



The Planning Inspectorate

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# **Report to Forest of Dean District Council**

**by Brendan Lyons BArch MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Date: 20<sup>th</sup> June 2018**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Forest of Dean District Council Allocations Plan**

The Plan was submitted for examination on 28 August 2015

The examination hearings were held between 26 January and 11 February 2016 and between 12 July and 14 July 2017

File Ref: PINS/P1615/429/8

## **Abbreviations used in this report**

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
AP	Allocations Plan
CNQ	Cinderford Northern Quarter
CNQAAP	Cinderford Northern Quarter Area Action Plan
CS	Core Strategy
dpa	Dwellings per annum
DtC	Duty to Co-operate
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCG	Statement of Common Ground
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SSSI	Site of Special Scientific Interest
WMS	Written Ministerial Statement

## **Non-Technical Summary**

This report concludes that the Forest of Dean District Council Allocations Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications ('MMs') are made to it. Forest of Dean District Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over an eight-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Confirmation of the Objectively Assessed Need ('OAN') for housing and the resulting housing requirement;
- Confirmation of the approach to meeting the shortfall of previous housing supply;
- Confirmation of the approach to meeting the requirement with a deliverable housing supply, including the allocation of additional sites;
- Improved policy approach to design, heritage and local distinctiveness;
- Reinforcement of the need to take account of key biodiversity and nature conservation issues;
- Identification of sites where flood risk is an issue requiring particular attention;
- Identification of sites where at high risk due to former mining activity;
- Improved arrangements for safeguarding the route of the proposed restoration of the Herefordshire and Gloucestershire Canal.

## Introduction

1. This report contains my assessment of the Forest of Dean District Council Allocations Plan ('AP') in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework ('NPPF') (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Forest of Dean District Council Allocations Plan Submission Draft, submitted in August 2015 is the basis for my examination. It is the same document as was published for consultation in March 2015.
3. Policies and text referred to in this report and its Appendix are numbered in accordance with the Submission Draft. The insertion or deletion of policies and text will require some re-numbering if the Plan is adopted.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications ('MMs') necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM001**, **MM002**, **MM003** etc, and are set out in full in the Appendix.
5. The Submission Draft was accompanied by a set of potential changes to the AP put forward by the Council arising from the representations made at the publication stage [Keynote AP22, LP035]. Based on these and on the progress of the examination hearings, the Council drew up and maintained a schedule of potential MMs. Following the second round of hearings, the Council prepared a final schedule of proposed MMs [ED085a] and carried out sustainability appraisal ('SA') of them. The MM schedule was subject to public consultation for a period of eight weeks from 23 October 2017. I have taken account of the consultation responses in coming to my conclusions in this report. However, I have found that a number of the MMs consulted upon are not necessary to make the Plan sound<sup>1</sup>. Therefore I have not recommended them for inclusion, and they do not appear in the Appendix. But as points of clarification, it would be open to the Council to include these additional modifications to the adopted Plan in accordance with Section 23 of the Act.

## Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to

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<sup>1</sup> MM019, MM024, MM050, MM051, MM053, MM054

provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Allocations Plan Proposals Map 2015<sup>2</sup>, published as a separate document and with extracts interspersed within the text of the Allocations Plan Submission Draft August 2015.

7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs<sup>3</sup>.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes published alongside the MMs.

### **Consultation**

9. Some concern was raised in response to the pre-submission consultation about the difficulty of access to very large electronic files owing to slow servers and slow local internet connection speeds in the area. Such difficulties are a source of frustration, but plan preparation does inevitably involve large amounts of data. However, I am satisfied that sufficient alternative means of access to consultation were available, and that there was no departure from the Council's Statement of Community Involvement.

## **Assessment of Duty to Co-operate**

10. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
11. The Council's evidence to demonstrate compliance with the statutory duty to co-operate on the preparation of the AP is set out in Keynote AP19 [LP033], with further information provided in the response to initial pre-hearing questions [ED004].
12. Strategic matters with significant cross-boundary impact on at least two local authority areas are more likely to lie within the ambit of a strategic plan, such

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<sup>2</sup> Published on-line at

<http://maps.glosdistricts.org/map/Aurora.svc/run?script=%5cAurora%5cFoDDC+-+Proposals+Map+Publication+2015.AuroraScript%24&nocache=825024027&resize=always>  
Also published in hard copy in two A0-size sheets as Document Ref LDP 030, and in bound format as the Forest of Dean District Council Allocations Plan Submission Draft A3 Maps, to accompany the Allocations Plan Submission Draft August 2015 (Document Ref LDP 029).

<sup>3</sup> Published on line at

<http://maps.glosdistricts.org/map/Aurora.svc/run?script=%5cAurora%5cFoD+Aurora+Proposals+Map+Publication+2017.AuroraScript%24&nocache=1187976663&resize=always>  
and as extracts interspersed within the text of the Allocations Plan Submission Draft incorporating Main Modifications October 2017.

as a comprehensive Local Plan or a Core Strategy, rather than an allocations document. The number of matters on which the AP determines a strategic position is limited.

13. With certain specific exceptions, it is clear that for the preparation of the AP the Council has made use of the well-developed networks of regular inter-authority discussion by officers of strategic planning, economic and environmental matters. Details of the comprehensive liaison arrangements are set out in the Keynote. However, the evidence includes both formal and informal responses by neighbouring authorities and by Gloucestershire County Council. There is no reason to conclude that co-operation with neighbouring authorities has been lacking in scope or completeness.
14. There is clear evidence of co-operation by the Council with neighbouring authorities in the preparation of a county-wide Strategic Housing Market Assessment ('SHMA'), and in commissioning the subsequent review of objectively assessed need ('OAN') for housing. The strategy of each district absorbing its own housing need derives from that co-ordinated approach. The subsequent July 2015 adjustment for Forest of Dean has been accepted without concern by the other authorities.
15. Another acknowledged cross-boundary issue on which the AP has a significant bearing is the relationship with Chepstow of development at Sedbury/Tutshill and along the A48 corridor. There is evidence of co-operative working with Monmouthshire County Council and Gloucestershire County Council.
16. As an important element of infrastructure provision, the reinstatement of the Herefordshire and Gloucestershire Canal can be seen as a strategic matter. The Submission Draft's difference in approach to safeguarding the route from that taken by the recently adopted Herefordshire Local Plan Core Strategy cannot be regarded as a failure of the duty to co-operate by the Council. Both plans support the reinstatement, but initial variance in the degree of policy intervention can be resolved, a matter I consider in more detail below.
17. With regard to co-operation with other prescribed bodies, the Council's Keynote and supplementary submission provide evidence of co-operation with the Environment Agency, Historic England and the local highway authority. It is clear that there has also been co-operation with the Coal Authority, water and drainage undertakers and with the local nature partnership. In response to debate at the hearings, further detail has been provided of contact with the local enterprise partnership [ED027.4] and of the local involvement of the Homes and Communities Agency [ED027.23]. The evidence suggests that the AP is sufficiently aligned with the strategic priorities of both of these bodies.
18. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## Assessment of Soundness

### Background

19. The Forest of Dean District comprises the main towns of Lydney, Coleford, Cinderford and Newent and a large number of villages, all set within a wide rural hinterland, part of which comprises the extensive area of statutory forest. The population of the District at the time of the 2011 Census was some 82,000 people.
20. The Forest of Dean District Council Core Strategy ('CS'), which was adopted by the Council on 23 February 2012, sets out the overall vision and spatial strategy for the development of the District up to 2026, and strategic policies for delivery of key objectives. On the same day, the Council also adopted the Cinderford Northern Quarter Area Action Plan ('CNQAAP'), which comprises detailed policies for an area of planned significant change at the north-western edge of Cinderford.
21. The development plan also comprises neighbourhood plans for Lydney, Longhope, and Berry Hill, Edge End and Christchurch<sup>4</sup>, with others in the course of preparation.
22. The AP covers the entire District with the exception of the CNQAAP area. The examination could not therefore take account of a number of representations that related solely to issues specific to the CNQAAP area.

### Main Issues

23. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified seven main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1 – Whether the Plan forms an appropriate complement to the Core Strategy to provide a sound basis for the development plan**

24. The role of the AP is to complement the CS by translating the CS's overarching vision and policies into firm allocations and area-specific policies for the major part of the district that does not include the already adopted CNQAAP. Following adoption of the AP, the three documents, together with any 'made' neighbourhood plans, are to comprise the local plan for the district.
25. The Preface to the AP explains that the AP's aims and objectives are the same as those of the CS, and that the evidence that underpins the strategy has been extended and updated to support the case for the allocations. An amendment is necessary (**MM001**) to justify the AP policies by clarifying that it also draws on new updated evidence to support proposed housing provision.

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<sup>4</sup> Lydney Neighbourhood Development Plan, made 1 March 2016; Longhope Parish Neighbourhood Development Plan, made 1 March 2018; Berry Hill, Edge End and Christchurch Neighbourhood Development Plan, made 1 March 2018

26. In my Interim Findings following the initial examination hearings, I considered the considerable criticism made in representations of the Council's decision to proceed with the preparation and submission of the AP, rather than a review of the already adopted plans as part of the preparation of a single local plan, of the type envisaged by the NPPF.
27. The first concern was that the plan period to 2026 is too short, with only 11 years left to run from the AP's submission in 2015. The NPPF advises that local plans should be drawn up over an appropriate time scale<sup>5</sup>. While the preference is for a 15 year time horizon, this is not compulsory. I accepted that in this case the Council was correct to give early priority to completing development plan coverage. The most appropriate timescale for the AP was for it to coincide with the CS. The Council is committed to an early review of the three adopted plans to commence soon after adoption of the AP, as part of a co-ordinated project for up-to-date plan coverage across Gloucestershire.
28. The second concern was that adoption of the CS predated the publication of the NPPF and that as a consequence some of its policies are now out of date. The key area in which the CS can be said to depart from NPPF guidance is in the estimation of its housing requirement. The Council acknowledges that the CS housing figure should be regarded as constrained, but has sought to address this by the adoption for the AP of a newly calculated OAN, which I consider under Issue 2 below.
29. Limited evidence was provided of other respects in which the CS was felt to be significantly out of step with the NPPF. It has been suggested that CS policy does not reflect the NPPF approach to rural housing, and that as a result the AP should allow for greater numbers of new houses at the 'service villages' and 'small villages' identified by the CS. I consider this matter in more detail under Issue 7 below, where I find in summary that there would be no inconsistency in the AP's approach.
30. Taking into account my findings below on Issues 2 and 7, I conclude that adoption of the AP would represent a sound basis to complete a local plan for the District.

