginning 6 November 2023. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

Following my site visit, I may have some further questions which seek clarification on matters within the DANDP and which I will wish to put to DAPC and/or CDC. If this is necessary, the questions will be set out in a further letter.

3. Written Representations

Under paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended), the general rule is that the examination should take the form of the consideration of written representations. At this stage, I consider the examination can be conducted solely by means of the written representations, without the need for a hearing. Nevertheless, I will reserve the option to convene a hearing should a matter or matters come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from Down Ampney Parish Council and Cotswold District Council.

I have 9 questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response by **Wednesday 1 November 2023**.

5. Examination Timetable

As you will be aware, the intention is normally to conduct the examination (including the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the Plan. However, in view of the need to address the issues raised in my questions, the examination timetable will be extended. The IPe office team will endeavour to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on both the Down Ampney Parish Council and Cotswold District Council websites. In due course, the responses to my questions (and any associated documents provided) should also be placed on the websites.

Thank you in advance for your assistance.

Yours sincerely

Wendy Burden

Examiner

Annex

From my initial reading of the Down Ampney Neighbourhood Plan, the supporting evidence and the representations that have been made to the Plan, I have 6 questions for both Down Ampney Parish Council and Cotswold District Council and 3 for Down Ampney Parish Council. I have requested the submission of responses by **Wednesday 1 November 2023**, although an earlier response would be appreciated if practicable. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Questions for CDC and DAPC

1. Objective LO1:

A representation has been made concerning the wording of this objective.

 - a. Is the wording in conflict with the objectives of the Cotswold Local Plan (CLP)?
 - b. Would it prevent development from coming forward within the development boundary of the village?
 - c. Is it the rural character of the village which DAPC seeks to protect?

2. Objective LO2:
 - a. Should this apply only to designated green spaces and open aspects of areas within the village or are these protected in any event?
 - b. Without an amendment to apply the objective to designated areas only, does the objective lack clarity?

3. Policy IP1:

Having regard to comments made in the responses to Regulation 16 consultation:

 - a. Should this policy make reference to the use of Sustainable Drainage Systems (SuDS)?
 - b. Should the Policy refer to developments of 10 or more dwellings in order to be in general conformity with CLP Policy INF8?
 - c. Is there sufficient justification for a threshold of more than 5 dwellings?
 - d. Should the capacity of the water supply infrastructure be a matter to be taken into account in the DANDP Infrastructure policies?

4. Policy CP1:

Would it be appropriate to make reference to the impact of new development in Down Ampney on the provision of community infrastructure such as libraries outside the Plan area?

5. Policy HP1:

It is a requirement of the Basic Conditions¹ that neighbourhood plan policies have regard to national policy and be in general conformity with strategic local plan policies. CDC has identified this policy as unlikely to meet these requirements in respect of national policy or the local plan.

 - a. Do DAPC or CDC propose any amendments to the policy to ensure that it would meet the Basic Conditions?
 - b. The supporting text at paragraph 8.4 states that housing density should be maintained at the current average level of 12.5 dwellings per hectare. How could this accord with Local Plan Policy DS2 to allow for infill development within the village development boundary?

¹ Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act').

6. Policy HP4:
Natural England requests that the policy reflects opportunities that green infrastructure provides to support the Nature Recovery Network and the Cotswolds Nature Recovery Plan.
- a. Would it be appropriate to add to the policy to include these matters?
 - b. With regard to the last clause, would this place an unreasonable requirement on new development? Should the enhancement of linkages only be sought where they are capable of being achieved, i.e. where feasible?

Questions for DAPC

7. Policy IP2:
Can DAPC explain how a judgement of “overloaded” would be made in order to provide more clarity in the Policy?
8. Policy HP2:
CDC identifies a lack of clarity in the wording of this Policy.
Can DAPC be more precise in the definition of the type of housing which would “follow the general trend of support” without undermining the Local Plan policies which seek to meet local need for affordable housing as suggested by CDC?
9. Policy HP3:
CDC points out that the matters referred to as examples in this policy are normally dealt with through conditions rather than at the planning application stage.
- a. In these circumstances how would the policy work?
 - b. The aim of not diluting the quality of development as the planning process progresses is addressed in the National Planning Policy Framework (NPPF), Paragraph 135. Is it necessary to repeat the aim in the DANDP?