

Report on the Fairford Neighbourhood Plan 2020 - 2031

An Examination undertaken for Cotswold District Council with the support of Fairford Town Council on the September 2022 submission version of the Plan.

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Date of Report: 1 February 2023

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Main Findings - Executive Summary

From my examination of the Fairford Neighbourhood Plan (FNP/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 – Fairford Town Council;
- The Plan has been prepared for an area properly designated – the Parish of Fairford as shown in Figure 1 Plan A on page 1 of the Plan;
- The Plan specifies the period during which it is to take effect: 2020 - 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

Fairford Neighbourhood Plan 2020–2031

- 1.1 Fairford Parish has a population of about 4,500¹, which includes the charming town of Fairford and the nearby small settlement of Horcott. Fairford is located about 14 km to the east of Cirencester in the shallow valley of the River Coln which passes through the centre of the town. The surrounding landscape is mostly agricultural with the large active base of RAF Fairford partly within the Plan area and to the south; and a series of lakes formed from the flooded former gravel pits constituting part of the Cotswold Water Park to the south east.
- 1.2 The formal process to prepare a neighbourhood plan for Fairford began in 2013 when Fairford Town Council (FTC) applied to Cotswold District Council (CDC) for the designation of the neighbourhood area which was approved in November 2013. An initial version of the Plan was produced but was later withdrawn following the recommendation of the examiner not to proceed to referendum. A new Steering Group was formed. The Plan was revised and it was finally submitted to CDC in October 2022.

¹ FNP: paragraph 2.34.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the FNP by CDC with the agreement of FTC.
- 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 of Part 6 of the Conservation of Habitats and Species Regulations 2017.³

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for Fairford, 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 was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

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.

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 Fairford Neighbourhood Plan 2020–2031, dated September 2022;
 - the map on page 1 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement, dated September 2022;
 - the Basic Conditions Statement, dated August 2022;
 - the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA), dated December 2021;
 - the Habitat Regulations Assessment, dated September 2022;
 - the Fairford Neighbourhood Plan Site Assessment Report, dated February 2019;
 - the Landscape and Local Green Space Study, dated February 2022;
 - the Fairford Character Design Assessment, dated September 2022;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the request for additional clarification sought in my letter of 21 December 2022 to CDC and FTC and their joint response dated 16 January 2023.⁴

Site Visit

- 2.4 I made an unaccompanied site inspection to the FNP area on 20 December 2022 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 the Appendix to this report.

⁴ View all the all the relevant Plan documentation, including the core submission documents and correspondence at: <https://www.cotswold.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/fairford-neighbourhood-plan/>

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Fairford Neighbourhood Plan has been prepared and submitted for examination by FTC, which is a qualifying body. The FNP extends over all the area administered by FTC. This constitutes the area of the Plan designated by CDC in November 2013.

Plan Period

- 3.2 The Plan specifies the Plan period as 2020 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.3 The current submitted Plan is a development from the original Neighbourhood Plan which was the subject of examination in 2017 in which the examiner recommended that the Plan should not progress to referendum. CDC accepted this recommendation in October 2017. The preparation of the original Neighbourhood Plan was preceded by the Fairford Health Check (2005), Fairford Horizon 2011- 2016 (2011) and the Fairford Community Plan (2014). The Town Council resolved that the vision and aims of the Community Plan should be incorporated into the original Neighbourhood Plan. Some of the results of the consultation process for the original Plan were carried over into the current Plan, including the household questionnaire, the business questionnaire and the issues which were identified and the comments received.
- 3.4 The Pre Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 28 September 2020 for a period of six weeks until 9 November 2020. The list of consultees is recorded in the Consultation Statement (CS) together with the comments made, the responses by the Town Council and any resulting changes to the Plan. These are described on pages 11 – 30 of the CS.
- 3.5 The Plan was finally submitted to CDC in October 2022. Consultation in accordance with Regulation 16 was carried out for six weeks from 31 October until 13 December 2022. 14 representations were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the FNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.6 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

