

FAIRFORD NEIGHBOURHOOD PLAN
2020 - 2031

BASIC CONDITIONS STATEMENT

AUGUST 2022

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1.INTRODUCTION

1.1 This statement has been prepared by Fairford Town Council (“the Town Council”) to accompany its submission of the Fairford Neighbourhood Plan (“the Neighbourhood Plan”) to the local planning authority, Cotswold District Council (“the District Council”), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).



Plan A: Fairford Designated Neighbourhood Area

1.2 The Neighbourhood Plan has been prepared by the Town Council, the ‘Qualifying Body’, for the Neighbourhood Area (“the Area”), which coincides with the boundary of the Parish of Fairford as shown on Plan A above. The District Council designated the Area on 20 November 2013.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to ‘excluded development’, as defined by the Regulations. The plan period of the Neighbourhood Plan is from 1 April 2020 to 31 March 2031, the end date of which corresponds with the plan period of the Cotswold District Local Plan 2011-2031 (“the Local Plan”) adopted in 2018.

1.4 The statement addresses each of the four ‘Basic Conditions’, which are relevant to this plan, required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
- b) (Not relevant for this Neighbourhood Plan),
- c) (Not relevant for this Neighbourhood Plan),
- d) The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
- e) The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- f) The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations that have been incorporated into UK law,
- g) prescribed conditions are met in relation to the Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the Plan (in respect of the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 and other material considerations).

1.6 The responsibility for determining if a Neighbourhood Plan has had regard to national policy and is in general conformity with strategic policy rests with a combination of the qualifying body, the local planning authority and the independent examiner (Planning Practice Guidance §41-070 and §41-074). Case law, established in the Tattenhall Neighbourhood Plan in 2014 (see §82 of EWHC 1470) but endorsed by the Courts on a number of occasions since, makes clear that:

“... the only statutory requirement imposed by Condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted Development Plan as a whole ... any tension between one policy in the Neighbourhood Plan and one element of the ... Local Plan (is) not a matter for the Examiner to determine.” (our emphasis)

1.7 It is noted that the case law has not yet explicitly established the same principle for Condition (a) in respect of the regard to national policy, but it seems reasonable to expect the Courts would reach the same conclusion, given there will also be a range national policies influencing plan making, and that those policies may also be in tension. In any event, the Town Council and District Council have endeavoured to work together closely in preparing the Neighbourhood Plan to avoid any disagreement on these matters in its submitted version (see §2.4 for further details).

1.8 The Town Council is also mindful of the ‘Planning for the Future’ White Paper published by the Government in August 2020. The Paper proposed to make significant changes to both the development plan and management systems and indicated that there is a future for neighbourhood planning in that system, but the precise role that plans will play was not made clear. There is considerable uncertainty now on the direction these changes will take but no new system will be in place before the making of this Neighbourhood Plan and no account has therefore been taken.

2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Town Council in 2013. The key driver of this decision was a sense of wanting to plan positively for the future of the town in the light of an increasing number of speculative planning applications for large housing developments being consented in the absence of an up-to-date Local Plan and an adequate supply of housing land.

2.2 A steering group was formed comprising the residents and Town Council representatives. The group has been delegated authority by the Town Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Town Council approved the publication of the formal documents.

2.3 The first version of the Neighbourhood Plan was completed in 2016 and was examined in 2017. The examiner judged that some elements of the Plan did not meet the basic conditions and he recommended to the District Council that the plan should not proceed to referendum. The Town Council was disappointed at the examiner's findings but accepted the District Council and examiner's decision and agreed to commence the preparation of a new plan with revised site and more robust evidence.

2.4 Again, the Town Council has consulted local communities extensively over the duration of the new project. It has also worked closely with officers of the District Council, the relationship with whom has improved since the adoption of the Local Plan in August 2018. In contrast with the first version, the Town Council is pleased that the District Council now judges that each policy meets the basic conditions.

