

Forest Edge South Neighbourhood Development Plan

Independent Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Thank you for reading the plan in such detail. We appreciate your time, effort and diligence. Our responses to your questions are in shown in red below each of points raised.

Initial Comments

The Plan provides a very distinctive vision for the neighbourhood area. Its presentation is very good. The difference between the policies and the supporting text is very clear. The Plan effectively captures the landscape setting of the neighbourhood area and the relationship between the villages and the surrounding countryside.

The Plan is impressively underpinned by the extensive supporting text. The package of submission documents is proportionate to the neighbourhood area.

We would like to reinforce the importance of the status of the Forest as a Nationally Important Landscape as set out in 1947 and the heritage of a Statutory Forest that traces its origins and boundaries back to the charter in 1327. These points should not be lost and are important to the community as they underpin the depth of feeling held.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

General policy approach

Several policies offer support to specific development proposals. Whilst this approach is positive, it does not take account of the need for the District Council to balance a range of issues in the development management process. In these circumstances, I am minded to recommend that the relevant policies are modified so that they set out the requirements for the development concerned rather than anticipating the outcome of planning applications.

Does the Parish Council have any comments on this proposition?

Council response – We appreciate the District Council's duty to balance the needs of development management process but we do need to balance this with the communities' desire to uphold the national importance as a landscape, its heritage and its ancient rights (The 1327 Charter) Our general approach has been to balance these demands trying to nudge developers towards a sustainable design approach that still reflects the need to protect the local heritage, character and vernacular of the Forest without being overly prescriptive.

Policy 1

The policy takes a very positive approach to sustainable design. Nevertheless, I am minded to recommend that it is modified so that it can be applied on a proportionate basis.

NEW introductory sentence.

'An economic approach using traditional methods maybe more suitable and sustainable for minor additions or extensions to existing buildings put forward for planning.'

Also CHANGE - 'All new developments....' to 'All major new developments....'

Please could you clarify the number of new developments that constitutes the term 'major'? Is it 10?

Policy 3

I am minded to recommend the reversal of the order of the first two parts of the policy to assist with its clarity. Does the Parish Council have any comments on this proposition?

Please clarify - is it a case of swapping the 2nd sentence (including the 4 points below it), with the first sentence beginning 'Development...'? If so, we are very happy with that.

We would like to move the current opening sentence (about losing allotments) to the end.

Should the third part of the policy be worded so that it can be applied on a proportionate basis?

ADD 'major' before 'new developments...'

Alteration to Part b) *'In the case of developments that include shared communal facilities or open spaces, TAKE OUT 'they incorporate' an element of community growing space within the development itself ADD to end, 'is included'. (As detailed in paragraph 99 of the MPF.)*

Policy 4

A Written Ministerial Statement was published on this matter in December 2023. Plainly this was after the Plan was prepared and submitted. A link is provided below:

[Written statements - Written questions, answers and statements - UK Parliament](#)

I am minded to recommend a modification to the supporting text to ensure that it refers to this matter. Does the Parish Council have any comments on this proposition?

We have read the statement and understand position (but don't necessarily support this stance) - what we would like to do (especially in light of the local poor housing stock) is provide some means where developers would be invited to lift their developments above Part L of the building regulations so that houses are brought up to standard or future proofed – do you think we can do this and can you help with correct wording?

Policy 5

This is an excellent policy. In the round it is a very positive local response to Section 12 of the NPPF. The Design Guidance is a first-class document.

Policy 6

Is the locally-distinctive element of this policy the identification of non-designated heritage assets (as set out in paragraph 12.18 of the Plan)?

12.13 This policy **ADD 'begins to'** define non-designated heritage assets (NDHAs) across the Neighbourhood Plan area. These are assets identified as having heritage value when assessed against a series of criteria as recommended in Historic England guidance ('Local Heritage Listing: Identifying and Conserving Local Heritage', Historic England Advice Note 7 (Second Edition)).

12.16 The growth of the Forest of Dean and its habitations were historically restricted by the Forest's status as a royal hunting ground **ADD '(as outlined in the Historic overview sections 2.4 – 2.13).'** As such all buildings, both industrial and domestic, shown on the 1834-1835 map of the Statutory Forest of Dean should be considered as heritage assets as they define the historic and cultural development of the settlements through encroachment, local vernacular style of building and way of historic way of life within the Neighbourhood Plan's Area which together defines the uniqueness of the area. As such the Historic England criteria **ADD 'including Forest Greens and the Historic Statutory Forest boundary'** against which heritage assets should be assessed can all apply in some measure to such buildings and settlements so recorded.

Otherwise, do the elements of the policy on designated heritage assets bring any added value beyond national and local planning policies on this matter?

Yes – See Historic Overview P17 and our introductory comments above.

Policy 8

The proposed local green spaces are carefully described in the supporting text.

I am minded to recommend that the policy is modified so that it takes the matter-of-fact approach taken in paragraph 107 of the NPPF. Does the Parish Council have any comments on this proposition?

We do not wish for it to be changed to a matter-of-fact approach – please see new paragraph below and note that (The King's) Forest Waste and our Green Spaces have a very particular meaning within our plan. Some of them are land held in Trust (having been granted either by the Crown or local landowners) and some are spaces within the Crown Estate on the edges of settlements well used by local communities. Please note we have not included ancient Greens within these as these should be covered by other heritage designations.

