



Representation to the Chipping Campden Neighbourhood Plan

Regulation 14 consultation

Please find below comments from **Cotswold District Council** (CDC) on the Chipping Campden Neighbourhood Plan (the Plan).

CDC acknowledges the work that has been put in by the team behind this Plan and commend the team on a well presented and attractive document, which should engage residents and other stakeholders.

The following comments, observations and suggested amendments have been written to try to identify either points which 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 hope these suggestions will enhance the policies and the plan, and assist in moving in forward to submission and examination.

p.14, Objectives, Environment and Sustainability. The second objective here - 'to conserve and enhance the natural setting that characterises the town' feels like it would be equally applicable to the village of Broad Campden. We would suggest a light touch review to ensure the wording is inclusive of the two settlements/parish hinterland where applicable. Picking up on this, we commend the summary information pp20-22 celebrating the distinction between the village and the town.

p.15 and beyond, reference to Cotswold Area of Outstanding Natural Beauty. The Cotswolds AONB is now formally referred to as the Cotswold National Landscape – so this paragraph and subsequent references should be updated for clarity.

p.19 fig 2, p.21 fig 3, p.22 fig 4 – noting that there is explanation in the supporting text, it would be useful if a key could be added to these maps to enhance comprehension.

Pp19-20 The reference to historic “features of Chipping Campden” actually refers to designated heritage assets – listed buildings, SAMs, Con Areas and the like. ‘Features’ is a word usually used to refer to parts of assets e.g. ‘the windows form a significant feature of the listed building’, so we’d suggest a rewording. This section does not cover non-designated heritage assets – some brief reflection on the positive impact of such could round out the pen picture of the town, and provide a neat ‘hook’ in this introduction to the focus of policy 4.

p.26 Final paragraph, correctly states – ‘There are no special designations such as sites of scientific interest in the parish though they are immediately outside.’ However, we note that there are some key wildlife sites within the parish – perhaps these could be referenced to enhance this section. Alternatively, the text could be adjusted to note that there are no nationally designated sites.

p.34 First paragraph, suggests that development on greenfield land is a consequence of poor use of previously developed land (PDL). We question the validity of this statement –

the simple fact is that there is a limited supply of PDL within the neighbourhood area and the wider district – and much of the land that might be considered PDL does not sit in comfortable proximity to existing settlements (for example old airfields).

p.44 Figure 8. We'd recommend a legend for this map, to be clear that these points are intended to be indicative, rather than allocative, in nature.

Policy 1: Chipping Campden Town Centre

p.52, final paragraph, and clause one of the policy states that appendix 3 should be considered as a 'baseline' for Local Plan Policy EC8. We're unclear what this means in practice - where and for what purpose does Policy EC8 use a baseline?

p.56 Paragraph 6. The wording rather infers that Local Plan policy drives permitted development rights, rather than these rights being directed by national regulation.

p.57, Paragraph 1 notes correctly that movement between short-term lets and principal residential use is not subject to planning control, but it may be worth noting that Government consulted last year of introducing a new use class, and recently in February issued a press release suggesting this would be taken forward. We may not see further movement on this within the formative period of the neighbourhood plan, but can expect to see progress certainly within the plan period, so a reference might be useful - [Short-term lets rules to protect communities and keep homes available - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/short-term-lets-rules-to-protect-communities-and-keep-homes-available)

p.57, paragraph 2, final sentence. We'd suggest avoiding imperative language outside of policies - this sentence is phrased to provide direction, but doesn't have weight outside of a policy.

p.60 Policy 1, Clause 2. The adopted Local Plan Key Centre boundary has been tested through an examination in public and has been found to be justified and 'sound'. Whilst, in principle, an alteration to the town centre boundary could be made by an NDP, it is incorrect for Policy 1 to say that the boundary is not justified.

Annex 2 of the NPPF (December 2023) provides the following definition of a town centre and main town centre uses:

Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. *References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres. (added emphasis)*

Main town centre uses: *Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*

Note, main town centre uses do not include C3 dwellings.

