

08 February 2017

ENVIRONMENT COMMITTEE

A meeting of the Environment Committee will be held on **THURSDAY 16 FEBRUARY 2017** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **7.00 pm.**



David Hagg
Chief Executive

Please Note: This meeting will be filmed for live or subsequent broadcast via the Council's internet site (www.stroud.gov.uk). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

A G E N D A

- 1 **APOLOGIES**
To receive apologies for absence.
- 2 **DECLARATIONS OF INTEREST**
To receive declarations of interest.
- 3 **MINUTES**
To approve the minutes of the meeting held on 15 December 2016.
- 4 **PUBLIC QUESTION TIME**
The Chair of Committee will answer questions from members of the public submitted in accordance with the Council's procedures.
DEADLINE FOR RECEIPT OF QUESTIONS
Noon on MONDAY 13 FEBRUARY 2017.
Questions must be submitted in writing to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud and sent by post or by Email: democratic.services@stroud.gov.uk

- 5 **WORK PROGRAMME**
To consider and update the work programme.
- 6 **ENVIRONMENTAL POLICY**
To consider the Environmental Policy.
- 7 **THE FUTURE OF TOWN CENTRES**
To approve the draft report for public consultation with relevant stakeholders.
- 8 **ADOPTION OF DELIVERY POLICY ES1 CHECKLIST**
To approve the adoption and implementation of Policy ES1 Checklist.
- 9 **SLIMBRIDGE DESIGN STATEMENT**
To approve the design statement.
- 10 **KINGSWOOD NEIGHBOURHOOD PLAN: PROGRESS TO REFERENDUM**
To inform members of progress regarding the Kingswood Neighbourhood Plan.
- 11 **MEMBERS' QUESTIONS**
See Agenda Item 4 for deadline for submission.

Members of Environment Committee

Councillor Simon Pickering (Chair)
Councillor Paul Denney (Vice-Chair)
Councillor Chris Brine
Councillor Jim Dewey
Councillor Chas Fellows
Councillor Skeena Rathor

Councillor Sue Reed
Councillor Haydn Sutton
Councillor Brian Tipper
Councillor Jessica Tomblin
Councillor Ken Tucker
Councillor Tim Williams

ENVIRONMENT COMMITTEE**15 DECEMBER 2016****7.00 pm – 9.20 pm****Council Chamber, Ebley Mill, Stroud****3****Minutes****Membership:**

Councillor Simon Pickering**	P	Councillor Sue Reed	A
Councillor Paul Denney *	P	Councillor Haydn Sutton	P
Councillor Chris Brine	P	Councillor Brian Tipper	P
Councillor Jim Dewey	P	Councillor Jessica Tomblin	P
Councillor Chas Fellows	A	Councillor Ken Tucker	P
Councillor Skeena Rathor	P	Councillor Tim Williams	P

** = Chair * = Vice Chair

P = Present A = Absent

Officers in Attendance

Strategic Head (Development Services)	Accountant
Planning Strategy Manager	Senior Policy Officer
Senior Planning Strategy Officer	Democratic Services Officer
Rural SuDs Project Officer	

Other Members Present

Councillor Steve Lydon.

EC.026**RURAL SUDS**

The Rural SuDs Project Officer provided members with a verbal update and presentation on measures that had been put into place within the district to prevent future flooding. A copy of the presentation would be published onto the Council's website.

EC.027**APOLOGIES**

Apologies for absence were received from Councillors Chas Fellows and Sue Reed.

EC.028**DECLARATIONS OF INTEREST**

There were no declarations of interest.

EC.029 **MINUTES**

RESOLVED That the Minutes of the Meeting held on 15 September 2016 are approved as a correct record and signed by the Chair.

EC.030 **PUBLIC QUESTION TIME**

There were none.

EC.031 **WORK PROGRAMME**

The Chair listed the outstanding items that Committee had not allocated to a particular meeting. The Chair, Vice-Chair and Strategic Head would meet and allocate these items into the work programme.

RESOLVED To add the following items to future meetings with the agreement of the Vice-Chair and Strategic Head:-

- Development of small neighbourhood projects for neighbourhoods (Councillor Sue Reed and an officer will work on this project)
- Policy for enforcement of planning conditions
- Support investment in green economy
- Energy Saving for tenants, LED Light bulbs
- CHP at Stratford Park Leisure Centre and possibility for heating the Outdoor Pool
- EA open up the weirs on the Frome to bring Salmon back to Salmon Springs.

EC.032 **ENVIRONMENT COMMITTEE REVENUE ESTIMATES – REVISED 2016/17 AND ORIGINAL 2017/18**

The Accountant presented the above report and drew members' attention to the tables contained therein. A further report would be submitted to the Strategy and Resources Committee on 26 January 2017.

RECOMMENDED TO STRATEGY AND RESOURCES COMMITTEE 1. The estimates set out in the report be approved.
2. Budget proposals as set out in paragraph 12 of the report be considered.

