

## Down Ampney Reg 14 draft CDC Comments

February 2022

Please find below comments from **Cotswold District Council** (CDC) on the Down Ampney Neighbourhood Plan (NDP).

CDC acknowledges the work that has been put in by the authors of this NDP and commends them for their efforts.

The Council hopes that the following comments, observations and suggested amendments will assist with the progress on the plan through to examination. In general these have been written to try to identify either points which in officers' opinion may not meet the Basic Conditions against which the NDP will be assessed, or where the wording used may be open to interpretation during the development management process.

We'd like to advise that Cotswold District Council is committed to a review of its Local Plan, with an aim to adopt an updated Local Plan in 2023. This review is at a very early stage, and we wouldn't wish to pre-empt evidence or the options which will need to be consulted upon in due course, but our expectation is that the overarching strategy of directing development to our principal settlements will continue – further growth will need to be accommodated, and housing affordability and climate change considerations are likely to drive some other policy changes.

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**Front Cover** It is a requirement that Neighbourhood Plans are explicit about the period they cover, and a common modification requested by independent examiners - we'd strongly recommend that the period the plan will cover is added to the front page

**Section 1.2, paragraph one.** While we certainly don't underestimate the challenge of trying to make the planning process accessible, the introduction here rather risks underplaying the power of the neighbourhood plan. It is true that the NDP sits alongside the Local Plan as part of the statutory development framework, and thus its policies can be considered to have equal weight, but perhaps it would be useful to be clear that on non-strategic matters, where the policies are not in agreement, the NDP take precedence over the Local Plan- please see National Planning Policy Framework (NPPF) para 30.

It may have been useful to include a brief explanation of the reg 14 stage at the end of the section - we'd recommend this for the Regulation 16 draft.

### Chapters 3-7

The Plan structure serves to introduce the different topic areas well, and provides useful evidence. It does vary slightly from a more conventional Planning Policy document structure in that the justification for policies is presented collectively in each chapter, rather than as a reasoned justification for each policy individually. While this may make it more accessible to the casual reader, it probably makes it harder to read an individual policy, and to understand the rationale, the application and intention of the policy, so could be to the detriment of ease of use by development management officers once made.

## Chapter 3 Landscape

**3.1** Reference is made to the national character area but if the NDP wanted a more fine-grained landscape analysis reference could be made to the Cotswold Water Park Landscape character assessment

<https://www.cotswold.gov.uk/planning-and-building/landscape/landscape-character/>

**3.1.1.** The word 'while' appears superfluous in the opening sentence.

**3.3.4** This states that the airfield war memorial is a non-designated heritage asset (NDHA), which seems appropriate; however it is really important that we have a map to show the exact location and extent of the NDHA so that it can be entered on our mapping systems. As discussed previously, the NDP could have included an NDHA policy, to explicitly identify these assets, but the Council is working hard to improve identification and recognition of such assets (see comment at 7.5 below)

A number of sites are proposed as Local Green Space (LGS) but the analysis to support that identification is quite brief. There does not seem to be any use of the CDC toolkit - which isn't required, but we feel would provide some structure to your analysis. This is often an area probed at examination - examiners are always at pains to ensure land owners have been notified, and that there is sufficient evidence to justify inclusion as LGS.

The Examiner will likely familiarise themselves with the weight of evidence and justification used to support other LGS in the district. The Council believes that further justification is required to bring the weight of evidence to a standard that will maximise success at examination.

**LGS1** This site is subject of a current planning application. While we do not believe this disqualifies its inclusion at this stage, should it be granted permission, in our opinion it would not qualify as an LGS.

Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

**page 16. Notable vistas in Down Ampney.** The Council also notes another potentially important view across the green looking southwest from the north-east corner. Views extend beyond the immediate built environment (and houses in the mid-ground at Dukes Field) into the countryside beyond. This view provides a glimpse into the countryside directly from the heart of the village; a key aspect of the NDP's vision which states, "*The rural roots of the village will be recognised by ensuring that any development respects the vernacular and maintains its close connection with the surrounding countryside.*" (bold is added emphasis).

The Plan does not explain in detail how these vistas have been alighted on.

**Policy LP1** Local and indeed national policy convention is to frame planning policies positively. For example the policy could be rewritten as follows:

*Development proposals should take account of the identified key vistas (Figure 3.6) and be designed and located to safeguard their integrity. Proposals that retain, safeguard and enhance identified key vistas will be supported.*

It is not clear whether the vistas illustrated in figure 3 denote the full extent of the vista and therefore anything outside of the vista arc is not subject to policy LP1, or are indicative of an important view. Figure 3 appears to be indicative and illustrative of an important view. The Council welcomes clarity on this point to aid the Development Management (planning application) process.