**Issue 2 – Whether the Plan identifies a sound assessment of the overall level of housing need and whether it makes adequate provision to meet that need**

*Objectively assessed need*

31. The CS plans for the provision of 6200 homes over the 20 year period to 2026, at an average of 310 dwellings per annum ('dpa'). This figure was derived from the evidence supporting the then draft Regional Spatial Strategy ('RSS'), which pre-dated the NPPF and accompanying Planning Practice Guidance ('PPG'). The figure is now seen as constrained by policy considerations then in effect and not necessarily an accurate reflection of the District's current need for housing. There has been little dissent from the Council's decision that the AP should take the opportunity to plan for an NPPF-compliant housing

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<sup>5</sup> NPPF paragraph 157



requirement derived from a more up-to-date calculation of OAN, and I agree that this is the most appropriate path.

32. The Submission Draft AP proposed a housing requirement of 4800 dwellings (320 dpa) over the period 2011-2026. This was derived from a commissioned study, updated in July 2015<sup>6</sup>, which had calculated an OAN of 310 dpa, based on a total provision of 6200 dwellings over the 20 year period 2011-2031, with up to a further 600 homes (30 dpa) to allow for potential economic growth. The Council's justification<sup>7</sup> for the proposed requirement of 320 dpa was that an allowance of 10 dpa provided an adequate allowance for economic growth, and that sufficient flexibility existed within the AP to respond to changing circumstances. As all authorities within the Housing Market Area ('HMA') were planning to accommodate their own housing needs, there was no adjustment to accommodate unmet need from other districts.
33. My interim findings following the first round of examination hearings raised concern about the robustness of three specific aspects of the proposed requirement, which have now been addressed by the Council:

Extent and timescale of assessment

34. The July 2015 study was an update of a previous report from October 2014 which had appraised the housing needs of Forest of Dean, Cotswold and Stroud districts, in parallel with those of the three other authorities (Cheltenham, Gloucester and Tewkesbury) that make up the HMA. The update dealt only with the Forest of Dean, so that the revised calculation of OAN was not at the scale of the full HMA, as envisaged by the NPPF<sup>8</sup> and the PPG<sup>9</sup>.
35. In response to my concern, the Council commissioned a further update<sup>10</sup> which reassessed the OAN for the full HMA, based on more recent 2014-based ONS population projections and estimates and government household formation projections, and with allowance for population flows over a 10 year period. The correct application of household formation rates had been subject to dispute in earlier representations. The new study also assessed the OAN over the period 2006-2026, in order to bring the AP into alignment with the CS plan period. The earlier studies had looked at the period 2011-2031, and I endorsed concern raised that the lack of alignment of the end date could result in some distortion of the figures.
36. The new study showed that earlier assumptions about net migration flows were now borne out by the more recent official population projections, which had been the subject of some challenge in representations. The study also provided an alternative assessment of 'unattributable population change' to reflect the approach recently proposed in the examination of the neighbouring Joint Core Strategy for Cheltenham Gloucester and Tewkesbury. This showed only minor variation from the earlier approach without an adjustment, which had not been disputed. Subject to this variation, and with an appropriate

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<sup>6</sup> Document EB001

<sup>7</sup> Document EB002

<sup>8</sup> NPPF paragraph 47

<sup>9</sup> PPG paragraph 2a-008

<sup>10</sup> Document ED046

allowance for empty and second homes, the study concluded that the updated figure for the 'demographic' OAN for the 2006-2026 period was between 5510-5573 homes, rounded to 280 dpa. This figure is adopted by the Council.

### Economic growth

37. The second concern related to the allowance made in the OAN for economic growth. The PPG advises that the effect of future job numbers should be taken into account, based on an assessment of past trends and/or economic forecasts and the growth of the working age population in the HMA<sup>11</sup>. The allowance of up to 600 homes above demographic growth for the period 2011-2031 set out in the July 2015 study was based on an aggregation of two economic forecasts obtained for the three districts in 2014. I accepted that two respected forecasts should provide sufficient confidence, although the evidence of a third higher forecast as advocated by some representors, would provide a useful check. However, I was concerned about the depth of analysis of the disparity between the widest ranging sectoral estimates in the two forecasts and that the sensitivity tests applied were not sufficiently justified. This could have served to depress the need for additional homes, as reflected by the Council's decision to allow for only one third of the potential additional need (10 dpa, 200 total) in the Submission Draft AP.
38. The new updated study has examined more recent economic forecasts for the full HMA from the same two analysts. These show considerable variation in jobs growth from the previous figures<sup>12</sup>. The application of these figures to the Forest of Dean has been supported by further analysis and a further sensitivity test applied. This exercise produces a range of potential need for between 0-400 additional homes for the 2006-2026 period. The Council now proposes to adopt the upper figure of 400 (20 dpa), resulting in an OAN of 6000 additional dwellings or 300 dpa.

### Alternative assessments

39. Some representations have suggested that the assumptions underpinning these calculations have led to an OAN figure that is suppressed or too low, and that it should be somewhere within the range of 350-400 dpa. However, I consider that the Council's evidence has shown that the method adopted is substantially in line with PPG guidance and that the assumptions are robust, with the 2014-based household projections applied to provide a sound basis. I find it reasonable to consider the absolute change in household numbers over the entire plan period, rather than an alternative approach that would split the period into two, with the CS figure of 310 dpa used for the years 2006-2014 in support of a higher figure for the years 2014-2026. The Council has explained why the newly calculated demographic OAN is lower than the 2014-based CLG projection, but that the new figure actually involves a slightly higher number of households in 2026.
40. The figure of 310 dpa is 'constrained' by the wider than local scale policy considerations and the assumptions on household numbers taken into account at the time of the CS preparation. In the light of events since those policy

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<sup>11</sup> PPG paragraph 2a-018

<sup>12</sup> ED046 Table 11

assumptions were made, it does not necessarily follow that the OAN now must be higher, as argued in some representations. Similarly, a direct comparison with housing delivery in recent years is not a valid basis for criticism, as the calculation of OAN is dealing with defined need over the entire plan period.

41. Representations have also been made in favour of an upward adjustment in response to market signals, focussing on the issue of affordability. Evidence for the Council gives good grounds to conclude that affordability has not been a critical factor in the Forest of Dean, particularly in comparison with other Gloucestershire districts and the south-west as a whole. Also that household formation rates are generally aligned with or above national levels, and were not suppressed during 2006-2014. The evidence of the other indicators cited by the PPG suggests that Forest of Dean is not out of step with the HMA or national trends. The case for a market signals adjustment is not compelling.
42. Comparison has also been made with the methodology for assessing housing need recommended by the LPEG group. While a standard approach to assessing need has now been endorsed as emerging government policy<sup>13</sup>, and thus likely to inform the next review of the Local Plan, it has not yet been formally adopted and the AP assessment can be soundly based on current guidance.

#### *Affordable housing*

43. However, the overall need for affordable housing in the district remains high. In my interim findings, I accepted that the Council's estimation of a 'core need' of 67 dpa was a reasonable proxy measure of the way housing need is actually experienced in Forest of Dean. This figure can be taken as more representative than the annual total of 814 dwellings set out in the Strategic Housing Market Assessment ('SHMA') Update of March 2014, which is arrived at through the method set out in the PPG. However, I noted that the higher figure suggests that many households would benefit from affordable housing provided in addition to any to meet the 'core need'. I also agreed with the Council that to seek to deliver all of the identified affordable housing need as a proportion of market housing would result in unrealistic and undeliverable allocations, but not their conclusion that the market could not support a raised level of provision. In accordance with PPG guidance that an increase in the total housing figures should be considered where it could help deliver the required number of affordable homes, I advised that an uplift of 10% to the adjusted OAN would be appropriate. Therefore, I endorse the Council's proposal that the OAN should now be supplemented by 10% (30 dpa) to allow for enhanced delivery of affordable homes.

#### *Housing requirement*

44. This would result in the housing requirement for the AP being set at 6600 dwellings (330 dpa) over the period 2006-2026. The evidence shows that completions over the first 10 years of the plan period averaged at some 278 dpa. Meeting the new requirement would significantly boost supply, in accordance with national policy. For the reasons set out above, I consider that

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<sup>13</sup> *Government response to the Planning for the right homes in the right places consultation* MHCLG March 2018

to be a robustly derived figure and accordingly recommend that **MM002** is necessary for soundness.

### *Housing for different groups*

45. Consistent with NPPF guidance, CS Policy CSP.5 promotes a mix of house sizes and types to meet the needs of the local community, including those suitable for an ageing population. To maintain consistency with national policy, the AP requires modification (**MM004**) to emphasise the intention to provide housing to cater for various groups within the population in accordance with their identified need.

#### Older people

46. The provision for older people is to include adaptable general needs units and specialist accommodation<sup>14</sup>, and the AP would allow either form to be promoted on any of the allocated housing sites.
47. The Submission Draft AP allocated a site at Cleeve Mill Lane, Newent (AP73), for about 40 units of 'extra care' housing, in accordance with outline planning permission previously granted. As an altered form of development is now in progress, effectiveness requires this policy needs to be deleted (**MM048**), consistent with the AP's approach to other sites where development has already commenced. No other site is specifically allocated for supported housing. The Council's approach to this issue<sup>15</sup> is based on the ability for much need to be met by adaptation of existing stock and on the limited evidence of real demand for new development, noting that any demand that did emerge could be accommodated on sites allocated for housing, such as the land north of Newnham-on-Severn about which specific representations were made, or else as an exception.
48. It is also argued that many of the housing needs of older people can be accommodated by particular dwelling types and layouts in suitably located developments. To justify this, modifications are needed to flag the particular suitability of several sites, such as Kings Meade, Coleford (**MM040**) and the Victoria Hotel, Newnham-on-Severn (**MM063**) for housing for older residents, but many others could accommodate a mix of units that would help to address local need. The additional land to be allocated at Augustus Way, Lydney (**MM030**) forms part of a larger site now granted permission on appeal for a mix of development including up to 37 'retirement apartments'<sup>16</sup>.
49. The Council's decision not to set a specific target for specialist bedspaces, is made in the context of under-used existing provision and national and county-level policy emphasis on allowing people to remain in their own homes, all of which casts some doubt on the assessment in the SHMA Update of December 2014, based on the then current calculation of OAN, of a need for institutional housing estimated at some 573 bedspaces<sup>17</sup>.

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<sup>14</sup> ED027.20

<sup>15</sup> ED062a

<sup>16</sup> ED086

<sup>17</sup> EB003

50. With the above modifications, I find the AP's provision for this issue to be sound.

Self-build and starter homes

51. In accordance with the Self Build and Custom Housebuilding Act 2015 the Council now maintains a register of people and groups seeking to acquire serviced plots of land for self-build and custom housebuilding. The most recent evidence<sup>18</sup> is that the register as yet contains a very small number of names, none of whom is seeking a site as part of a larger development. In this context, the Council's decision not to allocate land specifically for this type of housing is reasonable. As in the case of older persons' housing, there is nothing to prevent any larger site providing a mix to include some self-build. The permission granted on the larger site that encompasses the allocation at Augustus Way, Lydney (**MM030**) includes up to 20 self-build plots, which could be effective in addressing any further emerging demand. Further provision is encouraged by **MM004**.
52. The Housing and Planning Act 2016 introduced the provision of starter homes as a means of enhancing access to more affordable housing. The text of **MM004** acknowledges the scope for this new element of provision. The first paragraph of **MM002** responds to the direction of travel of national policy and sets out a commitment to sustain provision in accordance with national guidance on the definition of affordable housing and its delivery.
53. These modifications are recommended to ensure consistency with national policy.