EC.033 **ECO-MANAGEMENT AND AUDIT SCHEME (EMAS)**

The Senior Policy Officer briefly outlined the background to EMAS and answered members' questions.

RESOLVED To continue with the current EMAS environmental management system and delegate authority to the Strategic Head of Development Services to choose the most appropriate accreditation system once the details of leaving the EU have been clarified.

EC.034 **CARBON NEUTRAL UPDATE**

The Senior Policy Officer explained the work that had been undertaken and confirmed that options were always being explored to further reduce carbon emissions. A Task and Finish Group was currently reviewing the Council's Environment Strategy and would report to a future Committee.

RESOLVED **To agree that the District Council remains a Carbon Neutral Authority.**

EC.035 **CONSULTATION DRAFT HERITAGE STRATEGY (DELIVERY POLICY ES10)**

The Senior Planning Strategy Officer outlined the draft consultation strategy.

The Chair moved a motion for an additional paragraph to be added to the decision box, "3. Authority is delegated to the Strategic Head of Development Services to make minor textual changes to the Draft Heritage Strategy prior to consultation", this amendment was seconded by Councillor Jim Dewey.

Upon the vote the amended motion was unanimously agreed.

RESOLVED

1. **Approve the Draft Heritage Strategy (Appendix A) and Issues and Options Discussion Paper (Appendix B) for the purposes of public consultation.**
2. **Agree the use of the Draft Heritage Strategy and Issues and Options Discussion Paper as a basis for the drafting of a Heritage Action Plan.**
3. **Authority is delegated to the Strategic Head of Development Services to make minor textual changes to the Draft Heritage Strategy prior to issue.**

EC.036 **KINGSWOOD NEIGHBOURHOOD PLAN: PROGRESS TO REFERENDUM**

The Chair confirmed that the Examiner's report was not yet available and therefore the item would be deferred and considered at a future meeting.

RESOLVED **To defer the report to a future meeting.**

EC.037 **ADOPTION OF COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE**

The Planning Strategy Manager gave an overview of the above report. He replied to members' questions, clarifying that affordable housing and self build properties (as defined in legislation and the Council's Local Plan) were exempt from CIL.

RECOMMENDED TO COUNCIL

1. **The Community Infrastructure Charging Schedule (Appendix A to this report) be adopted;**
2. **The Regulation 123 List (Appendix B) be implemented alongside the Charging Schedule from 1 April 2017;**

3. The discretionary relief and exceptional circumstances relief policies (Appendices C and D) be adopted with effect from 1 April 2017; and
4. The Council's Scheme of Delegations be amended as outlined in paragraph 3.5 of this report.

EC.038

PERFORMANCE MONITORING

A copy of the report was circulated to members prior to the meeting. The Strategic Head of Planning confirmed that on a recent visit the Planning Advisory Service (PAS) had confirmed that the processing of major applications had improved over the last two years.

EC.039

MEMBERS' QUESTIONS

The Chair had received two questions from Councillor John Jones regarding garden waste which would be published onto the Council's website.

The meeting ended at 9.20 pm.

Chair

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WORK PROGRAMME

Date of meeting	Matter to be considered (ie insert report/project title)	Notes (eg lead member and officer)
06.04.17	Work Plan 2016/17	Leads: Chair and Strategic Head (Development Services)
	Budget Monitoring 2016/17	Lead: Accountancy Manager
	Planning Obligations SPD	Lead: Planning Strategy Manager
	Local Plan Review: Issues Consultation	Lead: Planning Strategy Manager
	Performance Monitoring	Leads: Councillors Reed and Sutton
	Draft Green Infrastructure Strategic Framework SPD	Lead: Strategic Head (Development Services)
	Public Space Protection Orders to replace Dog Control Orders	Lead: Head of Environmental Health

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Report Title	ENVIRONMENTAL POLICY
Purpose of Report	To recommend that the Committee adopts the revised Environmental Policy.
Decision(s)	Committee RESOLVES: the Environmental Policy as set out in Appendix 1 be adopted.
Consultation and Feedback	This was discussed with representatives of Planning Strategy to ensure compliance with the recently adopted Local Plan and supporting evidence.
Financial Implications and Risk Assessment	There are no financial implications arising directly from this report. David Stanley, Accountancy Manager Tel: 01453 754100 Email: david.stanley@stroud.gov.uk Risk Assessment The environmental standards could slip as there would be no systematic approach of holding services to account.
Legal Implications	No significant legal implications to report on the policy as drafted. Karen Trickey, Legal Services Manager Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk
Report Author	Petula Davis Senior Policy Officer/ Project Lead Officer Tel: 01453 754289 Email: Petula.Davis@stroud.gov.uk
Chair of Committee	Councillor Simon Pickering Chair of Environment Committee Tel: 01453 824654 Email: cllr.simon.pickering@stroud.gov.uk
Background Papers/ Appendices	Environmental Policy 2013 Appendix A – Environmental Policy 2017

Introduction and Background

1. The Environmental Policy is a statement of the environmental commitments of the Council. It is not about setting specific targets or identifying capital projects for future achievements. It is about agreeing a strategic context that supports the work that Stroud District Council has decided to undertake.

