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and examinations

Report on the South Cerney Neighbourhood Plan 2021 to 2031

An Examination undertaken for Cotswold District Council with the support of the South Cerney Parish Council on the April 2021 submission version of the Plan.

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Date of Report: 29 September 2021

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Main Findings - Executive Summary

From my examination of the South Cerney Neighbourhood Plan (SCNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the South Cerney Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of South Cerney as shown on Appendix B of the submitted Plan;
- The Plan specifies the period during which it is to take effect: 2021 to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

South Cerney Neighbourhood Plan 2021 to 2031

- 1.1 South Cerney Parish, which has a population of over 4,000,¹ is located about 6km to the south east of Cirencester. The Parish includes two villages, South Cerney and, about 3km further to the south east, the smaller settlement of Cerney Wick. The generally rural area is part of the upper Thames Valley and is characterised by fairly level countryside together with a large number of lakes formed by the natural infilling of former gravel pits and which is named the Cotswold Water Park (CWP).
- 1.2 The possibility of producing a neighbourhood plan for the Parish was first discussed by the South Cerney Parish Council (SCPC) in 2015 and a Steering Committee was formed which first met in January 2016. Various consultation meetings were held and evidence gathered. The SCNP was submitted to Cotswold District Council (CDC) in April 2021, representing over five years' work for those involved.

¹ The 2011 Census records 3,465. In 2016, the population was estimated to be 4,100 according to CDC Council tax records. See paragraph 2.3.1 of the Plan.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the SCNP by CDC, with the agreement of SCPC.
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions.
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations (under retained EU law);² and
 - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').³

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for South Cerney Parish, excluding policies relating to minerals and waste development, is the Cotswold District Local Plan 2011–2031 (CDLP) which was adopted in August 2018.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF

² The existing body of environmental regulation is retained in UK law.

³ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft South Cerney Neighbourhood Plan 2021–2031, April 2021;
 - the map at Appendix B of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, March 2021;
 - the Basic Conditions Statement, April 2021;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment Screening Report, November 2018; and
 - the request for additional clarification sought in my letters of 12 July and 22 July 2021 and the responses of 26 July from CDC and 31 August 2021 from SCPC.⁴

Site Visit

- 2.4 I made an unaccompanied site visit to the SCNP Area on 13 July 2021 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in Appendix 1 to this report.

⁴ View at: <https://www.cotswold.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/south-cerney-neighbourhood-plan/>

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The South Cerney Neighbourhood Plan has been prepared and submitted for examination by SCPC, which is a qualifying body. The SCNP extends over all the South Cerney Parish. This constitutes the area of the Plan designated by CDC on 10 March 2016.

Plan Period

- 3.2 The Plan specifies the Plan period as 2021 to 2031.

Neighbourhood Development Plan Preparation and Consultation

- 3.3 The concise Consultation Statement (CS), including comprehensive Appendices, indicates the stages in the process of the preparation of the Plan. A household survey, hand delivered, covering all homes within the Parish was carried out, together with a business survey, also hand delivered, for all employers in the Parish. In addition, a survey was undertaken specifically for the owners of second homes situated around the lakes in the Parish. This survey was distributed by email through the lakeside management companies. The lakeside property owners are visitors to the Parish for holiday purposes and their views were considered to be important in respect of tourism and local facilities.
- 3.4 Drop in presentations were arranged to enable the sharing of the results of the surveys and to share and confirm the draft and final vision and objectives. The Parish Magazine, South Cerney News, provided the ideal vehicle for the distribution of the household survey. A comprehensive neighbourhood character assessment report was produced.
- 3.5 The Pre-Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations on 14 September 2020 for a period of seven weeks until 6 November 2020. Guidance had been sought from CDC in respect of Statutory Bodies to be consulted at the Regulation 14 stage and to this list was added the names of local landowners and of those whose property was specifically mentioned in the draft Plan. Over 20 representations were received. The comments made and the responses to them are summarised in Appendix 6 of the CS.
- 3.6 The Plan was finally submitted to CDC on 27 April 2021. Consultation in accordance with Regulation 16 was carried out from 21 May 2021 until 2 July 2021.⁵ 7 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the SCNP,