Gypsies and travellers

54. The principles to be followed in meeting the need for accommodation for gypsies and travellers and for travelling showpeople are set by CS Policy CSP.6. The Council's evidence for the AP gives a clear statement of existing commitments since the 2013 county-wide Accommodation Assessment and of proposed allocations. Two sites are allocated for this use, at Oak Tree Park, Churcham, (AP15) and at Woodlands Farm, Bromsberrow Heath (AP16). Although the correct capacity of the latter site has been queried, the evidence suggests that outstanding needs have been planned for, with a modest surplus, and that provision is not currently required for any unmet need from neighbouring districts.

Travelling showpeople

55. The AP recognises the distinctive character of showpeople's sites as a mixed live-work activity. Recognition that a range of current or former employment sites or redundant farm property could provide suitable locations for this use provides a suitably flexible approach. A representation has raised concern over the suitability and availability of sites, including the one allocated site specifically mentioned by the AP as a suitable location (Transport yards near Blakeney, AP11), but I find that the AP does offer sufficient scope for this need to be addressed.

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<sup>18</sup> ED062a

### *Overall housing provision*

56. The Council's evidence in support of the Submission Draft AP<sup>19</sup>, indicated a housing supply of 4932 dwellings, made up of large sites (of more than 5 units) allocated in the former local plan and CNQAAP (2434 units) and with permission (519 units), together with newly proposed allocations (682 units) and allowances for small sites (814 units, based on past delivery) and large windfalls (483 units, based on past delivery but held until year 8). The sites allocated by the AP, including those carried forward from the previous plan were to provide some 3061 units. There were also a number of sites on which housing was proposed as part of a mixed use allocation, amounting to 280 units, which were not counted in the supply but were expected to contribute over the plan period.
57. Based on the then proposed OAN of 320 dpa, and with the inclusion of a 20% buffer to reflect persistent past under-delivery and a backlog of 70 units, it was estimated that deliverable sites would provide 5.6 years' supply.
58. In my interim findings following the first round of examination hearings, I endorsed concerns raised about the deliverability of a number of proposed allocated sites and one site under construction, and recommended that some should be omitted from the 5 year supply<sup>20</sup>, and the contribution of some others reduced<sup>21</sup>. I also recommended that another site<sup>22</sup> should not be treated as part of the developable supply. However, I accepted the approach to allowances for small sites and for windfalls, which could include the mixed use sites.
59. In bringing forward the proposed Further Changes, the Council reviewed the proposed supply in accordance with those recommendations, and added a number of other sites where permission had been granted on appeal or the principle of development supported. In addition, 14 amended and new allocations were proposed, to create a potential additional supply of up to 762 units, of which 507 were to be deliverable over the first 5 year period. This was calculated to provide an ongoing deliverable 5 year supply, if delivery of the shortfall from the first 10 years of the plan period was spread equally across the remaining 10 years (the 'Liverpool' method).
60. The Council outlined its reasons why this was the preferred approach<sup>23</sup>, but also made provision in the event that the more conventional 'Sedgefield' approach were to be applied, and the shortfall addressed over the immediate 5 year period, by proposing a further 10 additional or expanded allocations, which were estimated to provide 182 units in the first 5 year period.
61. As well as a large number of representations about the merits of individual site allocations, there were several representations against the Council's preference for the Liverpool approach. The PPG advises that any undersupply

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<sup>19</sup> EB006

<sup>20</sup> Holms Farm, Lydney AP53; Valley Road, Cinderford AP36; King's Head, Coleford AP57; Victoria hotel, Newnham AP89; St.White's Farm, Cinderford

<sup>21</sup> East of Lydney AP47; Hill Street, Lydney AP40; Poolway Farm, Coleford AP62

<sup>22</sup> Cinderford Football Club AP34

<sup>23</sup> ED069m

should be dealt with within the first 5 years where possible<sup>24</sup> (i.e the Sedgefield method) but does not rule out other approaches.

62. Because the plan period is aligned with the CS, the first half now elapsed encompassed a period of economic recession during which delivery dipped. Measured against the new housing requirement of 330 dpa, the shortfall in past completions up to March 2016, which formed the base for the Council's assessment, was significant, at 521 units. This shortfall also triggered the requirement for a 20% buffer to be applied in assessing the deliverable supply.
63. The AP continues to rely heavily on the strategic East of Lydney allocation (AP47) for a major element of provision. While there are good signs that delivery of the allocation is gathering pace, the site will need considerable time to achieve its full potential, extending beyond the plan period. Other sites, including those from the CNQAAP are progressing but will need several years to make significant contribution, as would those newly allocated by the AP. In order to provide a Sedgefield-based supply, the housing trajectory would show a very steep upward trend to years 4 and 5, and requiring completions in excess of 800 dwellings in year 5. This would be greatly in excess of delivery achieved in any year in the past 10 years, and even with the most optimistic view of the market's ability to provide, must be seen as unrealistic.
64. Some representations argued that since the Council had proposed sufficient additional allocations to meet the Sedgefield requirement, then the preference for that approach should apply, almost automatically. However under Sedgefield, the predicted supply with the inclusion of all the proposed additional sites would be marginal, at 5.15 years. That would have required the inclusion of several sites at an early stage in the development process and with access and other constraints that posed question marks over their delivery, such as the sites proposed at Sedbury Lane, Sedbury/Tutshill, at Yorkley, adjoining the health centre, at St White's former school and at the former Ruspidge baths.
65. By contrast, the additional and amended allocations proposed to meet the 10 year requirement all appeared to have sound prospects of delivery, and would still provide a substantial increase in supply over the plan period. I consider that compliance with the Sedgefield method would not be effective and that the particular circumstances of the AP provide a compelling case for the use of the Liverpool method of assessing the deliverable supply. **MM003** is therefore necessary to make it clear that the Liverpool method is to be used when calculating housing supply.
66. Of these sites, the Council no longer wishes to pursue expansion of the allocation at the Old Coach Depot, Mitcheldean (AP85 in the Submission Draft) in the light of concerns about adverse effect on the setting of heritage assets. This omission would be balanced by the increased number at Chartist Way, Staunton and Corse, following a successful appeal. That and the other potential allocations consulted upon require addition to the AP as MMs in order to confirm a supply of housing in accordance with national policy.

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<sup>24</sup> PPG Housing and economic land availability assessment paragraph 035

67. However, the additional and amended allocations proposed for the Liverpool scenario would not alone allow sufficient scope for contingencies in the event of any unforeseen delay in progressing delivery. For that reason, several of the sites brought forward as Sedgefield alternatives must also be allocated as MMs, (Tufthorn Avenue and North Road, Coleford; land at Hartpury and Huntley), together with enlargements of the additional sites at Cleeve Mill Lane and Southend Lane, Newent. Further allocations are justified at Ross Road, Newent, Beech Way, Littledean, Drury Lane Redmarley, and Gloucester Road, Tutshill, following permission granted on appeal.
68. The Council's latest housing trajectory<sup>25</sup> rolls the figures on to include completions during the 2016/17 year. The shortfall in supply from the first 11 years of the plan period now amounts to 604 units. Spreading this over the remaining 9 years produces an annualised figure of 67 units, or 335 over 5 years. The five year requirement including the 20% buffer therefore amounts to 2382 units. With the above sites now also to be allocated, delivery over that period is estimated at 2802 dwellings, or the equivalent of 5.88 years' supply. The trajectory would still require ambitious levels of delivery in the middle years of the 9 year period, peaking in years 4 and 5, but at a significantly more achievable rate that would be required for the Sedgefield model. The total supply over the remainder of the plan period is predicted as 4779 dwellings, of a 10 year supply of 5094, both with a comfortable margin over the revised minimum requirement of 3574 and 3904 dwellings respectively.<sup>26</sup>
69. On the basis outlined above, I conclude that the AP would make adequate provision to meet identified housing need with a deliverable supply, subject to modification to include additional or amended allocations at: Cinderford: Land off Sneyd Wood Road (**MM022**); Lydney: Augustus Way (**MM030**); Coleford: Lawnstone House (**MM032**), Land at Poolway Farm (**MM037**), Land at Ellwood Road, Milkwall (**MM038**), North Road, Broadwell (**MM039**), Kings Meade (**MM040**), Land off Tufthorn Avenue (**MM041**); Newent: North of Southend Lane (**MM043**), Cleeve Mill Lane/Gloucester Street (MM045), Ross Road (**MM046**); Alvington: Clanna Road (**MM049**); Drybrook: Land off High Street (**MM052**); Hartpury: Adjoining Village Hall (**MM055**); Huntley: Land adjacent The Poplars (**MM056**); Littledean: Land off Beech Way (**MM057**); Longhope: Land off Church Road (**MM059**); Newnham on Severn: Land north of Newnham on Severn and adjoining Unlawater Lane (**MM064**); Redmarley: Land off Drury Lane (**MM065**); Sedbury and Tutshill: Land off Gloucester Road/Elm Road, Tutshill (**MM067**); Staunton and Corse: Chartist Way (**MM069**).

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<sup>25</sup> ED085d

<sup>26</sup> Since the trajectory was prepared, permission has been granted by the Secretary of State on appeal for development of up to 200 dwellings at land off Augustus Way, Lydney (Appeal Ref APP/P1615/A/14/2228921RD), which would represent an increase on a larger site over the 120 proposed by MM030, and for up to 180 dwellings at Berry Hill, Coleford (Appeal Ref APP/P1615/W/15/3005408), thus providing additional large windfalls. However, the latter decision is subject to legal challenge.