2. The Policy is a framework or Golden Thread from which more detailed and specific policy documents and business plans can be made.. The Council adopted its first Environmental Policy in 1996 and this was formally reviewed in 2010 to reflect changes in Council policy and again in 2013.
3. In March 1999 the Council first achieved EMAS – (Eco-Management and Audit Scheme), an international environmental management standard. The Council has been accredited with EMAS every year since, an achievement that only a few other organisations have accomplished.
4. In 2007 Stroud District Council adopted a 20 year Environment Strategy. The Strategy's 5 priorities are:
 - I. Sustainable consumption and production
 - II. Climate Change and Energy
 - III. Protecting our natural resources and enhancing the environment
 - IV. Creating sustainable communities
 - V. Keeping the Council and local community focused on environmental limits
5. This Strategy is now subject of a review by the Environment Committee Task and Finish Group.
6. Each year the Council consults the resident and business communities. The results of the 2016 survey with the residents showed that nearly three quarters (74%) said they were satisfied that the Council "*is working to improve the environment*".

Update

7. The current version of the Policy is available on the [website](#). The revised draft Policy set out in Appendix 1 has been amended to reflect the Council's long term aspirations and areas of influence.
8. The purpose of this report is for the Environment Committee to resolve to adopt the revised Environmental Policy, which takes into account some of the changes that have occurred in this area over the last few years. This includes embracing the waste hierarchy, the challenges of adverse weather and the importance of considering whole life costs in procurement.
9. This revised Policy will demonstrate the Council's on-going commitment to reduce its environmental impact by continually improving its environmental performance as an integral and fundamental part of its own business operations and service delivery and in partnership with others.
10. This is an opportunity for a broader "environment" focus, to produce a policy which references the Council's role in protecting and shaping the quality of Stroud District's exceptional natural and built environment, ensuring tie-in with our Local Plan's commitments to sustainable development and better reflecting Priorities III and IV, above.

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Report Title	THE FUTURE OF TOWN CENTRES
Purpose of Report	To seek approval of the draft Future of Town Centres report for public consultation with relevant stakeholders
Decision	Committee RESOLVES to approve the Draft Future of Town Centres report (Appendix A) for the purposes of stakeholder engagement.
Consultation and Feedback	Members engaged through Planning Review Panel: from early evidence-gathering through to recent discussion around the emerging draft (16/2/17). There has been ongoing informal engagement with the Council's external retail and town centre consultants, and ongoing informal consultation and engagement with key officers and relevant Council service areas.
Financial Implications and Risk Assessment	There are no direct Financial Implications arising from this report. A further report is due in September 2017, that may give rise to resource allocation decisions. Adele Rudkin, Accountant Email: Adele.Rudkin@stroud.gov.uk Tel: 01453754109
Legal Implications	There are no material legal implications arising from this report. Alan Carr, Solicitor Email alan.carr@stroud.gov.uk Tel 01453754357
Report Author	David Lowin Principal Planning Officer David.lowin@stroud.gov.uk
Options	Options are: 1. Not to take forward a draft report for relevant stakeholder public consultation; or 2. Approve the draft report for stakeholder public consultation; 3. Delay public consultation to allow for amendments to the draft report.
Performance Management Follow Up	Following completion of the stakeholder consultation to complete the report setting out the results of the consultation and consider the potential land use and other policy responses to the likely future of the studied town centres.
Background Papers/ Appendices	Background papers Appendix A – Draft 'Future of Town Centres'

1. BACKGROUND

1.1 The NPPF advocates that local planning authorities should develop planning policies to promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

1.2 The adopted Local Plan mirrors generally the thrust of the NPPF and Strategic Objective SO3 seeks:

‘ Improving the safety, vitality and viability of our town centres , which link to and support the needs of their rural hinterlands’.

Core Policy CP12 of the plan produces a hierarchy with Stroud being identified as the sole **Principal Town Centre** and the remaining towns studied in the report, Dursley, Stonehouse, Nailsworth and Wotton-under-Edge being grouped as the second tier of the hierarchy under the designation **Other Town Centres**.

1.3 It is noteworthy that the policy of the Local Plan does not mirror the aspiration of the NPPF to seek the growth of centres.

1.4 Notwithstanding the current policy of the Local Plan the aim of the completed report is to consider both the potential spatial policy responses to the new challenges for town centres which is emerging, and also consider what other powers the Council has to influence positively and support the town centres studied.

1.5 From the survey of published material undertaken to date and summarised in the attached draft of the first sections of the study it is clear that town centres are facing considerable challenges, not faced for several generations, by changes in retail activity as the ‘electronic ‘ revolution gathers speed. This will undoubtedly lead to a reduction or even an absolute decline in the demand for retail floorspace, and potentially a new role for our town centres.

