

CHAPTER 5 - TOWN CENTRES

Policy (R)FS.1 – Town Centre Shopping

Objections

291/52966	Mr A S Goodenough
312/51542	Government Office for the South West
590/52199	Oxford, Swindon & Gloucester Co-op Society Limited

Supporting Statements

33/52964	Budgens Stores Ltd
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Issues

- a. Compliance with national town centre policy.
- b. The needs of the disabled.
- c. Interrelationship of town centres with respect to their vitality and viability.

Reasoning and Conclusions

- 5.1 I consider that the Revised Deposit version of this policy follows sufficiently closely the terms of PPG6 on town centres, in its reference to the definition of the existing four main town centres on the Inset Maps, and to avoiding harm to development plan strategy.
- 5.2 However, I think the policy and text still fall down when it comes to giving effect to the Objective 4 of para 5.25, to ensure that development in any one of the three South Forest towns has no unduly detrimental effect on any other. The policy is unclear as to whether Objective 4 applies to town centre development, as I believe it should. The Revised Deposit insertion into text para 5.28 is inconclusive as to how the potential capture of trade by one centre from another should be treated, until read in conjunction with para 5.30, which seems finally to clarify the point in the very last sentence. I leave the Council to consider more succinct supporting text explaining the policy in terms of Plan objectives. I propose splitting the policy in two, in order to distinguish shopping development within and outside defined town centres and thus achieve sufficient clarity.
- 5.3 Whilst much respecting the needs of those with mobility restrictions and the Council’s wish to accommodate them, I do not agree that this consideration justifies a separate policy criterion in relation to the location of shopping development, especially when it is more the concern of policy (R)FBE.14 of this Plan as well as other current and new legislation. However, due mention of the needs of the disabled should be made in the text.

Recommendation

- 5.4 **I recommend that Policy (R)FS.1 be deleted and replaced by two policies as follows:**

Policy (R)FS1a – Town Shopping Development in Defined Town Centres
Class A1 shopping development will be permitted in defined town centres provided that it will not:
[Criteria and Final Sentence of policy (R)FS.1]

Policy (R)FS1b – Town Shopping Development Outside Defined Town Centres Class A1 shopping development will be permitted outside defined town centres only where there is a proven need for the development and there are no suitable alternative town centre sites or, in the absence of suitable town centre sites, suitable edge-of-centre sites, and provided:

[Criteria and Final Sentence of policy (R)FS.1]

- 5.5 **I recommend the Council to modify Paragraphs 5.26-5.30 to explain succinctly Policies (R)FS.1a and b in terms the Objectives of Paragraph 5.25.**

Policy (R)FS.3 – Primary and Secondary Retail Frontages

Objection

150/52237

Mr R Brock

Issues

Justification and criteria for limiting changes of use from retail to food and drink.

Reasoning and Conclusions

- 5.6 I am satisfied that the Revised Deposit version of this policy makes appropriate provision for changes of use within Use Class A, avoiding inappropriately severe restriction on Class A3 food and drink in the small town centres concerned. This, properly leaves the judgement as to its effects in each case to the later development control process, based on the criteria set out for primary and secondary frontages.

Recommendation

- 5.7 **I recommend no modification to Policy (R)FS.3.**

Policy (R)FS.5 – Local Shopping Provision

Objections

288/50836

Gloucestershire County Council

313/51865

The House Builders Federation

Issues

- a. Potential dual use of community facilities.
- b. Level of shopping provision as part of housing developments.

Reasoning and Conclusions

- 5.8 I consider it entirely appropriate to refer expressly to potential dual use of community facilities, in order to retain sustainably located local shopping in villages, and to seek its provision in scale with new development, where the need arises from that development. The former point should be addressed by an addition to text para 5.38. The latter point is sufficiently covered in para 5.39 by reference to the appropriate provision according to development needs.

Recommendation

- 5.9 **I recommend that Paragraph 5.38 be modified by the addition of a sentence stating the scope for dual retail use of community facilities to provide local shopping.**
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CHAPTER 6 - BUILT ENVIRONMENT

General - Paragraphs 6.1-6.15

Objections

41/51050	Countryside Agency
313/51869	The House Builders Federation

Supporting Statement

41/51050	Countryside Agency
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Issues

- a. Concern over long-term provision of grey water systems in domestic situations, with reference to health and operational matters.
- b. Integration of sustainability and enhancement considerations into built environment objectives.