**Issue 3 – Whether the Plan makes adequate and appropriate provision to deliver the economic and employment objectives of the Core Strategy**

70. Objective 2 of the CS is to develop a more self-contained and diverse local economy including tourism, to address out-commuting and enable more sustainable transport patterns while providing a greater range and number of jobs, and improving the services and facilities that are available. CS Policy CSP.7 seeks to encourage new and more diverse types of employment and supporting infrastructure to be established by making land and premises available, with priority to be given to a range of economic sectors and clusters. The policy expects land currently used for employment to remain in such use, but with potential for a range of suitable types of activity on each site, or a mix of uses where sites are constrained by their environment or location.
71. The CS sets out employment provision for each of the main towns and its settlement policies identify major employment sites in each town and a number of other sites suitable for mixed uses including employment. Many of these were allocated by the former LP and have been granted planning permission for development. The AP implements the CS approach and allocates a broad range of sites, comprising land in existing employment use to be retained and intensified as well as some new greenfield land. Other sites, protected for existing use by CS Policy CSP.7, are set out in the Council's evidence [Keynote 02, EB018].
72. Some concern was raised during the examination about lack of engagement with the business community and about the availability and/or viability of certain sites, particularly around Lydney. However, there is evidence of liaison with the local economic partnership, and little doubt that the AP, as a means of implementing the CS, is in accord with the partnership's priorities for the Forest of Dean. The Council has been able to confirm support for the allocations from landowners. The consultation stages of the plan did not reveal any serious dissent from the approach set out.
73. Taken as a whole, the allocations provide a comprehensive range of development potential, well located in respect of the main centres of population, which would allow suitable opportunities for expansion of existing activities. The flexible approach to employment generating uses promoted by the allocations, including the potential for mixed uses, forms an appropriate response to the CS objective of achieving greater diversification of job opportunities.
74. The need for modification of some site-specific policies is considered in the later sections of this report, but I regard the AP's overall approach as sound.

**Issue 4 – Whether the policies of the Plan that address key environmental issues, in particular the District-Wide Policies, are justified, effective and consistent with national policy and the Core Strategy**

75. The set of Submission Draft AP policies numbered AP1 to AP8 are general policies with a broadly environmental theme, intended to shape and manage development.

### *Design, Heritage and Local distinctiveness*

76. A table taken from the CS identifies aspects of sustainable development that are to be taken into account. Among these is design integration and appearance, referencing the requirement for high quality design set by CS Policy CSP.1. This was reinforced by Submission Draft Policy AP4, which set criteria to help assess design quality appropriate to the local context, including the need to take account of local character and history. However, Submission Draft Policy AP5 went on to set a firm stipulation that the style and materials used in developments must take account of traditional characteristics, styles and materials. The framing of this policy could be seen as a separate requirement, potentially more onerous than national policy support for local distinctiveness as set out in the NPPF<sup>27</sup>. Therefore, I recommend the policy and its supporting text are deleted (**MM009**) and an additional point inserted in Policy AP4 (**MM008**) which would promote local distinctiveness through an appreciation of traditional characteristics, styles and materials and their use where appropriate. New supporting paragraphs would explain that design can be informed by an understanding of local traditional forms, without necessarily copying them. It would not amount to an imposition of style or taste, as advised against by the NPPF<sup>28</sup>, and need not have adverse implications for viability, as feared by a representor.
77. Further amendments to Policy AP4 are necessary (**MM008**) to add requirements for the design of new development to respect the amenity of residents and others, in accordance with NPPF core principles<sup>29</sup>, and to adopt an inclusive approach to produce safe and accessible environments to embrace the needs of all sectors of the community. This latter change reflects the Public Sector Equality Duty and NPPF policy<sup>30</sup> on the role of planning in ensuring healthy communities.
78. Taken together with Policy AP3, which promotes mixed uses where appropriate to take advantage of local services and facilities, including necessary linkages and multi-functional open spaces, the modified policies provide a sound approach to the form and design of new development.
79. In line with the above changes, and to further reinforce CS Policy CSP.1, it is necessary to insert a replacement Policy AP5 (**MM010**), which embraces the statutory duties on the protection of heritage assets and their settings, but also places them in a local context by also emphasising the need to value the Forest of Dean's historic landscapes and traditional settlements, including its industrial heritage. Evidence on the heritage implications of individual policies and allocations is set out in Keynote AP08 [EB012] and its Update [EB069 k].
80. Linked to this is the identification by Policy AP6 of locally distinctive areas within 11 settlements, almost all within the statutory forest. These areas may not have the level of architectural or historic interest to merit conservation area designation, but describe pockets of development and important local open spaces, whose character should be complemented and if possible

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<sup>27</sup> NPPF paragraphs 58-65

<sup>28</sup> NPPF paragraph 60

<sup>29</sup> NPPF paragraph 17

<sup>30</sup> NPPF paragraphs 57, 58, 61, 69

enhanced by new development. I find this policy approach to be a sound response to the locally distinctive character of the area that would not conflict with statutory heritage protection.

### *Natural environment*

81. The Forest of Dean has a rich natural heritage, with a range of sites identified for their value at international, national and local level. Formally designated sites include 5 classed as SAC/SPA/Ramsar. The significance of the area as a habitat for bats, particularly the Lesser and Greater Horseshoe species, is set out in supporting evidence [Keynote AP17, LP046]. Keynote AP18 [LP047] and its Appendices [EB030] discuss the implications of the AP for the Severn Estuary SAC/SPA/Ramsar site.
82. CS Policy CSP.1 requires new development to take account of important environmental characteristics and to conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context. Development should respect wider natural corridors and other natural areas, providing green infrastructure where necessary. The impact on any protected sites and the potential for avoidance and/or mitigation or enhancement are to be considered.
83. Submission draft Policy AP7 set out a requirement for net biodiversity gains where development would affect protected and priority species and habitats, unless enhancement was not feasible, and for safeguarding and completion of ecological networks. A SCG was subsequently agreed with Natural England ('NE') as the government's adviser on the natural environment. In order to bring the policy into conformity with the CS and national policy<sup>31</sup>, it is necessary to amend the policy (**MM011**) to specifically identify the hierarchy of nature conservation sites and species, comprising international, national and local levels of designation, cross-referring back to Policy CSP.1, and to strengthen the commitment to the protection of ecological networks, including supporting habitats. Key Wildlife Sites are identified on the policies map.
84. The Council has carried out a Habitats Regulations Assessment ('HRA')<sup>32</sup> to appraise potential impact on European sites, under which 3 allocations were 'screened in' for potential direct effects (AP17 Stowfield, Lydbrook, AP42 Lydney Harbour, AP43 Pine End Works, Lydney) and 27 others identified with potential for 'in-combination' effects. Following the subsequent Appropriate Assessment ('AA'), the wording of many of these policies was amended to strengthen site-specific protection and confirm the need for avoidance, cancellation and mitigation measures in appropriate circumstances. The HRA was updated by an Addendum following Proposed Modifications in September 2016 [ED058], which adds AA of 5 potential modified or new sites. The accompanying HRA-SA Recommendations [ED059] set out necessary changes to policies. A further Addendum to incorporate proposed Further Changes was produced in December 2016 [ED069e], which adds AA of one further potential modification<sup>33</sup>. In October 2017, a final Addendum was published [ED085c] to

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<sup>31</sup> NPPF paragraphs 17, 109, 110, 114, 117

<sup>32</sup> LP018, 019, 020, 021, 022, 023

<sup>33</sup> The then proposed allocation at Sedbury Lane, not carried forward for consideration.

consider the proposed MMs, the majority of which had been previously assessed.

85. NE have confirmed satisfaction with the robustness of the HRA and AA processes, supported by the evidence of the Keynotes, as a plan-level examination of impacts, to be followed by further more detailed assessment at the time of any later specific development projects. NE also confirm agreement of lack of potential adverse impact on Sites of Special Scientific Interest ('SSSIs'), the majority of which were included in the HRA.
86. Substantial weight must be given to this endorsement by the government's statutory adviser, despite concerns by some representors that sites were incorrectly screened out of the HRA primarily due to lack of adequate survey data, or that in-combination effects have not been adequately taken into account. The evidence suggests that, subject to the controls built in to specific policies and the approach to development at Lydney outlined in Appendix A of the Plan, and to the phased provision of necessary infrastructure, the AP would respond to the risks identified by the HRA process and would be effective in avoiding adverse effects on the integrity of European sites and SSSIs.
87. AP Policy AP8 requires development proposals to contribute to the provision of green infrastructure where appropriate, in order to safeguard and enhance biodiversity and landscape value. Specific projects include the restoration of the Herefordshire and Gloucestershire Canal. To make the policy fully effective, a modification is necessary (**MM012**) to place provision in the context of the Strategic Framework for Green Infrastructure in Gloucestershire, emphasising the importance of trees in making a positive contribution, and to clarify that the policy applies to all relevant proposals, not just those specifically identified by the AP.
88. The quality of the landscape is among the important characteristics whose contribution to environmental quality CS Policy CSP.1 seeks to maintain or enhance. This reflects the NPPF's principle of appropriate recognition of the intrinsic character and beauty of the countryside and its stance on protection of valued landscapes<sup>34</sup>. The AP explains that this is not a bar to appropriate development in the countryside, but for consistency a modification (**MM005**) is necessary to clarify that agricultural development, such as polytunnels, will also be expected to show that impacts have been fully assessed and that unacceptable impacts will lead to refusal.
89. The formal identification by Policy AP14 of May Hill as a locally valued landscape is justified by the feature's prominence and distinctiveness and is consistent with the NPPF<sup>35</sup>. The policy sets criteria by which development proposals will be assessed, with a necessary modification to the supporting text (**MM014**) to clarify that adverse effects of proposals even some way off could be contrary to CS Policy CSP.1.

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<sup>34</sup> NPPF paragraph 17

<sup>35</sup> NPPF paragraph 109

### *Renewable energy*

90. Policy AP2 states support for renewable energy development, subject to satisfactory social, economic and environmental impacts. The particular topics under which individual proposals will be assessed are set out. The policy therefore accords in principle with national policy<sup>36</sup> and with CS Policy CSP.1.
91. The NPPF's advice that plans should consider identifying suitable areas for renewable and low carbon energy sources was reinforced by the Written Ministerial Statement ('WMS') on Local Planning of 18 June 2015. This government policy, now reflected in PPG guidance, states a proviso that wind turbines should not be approved unless in an area identified as suitable for wind energy development in a local or neighbourhood plan<sup>37</sup>. The altered guidance came when the AP was at an advanced stage of preparation, so that detailed evaluation work of the district's extensive area had not been carried out. In any event, the Council has explained [EB004] why its approach of assessing proposals on an individual basis is more suited to the unique mosaic of landscape types found in the area and the local capacity of grid connections. This evidence shows that there is a track record of granting permission for appropriate development, and that wind energy proposals have not necessarily been located in the areas of highest wind speed. The PPG endorses the use of criteria-based policies<sup>38</sup> and the AP's approach is not unreasonable.
92. However, it is necessary to amend the policy (**MM007**) to reflect the WMS policy and the PPG on the importance of local consultation<sup>39</sup>. The amended policy would require development proposals to show how they have been informed by consultation, with the supporting text explaining the range of local interests that could be involved in showing community backing. The modification would also clarify that use of best and most versatile agricultural land would be added to the list of topics to be addressed in assessing proposals. Subject to these changes, the policy would be sufficiently consistent with the CS and national policy.