2. NEXT STEPS

2.1 Subject to the Committee’s approval, the report will be consulted upon with relevant stakeholders both to gain general acceptance of the national trends set out in the report, but also to engage with stakeholders in the towns to garner ideas both spatial and non spatial for the centres . The responses from the stakeholders will be analysed and taken into account before the final report is prepared. The final report will consider potential appropriate spatial and non spatial policy responses to ensure the ongoing success of the town centres.

2.2 The findings of the consultation and the final report will be reported to Environment Committee in September 2017. Members will be requested to consider those recommendations, progress and key findings will be reported to Planning Review Panel in the interim.

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Report Title	ADOPTION OF DELIVERY POLICY ES1 CHECKLIST
Purpose of Report	To approve the adoption and implementation of Delivery Policy ES1 Checklist as a Supplementary Planning Document (SPD).
Decision(s)	Committee RESOLVES to:- Adopt the Delivery Policy ES1 Checklist as set out in Appendices A-C as Supplementary Planning Document (SPD)..
Consultation and Feedback	Delivery Policy ES1 was subject to Examination as part of the Local Plan process. Early checklist drafts were considered by the Inspector. Informal consultation has been undertaken with the Planning Review Panel and with relevant Council services. Formal Public Consultation took place 9 th November 2016 until 21 st December 2016 and responses have been considered here.
Financial Implications and Risk Assessment	There are no direct financial implications arising from this report. Adele Rudkin, Accountant Tel: 01453 754109 Email: adele.rudkin@stroud.gov.uk
Legal Implications	The ultimate adoption of the check lists should assist in reducing the incidence of unnecessary planning appeals. Karen Trickey Legal Services Manager and Monitoring Officer Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk
Report Author	Conrad Moore, Principal Planning Officer, Planning Strategy. Tel: 01453 754328 Email: conrad.moore@stroud.gov.uk
Options	Options are: 1. Approve the checklist as proposed; or 2. Amend the contents of the & adopt on an alternative date, or 3. Decline adoption as SPD.
Performance Management Follow Up	The results of public consultation are published here and proposed changes incorporated where necessary. The checklist will be subject to regular review and monitoring as the legislative context and

	basis may change in the future. In that scenario the SPD will be subject to future reports to both Planning Review Panel and Environment Committee
Background Papers/ Appendices	Background papers Appendix A – Introduction to the Checklist Appendix B – Housing Sustainable Construction Performance Checklist Appendix C – Non-Domestic Building Sustainable Construction Performance Checklist Appendix D – Consultation Statement Report

1. BACKGROUND

- 1.1 The Sustainable Construction Checklist was produced to help applicants consider issues related to sustainable construction and design early in the development process thinking. The purpose of the Checklist is to advise and inform developers on a range of sustainability issues potentially relevant to their development. This approach should enable many building works to make an increased contribution to sustainable construction and design in accordance with Delivery Policy ES1 of the Local Plan.
- 1.2 It is important that developers consider the Checklist matters at an early stage of development thinking in order to incorporate provision for sustainability as easily as possible into their design options. This approach should ensure viability for sustainability solutions and avoid the need for costly late-stage design alterations. Additionally it provides a range of options of how sustainable construction and design can be delivered. Addressing these matters in design terms should also assist to ensure Local Plan policy compliance across a range of matters and also to address current Building Regulations requirements. In this way the checklist should enable a smooth process between the expectations of Planning and Building Regulations by taking a more holistic approach to the development process. Early decisions about sustainable construction and design of new buildings can reduce energy use, conserve water and assist in the recycling of materials together with wellbeing and supporting healthier lifestyles.
- 1.3 The Local Plan Inspector in 2015 considered that the new Policy ES1 and amended supporting text accorded with the NPPF paragraphs 95, 174, 177 to support the move to a low carbon future and reflect the withdrawal of the Code for Sustainable Homes. The Inspector in paragraph 187 of his report stated that *“Reference is also made to a “check-list”, to ensure that sustainable construction is addressed at the outset; these draft check-lists introduce nothing that is not required under current national legislation/Building Regulations.”* This principle has been taken forward and underpins the advice provided.
- 1.4 Public consultation on the proposed SPD took place from 9th November 2016 until 22nd December 2016. A total of 16 responses were received from a variety of sources ranging from developers to public to statutory bodies. The majority were supportive of the proposed checklist approach. A number went further and suggested some modifications to add detail and clarity to the checklist content and supporting information. Changes have been incorporated into the

documentation in response to the consultation where necessary. The revised documents are set out in Appendices A-C and the reasoning is set out in Appendix D.

- 1.5 The Checklist should help create better places and townscapes which will adapt to climate change as well as mitigate its effects. With its implementation the Checklist can raise awareness of issues thereby possibly improving the cost efficiency of buildings, potentially minimising environmental impact and improving the quality of life for residents and workers in Stroud District.