We're sympathetic to the case to protect the pharmacy. However, the pharmacy appears to be the only main town centre use within the proposed boundary extension. What's more, the pharmacy is detached from the existing town centre boundary by a number of properties in residential use and is around 80 metres from the nearest main town centre use. Grevel House, although listed, is in residential use.

The recent Cotswold District Local Plan Regulation 18 consultation included a proposal to alter the Chipping Campden Key Centre boundary in the same general area that the NDP seeks to change the boundary (see map below). This was to incorporate Lloyds Bank and the whole of the Lygon Arms building. However, we note that planning permission was granted on 6th December 2023 to convert and extend the former Lloyds Bank building to create five dwellings (ref: 23/02678/FUL). This now adds to the number of residential properties between the core of main town centre uses and the pharmacy.



The pharmacy is classified as social and community infrastructure, as defined by Policy 2 below. It is also classified as social and community infrastructure in accordance with Local Plan Policy INF2. It therefore already has some policy protection from changes of use to alternative uses, which is the reason for extending town centre boundary.

In summary, we do not consider the proposed extension to the town centre boundary to be consistent with the NPPF definition of a town centre. The town centre boundary must reflect the extent of the town centre that is predominantly occupied by main town centre uses. However, the proposed boundary includes a high proportion of residential uses.

p.60 Policy 1, Clause 3. We understand the ambition, but we wonder how the test in the clause would be interpreted. How does allowing visitor accommodation damage 'vibrancy'? Visitor accommodation could easily be argued to be more vibrant than residential!

We wonder whether a workable alternative might be along the lines of policies seeking to prevent overconcentration of Houses of Multiple Occupation (HMOs). There are quite a few examples, principally from university towns - Cirencester NDP has presented a policy at a recent Regulation 14 consultation you might wish to consider. On a point of detail, visitor accommodation, in the form of hotels, is considered already as a town centre use

As observed at p.57, the planning regime currently does not currently recognise short term lets as a use class, so a rather narrow reading of 'visitor accommodation' may need to be taken. It is difficult to draft policy to take account of changes yet to come, but it may be worth expanding on the reference here either in the policy or supporting text to be clear that short term lets should be read into the definition if they are recognised as a new use class – see DLUHC press release 19 Feb 2024 - <https://www.gov.uk/government/news/short-term-lets-rules-to-protect-communities-and-keep-homes-available>.

p.60 Policy 1, clause 4. What does 'to alleviate congestion' add to the policy? It is unclear from the current wording whether this applies to the school site and 'elsewhere', or to 'elsewhere' only. We suggestion deletion of this wording - congestion and parking capacity are two disparate issues – and providing parking may well attract traffic movement and increase, not decrease congestion.

p.62. Table 6. The removal or installation of defibrillators isn't generally going to require a planning determination, so planning policy will rarely be an effective tool to retain these facilities. We note that the emerging Local Plan policy SD4 (3) as drafted looks to introduce a requirement on major developments to install defibrillators.

Elsewhere in the table, a number of shops are identified, and a private spa facility. The nature of the commercial offer at these locations could change substantially without requiring development consent – the table can exist at a statement of current fact, but please be aware the policy will not prevent loss of these facilities where development consent is not required.

Policy 2: Social and community infrastructure.

p.65 We support the identification of assets that could be considered under INF2. However, a number of the assets would not require development consent for the community benefit to be lost/changed. Commercial properties with a current use considered to be of community value could easily change to another commercial use - dentist, post office, Co-op, optician. It may be helpful to reflect this fully in supporting text, to manage community expectations.

Please explain how this list is pertinent to EC8.

p.65 Policy 2: Social and community Infrastructure, clause 2. What are the criteria for suitability? We already recognise this as a legitimate land use, so how does this affect any decisions? Perhaps consider - proximity to the town - to enable active travel - parking and road access, to improve access, tranquillity, retention of tree cover.

p.66 Building with Nature is a benchmark for green infrastructure rather than biodiversity net gain and therefore its use will not necessarily assist in delivering BNG. It should also be noted that there is now a national GI framework prepared by Natural England, with its own design guidance.