2.5 In this respect, the Town Council acknowledges that the Planning Practice Guidance (§41-053) states that "it is only after the independent examination has taken place and after the examiner's report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan meets the basic conditions." However, it is also mindful that, once submitted for examination, it has no further opportunity to modify the Neighbourhood Plan, other than through its withdrawal and resubmission. Further, S12(4) of the Town & Country Planning Act 1990 defines the local planning authority as the decision maker in respect of determining if the basic conditions have been met in order to make a neighbourhood plan, with modifications to the submitted plan as necessary. But, the Planning Practice Guidance regards the task of arriving at a planning judgement to be shared by the local planning authority, the qualifying body and examiner during the examination, in collectively considering if the basic conditions have been met (§41-070 and §41-074).

2.6 In which case, and with the history of this project firmly in mind, it has been vital that both the Town Council and the examiner are left in no doubt of the position of the District Council. In this regard, the Town Council notes the advice to the examiner in §2.9.6 of the NPIERS 'Guidance to service users and examiners' (2018) in respect of the standard of proof that the examiner must apply in reaching a planning judgement and in its §2.14.1 in respect of the requirement for accuracy, clarity and simplicity.

2.7 The Town Council expects that the examiner of the new plan will wish to understand the reasons why some proposals in the first plan did not meet with its examiner's approval. However, this is a new plan, albeit with the same vision, objectives and almost all the policies. It has refreshed and bolstered the evidence base and a new SEA has been prepared (the original being the main source of contention at the first examination). The adopted Local Plan now brings certainty to the strategic policy framework, although as noted in Section 4, the Town Council's prior misgivings about the delivery of the two Local Plan site allocations in the town have proved to be well founded. The Town Council therefore hopes the examiner of the new plan will begin the examination with a fresh pair of eyes and not regard the first examination as a benchmark.

2.8 The Neighbourhood Plan contains 19 land use policies, which are defined on the Policies Map where they apply to a specific part of the Area. The Plan has deliberately avoided containing policies that duplicate saved or forthcoming development plan policies or national policies that are already or will be used to determine planning applications. The policies are therefore a combination of site-specific allocations or other proposals and of development management matters that seek to refine and/or update existing policies.

3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) of 2021 and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. As demonstrated in Table A, this plan has taken to opportunity to refine some adopted Local Plan policies to reflect the amendments to the Use Classes Order introduced in September 2020 as they apply to this Area (PPG 13-009c). In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

General Paragraphs

3.2 The Town Council believes the Neighbourhood Plan “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28).

3.3 The Town Council considers that its Neighbourhood Plan has provided its community with the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains a housing site allocation proposal to redress the under-delivery of the Local Plan site allocations (§29). In this regard, the NPPF provisions of meeting local housing needs (as per §67) have been met, and slightly exceeded, for the plan period to 2031, thus enabling the District Council to engage the provisions of §14 in managing housing development proposals if those circumstances arise. The Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§31).

Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below.

Table A: Neighbourhood Plan & NPPF Conformity Summary

No.	Policy Title	NPPF Ref.	Commentary
FNP1	The Fairford and Horcott Development Boundaries	15, 16, 17, 29	The principle of defining Development Boundaries to distinguish between the urban and rural is a well established strategic policy in Cotswold District (§17 and §29) and fundamental to operating the plan-led system (§15). The boundaries are unambiguous for all parties in the process to understand and are the product of the policies contained within the FNP to deliver sustainable development (§16).
FNP2	Providing a new burial ground	93	The policy encourages proposals to increase the capacity of this local service to remain in step with the growing population of the town (§93). It was not possible to bring forward a site-specific proposal so the policy sets out the criteria by which proposals will be judged.
FNP3	Maintaining viable community facilities	93	The policy identifies those community facilities to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (§93). This is especially important as greater demand is placed on those facilities from the growing population.
FNP4	Managing flood risk	159 - 169	The policy addresses one of the most important planning issues in the town for many years. It is consistent with, and partially refines the NPPF's provisions for managing flood risk (§159 - §169) with the benefit of extensive local experience, expertise and research. It acknowledges the wide variety of flooding sources and their effects of the town to ensure applicants understand and respond carefully to those risks in their proposals as relevant to their location, nature and scale.

