

# INDEPENDENT EXAMINATION OF THE KEMBLE AND EWEN NEIGHBOURHOOD PLAN

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Sarah Broadley  
Clerk to Kemble and Ewen Parish Council

Joseph Walker  
Cotswold District Council

Examination Ref: 02/AM/KENP

26 August 2020

Dear Ms Broadley and Mr Walker

## KEMBLE AND EWEN NEIGHBOURHOOD PLAN EXAMINATION

Having carried out my visit to the Kemble and Ewen Neighbourhood Development Plan (KENDP) area, I have identified some matters on which clarification from Kemble and Ewen Parish Council (the Parish Council) and Cotswold District Council (the District Council) would assist me in my examination of the KENDP. May I request the submission of responses to my questions below within **two weeks** of the date of this letter, although an earlier response would be most welcome.

### 1. Policy KE2 Infrastructure

Question to the Parish Council

The policy supports proposals to improve local infrastructure. One of the examples quoted in the policy is “sustainable re-use of the Tetbury/Cirencester to Kemble rail lines”. In the Regulation 16 response from Cotswold DC reference is made to an investigation into the feasibility of an ultra-light railway between Kemble and Cirencester as one example of possible sustainable use. Would the modification of that part of the policy to “re-use of the Tetbury/Cirencester to Kemble rail lines for some form of sustainable transport” still meet the aims of the Parish Council for the neighbourhood plan? The justification could then explain that this would include walking, cycling, horse riding and any other mode of transport deemed sustainable.

### 2. Policy KE3 Protecting Local Green Space

The policy identifies four Local Green Spaces (LGS). Comprehensive criteria against which each of the LGS is tested is set out in Appendix 1, together with other general information. The right hand side of each page of Appendix 1 includes a column, the title of which is “tick if relevant evidence provided”.

The Consultation Statement (CS) notes that each of the owners of land proposed as LGS was separately notified by post with a letter dated 11 September 2019. The letter, at Appendix 6 of the CS, draws attention to Policy KE3.

Question to the Parish Council

In the information for each LGS, the ownership of the site is listed as “Not known”. If that is accurate, to whom was the notification letter addressed and were there other attempts to contact owners? If so, by what means? In addition, please could the PC confirm that no LGS were added after the Regulation 14 consultation.

### 3. Policy KE7 Kemble and Ewen Design Guide

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## Questions to the District Council

1. Paragraph D.3 of the Cotswold Design Code (Appendix D) states that the Code is a material consideration in planning decisions i.e. it is not formally part of the Development Plan under Section 38(6) of the Planning and Compulsory Purchase Act 2004, which is the starting point for such decisions (prior to taking into account material considerations). Please confirm whether this interpretation is correct.
2. If so, is the Design Code considered to be a “living” document which could be altered/updated with the appropriate degree of consultation and publicity, without the necessity to do so through a formal local plan review process?
3. Does Policy EN2 represent a strategic policy with which, as a Basic Condition, the neighbourhood plan has to generally conform?

## Questions to the Parish Council

The Design Guide is shown as an accompanying document on the KENDP web site. The District Council submitted comments on the Design Guide in the Pre-Submission version of the KENDP (Appendix 10 of the Consultation), to most of which the Parish Council agreed and stated an intention to amend the Plan accordingly. However, the Regulation 16 representations from the District Council still included many of the same comments about the Design Guide.

4. The current version of the Design Guide on the web site, which I assume is the “General Design Guidance for Kemble and Ewen”, is dated February 2020. Is the 2020 version an update to reflect the changes introduced as a result of the Pre-Submission consultation in 2019?
5. Would the PC consider the Design Guide to be supplementary to the KENDP when the KENDP is made, in so far as should the PC wish to update the Design Guide this would not necessitate the need to use the formal neighbourhood plan review process to make revisions to the Guide?
6. Many of the points raised by the District Council are relatively minor. Judging by the response from the Parish Council to the Regulation 14 representations and despite the repeated comments from the District Council, there appears to be a readiness to agree differences on the part of the Parish Council. Assuming the Design Code is intended to supplement the KENDP, would it be possible for the two Councils to meet after the KENDP examination to discuss the points raised by the District Council about the Design Guide? However, should it be the case that the Design Guide is considered to be entirely integral to the KENDP, then I would seek to request that the two Councils discuss and agree a statement of common ground (and indicate an appropriate timetable for the production of this document).

### **4. Policy KE9 Development affecting non designated heritage assets (NDHA)**

#### Question to the Parish Council

Within the list of NDHA are two tracts of land, KE9/6 and KE9/7, neither of which are shown on a map. Do these equate to the extensive areas identified on page 25 of the Kemble and Kemble Station Conservation Areas Appraisal and Management Guidance prepared by Montagu Evans? If so, were I to recommend that both areas should be delineated in the KENDP, should the area of KE9/7 be updated to reflect recent housing development?

## 5. Policy KE11 Landscape

Question to the Parish Council

Is item (ii) of the policy intended to be: “In the wider landscape outside the Special Landscape Area proposals should: etc ....” ?

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

*Andy Mead*

Examiner