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Design%20Guide%20-%20Green%20Infrastructure%20Framework.pdf>

Policy 3: Design of the built and natural environment.

Comments on the Design Code at the end of this document

p.68, The intention is sound, but the wording is unclear when this requirement actually applies - we would suggest 'Planning Proposals requiring D&A...' or similar.

Building with Nature is a great initiative but it is a commercial product and therefore should not be the only alternative in deciding whether GI is well-designed. Suggest change in wording to -

'Planning...and should be designed in accordance with Natural England's Green Infrastructure Planning and Design Guide and the Building with Nature standards or equivalent.'

Policy 4: Non-designated Heritage Assets.

p.69 The text refers to features and also assets – normally features are part of an asset. While there is no reason why some of these smaller objects such as post boxes cannot be defined as assets (designated or non-designated), it is more problematic when you get down to those small features that form part of a wider building or asset, such as a boot scraper as these have no planning control.

It is somewhat confusing that the NDP sets out a list of criteria for NDHAs, but also refers to the criteria in the Local Plan. It would provide more consistency and robustness if the NDP simply used the Local Plan criteria.

p.71 CDC welcomes the inclusion of an NDHA policy – it is a great way to celebrate local assets, and to seek to give them appropriate recognition in any planning determinations. However we note a lot of the features singled out are fixtures on buildings which have heritage listing already, and thus cannot be NDHAs. This means that those features /fittings are already protected by the listing - important fixtures and fittings will require LBC for their removal – as the plan recognises at p.56. This is already a higher degree of protection that an NDHA policy can confer.

In addition, some modern assets have been included such as the Millennium sign and the Cotswold Way marker. Although obviously of great community importance they cannot really be considered as a NDHA.

We can't see how the Plan can directly offer more protection to already listed assets, beyond their existing statutory listing, and the design guide which should help protect the wider setting, but the evidence base, cataloguing the sundials and boot scrapers could sit in the Plan to highlight these unusual features, telling the unique story of Chipping Campden, and raising awareness amongst owners and the general public that they are listed and thus protected. On that point, we commend the clear and visually appealing information shared at Appendix 6. We encourage you to provide a location map for these assets/features. This will enable all parties and particularly the LPA to be sure that these NDHAs are fully taken into account in the planning process.

If they are features of non-listed buildings (and therefore not covered by the LBC regime), the removal of some of these features e.g. a bootscraper, would not be development and therefore their removal would not form part of the planning process. It may be appropriate to put those buildings forward as NDHAs, and identify those features specifically – it would go to

the justification of their inclusion as NDHAs, and explain the particular features most worthy of preservation where possible.

It would be useful to make an addition to the text that states that additional NDHAs may be identified in the future, for example through the planning process.

Policy 5: Environment and Biodiversity Net Gain

p.72 This will have to be updated to reflect the implementation of the Environment Act and also ongoing work on the Gloucestershire Local Nature recovery Strategy.

The text states that 10% BNG applies to all development – this is not strictly correct, there are several exemptions, for example householder applications.

The text is slightly confusing in places – is the NDP providing information that is being fed into the countywide LNRS or putting forward a nature recovery strategy of its own? There are already nature recovery plans for the Cotswolds National Landscape and the Cotswold Water Park, so there is no reason why a parish level nature recovery plan is not appropriate, noting that it should definitely feed into the county-wide work. We suggest it would be better not to call it a ‘nature recovery strategy’ as that may create confusion with the county level work. There is a lot of detail here, for example it may not be necessary to mention the national guidance particularly given its focus on local nature recovery strategies rather than local nature recovery per se. We suggest some changes to the text below:

The Environment Act also introduced Local Nature Recovery Strategies (LNRS). These National guidance on local nature recovery (LNR) was issued by DEFRA on 23 March 2023 and continues to be provided in advice notes and other materials. Local nature recovery strategies are a nationwide system of spatial strategies to help reverse the decline of biodiversity. There will be approximately 50 strategy areas covering the whole of England with no gaps or overlaps. Preparation of each strategy will be locally led by a ‘responsible authority’, in this case Gloucestershire County Council (GCC), as the “responsible authority” is preparing the Gloucestershire LNRS, and has commissioned the Gloucestershire Local Nature Partnership to assist with this work. –will be working with Gloucestershire Wildlife Trust (GWT) and the Gloucestershire Environmental Records Centre to deliver the LNR for Chipping Campden. As the responsible authority, GCC will be is required to work collaboratively with other local organisations including parish councils with input encouraged from across the public, private and voluntary sectors to establish shared proposals for what action should be taken and where.

In this case, the CCNDP is setting out a series of sites (fig 15), which are the optimum locations within the parish to deliver nature recovery, because either they are already important for biodiversity in their own right, for their ecological connectivity function or because they have good potential to increase in biodiversity value or connectivity. These are based on data provided by the Gloucestershire Wildlife Trust. (appendix 7) a local land use strategy for inclusion in the wider LNR strategy when that is prepared. Section 106 of the Environment Act 2021 requires that all local nature recovery strategies must contain a statement of biodiversity priorities and local habitat map and lists what both must include. In this case, the LNR strategy has not been prepared and in anticipation, the Town Council has commissioned the Gloucestershire Wildlife Trust, to prepare maps of habitats and

~~ecological data for local input into the preparation of the LNR, probably as part of the local habitat map for Gloucestershire. The Environment Act 2021 requires that all statements of biodiversity priorities set out: • a description of the strategy area and its biodiversity • a description of the opportunities for recovering or enhancing biodiversity in the strategy areas • the priorities for recovering or enhancing biodiversity • proposals as to potential measures relating to those priorities~~ The strategy area The strategy area is the neighbourhood area. Appendix 7 provides detailed habitat maps describing the local baseline which **is being put forward for inclusion** may be included in the LNR strategy for Gloucestershire **LNRS**. The maps show areas of particular importance for biodiversity, either because of their existing designations, they are locally important or have potential for improvement. Figure 15 shows potential areas of importance.

p.74 paragraph 4. It is not clear if the map at fig 15 is simply showing all the areas that are included within the relevant appendix. Might be helpful to distinguish between areas that are of existing ecological value and those that would be suitable for enhancement.

p.75 paragraph 1. It is not clear why there is a reference to planning permission - It is not necessary at the application stage (or at determination of the application) for the applicant to be completely clear where they will deliver their BNG –they can simply say that it will be delivered off site, although the LPA are encouraging applicants to provide as much information as possible.

BNG delivery will not be limited to the Gloucestershire Nature and Climate Fund. These paragraphs need re-working to make them clearer. Is the NDP the appropriate place to set out areas that the local community want to put forward for inclusion in the county wide LNRS? It is very valuable information but we wonder whether it should be in the NDP – given that it needs to be taken forward through other avenues.

We suggest re-wording:

Opportunities and priorities for recovering and enhancing biodiversity

Not only should the sites identified on figure 15 be included within the Gloucestershire LNRS but they also provide the most ecologically meaningful local locations for any off-site Biodiversity net gain that arises from development within the Parish to be located. ~~DEFRA advice is that some changes in land use or management may require a separate consent before they can be undertaken, such as planning permission. Responsible authorities do not need the relevant consents to be in place before including areas that could become of particular importance in their local habitat map. It is therefore appropriate and possible for the CCNDP to indicate where biodiversity net gain and habitat improvement could be directed to be finally determined at planning application stage, when the details of a specific proposal can be fully explored. DEFRA guidance states that the priorities identified by every local nature recovery strategy should reflect local circumstances, including the most important issues to local people and organisations. The CCNDP is therefore setting out local priorities to assist in the preparation of the wider LNR strategy. Figure 15 and the more detailed evidence in Appendix 2 and Appendix 7 shows that there are already existing habitats that could benefit from protection and improvement, marked 4-13. Table 7 indicates how biodiversity gain and habitat improvement could be achieved in each~~ **of the locations identified in fig 15 area.** It is important to note that