**Policy LP2.** There is no direct supporting text to justify the policy and support the application of the policy through the Development Management (planning application) process (often referred to as 'Reasoned Justification'). For example the supporting text to policies LP1 and LP2 could explain how these policies help to deliver objectives LO1 to LO3. We recommend placing the 'NB' sentence outside of the policy box and into supporting text. Other relevant policies will always be applied and therefore it is not necessary to state this in policy, although it would be useful to include the note in the supporting text to aid the application of the policy and further explain why other policies should be noted.

## **Chapter 4 Infrastructure Roads, Transport and Drainage**

Please include a note at figures 4.1, 4.2 and 4.3 showing the source of the information and the version of the Environment Agency map being used.

The Council notes that specific mention is made in section 4.3 to NPPF paragraph 160.

*"Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards."* NPPF 160

Given that the NDP is not able to prepare a 'strategic policy' it is not clear why specific reference is being made to this aspect of the NPPF. The Council is currently updating its strategic flood risk assessment and we welcome the parish council to review this when it becomes available. As a point of order, when quoting directly from national policy you should either quote the paragraph in full or make clear that aspects of the paragraph have not been quoted.

**Policy IP1:** Will this be effective – or can developers simply point to Thames Water's responsibilities and SUDs compliance? Given the right to connect, the onus in law is on Thames Water, not the developer - local planning policy cannot reframe this legal position.

**Policy IP2:** The policy conditions a specific solution to unknown development proposals, using infrastructure outside the NDP area. We think this is too specific, and risks the examiner striking it out for its effect outside the neighbourhood area. Instead we'd suggest the policy should highlight the issue and your expectation on the developer in general terms, and the specifics about the capacity of the current site sit in the supporting text.

Occupancy seems to be subject to a demonstration by a statutory undertaker. How will such a demonstration be made - could it be argued that if a development has been allowed to connect, the statutory undertaker is claiming adequate capacity - thus capacity is demonstrated.

**Policy IP3** This policy area is adequately covered by the Local Plan, and in more detail. Local Plan para 10.14.18 explains that SUDs may not always be appropriate.

## Chapter 5 Infrastructure: Community and Leisure

**Community facilities** – You could look to help preserve their use through policy – there are a few examples, such as Somerford Keynes, Kemble and Ewen and the emerging South Cerney Plan. Protection that can be provided may be limited – but underlines the value local people put on the premises

p.32 5.4.1. Are there any sustrans routes or quiet lanes through the parish?

## Chapter 6 Economy and Employment, and Tourism

No comment

## Chapter 7 Housing and Design p39

The title implies that it is only housing design, so, while recognising that most buildings in the village itself are domestic, what about other buildings and structures?

7.1 refers to previous version of the NPPF

To be more meaningful, we suggest the population graph should be based against the UK context. For example in 1911 the UK pop was 38.2M and at 2021 it was estimated to be 63.2M. Growth at Down Ampney is broadly consistent with UK growth; although the growth has been sharper in the last 20 years.

**p.44, 7.5** You mention listed buildings – as noted in previous comments, we would have liked to see a review of Non-Designated Heritage Assets. Neighbourhood Plans are a great place to try to catalogue such – to try to afford them a bit more recognition through the planning system. That said, we are actively working on a Local Heritage List project, which will identify such assets outside of a neighbourhood plan, so there remains an opportunity to ensure such assets are identified in advance of development proposals.

**7.6.1** states that, *“it is considered that Down Ampney has completely fulfilled its planning obligations to 2031 in accordance with the CDCLP”*. Be that as it may, the Council is updating its local plan to accommodate more housing as a result of a high national housing need target; which is increasing need from 420p.a. to 490p.a. across the district.

**7.6.2** states, “it would be expected that no more than 6 dwellings per year would be allocated to Down Ampney.” The planning system is more complex than a simple calculation that ascribes a proportion per each settlement. The figure quoted is not a recognised figure. It is important to recognise that housing is not directed solely according to need, but according to opportunity/constraints, in the most sustainable locations, as determined by national criteria. It is not clear what the specific justification is for the requirement that no more than 15 homes be built per year. This requirement is contrary to the strategic policies of the adopted local plan and the general thrust of the government’s National Planning Policy Framework.

**7.7 .1** "Suggestions for areas that would be suitable for incorporation of green infrastructure into possible future development are shown on Figure 7.9 overleaf."