### *Flood risk and climate change*

93. Flood risk is one of the issues identified by CS Policy CSP.1 for development proposals to address, both in terms of the suitability of the site itself, subject to mitigation, and of the need to avoid increasing risk elsewhere. CS Policy CSP.2 requires development proposals to show that the impacts of climate change have been addressed. As well as matters of biodiversity and passive solar design, the issue of water management is to be considered, including surface water drainage.
94. The implications of flood risk for the AP were explored in Keynote AP05 [EB020], which confirms that the AP is informed by a Strategic Flood Risk Assessment ('SFRA') Level 1 and more detailed SFRA and studies for towns. The Keynote as now updated [ED069 L] sets out the situation for site-specific allocations, which shows that the majority are either carried forward from

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<sup>36</sup> NPPF paragraph 97

<sup>37</sup> PPG para 5-005-20150618

<sup>38</sup> PPG para 5-007-20150618

<sup>39</sup> PPG para 5-033-20150618

previous plans or relate to the continuation or evolution of existing uses. Many allocations relate to sites with previous or current planning permissions where flood risk has been assessed.

95. Issues of flood risk and climate change are covered in a SCG with the Environment Agency ('EA'), which confirms that, subject to detailed provision in certain policies to clarify flood constraints and the need for detailed assessment, there are no overriding objection on flood risk grounds to any of the proposed allocations. In response to concerns raised by the EA, including some potential uncertainty on deliverability, a modification (**MM006**) is necessary, which spells out that flood risk is an issue requiring further detailed assessment in certain allocations and that a sequential test may be necessary in finalising the disposition of mixed uses on some sites. For effectiveness and consistency with national policy, specific references to flood risk need to be included in the policies on Stowfield, Lydbrook (**MM016**), Mead Lane, Lydney (**MM028**), Railway Station Area, Lydney (**MM029**), Tufthorn Avenue/Pingry Farm, Coleford (**MM036**), Gloucester Road and Ross Road, Newent (**MM047**), Land North of Newnham on Severn (**MM064**), and the newly allocated site at Kings Meade, Coleford (**MM040**).
96. Surface water flooding has not been raised as a concern by the Lead Local Flood Authority, and local knowledge has informed the approach to site development. The issue has influenced allocations at Mead Lane, Lydney and the town centres of Lydney and Newent, which seek to support existing uses. It is also taken into account at the new allocation at Clanna Road, Alvington, for which planning permission has been granted on appeal.
97. Subject to the proposed modifications, the AP provides a satisfactory response to the issue of flood risk and climate change.

#### *Minerals legacy*

98. The Forest of Dean has a major legacy of mineral extraction, and some deposits remain, particularly coal. No concern has been raised by Gloucestershire County Council as minerals planning authority over any conflict between the AP and adopted or emerging minerals plans. The potential sterilisation of resources and the possible prior extraction in advance of development is identified as an issue by CS Policy CSP.1, and this will apply particularly to areas identified by the Coal Authority as part of the Surface Coal Resource. Table 20 in Appendix D of the plan identifies those areas.
99. Table 20 also identifies allocated sites within a High Risk Area, where the legacy of former workings, mine entries and other hazards pose potential risks of ground instability and contamination that would need to be addressed by any proposed development, along with the potential for prior extraction. In the light of this, it is necessary to amend a number of AP policies<sup>40</sup> to confirm that the allocated site lies in whole or in part within a High Risk Area and to require consultation with the Coal Authority and the submission of a Coal Mining Risk

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<sup>40</sup> The policies to be modified are: AP9, AP10, AP20, AP24, AP25, AP30, AP31, AP33, AP34, AP36, AP37, AP38, AP54, AP56, AP58, AP59, AP60, AP61, AP62, AP63, AP76, AP94, AP97 and AP98. The same wording is also to be included in the new allocations at Ellwood Road, Milkwall and Kings Meade, Coleford.

Assessment (**MM015**). The Coal Authority has clarified that on certain sites only development proposals which are not on its published exemptions list will require this assessment<sup>41</sup>. Notwithstanding some concerns raised in representations about the uncertainty of records of past mining activity and the presence of underground water, the modification represents a justified proportionate approach to the issue that would bring the allocations into line with CS and national policy and secure their effectiveness.

#### *Conclusion on key environmental issues*

100. Subject to the necessary modifications outlined above, I conclude that the AP, particularly through the District Wide Policies, would provide a sound approach to key environmental issues.

#### **Issue 5 – Whether the Plan's Area Policies Not Related to Settlements are justified, effective and consistent with national policy and the Core Strategy**

101. AP Policies AP9 to AP28 set out proposals for important sites and areas that do not lie within settlement boundaries. Many of these offer support for reinforcement of existing employment generating uses or for a mix containing such uses with the addition of appropriate tourism or leisure-based enterprise. Those sites range in size from a former poultry farm of 1.4 hectares to the extensive area occupied by Hartpury College, and also include the safeguarding of land to support the Dean Forest Railway at its Parkend and Lydney stations. Together the policies represent a sound approach to sustainable economic development.

102. AP Policy AP 17 seeks to influence the future of the highly distinctive under-used employment site next to the River Wye at Stowfield, Lydbrook. The policy sets criteria to be used in the assessment of a range of potential uses, reflecting the site's historic uses and its sensitive location within the Wye Valley AONB and potential impacts on biodiversity. However, for consistency with national policy a modification is required (**MM016**) to confirm the need for flood risk assessment and the sequential approach to any mix of uses. The policy is clear that a mix of potential uses (comprising housing, employment, recreation/tourism and a care home, and subject to modification to allow some housing on the smaller separate part of the site) will be accepted subject to the criteria being met and an overall masterplan approved, with the overall objective of enhancing the AONB and stimulating the local economy with less environmental impacts than the established use. With the proposed modification, the policy represents an ambitious but sound approach to the regeneration of an important site.

#### *Herefordshire and Gloucestershire Canal*

103. This group of policies also seeks to secure linear routes, the most significant of which is the Herefordshire and Gloucestershire Canal, whose historic line crosses the northern part of the district. AP Policy AP9 supports reinstatement of the canal, as promoted by the Herefordshire and Gloucestershire Canal Trust, which would accord with the plans of adjoining authorities.

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<sup>41</sup> Policies AP6, AP37, AP56 and at Ellwood Road, Milkwall and Kings Meade, Coleford.

104. Following submission of the AP, the Council proposed to amend the supporting text to the policy to address concerns raised by and on behalf of many landowners whose property included or adjoined sections of the historic route. In my interim findings following the first round of hearings I accepted that the amended wording, which clarified that diversions to the route should be secured by agreement, would strike a better balance between the objective of restoration and the interests of landowners than the submission draft, which appeared to devolve a considerable degree of control to the Canal Trust.
105. However, the policy as drafted, and expressed on the submission policies map, sought only to safeguard from other development those parts of the original route that had not been previously obstructed, together with agreed diversions. In order for the policy to be effective, a modification is required to ensure that a continuous route for the canal would be safeguarded (**MM013**). The supplements to the policies map to show the land to be safeguarded to make the necessary links are to form an Appendix to the modified AP, but the modified policy would confirm that these could be subject to diversion by agreement.
106. The modification would also confirm that the entire length of the canal should be regarded as a non-designated heritage asset, lending weight to its value in influencing development decisions, and also confirm its biodiversity benefits as a green corridor.
107. These changes, with the amended supporting text, will allow the policy objective of restoration to be achieved, with appropriate balance for the interests of landowners and providing sufficient flexibility on implementation.

#### *Cycle routes*

108. The AP seeks to add to the existing network of cycle routes to establish better connections between locations, as sustainable links with value both for recreation and as green infrastructure. AP Policy AP26 provides a general statement of support for such links, while Policies AP27, AP28 and AP29 identify specific destinations. Concerns have been raised about the impact on the character and biodiversity of the forest areas by increased recreational cycling, as actively promoted by the Forestry Commission, but the relatively limited scope of the routes now proposed appears unlikely to have further significant effects. The policies have been subject to HRA and the need to avoid adverse effect on the integrity of any designated SAC, SPA or Ramsar site is confirmed by Policies AP26, AP27 and AP29. The latter policy, for a route along the Wye Valley from Tidenham to Tintern, is the only one to be illustrated by a proposed alignment on the policies map, based on a previous planning permission that was granted following detailed HRA. Concerns now raised about changed usage by bats of the former railway tunnel included in the previous scheme and impacts generally would be addressed in the same way by any new detailed proposal. A modification (**MM017**) is necessary to confirm that the route proposed by AP Policy AP27 from Lydney to Parkend is not identified on the policies map and to clarify that Forestry Commission land is not safeguarded.



109. Subject to that modification and to the potential for mitigation built in to the text, the policies provide a justified approach to the provision of more sustainable transport options, consistent with national policy.

*Conclusion on Area Policies Not Related to Settlements*

110. With the modifications outlined above, this set of policies provides a sound response to the achievement of the economic, social and environmental strands of sustainable development.

**Issue 6 – Whether the Plan's policies for the main towns are justified, effective and consistent with national policy and the Core Strategy**

111. CS Policy CSP.4 requires new development to contribute to reinforcing the existing settlement pattern in a manner which emphasises the importance of the towns, especially Lydney and Cinderford where most change is to take place.

***Cinderford***

112. The AP considers Cinderford and neighbouring Ruspidge as a single settlement. The key issues for the town are set out at AP paragraph 5.7, emphasising its role as the focus for regeneration activity in the district. These are carried forward from the aims and objectives for the town set by the CS<sup>42</sup>, and include the aim of improved education and training and workforce skills, as well as physical and economic improvements. In recognition of the importance of the protection and enhancement of the area's biodiversity, the addition of a further issue (**MM018**) is required for consistency with national policy.

113. A Note appended to the list of key issues explains that the AP does not cover the Cinderford Northern Quarter, for which detailed policies and proposals have already been adopted by the CNQAAP<sup>43</sup>. Nevertheless, many representations on the publication draft AP actually related to CNQAAP issues. AP Policy AP37 covers the Linear Park, which extends within the AAP area. Some of the concerns raised against this policy, as well as those dealing with the issue of biodiversity and use of the Park, were actually directed at other aspects of the CNQAAP and hence not applicable to the soundness of the AP. Policy AP37 as drafted sought to protect the Park from development incompatible with its use for recreation. To be fully effective, the policy requires modification (**MM023**) to confirm that the Park is an important natural as well as recreational resource, and that its use is for informal recreation only, with supporting text to explain that the Park is a complex area of considerable importance for nature conservation. This is consistent with the wider strategy for the town.

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<sup>42</sup> CS paragraph 7.11

<sup>43</sup> Amendments to add the same point to the main text at paragraph 5.27 (MM024) and to amend the Note (MM019) to confirm that development in the CNQAAP area is now under way provide useful clarification but are not necessary for soundness.

114. The CS objectives for the town are given effect by CS Policy CSP.10, which now informs the AP allocations in respect of the town centre, housing and employment generating uses.