identification as a local nature recovery area on figure 15 does not preclude development. Existing land use policies will remain in place. The delivery of off-site BNG at these nature recovery areas could be via the Gloucestershire Nature and Climate Fund or other mechanisms. However there are also other sources of funding that could support nature recovery, for example ~~What will change however is that the identified sites will be put forward as local nature recovery strategy options. It is expected that as the Environment Act legislation evolves, funding for nature improvements will become available through a range of sources such as the Gloucestershire Nature and Climate Fund¹, agri-environment schemes or through the delivery of biodiversity net gain through the planning system. The latter would also include off-site biodiversity net gain contributions, probably managed through the Nature and Climate Fund.~~

p.78. Policy 5: Environment and Biodiversity Net Gain

Noting the extensive comment on the Reasoned Justification, please be assured that we welcome the ambition in this policy - and the intention to wrestle with this issue. We haven't had other NDPs in our area pick this up to this extent, so we're keen to help you make the most of this.

The first section of the policy as drafted is not a land use policy, as it is simply stating that these areas will be put forward as suggestions for inclusion in the county wide LNRS – and indeed they may or may not be included in the final LNRS, dependent on a range of evidence.

It is also important to bear in mind that even where areas are identified in the LNRS they are not necessarily where off-site BNG will happen. They are likely to affect the BNG scores by providing strategic significance multipliers but that does not force the BNG to those locations. Strategic significance multipliers for Gloucestershire are set out in our BNG guidance - <https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-net-gain-bng/>

That said, we aren't convinced that it is within the legal purview of a neighbourhood plan to designate land as a Local Nature Recovery area - these areas will be designated in the Local Nature Recovery Strategy – if that is what they end up being called in the strategy, which isn't a district level planning function. That document should take account of parish views and the evidence base, so we think the evidence and intention can absolutely be presented in the NDP, but we aren't convinced that this clause can go forward as policy.

'Proposals that are required to provide biodiversity net gain must demonstrate that those requirements have been fully addressed as follows:

(a) Contact Cotswold District Council to determine whether work has been done towards the preparation of the Gloucestershire Local Nature Recovery Strategy regarding the proposal site, its relationship with the Gloucestershire Local Nature Recovery map, and seek advice on how best to deliver local nature recovery and biodiversity net gain within that context.'

This is not policy, so much as explanatory text. A Local Planning Authority could not refuse an application because the applicant had not done this. We'd suggest you move this to the supporting text.

(b) Where biodiversity net gain cannot be delivered on site, applicants must work with Cotswold District Council to identify ways that off-site biodiversity net gain can be delivered in Chipping Campden Parish.

We suggest a rewording, to make sure this is a test to be satisfied at the time of planning determination – something along the lines of “Where BNG cannot be delivered on the development site, off-site BNG should be delivered within Chipping Campden Parish unless sufficient justification is provided to show that this is not possible.” There is a risk that this policy will not meet the Government guidance, as the BNG metric already includes a factor for proximity to the development site. This point notwithstanding, we believe it is an appropriate policy issue for an NDP, and we have tried to emphasise this issue in the Local Plan Reg. 18 consultation biodiversity policies -

Off-site BNG should be delivered in locations that contribute to the Gloucestershire Nature Recovery Network and that are as close to the development site as possible.

(c) Where off-site biodiversity gain is proposed, this should be focused on the nature recovery areas shown in Figure 15 or the Gloucestershire Local Nature Recovery Map.