We think the wording here could be clearer, not least because there is far more green infrastructure (GI) around the village than that shown on the map. It might be better to say. "Suggestions for areas that could be suitable for enhancement of GI as part of future development or other initiatives are shown on ..." We'd suggest amending the wording on the figure as well. There is also the challenge of how this could be delivered as part of "possible future development" - for example, is it the same ownership?

We think that there are other areas of GI that could be enhanced - elsewhere the plan covers footpaths and drainage, for example, which could be referenced here.

We suggest the flooding commentary is superfluous – point already addressed and not furthered in this section.

**7.7.2** Please reference the date of the Housing Needs Survey (HNS) - as a piece of evidence an HNS has a shelf life.

**7.7.3** There are a couple of suggested infill sites but these already have permission.

There is no commentary on how the NDP has arrived at the possible Green Infrastructure sites.

**7.8** Answers noted but it is unclear how the questionnaire responses have influenced the policy.

**HP1:** We cannot see how the evidence directs such a specific policy. Inevitably, developers will seek to meet this through the affordable dwellings. It risks underserving evidenced local need - as it increases the risk that development doesn't provide family sized affordable dwellings.

HP1 must accord with the recently published HNA. What is the justification for 10% of dwellings to be bungalows? There was virtually no mention of this in the introductory text to housing chapter. Type of housing chart indicated that over 60% did not support bungalows therefore not clear why policy is being pursued. The NDP must accord with Local Plan policy H1.

Bungalows - as a type of development, they do have a greater land take, and thus can be expensive. However, we understand the attraction, particularly as lifetime homes. Done well, they can respect the Cotswold vernacular - a terrace of almshouse style dwellings, for example.

**HP4:** Affordable housing and key worker housing are two distinct and separate tenures – although plenty of key workers will qualify for various affordable tenures. Policy okay but can not prevent non-local connection if criteria has been met.

**HP4.** We understand the aspiration to retain affordable housing as such in perpetuity, but we don't believe this can be achieved through an NDP policy alone. While the purchase discount on affordable homes to buy may be protected through future disposals, the NDP is not legally capable of suspending the right to acquire that is enjoyed by a tenant of social housing. We note that this right can be restricted through Community Right to Build Orders, so if the parish is so minded, they could partner with a developer in the future to more specifically frame how development might come forward.

**HP5:** We see the attraction of this policy, but we don't think this can be done - there's no planning power to prevent further applications being submitted. That said, there is a para in the NPPF about not weakening design quality (and that includes green infrastructure) so this nuance could be picked up explicitly. Furthermore, we find the wording awkward - 'development management stage' is not clear - given that 'development management is a process from pre-application, through application, review, decision.

## **Chapter 8 Summary**

No comment

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## Design Guide

As an overall point - the guide serves extremely well as a description of Down Ampney. We'd welcome a bit more detail on the natural environment - perhaps working with the Cotswolds Lakes Trust and other environmental partners. We think it would be useful to expand on the direction the guide provides - recognising that in order to achieve net zero, there may be some fundamental changes - but certain design cues could be retained.

Beyond the description of the locality, the guide is very general and not that easy to use in a planning context. We suggest that the general description and aspirations could be summarised into key bullet points of things that are particularly important. See for example Northleach's Neighbourhood Plan (NE3) or South Cerney (SC1) - <https://www.cotswold.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/made-neighbourhood-plans/> - both examples where the evidence has been summarised into key headings specified in policy.

Without such specific guidelines, it can be very difficult to use a design document in helping to assess and determine a planning application or alternatively as a way to help local residents alter their properties.

**p.2** It's good to see reference to both buildings and landscape as part of design. - crucial to get the design of any GI right as mentioned in the NDP itself. We would welcome a reference to 'Building with Nature' and a suggestion that all developments should meet those standards.

**section 3 - Architectural style.** There is a lot of emphasis on the Down Ampney existing architecture and it is good to see a local design guide picking up on local design features - and providing some detail on this very local style. While you are understandably keen that these are repeated in new housing, it would also be helpful to consider how this could be done in the context of zero or lower carbon housing, e.g. show stone front porches with steep pitched roofs - what would be the interpretation on a modern zero carbon house? Is the continued use of cotswold recon stone appropriate - concrete uses lots of carbon. Do we really want to build chimneys when wood burners are a cause of particulates; windows can act to achieve solar gain if appropriately scaled and located etc etc. This design guide feels like it is a bit out of date given the climate emergency even though they acknowledge the climate emergency.