#### *Town centre*

115. The CS strategy envisages modest expansion of the retail function of the three forest towns, while avoiding mutual harm to their competitiveness. For Cinderford, Policy AP30 confirms that a variety of uses will be permitted within the designated town centre, including retail, office, financial and professional services, community and residential uses. The Council has provided evidence [Keynote AP01, EB019] to show that the identification of "key shopping areas" by defining "active frontages", provides a sound local application of the NPPF policy<sup>44</sup> that "primary shopping areas" and "primary frontages" should be defined, whereas the modest scale and capacity of the Forest of Dean's centres makes definition of "secondary frontages" unnecessary. Given the importance and limited extent of the key shopping area, the restriction to retail, financial and other active frontage uses only, retaining ground floor shop fronts, is justified. The Keynote provides good evidence for the proposed extensions to the key shopping area over previous policies.

116. Policy AP31 supports a continuing programme of town centre environmental improvements, the background to which is outlined by the Keynote. The scale and prominence of the important site at and around 24 High Street justifies its allocation by Policy AP32 for continuing retail and ancillary uses, including in the event of partial or complete redevelopment. However, as the future of the police station is no longer uncertain, a modification to delete this reference (**MM020**) is necessary for the policy to be fully effective.

#### *Housing*

117. The largest allocation made by the AP is by Policy AP33 for up to 150 dwellings on a group of sites at Station Street, comprising former industrial land and buildings and a vacant public house in an accessible location close to the town centre. In my interim findings following the first round of hearings, I accepted that the physical constraints that had stalled development in the past were now being addressed, and that the allocation should be regarded as deliverable. I have had no reason to change that view. The completion of other development close by gives confidence that residential development should not be deterred by nearby employment uses.

118. I also accepted that the allocation by Policy AP36 of about 45 dwellings as part of mixed use redevelopment of employment land at Valley Road should be considered developable in the latter part of the plan period, allowing time for necessary site clearance and detailed planning, and that remains my view.

119. Concerns were raised at publication stage about the provision of about 80 dwellings at Causeway Road in conjunction with the relocation of Cinderford Football Club proposed by Policy AP34. In order to provide an effective policy, it is necessary to replace the submission version with a revised policy (**MM021**), which offers more options, including the Football Club remaining on

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<sup>44</sup> NPPF paragraph 23

its present site with joint recreational use, or relocating elsewhere and new recreational provision made. The revised policy addresses previous perceived uncertainty about site assembly, access and viability. I accept the Council's response to concern by Sport England, who had not previously objected, which confirms that current use of land adjoining the existing football ground is for informal recreation only, and that the policy seeks equivalent or enhanced provision in its place, within the overall aim of trying to secure the future of the existing facility. This objective, as in the case of the other allocations where provision is to be protected or enhanced, is not affected by the acknowledged absence of an overall assessment of sports facilities, as advised by the NPPF<sup>45</sup>.

120. As outlined above (paragraph 69) it is necessary to allocate an additional site at Cinderford in order to meet the identified housing need. The allocation of land at Sneyd Wood Road for about 18 dwellings (**MM022**) would complement recently completed development, availing of the same access road, but with less landscape impact than land to the other side of the road, whose inclusion has also been advocated.

### *Employment*

121. The extensive employment area at Forest Vale is the main element of the largest zone of traditional employment land in the district. AP Policy AP36 seeks to secure continuation and intensification of existing uses, including through development of existing pockets of undeveloped land, while also contemplating the wider range of employment generating uses, as defined in the Glossary. The retention of 1.2 ha of land for employment use as a component of mixed use redevelopment of largely unused buildings at Valley Road outlined by AP Policy 37 would complement rather than compete with the wider allocation.

### *Conclusion on Cinderford policies*

122. Taken together, subject to the above modifications, which I recommend, the allocations proposed for Cinderford represent a sound response to CS strategy consistent with national policy.

### ***Lydney***

123. Lydney lies outside the statutory forest on the shores of the Severn Estuary, with main road and mainline rail connections. The key issues for the town are set out at AP paragraph 6.7, carried forward from the aims and objectives for the town set by the CS<sup>46</sup>. Recognising that the town offers the greatest level of opportunity in the district for growth and change, they include significant new housing to the east of the town, transport improvements to enhance road, rail and bus access and improved employment opportunities. Many of these are carried forward from the previous LP and are commitments for which planning permission has been granted. Additional text to paragraph 6.7 outlines the importance of the natural environment of the Severn Estuary and its designated European sites.

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<sup>45</sup> NPPF paragraph 73

<sup>46</sup> CS paragraph 7.26

124. The potential for increased recreation and tourism opportunities is centred on the historical and natural attributes of the harbour and dock, as well as the popular Dean Forest Railway. At the time of adoption of the CS, it was proposed to prepare an Area Action Plan to cover the town centre and the harbour area, creating a new axis of mixed development and improved links<sup>47</sup>. That plan has not gone ahead and this objective, along with the others set by CS Policy CSP.12, is now to be addressed by the AP. The CS strategy has also set the context for the Lydney Neighbourhood Development Plan 2014-2024, which has progressed to being formally "made" in 2016, and the AP requires updating to confirm this (**MM025**).

#### *Town centre*

125. AP Policy AP38 facilitates the controlled expansion of the town centre's retail function, in similar terms to the other three towns, with a variety of uses to be permitted. The restriction within the key shopping area to retail, office, financial and professional services, with the retention of active shopfronts is justified, and Keynote AP01 [EB019] provides good evidence for the proposed extensions to the key shopping area over previous policies. The policy supports environmental improvements, which should preserve or enhance the town centre conservation area.

126. This sits within the context of the programme of highway improvements by Policy AP41, which updates previous plans, to improve access and air quality, as the area has been designated as an Air Quality Management Area. It is supported by the allocation of the prominent site at Hams Road/Newerne Street under Policy AP39, which would also allow community and residential uses, as well as improved bus station facilities. However, allocation of a second mixed use site at Hill Street (Policy AP40) would not be effective in the light of access and other deliverability constraints, and the site remains in commercial use. Deletion of the policy (**MM026**) is therefore necessary.

#### *Housing*

127. The new neighbourhood to the east of Lydney allocated by AP Policy AP47 forms the major component of housing growth in the district, with 1684 dwellings planned. The great majority of the allocation comprises land with past and current planning permission, but it also includes 3.5ha of land that has not previously had permission for development. The Council has confirmed that implementation of outstanding planning permissions is gathering pace, with a number of housebuilders now to avail of improved access points. The housing trajectory has been amended to more realistic levels of output. Concerns raised about past delay in realising housing completions are now being satisfactorily addressed, but will need to be subject to careful further monitoring. The allocation remains consistent with the CS and with national policy on housing supply.

128. The submission for full planning permission for 29 dwellings at Holms Farm during the course of the examination gives confidence that the allocation made by AP Policy AP53 for about 27 dwellings, including conversion of some buildings, is deliverable, subject to project-level resolution of important

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<sup>47</sup> CS Policy CSP.13

protected species issues and provision of affordable housing, consistent with national and CS policy.

129. As outlined above (paragraph 69) it is necessary to allocate an additional site at Lydney in order to meet the identified housing need. The allocation for about 120 dwellings at Augustus Way (**MM030**) forms the major part of the site for which outline planning permission has recently been granted on appeal by the Secretary of State<sup>48</sup>, with the approved scheme to include a mix of provision including potential self-build plots and retirement apartments. Landscape, open space and nature conservation issues can therefore be resolved and the allocation's inclusion in the plan is justified.

*Mixed uses, employment, tourism and recreation*

130. Housing could also form a minor element of potential mixed uses at Pine End Works allocated by Policy AP43, but the main components would be employment generating uses, with a focus on leisure and tourism. I accept that this is a suitably flexible allocation with some higher value uses that would make the best of the site's key location on the harbour frontage, while also allowing for an element of more conventional employment uses to the rear if required, within the context of the designated natural environment.
131. The improvement of the underused site would be entirely consistent with the strategy of developing the harbour area for recreation and tourism based uses, based on its heritage and nature conservation value, sought by Policy AP42. In order to allow development proposals to be properly assessed in accordance with national policy, a modification is required (**MM027**) to record the harbour's inclusion on the national 'heritage at risk' register, and hence its urgent need for regeneration. The strategy would be further implemented by the support for new walking and cycling routes offered by Policy AP46 and by the allocation of sites between the harbour and the town centre, including new recreation space on the lakes south of the railway line (Policy AP45) and land to the north of the railway divided by the bypass road (Policy AP52), suitable to respect wildlife significance. The enhancement of the area around the railway station to improve access and usage is to be facilitated by potential mixed use development (Policy AP51) in accordance with a masterplan, and would also be central to improved tourism activity.
132. The East of Lydney neighbourhood under Policy AP47 is completed by the allocation of a gross area of 25.8ha for employment generating uses, which could embrace more than the conventional B1/B2/ B8 classes. Similar potential is offered by the allocation of 5.7ha on the nearby foundry site, either to reinforce existing activity or for compatible new development, which could include a permitted supermarket. The existing use 22ha of employment land at Mead Lane is protected and potentially intensified under Policy AP50, with an adjoining allocation (Policy AP49) for new employment development, subject to adequate provision for flood risk and woodland retention. Despite concerns raised about the suitability of these sites, I have found no compelling reason to question their deliverability.

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<sup>48</sup> Appeal Ref APP/P1615/A/14/2228921RD

### *Conclusion on Lydney policies*

133. I conclude that subject to the above necessary modifications, which are recommended, the allocations proposed for Lydney represent a sound expression of CS policy for the town, consistent with national policy.

### **Coleford**

134. Coleford is the third of the forest towns, and for the purposes of the AP also includes the arc of neighbouring settlements to the north, east and south. Its role is seen principally as a service centre, with less scope for growth than the other two southern towns.

135. The emphasis on service provision forms one of the key issues for the town, taken from the CS objectives<sup>49</sup>, with aims of widening employment opportunities, and improving the attractiveness of the town for tourists, through the promotion of tourism enterprises.

### *Town centre*

136. Policy AP55 follows the example of the other towns in identifying the key shopping area within which a range of uses will be permitted, subject to retention of active frontages. Reasoned evidence for extension of the active frontages is set out in Keynote AP01 [EB019]. These are primarily focussed on the Market Place but also include the row of units facing the main Railway Drive car park at Pyart Court. The adjoining site off Lord's Hill, for which planning permission has been granted, would meet the CS requirement for growth in convenience shopping floorspace.

137. The policy also supports the implementation of environmental improvements in the town centre, and for effectiveness a modification is necessary (**MM031**) to specify that these could include small green areas and conservation area enhancements, and to stress the importance of good design.

138. Site-specific proposals within the town centre include the redevelopment of the prominent site formerly occupied by Lawnstone House. The potential mix of uses envisaged by Policy AP56, including retail, business and community and residential use, comprising about 12 flats, would make a valuable contribution to town centre vitality. The policy requires modification (**MM032**) to confirm that the existing buildings on the enlarged site have been cleared, which justifies this higher number of flats.