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

Human Rights

- 3.8 The Basic Conditions Statement (BCS) advises that the Town Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and considers that it complies with the Human Rights Act. I am aware from the Consultation Statement that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I have found no reason to disagree with the statement in the BCS and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The report of the Sustainability Appraisal (SA) incorporating the Strategic Environmental Assessment (SEA) concluded that the Plan is likely to lead to significant long term positive effects (population and community, health and wellbeing, economy and enterprise), some minor positive effects (biodiversity) and some minor long term negative effects (land soil and water) which are due to the development and associated infrastructure on land between Leafield Road and Hatherop Road. These latter negative effects are not anticipated to be significant. The three statutory consultees were notified of the report at the Regulation 16 consultation and made no adverse comments.
- 4.2 So far as Habitats Regulations Assessment (HRA) is concerned, the River North Meadow and Clattinger Farm Special Area of Conservation (SAC), 105ha in size, is located about 5.5km to the south west of the Plan area. The HRA report concluded that the SAC is sensitive to recreational pressure, changes in water quality, quantity, level and flow and atmospheric pollution as a result of development in the Plan. However, subsequent screening eliminated water quality and atmospheric pollution from the need for Appropriate Assessment (AA). Further screening concluded that recreational pressure due to the development of up to 80 dwellings in the Plan area, especially in combination with housing growth set out for the District in the CDLP, could give rise to likely significant adverse effects.
- 4.3 Nevertheless, with the addition of the need for developers of the site allocated for housing in Policy FNP14 of the Plan to comply with the Interim Mitigation Strategy for North Meadow devised by CDC, it could be

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concluded that the Plan will not result in “in-combination” adverse effects on the integrity of the SAC regarding recreational pressure. Similarly, it was concluded that the Plan will not result in “in-combination” adverse effects on the integrity of the SAC regarding water quantity, level and flow. Therefore, overall, CDC concluded that there are likely to be no significant effects either alone or in-combination from the Plan on the SAC. Having considered that assessment, Natural England concurred with the conclusions.⁵

- 4.4 I have read the SEA and HRA Screening Report and the other information provided, and having considered the matter independently, I also agree with the conclusions. Therefore, I am satisfied that the FNP 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.⁶
- 4.7 Accordingly, having regard to the Fairford Neighbourhood Plan, the consultation responses, other evidence⁷ and the site visit, I consider that the main issues in this examination are whether the FNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with 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 overall vision for the FNP is first described on page iv of the Plan and which is then comprehensively expanded on page 31. The vision is then

⁵ Reply from Natural England, dated 6 May 2022.

⁶ PPG Reference ID: 41-041-20140306.

⁷ The other evidence includes the joint response from CDC and FTC received on 16 January 2023 to the questions in my letter of 21 December 2022.

used to develop 19 objectives grouped into the themes of: natural and historic environment; climate change; housing provision and mix; community and business infrastructure; and local economy and town centre. These set the context for the subsequent land use policies.

FNP1 The Fairford and Horcott Development Boundaries (Policy FNP1.1)

- 4.9 Policy FNP1.1 redefines Development Boundaries for Fairford and Horcott as shown on the Policies Map (Plan B). Policy DS1 of the CDLP defines Fairford as a Principal Settlement in which Policy DS2 of the CDLP indicates that within the Development Boundaries, applications for development will be permissible in principle. The Development Boundary has been adjusted from that shown in Inset 4 of the CDLP to exclude housing site allocation F_35B which is now deemed by the Plan and agreed by CDC, to be undeliverable. An alternative housing allocation is proposed which is provided for under Policy FNP14.1. I consider that Policy FNP1.1 has regard to national guidance⁸, generally conforms with Policies DS1, DS2, DS3 and DS4 of the CDLP and meets the Basic Conditions.
- 4.10 Representations were made to allocate further sites for housing on land at Pengerric, and east of Beaumoor Place, East End, Fairford; on land at Fairford Town Football Club; and on land south of London Road, Fairford. Fairford is a Principal Settlement in the CDLP at which, under Policy S5, two sites for housing were allocated: F_35B for 49 dwellings (net) and F_44 for 12 dwellings (net). In the Regulation 16 consultation response, CDC commented that, as well as F_35B becoming unavailable, F_44 has been reassessed as unsuitable given a recent SSSI designation. The alternative site allocation proposed in the FNP under Policy FNP14.1 would accommodate around 80 dwellings and I conclude below that the allocation meets the Basic Conditions. Therefore, given the proposed FNP allocation would more than offset the loss of CDLP allocations F_35B and F_44, I have no reason to agree to the further site allocations which are the subject of the representations.

FNP2 Providing a New Burial Ground (Policy FNP2.1)

- 4.11 Policy FNP2.1 supports the provision of a new burial ground subject to three site specific criteria. The policy has regard to national guidance⁹, generally conforms with Policy S5(d) of the CDLP and meets the Basic Conditions.