2. SUMMARY OF CHECKLIST APPROACH

- 2.1 The Sustainable Construction Checklist comprises three documents that can be used as information alerts to address sustainable construction and design options. The first one is a broad introduction to the concepts that underpin the Local Plan policies and strategies. The second is the Checklist for housing and the third is the Checklist for non-domestic buildings.

- 2.2 These Checklists are intended to assist consideration for the following classes of development:

- All new residential development providing 1 or more new dwellings (including conversion and/or sub-division that create one or more new dwellings).
- All new non-residential development providing 100m² or more floor area.

A completed Checklist should accompany all relevant planning applications or, alternatively, responses can be incorporated into a wider design and access statement. Other classes of development which require planning permission but do not fit into these categories such as extensions or retrofits of residential or non-residential development are encouraged to still address the Checklist matters as far as possible.

- 2.3 Officers will monitor the implementation of the Checklist and will explore future opportunities to develop an accreditation or awards scheme around best practice. Such an approach may help inform potential house purchasers or investors with an opportunity to compare and contrast development qualities/merits and understand any cost implications between different development sites from the design solution selected by the developer.

3 FINANCIAL BENEFITS OF SUSTAINABLE CONSTRUCTION & DESIGN

- 3.1 The specific environmental benefits of the measures included in the Checklist are discussed above. The financial benefits also provide a key consideration in choosing to build more sustainably. In terms of initial build cost, designing with an aim of creating an energy efficient building can make it easier and cheaper to meet increasingly stringent Building Regulations targets under Part L. Adopting a best practice approach to energy efficiency will help those involved in construction stay ahead of the game for meeting these targets as they continue to tighten, as well as allowing designers to develop means of meeting these targets more cost-effectively.

- 3.2 Energy efficiency measures will translate directly into lower fuel bills for residents and occupiers. With fuel prices expected to rise in the coming years, those enjoying the benefits of low fuel bills will have their costs future-proofed against these price rises, helping to maintain income levels.
- 3.3 Reducing water consumption will also translate directly into lower water (and fuel) bills for residents and occupiers. Improved awareness of water consumption will help occupiers to proactively reduce their usage and associated bills.
- 3.4 It is often more difficult and expensive to provide energy efficiency improvements to existing buildings. By incorporating these measures into current developments, we will create a building stock that will have a significantly reduced need of refurbishment and retrofit, and thus improve the lifetime of our buildings.
- 3.5 Research suggests that improvements in indoor air quality resulting from sustainable building techniques and the use of better materials, improves health of residents and workers, corresponding to increased productivity - BRE (2010). *Indoor air quality: Assessment and evaluation of indoor air quality.*
- 3.6 By stimulating the market in sustainable construction products, Stroud District can also contribute towards developing the market in these products, higher standards of certification and lower costs for developers.

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Report Title	SLIMBRIDGE DESIGN STATEMENT
Purpose of Report	To approve a Design Statement: The report sets out the recommended response to Parish Council & Community work on the Slimbridge Design Statement.
Decision(s)	Committee resolves that the Slimbridge Design Statement is adopted as Supplementary Planning Advice (SPA).
Consultation and Feedback	The Slimbridge Design Statement process initially commenced in August 2012. It has been produced by members of the Parish Council with the assistance of community volunteers. The GRRC assisted the Parish throughout the process including a community workshop day. Slimbridge History Society helped to provide a historical context and significance to certain details. Comment and advice from Officers of the Council has been regularly sought since inception of the project to ensure compliance with the NPPF and adopted local plan policies. The Design Statement has been the subject of publicity, consultation and scrutiny at various stages of production. Public consultation is in accordance with the Council's Adopted Statement of Community Involvement (SCI) and the original 1995 Countryside Agency Design Statement production process advice. The record of community involvement is given in Appendix B of this report.
Financial Implications and Risk Assessment	No Financial Implications arising from this report. Adele Rudkin Tel: 01453 754109 Email:adele.rudkin@stroud.gov.uk
Legal Implications	In dealing with planning applications SDC have to have regard to the Local Plan so far as material and to any other material considerations; and, will determine the application in accordance with the Local Plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Act 2004). If adopted the Uley & Owlpen Community Design Statement will become a material consideration and

	<p>will affect and be taken into account by SDC when determining planning applications from the parishes of Uley & Owlpen.</p> <p>The weight will be given to that material consideration will be a matter for the decision maker taking each application on its own merits.</p> <p>Alan Carr, Solicitor, Legal Services Tel: 01453 754357 Email: alan.carr@stroud.gov.uk</p>
Report Author	<p>Conrad Moore, Principal Planning Officer, Planning Strategy. Tel: 01453 754328 Email: conrad.moore@stroud.gov.uk</p>
Options	<p>The Council may decide not to approve Supplementary Planning Advice or specific guidelines within it. However the provision of up to date Supplementary Planning Advice (SPA) will assist effective and efficient planning and development control decision-making within the District.</p>
Performance Management Follow Up	<p>Progress on the use of the Design Statement will be monitored by the Parish through the development control process and the guidance reviewed to ensure continued conformity with any future local planning and national planning policy direction.</p>
Background Papers/ Appendices	<p>Background papers Appendix A – Slimbridge Design Statement (December 2016)</p> <p>Appendix B – Slimbridge Design Statement Consultation Audit Trail Report Paper copies have been placed in the Members Room.</p>