FNP5	Investing in utilities infrastructure improvements	20, 25, 26, 28	The policy is similar in its content to FNP4 in that past failures in delivering timely and quality improvements to supporting utilities infrastructure have poorly served the community. It aims to tackle this problem by raising the awareness of developers and utility providers in considering capacity and quality matters at the earliest opportunity in the design process and not to rely on standard obligations of the service providers to eventually find solutions to foreseeable problems, albeit at the town (non-strategic) scale (§20 and §28). The Town Council has engaged extensively with the local providers to ensure they support the policy (§25 and §26).
FNP6	Managing traffic in the town	104, 105	The policy draws attention to the challenges created by the town's historic road patterns and widths, its location on the local highway network and its growing geography and population. It requires that proposals take full account of their traffic effects so they may be assessed and mitigation measures identified (§104). Its impact ought to be to direct windfall schemes not identified in the FNP to have given this matter the same consideration as the Town Council in its choice to allocate the Leaffield Road site in FNP14 in managing the growth of the town (§105).
FNP7	Improving access to visitor attractions	84, 106	The policy recognises the value of tourism to the local economy and seeks to better connect the town with nearby attractions (§84) in the most sustainable ways by encouraging walking and cycling (§106).
FNP8	Protecting Local Green Spaces	101, 102, 103	The policy responds to the provisions of §101 to make designation proposals, informed by its evidence base in respect of meeting the tests of §102. Its wording then reflects the Green Belt equivalency of §103.
FNP9	Protecting the Fairford – Horcott Local Gap	174, 190	The policy identifies the gap between the town and its smaller neighbour as especially precious in conserving their respective identities and character. The gap is therefore valued as a landscape (§174) and extends to the River Coln valued landscape as the gaps widens into the countryside south of the town.

			The evidence base also highlights its role in defining the significance of the setting to the Fairford Conservation Area, which requires conserving and enhancing as a designated heritage asset (§190). Importantly, the FNP has made positive proposals for growth on the other side of town, so the policy does not impede the wider spatial strategy.
FNP10	The River Coln Valued Landscape	174	The policy identifies the land as a valued landscape (§174) which extends into the town as part of the Local Gap of FNP9. It does not prevent development but requires proposals to acknowledge, understand and respond to the sensitivity of the openness of the landscape in relation to their nature, scale and location. Importantly, the FNP has made positive proposals for growth on the other side of town, so the policy does not impede the wider spatial strategy.
FNP11	Valuing Hedgerows and Trees	131, 179	The policy recognises the biodiversity value (§179) and visual amenity value (§131) of aged or veteran trees and requiring this to be considered when determining planning applications.
FNP12	Achieving High Standards of Design	127, 128, 190	The policy responds to the new drive in the NPPF for achieving well-designed places (§128 and §129). It identifies a small number of key design principles that add value to the Cotswold Design Code to relate specially to Fairford, as well as cross referencing the Character & Design report prepared especially for the FNP. The town and its Conservation Area are special and are very worthy of this design approach (§190).
FNP13	Conserving Local Heritage Assets	203	The policy identifies a number of non-designated heritage assets and is worded to reflect the provisions of §203 in respect of decision making. The assets were identified in the separate evidence document based on the Historic England advice.

FNP14	A New Low Carbon Community in Fairford	60, 62, 63, 65, 67, 69, 70, 124, 128	<p>The policy allocates land for housing development (80 homes) on the NW edge of the town. It is the product of a need to redress the under-supply of new homes as a result of the failure to deliver the two sites in the adopted Local Plan and discussions with a key landowner in the town and wider area. The separate Strategic Environmental Assessment covers the site assessment process and demonstrates the net positive sustainability effects of the proposal when compared to reasonable alternatives. No Housing Needs Assessment was required as the goal was to tackle the Local Plan deficit (61 homes), the Local Plan having justified the scale of housing growth for the town over the plan period, taking into account the very significant unplanned growth over the last decade. As such the indicative housing target (§67) is zero but the new site more than compensates for the loss of the Local Plan sites.</p> <p>The policy will contribute to boosting local housing supply (§60) suited to different occupant types (§62), including affordable homes (§63) and self-build homes (§65). The site is medium sized suited to delivery by the SME housebuilder sector (§69 and §70). It also sets out some key development principles to ensure a successful scheme is delivered, notably in making efficient use of the land (§124), high design quality (§128) and assimilating the scheme with the town edge to the countryside.</p>
FNP15	Housing Type & Mix	62, 133	<p>The policy sets an ambition for shaping the emphasis of future housing type delivery to meet the needs of the town (§62). The evidence base indicates a need for more 2 and 3 bedroom homes to maintain a healthy supply of a range of housing types in the town. It also encourages proposals to exceed the minimum national standards for Lifetime Homes to reflect the needs of an aging local population (§133).</p>
FNP16	Zero Carbon Buildings	58, 149, 152, 153, 157	<p>This policy is intended as an interim measure pending either the adoption in the Local Plan Review of a similar policy covering the whole district or an acceleration towards the same objective than is currently proposed by the Government in its Future Homes Standard. It is intended here to help shape</p>