⁵ View at: <https://news.cotswold.gov.uk/news/have-your-say-on-south-cerneys-future#:~:text=The%20South%20Cerney%20Neighbourhood%20Plan%20proposes%2017%20policies,asked%20to%20submit%20their%20views%20into%20our%20consultation.>

that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.7 Subject to the modifications I recommend in **PM7** and **PM12** (paragraphs 4.19 and 4.25 below respectively), the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.9 The main issues for planning in the context of human rights are: protection of property, right to respect for private and family life and prohibition of discrimination. The Basic Conditions Statement advises that the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Local landowners and businesses were specifically consulted in the preparation of the SCNP and its policies. I have considered this matter independently and I have found no reason to disagree with that position, especially as considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded and that the policies and proposals will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The SCNP was screened for Strategic Environmental Assessment (SEA) by CDC. The details were submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations.⁶ As a result of the assessment, it was considered unlikely that there would be any significant environmental effects arising from the draft South Cerney Neighbourhood Plan (as at the time of this assessment in 2018), that were not covered in the Sustainability Appraisal or Appropriate Assessment of the Local Plan. Significant environmental effects have already been considered and dealt with through sustainability appraisal of the Local Plan for the District, to which the SCNP must be in general conformity to meet its Basic Conditions.

⁶ Strategic Environmental Assessment Screening Report, November 2018.
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- 4.2 Accordingly, a screening decision was issued by CDC in November 2018, following consultation with the relevant national bodies. This advised that it was considered the SCNP did not require a full SEA or HRA to be undertaken. The Plan has not significantly altered since this determination was made and so it is still current and an accurate statement of environmental impact. In addition, there are no allocations proposed in the SCNP, and the impact of any potential development (in general conformity with the Local Plan) is expected to be localised and minimal and therefore not significant. Overall, it is not considered necessary to require either a standalone Strategic Environmental Assessment or Appropriate Assessment for the SCNP.
- 4.3 Therefore, it was considered the SCNP did not require a full SEA or HRA to be undertaken. Historic England⁷ and Natural England⁸, when consulted, agreed with those conclusions. The Environment Agency⁹ was unable to make a detailed response due to resourcing issues.
- 4.4 Having read the SEA Screening Assessment Report and the other information provided, and considered the matter independently, I also agree with those conclusions. Therefore, I am satisfied that the SCNP is compatible with EU obligations.

Main Issues

- 4.5 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.6 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹⁰
- 4.7 Accordingly, having regard to the South Cerney Neighbourhood Plan, the consultation responses, other evidence¹¹ and the site visit, I consider that the main issues in this examination are whether the SCNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with

⁷ Response from Historic England, dated 7 November 2018.

⁸ Response from Natural England, dated 2 November 2018.

⁹ Response from the Environment Agency, dated 8 October 2018.

¹⁰ PPG Reference ID: 41-041-20140306.

¹¹ The other evidence includes the responses to my letters of 12 July and 22 July 2021 from CDC (26 July 2021) and SCPC (31 August 2021).

the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

Vision and Objectives

- 4.8 The process of preparing the Plan included having a village open day to discuss a draft vision and objectives and which resulted in the establishment of the vision for South Cerney, which is stated on page 10 of the Plan: "*South Cerney will, in the period to 2031, retain a balance of historical buildings and features alongside sympathetic newer developments. The vibrancy, individuality and community spirit of the parish will remain an important attribute. Sustainability will be enhanced, by developing a stronger network of facilities and services, whilst ensuring that the character and landscape is conserved and enhanced*". The vision is then used to develop nine objectives, with seventeen policies to implement them.