1 Background

- 1.1 The Slimbridge Design Statement has been produced under the initiative originally launched by the former Countryside Commission to encourage communities to identify local character and to set out design guidance at the local level. A Village Design Statement [VDS] is a practical tool to help influence decisions on local design. Prepared correctly, a VDS will provide a clear statement of the character of a particular village or locality against which planning applications may be assessed. It is not about whether development should take place (this is one of the purposes of both the current Adopted Stroud District Local Plan, but about how development should be undertaken so as to respect the sense of place and local identity.
- 1.2 Local people in villages and smaller more dispersed rural communities are well placed to identify local character and distinctiveness, described in terms of the landscape setting of their villages, the pattern and shape of

the settlements, and the nature of buildings, spaces, landmarks and special features. An effective VDS:

- is developed, researched, written, and edited by local people;
- is representative of the views of the village as a whole and has involved a wide section of the village community in its production;
- describes the visual character of the village and demonstrates how its character and distinctiveness can be protected and enhanced in new development locally;
- is compatible with the statutory planning system and is suitable for approval by the District Council as supporting its Adopted Local Plan;
- is applicable to all forms and scale of development; and is about managing change in the village, not preventing it.

1.3 At the national scale Government continues to seek to devolve powers to local councils and neighbourhoods thereby giving local communities influence and a voice in making planning decisions. This design statement is about letting the people who know and care for an area to influence development within it. Furthermore work undertaken for the Design Statement could be used as a first step towards drafting a future NDP. Plans can share a common evidence base. The adopted Local Plan contains a number of policies which refer to Neighbourhood Development Plans, Design Statements and accompanying evidence. An example is the District Council's Local Plan cluster approach to making places where DS's form part of the key supporting evidence and guiding principles. The National Planning Policy Framework (NPPF) states at paragraph 116 "Local Plans, including any neighbourhood plans, should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its present defining characteristics." The work and involvement of the local community here contributes to this aspiration.

2 The Slimbridge Design Statement Content

- 2.1 The DS covers the Parish of Slimbridge. The introductory and background text gives the location of the Parish and the document role and purpose in the planning context.
- 2.2 The DS then seeks to point out the distinctive characteristics of the locality and the settlements within it. The document draws together the particular aspects that the community value and provides planning guidance to respect the local environment characteristics and to influence how future development should be carried out.

The document identifies each settlement and sets out their individual key characteristics which are based on:

- Landscape Setting and Character;
- Settlement Pattern;
- Buildings and Spaces;
- Listed Buildings.
- Materials and Distinctive Features

2.3 The CDS sets out 13 clear and simple recommendations for the design of all development in the Parish, based on its characteristics. It is an advisory document that will not stop change from happening, but it can influence how any new building can better complement the existing Parish characteristics. By approving the document as Supplementary Planning Advice (SPA), the guidelines within it can be carefully considered in planning decisions relating to Slimbridge Parish and their individual communities. To ensure that the Council's statutory role is not undermined there is a clear acknowledgement that there are sometimes conflicting interests in reaching a planning decision. Each individual application is described as being determined on its own merits and in the context of many different planning documents.. The Design Statement is clear that all relevant planning documents will be carefully considered and weighed by the Council prior to a final planning decision. This important acknowledgement in Section 1 of the document recognises that other policies could take precedence over the guideline recommendations in some cases.

3 Consultation

3.1 Local public consultation has been carried out in accordance with the Council's Adopted Statement of Community Involvement and original Countryside Agency Design Statement production advice. The DS has an accompanying consultation audit trail document that sets out public consultation events and this provides a comprehensive audit trail of how comments from stakeholders have been taken into account in putting together the design statement in accordance with production guidelines. The Consultation Audit Trail Report is given at Appendix B of this report. By drawing a wide section of the community into the planning process, the CDS provides an important evidence base on local design issues that can help inform the implementation of national and Local Plan policies by recognising that local communities have a detailed appreciation and understanding of their own place, thereby adding value to the policy implementation process.

4 Future Document Review

4.1 The Design Statement will be monitored and reviewed by the Parish Council post any adoption as Supplementary Planning Advice. Any future potential changes will need to be made in accordance with the relevant guidance and policy at that time. Officers have sought to agree an appropriate review process that can acknowledge the potential limited resources available to the Parish Council. The Design Statement was adopted by the Parish Council on 16th January 2017. The District Council is committed to

undertaking an early review of the Adopted Local Plan and Slimbridge Parish have committed to undertaking a review of the VDS advice within the Local Plan review timeframe.

5 Conclusion

- 5.1 Every parish, village and small town should consider the benefits of preparing a DS. Officers consider for the reasons set out in this report to recommend that the Slimbridge Design Statement is adopted as Supplementary Planning Advice (SPA). In this role it can support and inform development management recommendations and decisions through joint working and collaboration.