FNP3 Maintaining Viable Community Facilities (Policy FNP3.1)

- 4.12 Policy FNP3.1 lists twelve community facilities which the Plan seeks to protect and improve through policies in the CDLP. A map of the facilities is shown in Appendix 1 of the Plan (Map D). I note that Riverside Gardens is

⁸ NPPF: paragraph 29.

⁹ NPPF: paragraph 93.

not shown on Map D despite being included at I) in the list. Therefore, subject to a modification to Map D to show Riverside Gardens, the policy would have regard to national guidance¹⁰, generally conform with Policy INF2 of the CDLP and meet the Basic Conditions. **(PM1)**

FNPF4 Managing Flood Risk (Policies FNP4.1, FNP4.2, FNP4.3 & FNP4.4)

- 4.13 The series of policies within FNP4 seek to manage flood risk. Policy 4.1 states that all sources of flood risk must be considered at both site selection and application stages. No mention is made of the exception test outlined in paragraphs 163 to 166 of the NPPF. In addition, a more nuanced approach is described in the NPPF indicating that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, if circumstances change as explained in the NPPF, the exception test may need to be reapplied. The second sentence of Policy FNP4.1 merely repeats part of NPPF paragraph 162 and is superfluous. I have recommended a modified policy below. **(PM2)**
- 4.14 Policy FNP4.2 requires the submission of a Flood Risk Assessment (FRA) for proposals within Flood Zones 2 or 3 and within Flood Zone 1 where there is evidence of flood risk from sources other than fluvial. However, as identified in footnote 55 at NPPF paragraph 167, there are several other circumstances where an Assessment in Flood Zone 1 would be required. In addition, there is no requirement to manage residual flood risk wholly on site.¹¹ I shall recommend a modified policy below. **(PM3)**
- 4.15 Policy FNP4.3 is unnecessary due to the previous policy where support is conditional on certain specific circumstances and should be deleted. **(PM4)**
- 4.16 Policy FNP4.4 states that land in Flood Zone 1, where high groundwater levels would preclude sustainable drainage systems (SuDS), should be preserved as green space to provide for flood water storage/attenuation. However, the advice in the PPG section on 'Flood risk and coastal change' does not exclude the possibility of flood water being exported from sites as shown in paragraphs 37 and 56¹² and so the land in question need not be preserved as green space. Therefore, I consider that Policy FNP4.4 does not have regard to national guidance and recommend that it should be deleted. **(PM5)**
- 4.17 Therefore, with the recommended modifications, Policies FNP4.1 and FNP4.2 have regard to national guidance, generally conform with Policy EN14 of the CDLP and meet the Basic Conditions. I note the additions suggested to Policies FNP4.1 and FNP4.2 by FTC in Appendix 2 of the response to my questions, but these comments are more in nature of

¹⁰ NPPF: paragraph 93.

¹¹ PPG Reference ID: 7-049-20220825.

¹² PPG References ID: 7-037-20220825 & 7-056-20220825.

justification of the policies and, if included, could usefully be introduced into the evidence section.

FNPS Investing in Utilities' Infrastructure Improvements (Policies FNP5.1, FNP5.2, FNP5.3, FNP5.4 & FNP5.5)

- 4.18 Five policies consider investment in improvements to utilities infrastructure, the last of which, FNP5.5, dealing with electric vehicle charging points, is now covered by the recently approved Building Regulations Part S which came into effect in June 2022.¹³ Therefore, I shall recommend the deletion of Policy FNP5.5. **(PM6)**
- 4.19 Each of the remaining policies in the FNP5 section has regard to national guidance¹⁴, generally conforms with Policies INF1 and INF8 of the CDLP and meets the Basic Conditions.