			<p>Fairford in a way that contributes to radical reductions in greenhouse gas emissions as encouraged by §149.</p> <p>It is vital to note that to remain consistent with the Government’s current approach, the policy does not make the PassivHaus (or equivalent certified standard) a requirement. Rather it is encouraging of such proposals even though such a provision is bound to be in place nationally within the next five years and many developers are already planning for delivering to this standard in their layouts and building specifications.</p> <p>It encourages applicants to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption now rather than in five years’ time (§157(d)).</p>
FNP17	Growing Our Local Economy	82, 84, 85, 86	<p>The policy identifies the Whelford Lane Industrial Estate as a well-established location to promote economic growth of a kind (B2 and B8) suited to a location outside the town boundary (§82). It is also suited to former B1 office and light industrial business uses, now Class E(g). As employment in rural areas is scarce and suitable opportunities to grow industrial businesses are few, given the environmental and connectivity constraints, the policy provides for the intensification of the Estate (§84 and §85) but not at the cost of undermining the town centre (§86) that may occur if other Class E uses are promoted.</p>
FNP18	Sustaining a Successful Town Centre	84, 86	<p>The policy acknowledges the importance of the small town centre to serving the local community. It is considered to be at critical mass with any loss of a commercial unit likely to undermine the vitality and viability of the centre (§84 and §86). It accepts that there are now limits on how development can be managed through the planning system and it will only apply where planning permission is required.</p>

FNP19	New Visitor Accommodation	84	The policy recognises the value of tourism to the local economy and seeks to encourage suitable additions to the town's visitor accommodation to bolster that value (\$84).
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3.5 It is considered that all of the policies have had full regard to national policy, with no incidence of two or more national policies being in tension, nor of the Town Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 Given the intended scope of the Neighbourhood Plan, the Town and District Councils agreed that an SEA would be necessary as a matter of principle and the Town Council proceeded to appoint AECOM to prepare first a scoping report for a Sustainability Appraisal (SA/SEA) in 2018 for consultation with the statutory bodies and then draft and final SA/SEA reports at the Pre-Submission and Submission stages. The District Council provided a formal screening opinion confirming the need for an SEA in October 2020.

4.2 The separate SA/SEA Report sets out the sustainability effects of the policies of the Neighbourhood Plan. The Report concludes:

*“The assessment has concluded that the current version of the Fairford Neighbourhood Plan is likely to lead to **significant long-term positive effects** in relation to the Population and Community, Health and Wellbeing, and Economy and Enterprise SA themes. These benefits largely relate to the delivery of new housing to meet local needs; the support for employment and support for tourism growth to develop the local economy; the protection of the public realm and of settlement identities; and the provision of new and protection of existing green/ open spaces. This is also expected to lead to **minor positive effects** in terms of the ‘biodiversity’ SEA theme, improving connectivity and supporting net gain in new development.*

***Minor positive effects** are also predicted in relation to the Climate Change SA theme given the delivery of a New Low Carbon Community in Fairford. Policy FNP14 includes numerous requirements for new development which support national and local mitigation and adaptation objectives, implementing the climate emergency declared by CDC. While it is recognised that land between Leafield Road and Hatherop Road is partially at high risk of ground water flooding, it is considered that there is sufficient space within the Leafield Road site for development to avoid those areas at highest risk from groundwater flooding; with neutral effects anticipated in this regard once mitigation has been adopted. **Uncertain significant positive effects** are predicted in relation to the Transportation SA theme, and will depend on the phasing of development and associated infrastructure delivery at land between Leafield Road and Hatherop Road. **Neutral effects** are anticipated in relation to the Landscape and Historic Environment SA theme given the criteria set out in the FNP policies and the higher-level policy framework of the Local Plan (2018) and NPPF (2021). **Minor long term negative effects** are predicted in relation to the Land, Soil and Water SA theme due to the loss of greenfield land at land between Leafield Road and Hatherop Road; however, given this is not best and most versatile agricultural land, effects are not anticipated to be significant.”*