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ENVIRONMENT COMMITTEE

**AGENDA
ITEM NO**

16 FEBRUARY 2017

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Report Title	KINGSWOOD NEIGHBOURHOOD PLAN: PROGRESS TO REFERENDUM
Purpose of Report	To inform councillors of progress regarding the Kingswood Neighbourhood Plan (KNDP)
Decision(s)	The Committee RESOLVES: <ol style="list-style-type: none"> 1. to accept all recommended modifications of the Examiner’s Report (Appendix A); 2. that the Kingswood Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; 3. to take all appropriate actions to progress the Kingswood Neighbourhood Development Plan to referendum on the 4th of May 2017.
Consultation and Feedback	The KNDP has been through two statutory consultations, Kingswood Parish council undertook a pre-submission consultation (Regulation 14) from 12 th October to 22 nd November 2015 and the Council undertook a post-submission consultation (Regulation 16) from 20 th April to 08 th June 2016. Both consultations lasted no less than the six weeks required by the regulations. Kingswood Parish Council considered the comments received during the Regulation 14 consultation and made changes to the plan. The comments received during the Council’s Regulation 16 consultation were provided to the examiner of the plan who considered them during the examination.
Financial Implications and Risk Assessment	The Government issued guidance in October 2014 indicating that funding of £12m was available to local planning authorities to help them meet the cost of their responsibilities around Neighbourhood Planning. A total of £20,000 can be claimed for each NP area. This single payment will be made once a date is set for a referendum, following a successful examination. If Committee resolves to accept the examiner’s report and progress the plan to referendum, potential funding of £20,000 would be available. Any costs incurred in excess of this will have to be borne by the council. David Stanley – Accountancy Manager Tel: 01453 754100 Email: david.stanley@stroud.gov.uk

Legal Implications	<p>The report and recommendations outline the current legal position with regard to the next stage in the process. The Council's discretion with regard to proceeding to a referendum or otherwise is strictly limited by statute and in this case the requirements for proceeding to a referendum appear to have been met subject to the proposed modifications being included in the NDP.</p> <p>Alan Carr, Solicitor Tel: 01453754357 Email: alan.carr@stroud.gov.uk</p>
Report Author	<p>Mark Russell, Planning Strategy Manager Tel: 01453 754305 Email: mark.russell@stroud.gov.uk</p>
Options	<p>Option 1 - Make modifications to the KNDP in accordance with the examiner's recommendations</p> <p>This is the option promoted by this report. It consists of accepting the recommendations made in the neighbourhood plan examination report, determining that the KNDP meets basic conditions and all legal requirements and should therefore, proceed to a referendum.</p> <p>This approach is considered to be the best option for progressing the plan prepared by the community without any unnecessary delay in the decision making process.</p> <p>Option 2 – Make a decision that differs from the examiner's recommendation</p> <p>If the Council were to propose a decision that differs from the examiner's recommendation, the Council is required to:</p> <ol style="list-style-type: none"> 1. notify all those identified on the consultation statement of the parish council and invite representations, during a period of six weeks, 2. refer the issue to a further independent examination if appropriate. <p>Option 3 - Refuse the Plan</p> <p>The Council can decide that it is not satisfied with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified. Without robust grounds, which are not considered to be present in this case, refusing to take the plan to a referendum could leave the Council vulnerable to a legal challenge.</p>
Performance Management Follow Up	<p>If a referendum is held and there is a vote in favour (50% plus 1) KNDP will be referred to Council to be "made" (i.e. brought into force). Once made, the KNDP will form part of the development plan for the</p>

	District and will be used to determine planning applications within the Kingswood Neighbourhood Area.
Background Papers/ Appendices	<p>Background Papers</p> <ul style="list-style-type: none"> • Kingswood Neighbourhood Plan and submission documents • The basic conditions that neighbourhood Plans must meet and other basic conditions <p>Appendices</p> <p>Appendix A – Examiner's Report</p>

BACKGROUND

1. Neighbourhood planning was introduced through the Localism Act 2011. New powers allowed qualifying bodies (parish or town councils) to produce NDPs. NDPs allow communities to set planning policies for their area.
2. Once adopted, NDPs join the adopted Local Plan in the Council's Development Plan. They must be considered when planning decisions are made, along with the Local Plan and national planning policy.
3. Producing a NDP allows parish and town councils to increase the amount of Community Infrastructure Levy (CIL) funds they receive from developments within their area from 15% to 25%.
4. NDPs must be examined by a suitably qualified independent person, appointed by the Council and agreed by the qualifying body (Town/Parish Council). Neighbourhood plans must also pass a referendum of local voters by a simple majority. If a plan passes referendum, the Council must make (adopt) it, unless it breaches EU obligations or human rights legislation.