FNPS Managing Traffic in the Town (Policies FNP6.1 & FNP6.2)

- 4.20 Policy FNP6.1 aims to manage traffic passing through the town centre and the Conservation Area so that harm is avoided, especially to the heritage assets. The policy would have regard to national guidance, would generally conform with Policy INF3 of the CDLP and meet the Basic Conditions subject to the clarification of the use of the word "harm" in the policy. This is normally qualified by the adjective "severe" (NPPF paragraph 111), but the context relates to impacts on the road network, rather than harm to heritage assets. Nevertheless, the substitution by the phrase "adverse effects" from NPPF paragraph 104 d) would be more appropriate, in my opinion, and which I shall recommend. **(PM7)**
- 4.21 FNP6.2 considers electric car charging in Transport Assessments and, for the same reasons as Policy FNP5.5 above, I shall recommend its deletion. **(PM8)**

FNPS Improving Access to Visitor Attractions (Policy FNP7.1)

- 4.22 Policy FNP7.1 seeks to improve pedestrian and cycle access to visitor attractions in the Plan area and has regard to national guidance¹⁵, generally conforms with Policies S5, EC10 and INF3 of the CDLP and meets the Basic Conditions.

FNPS Protecting Local Green Spaces (Policies FNP8.1 & FNP8.2)

- 4.23 Policy FNP8.1 designates three Local Green Spaces (LGS). Policy FNP8.2 states that development within the LGS will only be permitted in very special circumstances. As explained in the NPPF, LGS designation should

¹³ The Building Regulations 2010: Infrastructure for the charging of electric vehicles: Approved document S.

¹⁴ NPPF: paragraph 82.

¹⁵ NPPF: paragraphs 84 & 106.

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.¹⁶ LGS should also be capable of enduring beyond the end of the Plan period.¹⁷ Having visited each LGS on the site visit, I consider that they all meet the criteria for designation outlined in the NPPF. Therefore, I consider that Policies FNP8.1 and FNP8.2 have regard to national guidance, generally conform with Policy EN3 of the CDLP and meet the Basic Conditions.

FNP9 Protecting the Fairford – Horcott Local Gap (Policies FNP9.1 & FNP 9.2) FNP10 River Coln Valued Landscape (Policies FNP10.1 & FNP 10.2)

- 4.24 The policies dealing with the Fairford – Horcott Local Gap and the River Coln Valued Landscape are similar in that in each case land outside the Development Boundary should be protected from development subject to qualifications described in Policy FNP9.2 and Policy FNP10.2.
- 4.25 The policies have regard to national guidance¹⁸ and generally conform with Policies EN1 and EN4 in the CDLP. Policy DS4 of the CDLP recognises that certain development may occur outside Development Boundaries as identified in Policies H3, H5, H7 and EC6. However, such development would have to be considered against CDLP Policy EN4 (1) and should not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and which I would interpret as not harming the open character of the Fairford – Horcott Local Gap and also ensuring that the essential open character of the River Coln Valued Landscape is maintained. Therefore, I consider that the policies meet the Basic Conditions.

FNP11 Valuing Hedgerows and Trees (Policies FNP11.1, FNP11.2 & FNP 11.3)

- 4.26 The three policies within the FNP11 section aim to provide detailed design guidance for managing the effects of development proposals on trees and hedgerows. The policies have regard to national guidance¹⁹, generally conform with Policy EN7 of the CDLP and meet the Basic Conditions.

FNP12 Achieving High Standards of Design (Policies FNP12.1 & FNP12.2)

- 4.27 Policy FNP12.1 contains twelve clauses aimed at achieving high standards of design. Policy FNP12.2 requires development to take account of the Fairford Design Code and/or any Fairford Conservation Area Appraisal and

¹⁶ NPPF: paragraph 102.

¹⁷ NPPF: paragraph 101.

¹⁸ NPPF: paragraph 174.

¹⁹ NPPF: paragraphs 131 & 179.

Management Plan. The policies have regard to national guidance²⁰, generally conform with Policy EN2 of the CDLP and meet the Basic Conditions, subject to the clarification of Clause k) which is currently drafted as a statement rather than policy and to which I shall recommend a modification incorporating the response made by FTC.²¹ **(PM9)** I also echo the complimentary comments by CDC about the extensive evidence base supporting these policies, especially the Fairford Character and Design Assessment which was a pleasure to read.

FNP13 Conserving Non-Designated Heritage Assets (Policies FNP13.1 & FNP13.2)

- 4.28 Policy FNP13.1 considers non-designated heritage assets (NDHA) and lists them in Appendix 2. The policy is confusing by defining the NDHA as Local Heritage Assets (LHA), which they are, but that definition would also include designated heritage assets such as Listed Buildings, Scheduled Monuments and Conservation Areas. Given that the policy is aimed at NDHA, the second sentence of the policy becomes ambiguous as well as inaccurate because it introduces a test of public benefit to outweigh any harm or loss which is appropriate for designated heritage assets but not for NDHA.²² The test for NDHA requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset²³ and, therefore, I shall recommend an appropriate modification below which will enable the policy to have regard to national guidance, generally conform with Policy EN12 of the CDLP and meet the Basic Conditions. **(PM10)**
- 4.29 Policy FNP13.2 provides for the evaluation and safeguarding of archaeological assets which are not yet designated as NDHA. The policy has regard to national guidance²⁴, generally conforms with Policy EN1 of the CDLP and meets the Basic Conditions.