5. CONDITION (E): GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

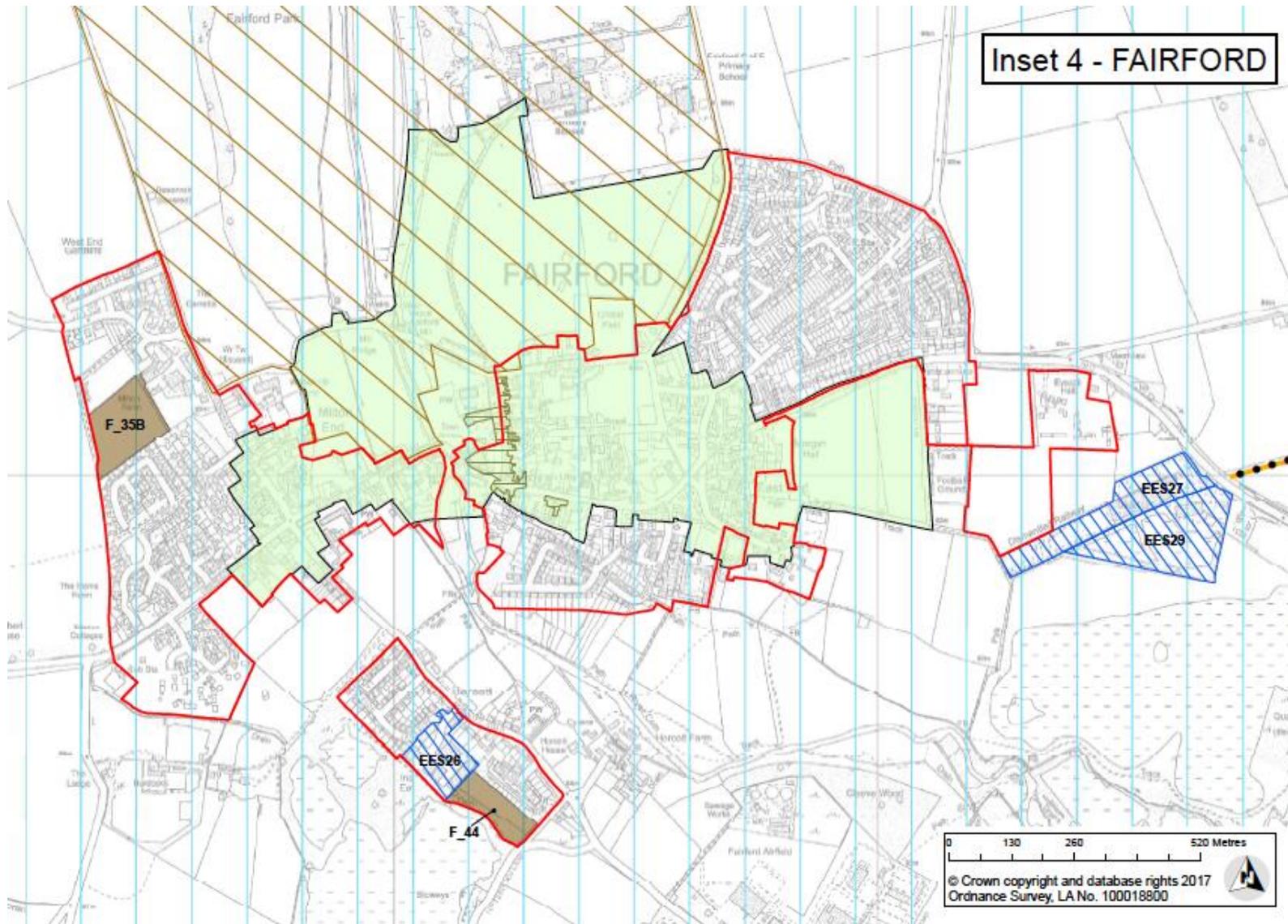
5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the Local Plan, which covers the period 2011 – 2031. In doing so, the Town Council has worked closely with the District Council with the aim of ensuring that both consider this basic condition has been fully met. The Town Council has also been mindful of the provisions of the Gloucestershire Minerals Local Plan, also adopted in 2018 for the period to 2032, and of the Gloucestershire Waste Core Strategy adopted in 2012 for the period to 2027, both of which also form part of the development plan.