KINGSWOOD NEIGHBOURHOOD DEVELOPMENT PLAN

5. The Kingswood Neighbourhood Area was designated by resolution of the Council's Environment Committee on 19th June 2014.
6. The KNDP was led by a steering group subordinate to Kingswood Parish Council ('the qualifying body').
7. A submission version of the KNDP was accepted by the Council on 14th April 2016, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the regulations', the Council consulted on the plan for six weeks and arranged for the plan to be examined.

EXAMINATION

8. The Council appointed Mr Timothy Jones, Barrister, FCI Arb as independent examiner of the KNDP.
9. A public hearing was held on 8th September 2016 at the Kingswood Village Hall. The examination concludes once the Examiner's Report is received by the Council. The Examiner's Report contains a recommendation of whether the KNDP, with or without modifications, should proceed to a referendum.
10. The examiner's findings, including recommendations and the reasons for them, are set out in the Examiner's Report (Appendix A). The examiner only makes recommendations necessary to make the Plan meet the basic conditions and other legal requirements.
11. A summary of the recommended modifications is set out below:

Policy/Section	Summary of recommendation and reasons
Various sections	Modify spelling and grammar and update text for clarity and to correct errors.
Sections 1-3	Deletions to correct and update text.
Section 4: SL1, Map 2, SL2 and supporting paragraphs	Modify policy wording to refer to Map 2 for clarity and to Local Plan for consistency. Deletion and correction of errors.
Sections 5 and 6: BE1	Modify policy to be in accordance with the presumption in favour of sustainable development.
Section 7: Supporting paragraphs	Deletion of text for clarity. Changes to reflect the correct legal position.
Section 8: E4, Map 5	Modify policy wording to refer to new Map 5 and to include this for clarity.
Sections 9 and 10: Supporting paragraph	Modify paragraph for clarity.
Section 11: T1A, T3B, T6A	Remove justifications from policy and add amended text to supporting text, for clarity. Modify policy wording to reflect correct legal position. Deletion of policy wording departing from local highway authority's parking standards as not justified and contrary to achieving sustainable development.

CONSIDERATION

12. Following the completion of the examination, the Council is required to consider each of the examiner's recommendations and the reasons for them and decide what action to take in response to each. Officers have reviewed the Examiner's Report and agree with all the recommendations and the reasons for them.

13. The Council is required to consider whether the draft KNDP meets the basic conditions, is compatible with the Convention rights and complies with the definition of an NDP and the provisions that can be made by a NDP or can do so as modified.
14. Officer's have carefully considered the KNDP and the Examiner's report and consider that:
 - 1- The KNDP, as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. The KNDP has been assessed against the National Planning Policy Framework and national Planning Practice Guidance and modifications proposed to comply with national policy.
 - 2- The KNDP, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. The KNDP has been subject to sustainability assessment that identifies the plan will have an overall positive effect.
 - 3- The KNDP, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the development plan as a whole for the area. The KNDP has been assessed against the adopted Stroud District Local Plan and modifications proposed to ensure the KNDP does not become out-of-date in the context of a review of strategic policies in the Local Plan.
 - 4- The KNDP, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations. The Examiner's assessment has involved considering the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in January 2016, which confirmed to Kingswood Parish Council that a SEA and a full HRA were not required on the KNDP.
 - 5- The KNDP, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites and European offshore marine sites. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in January 2016, which confirmed to Kingswood Parish Council that a SEA and a full HRA were not required on the KNDP.
 - 6- The KNDP, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. Section 5 of the Basic Conditions Statement submitted in support of the KNDP outlined the Qualifying Body's considerations as regards to the European Convention on Human Rights (ECHR), including the extensive consultation set out in the Consultation Statement to ensure representations from all groups. The Examiner considered the Convention's Articles 6(1), 8 and 14 and its First Protocol Article 1. Nothing in his examination of the Draft NDP indicated any breach of a Convention right.

There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.

- 7- The KNDP, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The KNDP sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect; it does not include provision about development that is 'excluded development' and does not relate to more than one neighbourhood area.
15. Subject to consideration at the meeting, members are asked to authorise officers to make the modifications specified in the Examiner's Report and progress the modified version of the plan to a referendum.
16. The neighbourhood area matches the civic boundary of Kingswood Parish; officers recommend that the referendum area should remain that of the Kingswood Neighbourhood Area, as designated by the Council on 19th June 2014. However, the Council cannot make a decision that differs from the examiners' recommendations about the referendum area.

NEXT STEPS

17. The Council must publish a statement setting out its decision and the reason for making it. Officers will need to modify the plan and produce a final version for the referendum.
18. The Council must hold a referendum within 56 working days from the date that the decision to take the plan forward to a referendum is published. In consultation with the Council's returning officer and elections department, 4th May 2017 has been identified as the suitable date for holding a referendum.
19. If the plan passes referendum, the Council is required to make (adopt) it unless it breaches EU or Human Rights legislation. The Council's scheme of delegation does not delegate this decision to officers or the Environment Committee, so the decision to make the plan will be made by full Council. This decision is expected to take place in May 2017. The plan cannot be modified at that stage.