FNP14 A New Low Carbon Community in Fairford (Policies FNP14.1, FNP14.2, & FNP14.3)

- 4.30 Policy FNP14.1 allocates land for about 80 homes between Leafield Road and Hatherop Road in Fairford. Policy FNP14.2 sets out criteria a) to l) which have to be satisfied in order for the development to be permitted. Policy FNP14.3 requires the mitigation of impacts on the North Meadow SAC at nearby Cricklade. Each policy would have regard to national guidance²⁵ and generally conform with Policy S5 of the CDLP, with one exception relating to criterion k) which considers how to deal with flood water. As explained above in relation to Policy FNP4.2, although it may be the first preference, there is no requirement to incorporate measures to

²⁰ NPPF: paragraphs 127, 128 & 190.

²¹ Joint response from CDC and FTC dated 16 January 2023.

²² NPPF: paragraph 202.

²³ NPPF: paragraph 203.

²⁴ NPPF: paragraph 194.

²⁵ NPPF: paragraphs 60, 62, 63, 65, 67, 69, 70, 124 & 128.

contain or attenuate surface water within the site or, indeed, on other land within the control of the landowner.²⁶ Accordingly, I shall recommend the deletion of the phrase: "... within the control of the landowner ...".

(PM11)

- 4.31 Representations from the Defence Infrastructure Organisation (DOI) sought a requirement in the Plan that new development would not compromise the safety of RAF Fairford, part of which is within the Plan area, and RAF Brize Norton, Oxfordshire. The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 already provides guidance and procedures to determine planning applications in safeguarded areas. In addition, the CDLP comments that procedures will be used in the development process to ensure that risks between aircraft movements and proposed developments are removed. Therefore, given that national guidance is to avoid unnecessary duplication of policies²⁷, I do not consider that an additional clause about safeguarding needs to be included in Policy FNP14.2. The policy already meets the Basic Conditions.

FNP15 Housing Type and Mix (Policies FNP15.1, FNP15.2 & FNP15.3)

- 4.32 Policies FNP15.1 and FNP15.2 consider housing type and mix have regard to national guidance²⁸, generally conform with Policy H1 of the CDLP and meet the Basic Conditions. Policy FNP15.3 seeks the provision of electric charging points but, as explained above in relation to Policy FNP5.5, the issue is now covered by recently published Building Regulations. Therefore, I shall recommend the deletion of the policy. **(PM12)**

FNP16 Zero Carbon Buildings (Policies FNP16.1, FNP16.2, FNP16.3)

- 4.33 Policies FNP16.1, FNP16.2 and FNP16.3 support the development of zero carbon buildings. The policies have regard to national guidance²⁹, generally conform with the Objective 6 a. of the CDLP and meet the Basic Conditions. The superfluous first phrase in Policy FNP16.1 referred to by CDC may be deleted as a minor correction.³⁰

FNP17 Growing our Local Economy (Policy FNP17.1)

- 4.34 Policy FNP17.1 supports the intensification of use of the Whelford Industrial Estate and has regard to national guidance³¹, generally conforms with Policies EC1 and EC2 of the CDLP and meets the Basic Conditions.

²⁶ PPG: Reference ID: 7-056-20220825.

²⁷ NPPF: paragraph 16 f).

²⁸ NPPF: paragraphs 62 & 133.

²⁹ NPPF: paragraphs 152, 153 & 157.

³⁰ PPG Reference ID: 41-106-20190509.

³¹ NPPF: paragraphs 82, 84 & 85.

FNP18 Sustaining a Successful Town Centre (Policies FNP18.1, FNP18.2, FNP18.3 & FNP18.4)

- 4.35 The policies in the FNP18 Section seek to sustain a successful town centre at Fairford and have regard to national guidance³², generally conform with Policy EC8 of the CDLP and meet the Basic Conditions with the exception of Policy FNP18.2 which virtually duplicates CDLP Policy EC8(5). CDC suggests placing an emphasis on the loss of town centre floorspace rather than the loss of a use and I agree that such an amendment would offer clarity in development management and would focus on the aim behind the policy of maintaining the vitality and viability of the centre. **(PM13)** Policy FNP18.2 would then meet the Basic Conditions.