5.2 The Planning Practice Guidance (§41-074) states that:

“When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach”*

5.3 The Local Plan (Policy SA1) defines Fairford as a Principal Settlement in the South Cotswolds Sub-Area in its settlement hierarchy. Its Policy DS1 (Development Strategy) identifies the Principal Settlements as the focus of the strategy for housing and employment allocations. Policies DS2 and DS4 operate a development boundary mechanism to in turn focus development within the built up areas of the settlements including those site allocations. Its Policy S5 is specific to Fairford and allocates two housing sites – at Milton Farm and at Faulkner’s Close – for 61 dwellings, as well as identifying four established employment sites and four local infrastructure projects (see the Inset 4 Policies Map of the Local Plan in Plan B below). However, as the Town Council long suspected, it is now known that neither of the housing sites will come forward for delivery in the plan period for various reasons.



Plan B: Cotswold District Local Plan 2011-2031 Policies Map: Fairford

5.4 The Neighbourhood Plan has sought to add value to the Local Plan by refining some of its policies to better fit with the Fairford context and, in the case of Policy FNP14 (and therefore FNP1 as well), to replace the loss of the two housing sites of Policy S5 to ensure local housing needs continue to be met in the plan period. This will in turn ensure that the District Council is able to use the Neighbourhood Plan to engage NPPF §14 in relevant development management decisions – most notably in having to demonstrate only a three year housing land supply – for as long as the §14 conditions are met. As noted above, although there are few differences between this version of the FNP and its predecessor, the District Council is now satisfied that the relationship between the two plans has been resolved. It now considers that this basic condition has been met.

5.5 During the completion of the Neighbourhood Plan in early 2022, the District Council consulted on Issues & Options for the partial review of the Local Plan. It proposes to maintain the current plan period to 2031 but to update policies in the light of it declaring a Climate Emergency and to encourage thinking about the District to 2040 and beyond. It is too early for this Neighbourhood Plan to take into account draft policy proposals but it is noted that the direction of travel on climate change policies is consistent with that taken by the Neighbourhood Plan (for example, see Policy FNP16 in Table B).

5.6 An assessment of the general conformity of each policy, and its relationship with adopted policy where relevant, is contained in Table B below.

Table B: Neighbourhood Plan & Development Plan Conformity Summary

No.	Policy Title & Refs	Commentary
FNP1	The Fairford and Horcott Development Boundaries	The policy redefines the Development Boundaries of Policy DS2 and its wording restates that of the policy. The Boundaries required redefinition to accommodate the new site allocation of FNP14 and to remove one of the S5 allocations (F35B – which is no longer available for development, per the landowner).
FNP2	Providing a new burial ground	The policy refines Policy S5(d) by setting out criteria to aid future site selection. This use and any ancillary buildings or structures are required to adhere to policies relevant to a countryside location (e.g. EN2, EN4, EN6) and to take account of parking (INF5), highways (INF4) and flood (EN14) effects. It is one form of community infrastructure improvement encouraged by Policy INF2.
FNP3	Maintaining viable community facilities	The policy relates closely to Policy INF2 in identifying the specific community facilities in Fairford to which that policy applies.
FNP4	Managing flood risk	The policy restates and bolsters (to a modest extent) the provisions of EN14 on flood risk in order to draw attention to the importance of this issue and its complexities in Fairford.
FNP5	Investing in utilities infrastructure improvements	The policy restates and bolsters (to a modest extent) the provisions of INF1 and INF8 to address past weaknesses in the timeliness and quality of supporting infrastructure as the town continues to grow. It is vital that developers work with the utilities companies at the earliest stages of designing their proposals to ensure that those proposals include details to address these matters in relation to their nature, scale and location.
FNP6	Managing traffic in the town	The policy is consistent with INF3 in requiring proposals to consider carefully their traffic effects on the town's limited road network and to make proposals for actions that respond to the list of clauses in INF3.
FNP7	Improving access to visitor attractions	The policy complements S5, EC10 and INF3 in encouraging proposals to better connect the town to its nearby attractions through sustainable means, e.g. walking and cycling.