139. The former King's Head public house also occupies a prominent position, within the conservation area. The site is clearly in need of a comprehensive approach to its future, with housing as allocated by Policy AP57 the optimum use. The policy clearly favours retention of the main building, but the modification to the supporting text (**MM034**) is necessary to confirm that any proposed redevelopment would have to meet statutory and national policy tests on heritage protection.

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<sup>49</sup> CS paragraph 7.42

140. The former Courts and Police Station on the opposite corner occupy an elevated site that would benefit from sensitive redevelopment, as allocated by AP Policy 56. It was stated during the examination that the site had been reserved for police use, so that the potential for full redevelopment to include some housing might now be less likely. However, the allocation for community use made remains valid, subject to modification (**MM033**) to reinforce the need for good landscape design to enhance the setting of the conservation area, in accordance with national policy.

### *Housing*

141. The ring of settlements around Coleford and the AONB to the west are largely separated from the main town by a belt of open land, which is identified by Policy AP64 as Locally Valued Landscape. The policy seeks to protect the land from development that would detract from the open setting of Coleford. The Coleford Landscape Study 2013 [EB014] provides evidence to justify the area's essential value to the identity of Coleford and of the smaller settlements, whose built edge forms the rim of the characteristic landscape 'bowl', and also to extend the area previously protected by the 2005 LP to include the land to the west. The area includes some sports facilities and public open space, such as the former Bell's Field, whose use for recreation is formalised by Policy AP68.

142. The effect on the valued landscape is a key issue in the allocation of sites for housing development at the edge of the town. Land at Poolway Farm was proposed by Submission Draft Policy AP62 for about 80 dwellings, including retention of the existing farmhouse and potential conversion of other farm buildings. As outlined above (paragraph 69), an enlarged site is now required to contribute to meeting identified housing need. The necessary modification (**MM037**) would enlarge the allocated area to about 5.9ha, with up to about 140 dwellings. The active involvement of a local developer gives confidence in the site's deliverability. Subject to the policy's requirement for a soft boundary buffer, the larger site area can be developed without adverse effect on the surrounding landscape, to form an attractive edge to the town and accommodate important existing features. Relaxation of this requirement in anticipation of future further development, as sought in representations, would not be justified.

143. Other additional allocations at Coleford are also necessary to meet housing need. The allocation for about 70 dwellings at North Road, Broadwell (**MM039**) is well located for access to services. The site lies at the outer edge of the landscape bowl, but is well related to adjoining development and can be designed to form an attractive edge to the built-up area.

144. The allocation for about 48 dwellings at Kings Meade, Coleford, (**MM040**) is at the edge of the town but subject to the policy requirements would not have any adverse effect on its landscape setting. The site is well located and access issues appear capable of resolution. The allocation is likely to be particularly effective in meeting the needs of older people.

145. The allocation at Ellwood Road, Milkwall, for about 48 dwellings (**MM038**), does not adjoin the valued landscape area, but the land is at the outer edge of that settlement so that the landscape treatment required by the policy is

equally important. Active developer involvement suggests that the allocation is deliverable and that mining legacy and nature conservation issues are being addressed. The site can provide a sustainable extension to the built-up area.

### *Employment and mixed uses*

146. A contribution to housing need of about 60 dwellings also justifies the additional mixed use allocation at Tufthorn Avenue (**MM041**), which involves replacement of an underused employment building. Evidence of work on a live planning application gives confidence that issues of the relationship between housing and nearby employment uses can be resolved, with new class B1 uses helping to provide a buffer.
147. The allocation for employment generating uses at Tufthorn Avenue and Pingry Farm by Policy AP60 requires modification (**MM036**) to amend the site area given in the policy to 18.3ha and to have regard to flood risk in accordance with national policy. Together with the additional land adjoining the Suntory factory (Policy AP59) and the site at Staunton Road (Policy AP61), which also has potential for hotel development, the allocations provide a good range of deliverable employment generating opportunity.
148. The large allocation made by Policy AP58 at Berry Hill/Five Acres envisages a range of uses, to respond to anticipated changes to the mix of educational and recreational uses of the site by allowing necessary redevelopment. This would include education, recreation and employment uses with up to 80 units of housing, partly to reflect existing permitted development but also to enable continued community uses. Subject to a modification (**MM035**) to clarify retention or replacement of the existing theatre, in accordance with national and CS policy on the retention of community facilities, the policy provides a sound approach to a complex site.

### *Conclusion on Coleford policies*

149. The new allocations would result in more housing development in the town than previously planned, but the town would benefit from the boost in population and support for local businesses and services. Subject to the modifications outlined above, which I recommend, the allocations proposed for Coleford represent a sound response to CS strategy consistent with national policy.

### ***Newent***

150. The CS plans for Newent to continue in its role as the market town serving the northern part of the District, with some additional housing and employment and increased shopping provision. The key issues set out in AP paragraph 8.3, taken from the CS objectives<sup>50</sup>, emphasise the need to retain the town's character, while improving its range of facilities and opportunities.

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<sup>50</sup> CS paragraph 7.51



### *Town centre*

151. Policy AP65 follows the example of the other towns in identifying the key shopping area within which a range of uses will be permitted, subject to retention of active frontages. Reasoned evidence for the modest extension of the active frontages is set out in Keynote AP01 [EB019]. Policy AP65 also supports environmental improvements, with a key consideration being the town centre's number of listed buildings and its inclusion within the conservation area. For this reason, Policy AP66, which allocates the northern quarter of the centre for potential mixed development, with the retention of active frontages, needs modification (**MM042**) to require enhancement of heritage assets and their settings. Town centre provision would also be reinforced through the allocation by Policy AP67 of land at Lewall Street for a community building.

### *Housing*

152. A number of sites allocated for housing development reflect planning permissions granted but not yet started, and have therefore been subject to detailed assessment. These include: up to 30 dwellings at Watery Lane (Policy AP68); up to 25 dwellings south of Southend Lane (Policy AP69); and the additional allocation for up to 85 dwellings at Ross Road, following a successful appeal.

153. As outlined above (paragraph 69) it is necessary to amend other allocations at Newent in order to meet the identified housing need. The submission draft allocation for up to 120 dwellings on land described as 'off Foley Road' requires deletion (**MM044**) and replacement with an allocation for up to 170 dwellings on an enlarged site now labelled as 'North of Southend Lane' (**MM043**). The site adjoins a current housing development, whose developer supports the allocation. The evidence suggests that any issues of access and effect on the setting of nearby listed buildings can be resolved and that the policy's requirement for at least 1.4ha of open space/green infrastructure on the eastern boundary would successfully mitigate any adverse landscape character impact.

154. Similarly, the allocation at Cleeve Mill Lane proposed by submission draft Policy AP73 for about 40 units of extra care accommodation requires deletion (**MM048**) following alternative development of the site, but housing provision can be secured on a larger adjoining site identified for about 45 dwellings and an area of open space/sports pitches which has the support of the Town Council (**MM045**). The policy requirement for strategic landscaping should be effective in ensuring satisfactory effect on the character and appearance of the site.

### *Employment and mixed uses*

155. The allocation by Policy AP71 of 4.2ha for employment generating uses at Gloucester Road would make a logical extension to the adjoining employment uses, while providing a well landscaped edge to the town on an important approach to the town centre.

156. The site at Ross Road for which 3.0ha is allocated for mixed uses by Policy AP79 has a long frontage to the line of the former canal, whose restoration is

required by the policy as part of associated development for tourism and recreation, as well as about 30 dwellings and employment uses. The policy would protect the existing employment use of the western half of the site, whose owner was in negotiation with the Canal Trust on the scope of necessary works. The allocation would be effective in meeting the objective of improved tourism opportunities, as well as contributing to canal restoration.

#### *Conclusion on Newent policies*

157. Taken together, subject to the above modifications, which I recommend, the allocations proposed for Newent represent a sound response to CS strategy consistent with national policy.

### **Issue 7 – Whether the Plan's policies for villages and rural areas are justified, effective and consistent with national policy and the Core Strategy**

158. In requiring new development to contribute to reinforcing the existing settlement pattern, CS Policy CSP.4 provides that in the south forest development not in towns will take place in villages in accordance with their size and function in the hierarchy, with housing to be located where there is good access to existing and future employment. In the north forest, development is to be centred around Newent and to a lesser extent in villages.

159. The hierarchy of settlements is set out in CS paragraph 7.65. CS Policy CSP.16 requires development proposals at villages to take account of the scale, function and level of services available and accessibility by public transport.

#### ***Major villages***

160. These settlements are defined by the CS as large villages with employment and/or services important to a wide area, with some scope for additional development. Policy CSP.16 sets approximate targets for each settlement, inclusive of existing commitments.

#### ***Sedbury and Tutshill***

161. The twin villages occupy a highly accessible location each side of the A48 road and have a close relationship with nearby Chepstow. The three housing allocations to be made by the AP are all on sites at the edge of the built-up area for which planning permission has been granted.

162. Both the site at Bigstone Meadow allocated by Policy AP91 and that adjoining Wyedean School allocated by Policy AP92 require structural landscaping and possible acoustic screening to create a satisfactory relationship with the adjoining A48. For full effectiveness, Policy AP91 needs to be modified (**MM066**) to increase capacity from about 35 to about 45 dwellings, reflecting the planning permission.

163. Permission now granted on appeal for up to 95 dwellings at the nearby site off Gloucester Road/Elm Road justifies an additional allocation (**MM067**), which will contribute to meeting identified housing need. The policy requirements for

detailed proposals to address impacts on protected species and on the setting of nearby listed buildings, with a large area of the allocation to be left as open green space, are justified by the specific circumstances of this site.

164. The allocations would be deliverable and would be consistent with the CS objective of limited growth in comparison with the village's existing scale, which is the largest below the four main towns.

#### *Bream*

165. Bream is the next of the large villages in order of size and has a good range of services. The two allocations for housing would meet most of the outstanding growth anticipated by the CS. The allocation for about 30 dwellings in association with rugby club facilities made by Policy AP75<sup>51</sup>, and for about 15 dwellings off Ryelands Road made by Policy AP76, would represent modest extensions to the built-up area.

#### *Drybrook and Harrow Hill*

166. Drybrook, with Harrow Hill, is well located at the forest edge, with good access to services and some employment. As outlined above (paragraph 69) an amended allocation at Drybrook is necessary in order to meet identified housing need. An increase in the size of the site at High Street allocated by Policy AP77 to 3.9ha would accommodate up to 110 dwellings (**MM052**). This would extend the line formed by recent development and form a logical extension to the village envelope. Access and drainage issues appear capable of satisfactory resolution.
167. The smaller allocation made by Policy AP85 for up to 18 dwellings at Drybrook Farm reflects current outline planning permission. The two sites would represent slightly greater growth than first proposed but still consistent with the CS.