**List of tree species.** Some of these are non-native and would not provide ecological benefits. Local importance of native barberry and black poplar (refer to CWP nature recovery plan).

Overall we found the sustainable design section a bit muddled and not easy to implement. The SUDS section includes biodiversity but does not mention GI, of which it is a key component.

**Section 6** includes a description of the landscape around the settlement but does not really give guidance on local GI etc. See amendments suggested in the main NDP on GI enhancements. What habitats are characteristic of Down Ampney - what habitats would you like to see more of included in new development GI (again could refer to the nature recovery plan - which the PC were consulted on). How do you want to see biodiversity net gain delivered on site? The suggestions on where GI could be enhanced elsewhere in the village are useful but some idea on what enhancements would help would be beneficial.

We note that these issues have really come to the fore, in recent years, and acknowledge that there is less detail within the Local Plan and its supporting documents than we would wish. There will be a lot more detail, and direction and support for developers as a consequence of the Local Plan update that is now underway - we appreciate you cannot easily reference as yet to be published policy and guidance, but we would like to offer an assurance that thorough detail will be available shortly, to ensure high quality sustainable development in a Cotswold context.

**p.2** "The village buildings may be considered in three groups." It would be useful to have a map to show the 3 areas clearly outlined - this will be particularly advantageous to the independent examiner, who will not be familiar with the parish.

### **2.3. Housing Density**

Echoing comment on the NDP itself - Density can be as much about the size of units (and relevant parking provision) as anything else.

### **4.5 Boundary Treatments.**

We are not convinced that all front boundaries should be dwarf stone walls. We often find there can be issues around householders retaining hedgerows if planted within their garden boundaries so walls can be better on the outside of a development or design the development so that the outer boundaries are not garden boundaries.

A list of trees already present in the parish is presented. It is not clear what purpose the list serves - it is juxtaposed with a paragraph encouraging native species - yet is not a list of such. It may be better if you came up with a list of species you want to be planted in the parish - anything like local apple varieties, black poplar (a CWP speciality); species that support biodiversity etc.

### **5.2 Water Features and SUDS.**

Reference to GI would be appropriate. Multifunctional benefits of open space which is well designed. What do they mean by "green back lanes"?

### **5.4 Climate Change.**

There is some consideration in design guide and in the NDP on solar gain, which can be a factor in reduced energy consumption, but there is a great deal more to consider than that - not least excessive solar gain in hot weather now being a real risk.

### **7.2 Parking.**

We understand the concern that recent development cannot accommodate the typical current pattern of car ownership. However, three off road spaces per dwelling is a very significant land take, and introduces large areas of hard surfacing. Realistically, on road parking has more flexibility to provide visitor parking or additional occupier parking for those with more vehicles. The expectation appears to be that garages are large enough to accommodate a car and storage and bicycles - such a space can hardly be considered a single garage, and again, has a significant land take, and impact on property pricing.

You might want to consider how your ideas fit in with GCC's street design guidance and its Local Transport Plan.



### 7.3 Lighting.

You could also consider lighting impacts on biodiversity.

The guide gives a really helpful description of the typical features of a Down Ampney house. I wonder if it would be better to separate that out - this is what makes a house typical of Down Ampney. Then go on to say how those design features might be incorporated into new designs. But this may be challenging as we move to net zero - different building techniques, materials etc. The challenge is to build a contemporary house that is net zero but that captures the character of Down Ampney, not easy to achieve. But it will be easier given that the design code describes what is particular about Down Ampney. I think that a greater emphasis on what makes Down Ampney special - with more drawings and photos would really add value to the design code. With an associated policy that says something along the lines of "new development should respect the existing character of the village as set out in the Down Ampney design code and its over design should be inspired by that character"

Please note that the extract from the NPPF in the design guide is from the NPPF 2019 - it is important to use the most up to date version. There is no reference in the design guide to the National Design Guide or Code work - please see links below

<https://www.gov.uk/government/publications/national-design-guide>

<https://www.gov.uk/government/publications/national-model-design-code>

### APPENDIX 2 – LISTED BUILDINGS IN THE PARISH OF DOWN AMPNEY

A caveat should be added that there may be amendments to the statutory list with a web reference to the definitive information - <https://historicengland.org.uk/listing/the-list/>

### APPENDIX 3 – FOOTPATH AND CYCLE WAY SUGGESTIONS

It would be helpful to acknowledge that footpaths and cycleways are a core part of GI and that when enhancing these rights of way or creating new ones there is also an opportunity to create wildlife corridors, additional water courses etc. The more attractive that these routes are the more likely they are to be used.

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