FNP8	Protecting Local Green Spaces	The policy designates three Spaces in addition to those designated by EN3 and its wording is consistent with that policy and with the NPPF.
FNP9	Protecting the Fairford – Horcott Local Gap	The policy complements EN1 and EN4 by defining a valued landscape (in the form of a gap preventing the visual coalescence of Fairford and Horcott) as an essential means of protecting and conserving the historic and natural character of the town and its near neighbour. It is similar in intent and wording to EN6 but local in application.
FNP10	The River Coln Valued Landscape	The policy complements EN1 and EN4 by defining a valued landscape (in the form of a distinct landscape area south of Fairford but an extension to its gap with Horcott closer to the town) as an essential means of protecting and conserving the historic and natural open character of the setting to the town. It is similar in intent and wording to EN6 but local in application.
FNP11	Valuing Hedgerows and Trees	The policy refines EN7 to fit with the Fairford context and to bolster its provisions.
FNP12	Achieving High Standards of Design	The policy restates EN2 in its cross referencing of the Cotswold Design Code but also refines that policy by identifying some key design principles and key views specific to Fairford.
FNP13	Conserving Local Heritage Assets	The policy is consistent with EN1 in seeking to conserve a specific type of local heritage asset, which it identifies, and for completeness it restates EN12, both of which reflect the NPPF.
FNP14	A New Low Carbon Community in Fairford	<p>The policy replaces part of S5 in allocating land for 80 homes to substitute for the 61 homes allocated by that policy that will not now be delivered. It is not considered that there is a material difference in total housing quantum, which will contribute to the overall development strategy of the District (DS1). Given there is no available land for allocation within the Development Boundaries defined by the Local Plan Policies Map, the land has had to be found outside but adjoining the Boundary following a site assessment process. As with the Local Plan site allocation process, this required a temporary suspension of Policy DS2 to allow the assessment of sites to determine the most suitable site to allocate.</p> <p>The process, aided by the SA/SEA, has taken full account of the effects of development on the built, natural and historic environment and landscape (EN1 and EN4). There is clear evidence from the landowner that the policy is viable and of an intent to deliver the homes later in the plan period once some of the local infrastructure challenges have been addressed.</p>

		The landowner has committed to confirm this in the Regulation 16 period and at the examination itself if requested. The development principles capture the key mitigation measures that should form part of subsequent proposals, including habitats effects (EN9) (via the separate Habitats Regulations Assessment – see Section 6), traffic (INF3), infrastructure (INF1 and INF2), design (EN2) and green infrastructure (INF7).
FNP15	Housing Type & Mix	The policy refines H1(1) by encouraging proposals to give an emphasis to the delivery of small and medium sized family homes and to deliver homes that are especially suited or adaptable to meeting the needs of older households. The evidence base indicates that these are of particular relevance to Fairford as it continues to grow and its population ages. In addition, the policy supplements INF5 by requiring EV charging infrastructure in new car parking arrangements, again to reflect the town’s relatively remote location from larger centres of population where such charging infrastructure is more commonplace. This is also consistent with Government ambitions to enable switching to EVs by 2030.
FNP16	Zero Carbon Buildings	<p>There is no adopted strategic policy on this matter, but this policy is consistent with the Local Plan objectives (notably its sixth ‘Climate Change & Flooding’) of ensuring new development is of a sustainable design and maximises energy efficiency. The District Council has declared a Climate Change & Ecological Emergency and is at the forefront of local planning authorities wishing to use the planning system to make its contribution to this goal. The Evidence Paper: Responding to the Climate Crisis published as part of its Issues & Options consultation for the Local Plan Partial Review anticipates precisely this same policy response thus (in its §4.25 on p20):</p> <p><i>Recognising the cost effectiveness of building-in net zero carbon performance from the start, rather than retrofitting later, and furthermore recognising the necessity for new build to achieve net zero carbon performance at the earliest possible date, planning policy for new developments of every scale could include:</i></p> <ul style="list-style-type: none"> • <i>to require zero combustion of fossil fuels (for either heating or cooking) from the earliest possible date, with heating to be provided predominantly by high efficiency electric means (heat pumps).</i> • <i>to require the installation of on-site renewable energy generation whose annual output will be equivalent to at least the building’s expected annual total of regulated and unregulated energy demand.</i> • <i>to require that all new buildings are net zero carbon in both construction and operation, using the UK Green Building Council definitions 34 of net zero (or equivalent).</i>