Design Guidelines for South Cerney (Policy SC1)

- 4.9 Policy SC1 lists several considerations to take account of when evaluating proposals for new development, which include the Cotswold Design Code in the CDLP, the South Cerney Neighbourhood Character Assessment and the Conservation Area appraisal. The policy has regard to national guidance¹², generally conforms with Policy EN2 of the CDLP and meets the Basic Conditions subject to two modifications in order to assist effective development management.
- 4.10 The Cotswold Design Code may well eventually be reviewed along with the remainder of the CDLP and, therefore, this should be recognised in the policy, alongside making reference to the newly published National Design Guide and the National Model Design Code. In addition, the final two sentences of the policy dealing with built environment around the lakes are lengthy and too prescriptive. I shall recommend appropriate rephrasing. **(PM1)**

Area of Separation (AoS) (Policy SC2)

- 4.11 Policy SC2 is aimed at preventing South Cerney coalescing with the adjoining settlements of Cirencester, Siddington and Preston by defining an AoS shown on Figure 4 of the Plan. I have three observations on the policy. Firstly, there is no recognition of the acceptance of development in the countryside provided by CDLP Policies DS4 and EC3. These policies are explained more fully in paragraphs 6.4.3 and 6.4.4 and 9.3.4 to 9.3.7 of the Local Plan. The second observation is the emphasis on the visual appearance of the open countryside. Thirdly, the use of "perception" as a term within the policy is too subjective. I shall recommend rephrasing the

¹² NPPF: paragraphs 126 & 127.

final sentence of the policy so that it would generally conform with the strategic policies of the CDLP, have regard to national guidance and meet the Basic Conditions. **(PM2)**

Encouraging Home Working and Micro Businesses (Policy SC3)

4.12 Policy EC1 of the CDLP supports more sustainable working practices, including home working and, therefore, Policy SC3 of the Plan merely repeats what is already adopted planning policy. Moreover, as stated by CDC in their Regulation 16 representation, there is no such term as a micro business in planning policy or practice. Nevertheless, I acknowledge the wish of SCPC to limit any adverse impacts of working from home and small home-based businesses. Accordingly, I recommend that Policy SC3 should be retitled "Home Working and Small Home-Based Businesses" with a similar rephrasing in the text of the policy. **(PM3)**

Local Employment Opportunities (Policy SC4)

4.13 Policy SC4 seeks to encourage development which would create employment opportunities to employ local residents. I endorse the aims of the policy, which is to reduce commuting into and out of the village by car. However, this is also covered by the support for sustainable working practices expressed in CDLP Policy EC1 and I recommend that Policy SC4 should be deleted.¹³ **(PM4)**

Employment Development Outside the Development Boundaries (Policy SC5)

4.14 Policy SC5 supports employment development outside the development boundary only if it is compatible with CDLP Policy RC3 and does not have adverse effects on the existing holiday settlements. The policy would have regard to national guidance¹⁴, generally conform with Policy EC3 of the CDLP and meet the Basic Conditions. CDC suggested that reference should be made to Local Plan policies rather than specifically Policy EC3 in order to future proof the Plan against a subsequent CDLP review. However, I consider this is unnecessary because both the made Plan and any adopted CDLP Review would be part of the development plan with the more recent document taking precedence in the event of an inconsistency between them.

Holiday Accommodation and Access to Lakes (Policy SC6)

4.15 The reference in the second paragraph of Policy SC6 to not normally permit new holiday development outside the Development Boundary is dealt with in Policy EC11 of the CDLP, is unnecessary to repeat in this Plan and I shall recommend deleting it. The other element of Policy SC6 considers access to the lakes around which most of the holiday accommodation is located. Considering the representations from CDC and

¹³ NPPF: paragraph 16 f).

¹⁴ NPPF: paragraph 84 c).

the responses to my question about Policy SC6, I shall recommend that the policy be retitled "Public Access to Lakes" and shall recommend rephrasing the policy as suggested by CDC. **(PM5)** I consider the first paragraph of the policy, as recommended to be modified, would have regard to national guidance,¹⁵ generally conform with Policy SP5 of the CDLP and meet the Basic Conditions.