FNP19 New Visitor Accommodation (Policy FNP19.1)

- 4.36 Policy FNP19.1³³ supports the development of new visitor accommodation and has regard to national guidance³⁴, generally conforms with Policy EC11 of the CDLP and meets the Basic Conditions. Paragraph 6.105 reads as a policy statement rather than evidence. I agree with the CDC suggestion that it could be promoted to a separate policy. However, to be in general conformity with Policy EC11(7) of the CDLP, I shall recommend the addition of the need to be related to main traffic routes. **(PM14)** The new policy would also have regard to national guidance as above and meet the Basic Conditions.

Overview

- 4.37 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the FNP 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.
- 4.38 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, text improvements suggested helpfully by CDC in the Regulation 16 Consultation responses (and by both Councils in the joint response of 16 January 2023 to my questions of clarification) or in other Regulation 16 representations. 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.³⁵

³² NPPF: paragraph 86.

³³ A minor typo 'FNP1.1' should be corrected.

³⁴ NPPF: paragraph 84.

³⁵ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The Fairford Neighbourhood 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 FNP, 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 FNP 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 Town Council, the Steering Group and other voluntary contributors are to be commended for their efforts in persevering beyond the first draft of the Plan to produce a second one which is both comprehensive and concise. The Plan is logical, very informative and well-illustrated. I enjoyed examining it and visiting the area. The Consultation Statement and especially the Basic Conditions Statement were extremely useful, as were the constructive responses from both Councils to my questions of clarification.
- 5.5 Subject to the recommended modifications, the FNP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Fairford Parish to be maintained.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Appendix 1 Map D	Include Riverside Gardens as shown on Appendix 1 of the joint response from CDC and FTC dated 16 January 2023.
PM2	Policy FNP4.1	Amend the policy to: "When proposals for development are being considered, all sources of flood risk must be considered at the appropriate stages and the sequential and exception tests used to divert development to areas with lower probability of flooding, in accordance with NPPF guidance."
PM3	Policy FNP4.2	Amend the policy to: "Proposals for development on land identified by the Environment Agency as lying within either Flood Zone 2 or 3, or in Flood Zone 1 in the circumstances outlined in footnote 55 of paragraph 167 of the July 2021 NPPF, will require a Flood Risk Assessment (FRA), using appropriate calculations based on the highest groundwater levels for the area (200 year maximum). Proposals will only be supported where it can be demonstrated in the FRA that: a) they include appropriate site specific measures to address effectively all the identified surface and groundwater issues; and b) any residual flood risk can be safely managed."
PM4	Policy FNP4.3	Delete the policy.
PM5	Policy FNP4.4	Delete the policy.
PM6	Policy FNP5.5	Delete the policy.
PM7	Policy FNP6.1	Twice in the final sentence delete: "... harm ..." and replace with: "... adverse effects ..." .

PM8	Policy FNP6.2	Delete the policy.
PM9	Policy FNP12.1 k)	Amend the clause to: "Crescents and cul-de-sac estates are not typical of old Fairford and are not encouraged in developments. Due consideration should be given to pedestrian/cycle connectivity and vehicle access resilience in the case of larger developments."
PM10	Policy FNP13.1	Amend the policy to: "The FNP identifies the buildings and structures, as listed in Appendix 2: List of Non-Designated Heritage Assets and shown on the Policies Map, as Non-Designated Heritage Assets by way of their local architectural or historic interest. Proposals that will result in harm to, or unnecessary loss of, a Non-Designated Heritage Asset will be considered having regard to the balance between the scale of any harm or loss and the significance of the asset."
PM11	Policy FNP14.2 I)	Delete: "... within the control of the landowner..." .
PM12	Policy FNP15.3	Delete the policy.
PM13	Policy FNP18.2	Amend the start of the second sentence of the policy to: "The loss of main town centre uses floorspace on the ground floor ..." .
PM14	Policy FNP19	Add a new policy: "FNP19.2 Proposals for camping facilities outside the defined Fairford Development Boundary will be supported provided there are not harmful effects on landscape and wildlife and the facility would be well related to the main tourist routes." Delete paragraph 6.105.