		In its Evidence Paper: Neighbourhood Development Plans, it preferred option is to ‘place a duty on those preparing neighbourhood plans to respond to climate and ecological emergencies’. Although it is noted that Local Plan policy cannot place such duties on neighbourhood plans in practice, it is a signal that the District Council takes the matter seriously. It is therefore fully supportive of Policy FNP16, the provisions of which once made may inform its own Districtwide policy response in due course.
FNP17	Growing Our Local Economy	The policy is consistent with the employment development goals for maintaining and enhancing the vitality of the rural economy (EC1). It is also consistent with the safeguarding intent of EC2 but updates its wording to reflect the changes made to the Use Class Order in 2021. It seeks to promote the intensification of the well-established Estate for B2 and B8 uses (as per EC2) and for Class E(g) uses (former B1). Although the change of use of buildings in those uses to other uses in Class E is no longer defined as ‘development’, there is vacant land within the Estate and the policy seeks to prevent new buildings on that land being used for retail uses (Class E(a)) that are wholly unsuited to this relatively remote location and that may undermine the town centre.
FNP18	Sustaining a Successful Town Centre	The policy complements and partially updates EC8 in respect of changes to the Use Class Order and Permitted Development Rights affecting town centres that postdate the adoption of the Local Plan.
FNP19	New Visitor Accommodation	The policy restates EC11 in encouraging proposals for new visitor accommodation as this sector is an important feature of the local economy. It also highlights the potential for such accommodation to be delivered as part of rural diversification proposals for converting or extending farms or other established agricultural uses in the countryside beyond the defined Development Boundaries, and is consistent with policies EC5 and EC6 in these respects.

5.7 It is considered that all of the policies are in general conformity with the strategic policies of the adopted Local Plan, with no incidence of two or more strategic policies being in tension, nor of the Town Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).

6. CONDITIONS (F & G): COMPATIBILITY WITH ENVIRONMENTAL LEGISLATION AND OTHER MATTERS

6.1 The requirements in respect of Strategic Environmental Assessment (SEA) have been addressed in Section 4 of this Statement. Suffice to say that the process for preparing the Sustainability Appraisal (incorporated the SEA) and the content of the respective reports has followed the requirements set out in the EU Directive 2001/42 as translated in the UK's Environmental Assessment of Plans & Programmes Regulations 2004.

6.2 The Town Council has also met its obligations in relation to the habitats provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). The District Council screened the emerging Neighbourhood Plan in October 2020 (alongside the SEA screening) and again in January 2021 to determine if these obligations may apply. Natural England advised the latter screening that the making of the Neighbourhood Plan had the potential to have a significant effect on the North Meadow & Clattinger Farm Special Area of Conservation, a European site (as defined in the 2017 Regulations). As a result, the Town Council provided the District Council with all the necessary information to inform an Appropriate Assessment (see the separate HRA report, the final version of which is dated April 2022). In May 2022, Natural England formally agreed with the Appropriate Assessment that the Neighbourhood Plan will not result in adverse effects on the integrity of any of the sites in question. The Town Council incorporated the advice of the Assessment by adding a reference to Policy FNP14 to require the proposals to have regard to the emerging Interim Mitigation Strategy for the Special Area of Conservation.

6.3 The Town Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

6.4 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste, nor does the area include a waste management site. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.5 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan includes some policies may indirectly relate to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive as they comprise small-scale interventions and do not negate from the framework for measurement and improvement of air quality set in the Directive.