Non-Residential Visitor Facilities (Policy SC7)

4.16 Policy SC7 aims to support proposals for facilities which would enhance the leisure and recreational attraction of the CWP and, at the same time, safeguard the tranquillity of the lakes which are mostly used for quiet recreational pursuits. Although the policy refers to respecting the residential, rural and landscape location, it fails to mention nature conservation which, considering the extent of the Site of Special Scientific Interest in the CWP, is a significant omission. Therefore, whilst noting the reservations of SCPC, I shall recommend the inclusion of nature conservation in the first sentence of the policy which would not dilute the desire for retaining tranquillity. In addition, I shall recommend the substitution of the phrase "not normally be supported" in place of "not normally be permitted" which would offer greater accuracy for effective development management. **(PM6)**

4.17 With the recommended modifications, Policy SC7 would have regard to national guidance,¹⁶ generally conform with Policy SP5 of the CDLP and meet the Basic Conditions.

Existing Recreational Open Spaces and Allotments (Policy SC8)

4.18 Policy SC8 considers recreational open spaces and allotments and has regard to national guidance¹⁷, generally conforms with Policy INF2 of the CDLP and meets the Basic Conditions.

Protection of Community and Cultural Facilities (SC9)

4.19 Policy SC9 aims to protect community and cultural facilities and includes a list which appears definitive rather than indicative. If the latter, the policy would lack the precision necessary for effective development management. In order to become a land use based policy, I shall recommend the rephrasing suggested by CDC in their Regulation 16 representation. Furthermore, in order to generally conform with Policy INF2 of the CDLP, the final sentence of the policy should be moved to the reasoned justification.¹⁸ **(PM7)** The policy would then have regard to national guidance¹⁹ and meet the Basic Conditions.

¹⁵ NPPF: paragraph 100.

¹⁶ NPPF: paragraph 84.

¹⁷ NPPF: paragraphs 92, 98 & 99.

¹⁸ See CDLP: paragraph 11.2.10.

¹⁹ NPPF: paragraph 93.

Local Ecology Sites (Policy SC10)

- 4.20 Policy SC10 aims to conserve wildlife and the ecological value in Local Ecology Sites listed in the policy and shown on maps at Figure 5 and Appendix F of the Plan. The maps identify two separate sites as 1 River Churn Local Wildlife Sites (LWS) which, for effective development management reasons, should be defined separately as 1a, and 1b. The sites should also be delineated on a larger scale plan, together with the Cerney Wick Meadow Local Wildlife Site and, if possible, the area of the Railway Cutting which is described as a Regionally Important Geological/Geomorphological Site (RIGS). Following my request, SCPC has submitted plans, agreed with CDC, which I shall recommend should be included in the Plan to replace Figure 5 and be added to Appendix F. The alteration of the heading of the policy to Local Sites of Biodiversity and Geological Value would also reflect its content.
- 4.21 The substance of the policy begins in the paragraph following the list which does not have sufficient regard to national guidance²⁰ and would be rectified by the modification which I shall recommend. **(PM8)** The policy would then also generally conform with Policy EN8 of the CDLP and meet the Basic Conditions.

Local Green Spaces (Policy SC11)

- 4.22 Two Local Green Spaces (LGS) are defined in Policy SC11 at Boxbush Farm Fields and at Chapter Manor – Edwards' College Parkland. As explained in the NPPF, LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.²¹ Appendix H in the Plan explains how those criteria are met and, subject to one criticism, I consider that the policy has regard to national guidance, generally conforms with Policy EN3 of the CDLP and meets the Basic Conditions. My particular concern is the inclusion in the policy of the phrase "... including the development that preserves and enhances the attributes for which it (the LGS) was designated" which does not have regard to national guidance.²² Therefore, I shall recommend the deletion of the final phrase of the policy. **(PM9)**

Local Heritage Assets (Policy SC12)

- 4.23 Policy SC12 considers local heritage assets and states that the historic characteristics of non-designated heritage assets (NDHAs) are to be conserved and, where possible, enhanced in any proposed development.

²⁰ NPPF: paragraph 180.

²¹ NPPF: paragraph 102.

²² NPPF: paragraphs 103 & 147.