Perhaps absorb this into the policy above –

“Where BNG cannot be delivered on the development site, off-site BNG should be delivered within the Chipping Campden Local Nature Recovery Areas as the first option or elsewhere within Chipping Campden Parish or in locations that contribute to the Gloucestershire Local Nature Recovery Strategy unless sufficient justification is provided to show that this is not possible.

(d) Expert ecological advice should accompany planning applications to demonstrate how long-term biodiversity net gains on-site or off-site will be delivered with enduring benefits, and long-term management where necessary.

That is not required as it forms part of the legal requirements for BNG anyway

(e) Only where off-site biodiversity improvements can be proven impossible to deliver within the parish can off-site and out-of-parish biodiversity improvements be considered.

That is implicit – BNG is a requirement, and the policy already stresses the preference for ‘on-site’ or local and is also covered in the clauses above.

(f) Planning proposals must demonstrate that landowners of sites where biodiversity net gain is proposed agree to the proposals and will cooperate in their delivery.

That is not required, you cannot deliver off-site BNG unless the land-owner is partner to that process so this clause is not necessary.

Policy 6: Local Green Spaces

p.82, and Appendix 8.

This is a relatively large number of sites, which collectively may be considered to almost encircle the town and constrain growth - which may undermine the process.

We note that a number of sites are already subject to constraints making development challenging - for example development on the Bratches Allotments, Bowling Green and Cricket pitch would require alternative provision to be made, so amenity is protected already. You may wish to consider and articulate the extent to which these sites are demonstrably special, beyond this amenity value.

Sites 19 and 20, individually and together are large tracts of land on the periphery of the town, without extensive formal access rights, and subdivided by a number of field boundaries. NPPF para 106 c) requires that an LGS is 'local in character and is not an extensive tract of land'. Typically, sites which are primarily agricultural in nature require a strong justification to meet the NPPF criteria. Please see Planning Practice Guidance, Paragraph: 011 Reference ID: 37-011-20140306 and Paragraph: 015 Reference ID: 37-015-20140306, <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>.

We would strongly encourage you to ensure site owners are aware of these proposal – the onus is upon the qualifying body to consult with the site owners – and examiners have upon occasion sought confirmation of this. Paragraph: 019 Reference ID: 37-019-20140306 <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

There are a few sites where ownership appears uncertain - predominantly these are the smaller verges and informal public open space. We do not object to their inclusion but note that given their important function within the townscape/conservation areas, there's little risk to these sites from development.

Appendix 2

These maps are not easy to read even when zoomed. The maps are dated 2017 - information of this type is being constantly updated so it is highly likely that if this map was requested again that it would be different. Noting the challenge of trying to reference data that is regularly updated, one option might be to acknowledge that the map is likely to be out of date / become outdated, and to be clear that the data will change over time.

Chipping Campden Design Guide

p.5. We note that the Design Guide references MHCLG as the sponsoring Government department. MHCLG was rebranded as DLUHC, the Department for Levelling Up, Homes and Communities in 2021.

p.9. The national design guide is no longer a draft.

We would expect to see reference to the National GI Framework prepared by Natural England, with its own design guidance.

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Design%20Guide%20-%20Green%20Infrastructure%20Framework.pdf>

We encourage you to add web references for all these documents to make access easier.

p.13. As per our comment on the main NDP document, please change AONB references to National Landscape.

The design guide seems very focused on architectural design, rather than landscape/ecological etc design.

p.43. We would encourage some consideration of decarbonisation as well as energy efficiency.

p.40. We wonder if the photos are all meant to be exemplars, or simply examples of particular design features – e.g. the stone mullion windows in the photo on this page are not great. There are other examples where the images do not necessarily show great design but are illustrative. Perhaps there is some scope to reflect this nuance in the picture referencing, to encourage developers to respond to context and the direction of the design guide, and improve on current practice, rather than replicate the acceptable.

Contact:

Joseph Walker

Cotswold District Council
Council Offices
Trinity Road
Cirencester
Gloucestershire
GL7 1PX