#### *Mitcheldean*

168. Mitcheldean is notable as the location of one of the District's primary employment locations, Vantage Point, but also for quality of its historic core, which includes the Grade I listed parish church. The need to pay special regard to the preservation or enhancement of these heritage assets in accordance with statute and national policy justifies a modification to the Summary preface (**MM060**).
169. Two allocations involve sensitive locations in and adjoining the conservation area and affecting the setting of listed buildings. Policy AP85 allocates the former coach depot at St Michael's Close for about 12 dwellings. An enlargement of this site has been ruled out because of potential adverse impact on the setting of the church. The original site would be capable of development but a modification is necessary to align with CS and national policy on the preservation and enhancement of heritage assets and their settings (**MM061**). The vacant former George Hotel is allocated by Policy AP86

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<sup>51</sup> A modification to add that 9 dwellings have now been granted permission (MM051) is not necessary for soundness.

for about 18 dwellings, to comprise a mixture of flats and houses, with a strong focus on retention of existing buildings, and the enhancement of the conservation area. For effectiveness, a modification is required (**MM062**) to confirm that a proposal based on a previous permission for up to 31 smaller units could also be considered.

170. Further housing would be provided through the allocation by Policy AP84 of up to 40 dwellings on a small part of the Vantage Point site. This would help to support refurbishment of the rest of the site, whose future for employment uses is safeguarded by Policy AP87. Together, these allocations provide an appropriate response to the CS strategy.

### *Newnham on Severn*

171. The Plan identifies the key issues of protecting the village's outstanding historic core while allowing a degree of change and of mitigating the impact of the A48 which passes through the centre.

172. Policy AP88 requires particular attention to the conservation of heritage value, including the pattern of burgage plots, along the High Street. The prominent former Victoria Hotel clearly merits retention and conversion as sought by Policy AP89, which allocates the buildings and adjoining land for the provision of up to 20 dwellings. To ensure the policy's full effectiveness, a modification is needed (**MM063**) to emphasise the site's suitability for older persons' accommodation, which has been raised in representations as a particularly important issue in the area. The policy allows some necessary flexibility, and access issues appear capable of resolution.

173. As a major village, well serviced and with good access, the settlement is a suitable location to receive a share of necessary growth, subject to environmental constraints. I accept the Council's assessment that land to the north of the village represents the best option for the most unconstrained site. As outlined above (paragraph 69), an enlarged allocation at Newnham is necessary in order to meet identified housing need. The area of land adjoining Unlawater Lane allocated by Policy AP90 needs to be increased in size to 4ha and to accommodate about 95 dwellings (**MM064**). This would be possible without significant harm to the approach to the historic centre from the north or to its landscape context. Such development could also include units suitable for older people, but the site need not be reserved for this type of housing. The evidence of a local developer gives some confidence that issues of flood risk, access and effects on protected species are being addressed. The larger site area would allow improved landscape infrastructure.

174. The allocations represent a reasoned approach to development at the village, consistent with the CS.

### **Group villages**

175. Settlements located in close proximity and sharing some common services are treated by the CS as group villages, with some potential for small housing growth.

*Whitecroft Pillowell and Yorkley*

176. Completed housing development has already met most of the CS provision for this group at the southern edge of the forest. The mixed uses allocated by Policy AP98 on 3.5ha of land at Whitecroft Scovill are to be employment-led, with only 1.0ha maximum to be developed for about 30 houses. Policy AP110 also seeks to secure existing employment uses at Lydney Road, Whitecroft. The approach is consistent with the CS.

*Lydbrook, Joys Green and Worrall Hill*

177. In addition to the complex former employment site at Stowfield covered by Policy AP17, the scope for development at this group of settlements at the edge of the AONB is limited. Policy AP92 allocates 0.9ha at the former tinplate works at Lydbrook for development of about 26 dwellings, based on permission granted but with potential for alternatives. The approach is a reasonable response to the CS strategy.

***Service villages***

178. Apart from affordable housing as an exception, the CS envisages only small scale development in the service villages, comprising single or pairs of plots and small workshops. The AP adheres closely to this approach other than in the limited number of instances below, where slightly greater levels of development are justified by specific circumstances<sup>52</sup>.

*Alvington*

179. The allocation of 0.5ha at Clanna Road for housing (**MM049**), with up to 11 dwellings expected in accordance with planning permission granted on appeal, is justified.

*Huntley*

180. The settlement has some facilities that justify a modest allocation to make a necessary contribution to meet housing need, as outlined above (paragraph 69). The allocation of a 0.7ha site adjacent to The Poplars for up to 12 dwellings (**MM056**) would provide a logical modest extension to the village envelope, with character reinforced by the proposed retention of mature trees.

*Littledean*

181. The allocation of 0.84ha at Beech Way for up to 17 dwellings (**MM057**) to reflect planning permission granted on appeal and subsequent approval of reserved matters is justified.

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<sup>52</sup> A modification to confirm that development at Blakeney is no longer in progress (MM051) is not necessary for soundness.

### *Longhope*

182. The village offers a range of services and employment, and much of its core is designated as a conservation area. The proposed allocations provide justified intensification with potential environmental benefits.
183. As outlined above (paragraph 69) Longhope is a suitable location to provide an amended allocation in order to contribute to meeting identified housing need. As submitted, Policy AP79 allocated 1ha of land for about 15 dwellings, reflecting its previous LP allocation and subsequent planning permission. It is now necessary to delete that policy (**MM058**) and to allocate an enlarged site of about 1.34ha for about 28 dwellings (**MM059**). This is in response to a more recent appeal decision which endorsed the principle of development at that scale, without adverse effect on the conservation area and on the setting of nearby listed buildings, but with further evidence needed on the effect on protected species.
184. Up to 10 dwellings would be allowed by Policy AP81 as a minor part of the redevelopment of Longhope Industrial Estate, which would enhance the conservation area, while retaining employment opportunities. Further support for employment is offered by Policy AP80, which seeks the retention and extension of the A4136 Transport Depot, with structural planting to respect the landscape setting and enhance a main approach to the village.

### *Sling*

185. The village includes a large employment site at New Dunn Business Park, whose intensification for employment generating uses, as sought by Policy AP 94, would accord with CS policy. Modest housing growth would be supported by Policy AP93, which allocates 0.6ha adjoining the Miners Arms for about 20 dwellings, reflecting the site's previous allocation and subsequent planning application.

### *Staunton and Corse*

186. The defined village is part of a more dispersed settlement, within which two locations are supported for continuing employment use by Policies AP21 and AP22. The settlement is notable for its nationally significant history as a planned Chartist community. Policy AP96 emphasises the importance of preserving the setting by designating the surrounding area as a Locally Valued Landscape.
187. The village has been subject to some recent housing growth. As submitted AP Policy AP 95 allocates 1.1ha at Gloucester Road for about 20 dwellings and open space, which can provide an improved setting to the nearby listed buildings. However, a modification is necessary (**MM068**) to clarify access options. As outlined above (paragraph 69) it is necessary to make an additional allocation in order to contribute to meeting identified housing need. Following the first hearings, an additional site was proposed at Chartist Way. A modification is now required (**MM069**) to allocate about 1.2ha for up to 27 dwellings. This is a justified response to planning permission granted on appeal, where the effect on heritage assets was taken into account. The supporting text requires amendment from the version consulted upon to include reference to 'open space' rather than 'open land'.

### *Woolaston*

188. The village has grown in the past and has a range of services. Two allocations for modest scale housing development are justified, the first by Policy AP99 for about 12 dwellings at Ash Way and the second, reflecting previous planning permission, by Policy AP 100 for about 36 dwellings at Netherend Farm.

### ***Small villages and other settlements***

189. The CS classes small villages as having some local services or facilities but with very limited opportunity for additional development. Other small settlements without defined settlement boundaries are to be treated as part of the open countryside. Housing development is generally to be by windfall proposals to make up the overall amount sought by the CS. The AP generally adheres closely to this approach. However, Hartpury has good services including a new primary school. In order to contribute to meeting housing need, an allocation is justified (**MM055**) on 0.48ha next to the village hall for about 12 dwellings. Redmarley also has a good range of services. An allocation is justified (**MM065**) to reflect planning permission granted on appeal on 1.2ha off Drury Lane for up to 11 dwellings.<sup>53</sup>

### *Conclusion on development in villages*

190. There has been some criticism in representations that a greater share of development should be directed to the service villages and small villages. However, the CS hierarchy of settlements provides a proxy for the sustainability of settlements, based on accessibility to services and employment, and other factors. The CS strategy of directing most development to the towns and then in a proportionate manner to the hierarchy of rural villages and of limited change at the smaller villages is consistent with NPPF policy, which advises that housing should be located where it will enhance or maintain the vitality of rural communities<sup>54</sup>. In implementing the strategy, the apportionment of development between categories of villages by the AP is sufficiently reflective of the adopted CS distribution.

191. Criticism has also been made that defined settlement boundaries, principally but not only for smaller settlements, are too tightly drawn and do not allow sufficient flexibility. A number of representations sought alterations to the submitted boundaries to allow inclusion of specific plots. However, national policy<sup>55</sup> draws a distinction between housing in settlements and housing in the countryside. The use of defined boundaries is an appropriate means of making the distinction. The Council has provided evidence to show that the review of the defined boundaries has been rigorously considered<sup>56</sup>, with the emphasis on character of the settlement. I have found no compelling reason to conclude that the review is not adequately robust or that the AP would be unsound as a result of placing certain land outside the boundary. Moreover, neither national nor CS policy imposes an outright restriction on development outside defined

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<sup>53</sup> Modifications (MM053 and MM054) to confirm that canal restoration and development at Dymock are now complete are not necessary for soundness.

<sup>54</sup> NPPF paragraph 55

<sup>55</sup> NPPF paragraph 55

<sup>56</sup> EB027.27 and maps

boundaries, but each case would have to be considered on its own particular circumstances.

192. Subject to the modifications outlined above, I find that the AP's approach to development in villages would be sound and in accordance with national and CS strategy.



## **Assessment of Legal Compliance**

193. My examination of the legal compliance of the Plan is summarised below.
194. The Plan has been prepared in accordance with the Council's Local Development Scheme.
195. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
196. Sustainability Appraisal has been carried out and is adequate.
197. The Habitats Regulations Assessment (Appropriate Assessment Report) of March 2015 [LP018] sets out the screening process carried and why an AA was found necessary and sets out the assessment that has been undertaken. The HRA was updated by an Addendum following Proposed Modifications in September 2016 [ED058], which adds AA of five potential modified or new sites. The accompanying HRA-SA Recommendations [ED059] sets out necessary changes to policies. A further Addendum to incorporate proposed Further Changes was produced in December 2016 [ED069e], which adds AA of one further potential modification. In October 2017, a final Addendum was published [ED085c] to consider the proposed MMs.
198. The Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
199. The Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Overall Conclusion and Recommendation**

200. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
201. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Forest of Dean District Council Allocations Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Brendan Lyons*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.