National guidance is that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.²³ Therefore, I shall recommend the inclusion of the need for the balancing exercise so that Policy SC12 has regard to national guidance. The policy will then generally conform with Policy EN12 of the CDLP and meet the Basic Conditions. In addition, I shall recommend that the policy title is altered to non-designated heritage assets which reflects its content, rather than local heritage assets which would include the Conservation Area and designated assets such as Listed Buildings. **(PM10)**

- 4.24 CDC has suggested that within the list of NDHA in the policy, ISIS Lakes Holiday Homes should be deleted because of their relatively recent age and lack of high architectural quality. I have no convincing reason to disagree and to assist effective development management I shall recommend the deletion. **(PM11)** I have noted the helpful clarification by SCPC of the reasoning behind the inclusion of "Lock Keepers Cottage" within the list of NDHA in Policy EN12 and have no reason to delete it because the CDLP criteria for definition of a NDHA appear to have been met.²⁴

Redevelopment of Clark's Hay Garage (Policy SC13)

- 4.25 Policy SC13 encourages the redevelopment of Clark's Hay Garage which is more action than policy. Therefore, I shall recommend an appropriate rephrasing of the policy so that it is more suitable for development management. **(PM12)** Otherwise, the policy has regard to national guidance,²⁵ generally conforms with Policy EN11 of the CDLP and meets the Basic Conditions.

Alleviation of Flooding (Policy SC14)

- 4.26 Policy SC14 seeks to alleviate flooding at South Cerney. The policy has regard to national guidance,²⁶ generally conforms with Policy EN14 of the CDLP and meets the Basic Conditions.

Energy Use and Renewable Energy (Policy SC15)

- 4.27 I consider the policy has regard to national guidance, generally conforms with Policy EN14 of the CDLP and meets the Basic Conditions. As CDC comment in the Regulation 16 representations, Policy SC15 focusses on buildings, rather than other renewable energy installations. However, the policy is based on the reasoned justification which refers to buildings or properties rather than more general issues. My task is to consider what is included in the Plan and not what it omits, subject to the Plan or policy

²³ NPPF: paragraph 203.

²⁴ CDLP: Table 6.

²⁵ NPPF: paragraph 123.

²⁶ NPPF: paragraphs 153 & 154.

meeting the Basic Conditions, which this policy does. I also believe that normal development management procedures will assess whether any visual or amenity impact would be unacceptable without further elaboration in the policy.

Sustainable Travel and Rights of Way Network (Policy SC16)

- 4.28 Policy SC16 aims to retain the rights of way network and, where appropriate, seek improvements or extensions. However, because the policy applies to all development proposals, the added reference to tourism and leisure is superfluous and may result in confusion in development management. Therefore, I shall recommend deleting it. The policy would then have regard to national guidance,²⁷ generally conform with Policy INF3 of the CDLP and then meet the Basic Conditions. **(PM13)**

Light Pollution (Policy SC17)

- 4.29 Policy SC17 seeks the reduction of light pollution. CDC has commented that the impact of lighting on landscape character and appearance is omitted from the policy and refers to the quotation in the Plan from the NPPF which aims to limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation.²⁸ I shall recommend that the policy is modified by the addition of the phrase from the NPPF in which case it will have regard to national guidance, generally conform with Policies EN2 and EN4 of the CDLP and meet the Basic Conditions. **(PM14)**

Overview

- 4.30 Accordingly, on the evidence before me, with the recommended modifications, I consider that the policies within the SCNP are in general conformity with the strategic policies of the CDLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.31 A consequence of the acceptance of the recommended modifications would be that amendments would have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. These might also include incorporating factual updates, correcting minor inaccuracies or improvements suggested helpfully by CDC. For example, a number of factual updates may be made in relation to direct references to the NPPF in the Plan, including paragraphs 1.1 (general), 5.7.2 (180 b) now 185 b)), and 5.17.2 (180 c) now 185 c)). None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.²⁹

²⁷ NPPF: paragraphs 100 & 104.

²⁸ NPPF: paragraph 185 c).