Separate section – NEW 2.21 (ALTERATION TO SUBSEQUENT NUMBERING WILL BE NEEDED). 'Forest Waste is a specific term for land owned by the Crown but not currently used for commercial purposes. It forms an important part of the open landscape of the statutory Forest. The spaces have become important for community use, for the open landscape and for access to isolated dwellings.'

j) Forest Waste

5.25 The importance of Forest **W**aste is not to be overlooked in our whole Neighbourhood Plan area.

5.26 There are large areas of **(CHANGE to capital F and W) Forest W**aste which are important open spaces but also all of the road verges and small pieces of land around properties are also classed as **F**orest **W**aste and as Crown land, cannot be sold.

Policy 10

The policy has a complicated format. Please can the Parish Council explain its intentions?

Is the policy designed to address the way in which new buildings are configured and designed rather than to apply to existing buildings? **Yes, we have tried to be specific within the opening sentence where we state 'new residential development...'**

We suggest Policy 10 be reworded to now read as below please.

'Subject to satisfying the requirements of the other relevant policies within the development plan, new residential developments will be supported where they:

- a) Incorporate adequate dedicated space for home working and study.*
- b) Include provision for broadband connectivity.*

*Where planning permission is required, applications for garden offices will only be permitted where these comply with other relevant policies and do not negatively impact **on the** amenity of nearby residential properties.'*

Policy 12

The policy takes a positive approach to the housing needs of older people. However:

- is criterion a) needed?
- is there a risk that the implications of criteria b) to f) may be onerous and prevent otherwise acceptable proposals from coming forward?
- is the final paragraph needed given that the listed facilities are frequently included in proposals for housing for older people?

Thank you for comments, we have altered and removed some aspects of the original wording (See alterations below) but feel we have simplified it as much as we would wish.

'They are located within an identified settlement boundary (as defined in the Forest of Dean Local Plan Policies Map);

The accommodation includes an area of communal open space for residents' exclusive use;

The accommodation provides the highest standards of accessible and inclusive design; and

The accommodation provides pick up and drop off facilities close to the main entrance suitable for taxis, minibuses and ambulances; and

The development proposed complies with other Neighbourhood Plan policies, particularly those relating to design (Policy 5), historic environment (policy 6) and landscape character (Policy 7).

Within applications for specialist older persons housing (Use Class C3), the provision of communal facilities for residents' use, will also be supported.'

Policy 15

The criteria in the policy are locally-distinctive.

Policy 16

The third part of the policy has now been overtaken by the Building Regulations.

As such, I am minded to reposition this element into the supporting text as a broader local context. Does the Parish Council have any comments on this proposition?

ADD to 15.4 'The need for electric charging points has also been identified in Building Regulations.'

TAKE OUT – 'ULEV charging points should be provided in new developments in accordance with recommendations set out in the Forest of Dean EV Charging Consultancy Support report and the Gloucestershire County Council Ultra Low Emission Vehicle (ULEV) Strategy.'

Policy 17

This is a good policy. Nevertheless, I am minded to recommend that the opening element of the policy is refined so that it comments about the practicability of achieving the elements of the policy and to ensure that the outcomes are proportionate to the development concerned. Does the Parish Council have any comments on these propositions?

'To ensure that adequate transport infrastructure and safe access (including access to sustainable and active travel modes) is provided in new developments, new developments should integrate cycle paths and pedestrian footpaths to provide connectivity between the development site and surrounding active travel networks ADD unless a sustainable economic case against the provision is presented.'

Policy 20

Please can the Parish Council explain the intentions of the final part of the policy. Parts b) and c) appear to relate to matters which would not be 'development' in planning terms and therefore could not be addressed in a planning policy.

We would like these two to stay as we would like health protected against increased noise and pollution.

Policy 21

Does the second part of the policy set out the criteria with which proposals (as described in the first part of the policy) should comply? *Agreed – we can swap the two sections around.*

Policy 22

Please can the Parish Council explain the intentions of the final part of the policy? As submitted, it would apply to proposals for 10 or more houses. In most cases, proposals for modest levels of new homes would not naturally generate the need to provide new retail floorspace.

Some of the villages within the Plan do not have access to local shops. We are also aware that local employment is limited (as is public transport). Should a major development be proposed, we hope work and small retail units could be provided. Likewise, we would not wish to see any existing work opportunities lost. Our proposed changes –

'Subject to satisfying the requirements of the other relevant policies within the development plan, applications for new small-scale retail units for local community use (failing within Use

Class F2 (a) of the Town and Country Planning (Use Classes) Order 1987, as amended) will be supported provided the criteria below are met:

a) The applicant demonstrates that the impact on the amenity of surrounding residential uses is minimised; and

b) The applicant demonstrates that the development will not have unacceptable impacts on traffic, the local highway network and pedestrian safety.

TAKE OUT last paragraph beginning 'New major ...' and ADD a point C) -

C) Where is there no existing general or food store within reasonable walking distance of the proposed development.'

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

Protocol for responses

I would be grateful for responses and the information requested by 7 March 2024. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

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15 February 2024