

This note is provided by Cotswold District Council's Forward Planning Manager to assist the Parish Clerk in their duty of recording minutes of the Broadwell Parish Council meeting on Wednesday 12 October 2022, specifically agenda item 4.

Advice given here does not indicate any formal decision by Cotswold District Council. Any views or opinions are given in good faith, and to the best of ability, without prejudice to the formal consideration of any future plans and planning applications.

1) To give an overview of the planning process, framework and how it applies to the development in Stow.

If you imagine the local council planning system as a coin there are two sides 1) is determining planning applications; and 2) is creating a long term plan for the future. The latter is the focus of tonight's discussion.

A district-wide Local Plan is prepared by the Cotswold District Council every five to ten years to identify and meet the need for existing and future resident and businesses. To supplement this a local town or parish council can prepare a Neighbourhood Plan for their area that offers more detail on the policies contained within the District Council's Local Plan. The catch is that a Neighbourhood Plan must be in general conformity with the District Council's Local Plan.

The Local Plan was adopted in August 2018 and it sets the strategic policies and development strategy for the district up to 2031. What this means in practice is, the Local Plan has identified 17 settlements out of about 150 or so settlements as the main focus for development e.g. Cirencester, Moreton in Marsh, Stow, etc. In these locations it has allocated / zoned land for development. The Local Plan has not allocated land for development in Stow.

The District Council has committed to updating its Local Plan to better address climate change and identify additional land for new homes to address a higher housing need provided by the government – a draft plan will be consulted on next summer.

The District Council has so far adopted seven neighbourhood plans and there are another 12 in various stages of preparation. There are only two parish councils that are actively seeking to allocate land in their neighbourhood plan Fairford and Stow.

2) To give key considerations that will shape applications & choice of development.

This is a broad question that has many components to it. In simple terms, the choice of development comes down to understanding and testing reasonable alternatives. Development will need to consider a wide variety of issues ranging from impact on the local highway, waste water infrastructure, biodiversity, heritage, landscape impacts, archaeology,

flooding, etc. They need to consult with interested parties and offer opportunities for people to review and critique supporting evidence.

3) Explanation of the Town Plan approval.

The government provides a decent explanation of the process on its website, in the style of Q&A¹. The Council's website² also sets out the main stages in the process in very basic terms.

Neighbourhood Plans are required to undergo two formal consultations (Reg 14 and 16), which is open to Broadwell PC to comment and raise matters of concern and interest to them. This is then subject to an independent examination as well as local referendum. Typically this is limited to the neighbourhood area, but the examiner does have the discretion to propose a different geography. It is difficult to say how an examiner would react to this issues but they are likely to be wary of this situation. This issue needs solving before it gets reviewed by an examiner.

4) If the Tesco site is in the town plan for development, does this include Broadwell Parish land, if so, could Broadwell exert any pressure for preference of access routes?

As explained in the previous question, the north east quadrant of the developed part of the site is situated within Broadwell Parish. The Stow and the Swells Neighbourhood Plan is unable to allocate land outside of its neighbourhood plan area i.e. outside Stow and Swells parishes. This means that any allocation taken forward by Stow will need to be limited to the land within the parish. This is not an issue if the land owner / developer submits a planning application to the District Council separate from the Neighbourhood Plan process.

As the Neighbourhood Plan is not permitted to have legal effect outside its neighbourhood area, the District Council could only assess that portion against the extant Local Plan policies. Given the proposal would need to be assessed holistically, I would want evidence / it demonstrated that this would not stymie the allocation. The allocation has to contribute to the achievement of sustainable development and demonstrate that it is deliverable – key requirements of national planning policy³.

Even though the Plan is not permitted to cover Broadwell, the parish council is still an important consultee in the process, and could both comment on the desirability of the project, and on factors that could mitigate impacts were it to go ahead.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2>

² <https://www.cotswold.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/neighbourhood-planning-process/>

³ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

5) Traffic concerns:

Would a traffic impact study be carried out? We know the current traffic issues travelling from Broadwell in either direction. The Tesco site has potential to increase the issue, see LP statement below, noting p.18, is in reference to the district as a whole, and not specifically Stow-on-the-Wold. Therefore, a relatively large-scale development on the Tesco site, would presumably, add to the existing challenge, along with a build-up of air pollution? The Local Plan states: "High dependence on car travel, coupled with a significant proportion of residents who commute daily into and out of the district (16), present a major challenge to a District with few sustainable transport options."

To successfully allocate a site, a Neighbourhood Plan (and indeed a Local Plan) would need evidence to demonstrate that it is able to mitigate identified impacts, this would include an assessment of its impact on the local highways network.

This would typically range from access (such as visibility splays) to highway and junction capacities. Increasingly GCC and CDC will be examining how development will promote / deliver modal shift to more sustainable patterns and modes of transport. A tough issue in rural areas.

It will also be examined through the very technical strategic environmental assessment (SEA) process which can be broadly defined as a study of the impacts of a proposed plan on the environment and sustainability. It would also need to be examined through the Habitats regulations assessments process also, albeit the extent of this process is dependent on the impact on European sites.

6) If the Tesco site was accepted, what are the benefits for Broadwell if any?

A) Would Broadwell parish receive CIL money?

Yes it would receive the neighbourhood proportion for development within its parish. However, this would be at the reduced rate of 15% rather than 25% as Broadwell doesn't have an NDP. The Council has prepared a guidance note for Town and Parish Council which is available on its website.⁴

B) Would the houses built on Broadwell parish land be counted towards its own Local Plan requirements for affordable housing, although not actually in the village? How would this affect the Stow figure?

There is no housing requirement within the Local Plan for Broadwell village or the Parish. The Local Plan only specifies a housing requirement for the district as a whole and then sets out a development strategy (i.e. 17 principal settlements) which are deemed to have sufficient services, facilities, infrastructure capacity or ability to

⁴ <https://www.cotswold.gov.uk/media/8d8a69822fdf135/cil-town-and-parish-councils-guide.pdf>

mitigate additional strain on infrastructure and importantly land availability (a willing land owner and house builder). Planning applications seeking permission for development with Broadwell village would need to reflect on their consistency with Policy DS3 and/or Policy DS4⁵. The Local Plan does not allocate land for development Broadwell.

C) Would Broadwell residents get some priority for the housing located in their parish?

The Local Plan explains that, *“changes to legislation have altered what has traditionally been the definition of affordable housing. For example, certain tenures can no longer be tied to those with a local connection and some cannot be kept as affordable in perpetuity. The Council will strive to provide housing to meet those in need, but are limited by these legal constraints.”* Further details and explanation can be provided by the Council’s Strategic Housing Team.

7) The Parish Council going forward, want to protect their area from future developments, given the issues historic development has caused. What are your views?

This is very much dependent on what the eventual content of the Neighbourhood Plan. It is laudable that Stow TC is seeking to address big issues – the lack of affordable housing and town centre improvements. However, they will need to overcome and mitigate significant national and local material considerations to achieve their ambitions.

The Parish Council may wish to present these and other questions to Stow on the Wold Town Council to aid wider and future public debate on Neighbourhood Planning in the local area.

⁵ <https://www.cotswold.gov.uk/media/k2kjqv3b/cotswold-district-local-plan-2011-2031-adopted-3-august-2018-web-version.pdf>