²⁹ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The South Cerney Neighbourhood Development Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the SCNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The SCNP as modified has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The Parish Council and voluntary contributors are to be commended for their efforts in producing a concise Plan which was professionally presented with comprehensive accompanying documentation. I enjoyed reading the Plan and the associated papers and visiting the area. With the recommended modifications, the SCNP will make a positive contribution to the Development Plan for the area and should enable the rural character and appearance of South Cerney and its surroundings to be maintained.

Andrew Mead

Examiner

Appendix 1: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy SC1	<p>Delete the second sentence and insert: “New developments should take account of the Cotswold Design Guide (which is Appendix D to the 2011 – 2031 CDLP) or any relevant successor design guide or code and the South Cerney Neighbourhood Character Assessment (NCA) Appendix N, alongside the National Design Guide and National Model Design Code.”</p> <p>Delete the final two paragraphs and insert: “Within lakeside holiday developments, proposals for more contemporary designs will be supported that are in character with other buildings in the vicinity.”</p> <p>Explain the reasons for the new final sentence of the policy in the justification based on the deleted final two paragraphs.</p>
PM2	Policy SC2	<p>Delete the final sentence and insert: “Subject to the exceptions provided for in CDLP Policies DS4 and EC3, development proposed in the Area of Separation which would result in a significant erosion of the separation between settlements will not be supported.”</p>
PM3	Policy SC3	<p>Retitle the policy: “Home Working and Small Home-Based Business”.</p> <p>Amend the first phrase within the policy to: “Where planning permission is required, proposals for home working and small home-based businesses will be supported subject to complying with, etc...”.</p>
PM4	Policy SC4	<p>Delete the policy.</p>
PM5	Policy SC6	<p>Retitle the policy: “Public Access to the Lakes”.</p> <p>Amend the first paragraph within the policy to: “Public access to the lakes should be maintained and improved wherever possible. Proposals for existing and new</p>

		<p>holiday accommodation which include improved public access to lakes and South Cerney village will be supported.”</p> <p>Delete the second paragraph.</p>
PM6	Policy SC7	<p>Rephrase the first sentence to: “Visitor facilities which enhance the leisure and recreational offer of the Cotswold Water Park while respecting nature conservation interests and the residential, rural and sensitive landscape location will be supported.”</p> <p>Delete from the second sentence “... will not normally be permitted”. Insert “.... will not normally be supported.”</p>
PM7	Policy SC9	<p>Rephrase the second sentence to:</p> <p>“Development proposals that will result in the change of use, or redevelopment including a significant reduction in the scale and value of a community and cultural facility, will only be supported where they comply with other policies of the development plan.”</p> <p>Move the final sentence to the reasoned justification.</p>
PM8	Policy SC10	<p>Change policy heading to:</p> <p>“Local Sites of Ecological and Geological Value”.</p> <p>Amend the second and third sentences to:</p> <p>“Where development would cause significant harm to biodiversity which cannot be avoided by either locating it on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Any mitigation measures and, where appropriate, the maintenance of them should be integrated into the design of the proposals and, if necessary, secured by planning condition.”</p>
	Figure 5	<p>Replace Figure 5 with the updated location map and add the detailed maps to Appendix F, all of which were submitted by SCPC on 31 August</p>

		2021 delineating the specific Sites of Ecological and Geological Interest.
PM9	Policy SC11	Delete: "... including development that preserves and enhances the attributes for which it was designated."
PM10	Policy SC12	Alter policy title to "Non-Designated Heritage Assets" Delete first sentence and insert: "When proposed development might directly or indirectly affect a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm and the significance of the asset."
PM11	Policy SC12	Delete ISIS Lakes Holiday Homes from the list.
PM12	Policy SC13	Amend first phrase to: "Proposals for the redevelopment of this site for residential use and/or commercial use will be supported, ..." .
PM13	Policy SC16	Amend first phrase to: "Development proposals will be expected to ..." .
PM14	Policy SC17	Amend the first paragraph of the policy to: "Developments should be designed to reduce the occurrence of light pollution and, where appropriate, are required to demonstrate how they will contribute towards minimising light pollution. Information on these measures must be submitted with applications."