Reasoning and Conclusions

- 6.1 Paragraph 6.12 appropriately refers to the opportunity of collecting roof water for non-potable purposes. It is not a requirement of the Plan, as the objector appears to fear. Thus no modification is needed to address the concerns which are raised.
- 6.2 Sustainable development is an important overall objective of the Plan as set out in Policy (R)F.Strategy 2 and elsewhere. It does not necessarily follow that the integration of sustainability considerations into development will enhance the character of the built environment. No modification is thus necessary.

Recommendation

- 6.3 **I recommend no modifications to Paragraphs 6.12 or 6.15.**

Policy (R)FBE.1 - Design of Development

Objections

5/51233	Swanhill Homes Limited
36/52067	Three Counties Planning Consultancy
313/51871	The House Builders Federation
288/50839	Gloucestershire County Council
847/70762	Mr J Kendrick

Issues

- a. Flexibility of application of design criteria.
- b. Reference to County Council highway design guidance.

Reasoning and Conclusions

- 6.4 Good design is an important objective of national planning policy as set out in PPG1. This policy sets out a number of criteria to assess the design of development. These provide a checklist for the preparation of development schemes as well as development control. The weight to be given to any one criterion would vary according to circumstances and to other material considerations. The Council made

significant amendments to the policy wording and to paragraph 6.16 at the Revised Deposit stage which address the First Deposit objections and have enhanced the flexibility of the policy. A suggested requirement that only a majority of the criteria need to be met would risk the approval of development which was damaging in some other important respect.

- 6.5 Paragraph 6.18 was amended at the Revised Deposit stage to refer to the County Council’s Design Guidance. I conclude that no further modifications are necessary.

Recommendation

- 6.6 **I recommend modification to Policy (R)FBE.1 or Paragraphs 6.16-6.19.**

Restriction on Development in certain areas of Settlements

Reasoning and Conclusions

- 6.7 In Part 2 of the Plan, many individual settlement chapters contain policies of ‘Restriction on Development’ applied to defined areas. The Restriction policies presume against any residential development in locations where the established settlement exhibits the open and sporadic form that is a characteristic of many settlements in the Forest of Dean District. The only exception is development that would result in significant improvement to the built environment and amenity.
- 6.8 I accept that it is reasonable for the Plan to draw attention to these areas. They are important to the landscape and overall pattern of development of the District and should be afforded due protection from unacceptable effects of any new development, not only residential. However, there is no claim that the areas of concern justify any particular planning designation, and yet the Restriction on Development policies invariably apply a more severe test even than that required for Conservation Areas. That is, essentially, to preserve their character and appearance and is regarded as being met by development that leaves character and appearance unharmed. I do not therefore consider the Restriction on Development policies appropriate as they appear throughout Part 2 of the Plan, especially as some of the Restriction areas, or parts of them, are designated Conservation Areas in any event.
- 6.9 In particular, the presumption against infill development is unreasonably restrictive as a means of protecting an area’s character. I acknowledge that there is provision for exceptions in the Revised Deposit supporting text. However this is vaguely worded with no definition of terms such as ‘amenity’ or ‘unsubstantial’ buildings. The meaning of these words and the highly subjective tests required by the policies would invite dispute. Moreover, it is unreasonable that they require permitted developments to be only those which positively enhance their surroundings and exclude those which would avoid harm to the area’s character or appearance. In practice, the necessary level of protection is provided by the criteria of policy (R)FBE.1. I consider that the proper emphasis can be placed on the protection of any area within settlements by the descriptive text of each settlement chapter, modified as necessary to draw attention to characteristics such as open and sporadic development patterns. However, any justified limitation on development would apply equally to non-residential as to residential uses, and I consider that such text should appear under a heading related to Settlement Character, and not merely to Housing.

- 6.10 I go on in Part 2 to assess each settlement on its individual merits in the light of objections made to the Restriction on Development policies. Invariably I recommend the deletion of the individual Restriction policy but the modification of the text as appropriate. Where no objection is recorded to the Restriction on Development policies, I nevertheless consider it necessary, for overall Plan consistency, to apply the same consideration in each case.
- 6.11 At the Inquiry, several objectors to such policies expanded on their objection to promote the development of individual small sites within the policy area. I make no specific judgement on the merits of those proposals. For to assess their impact, especially in Conservation Areas, would require an assessment of more detailed design proposals and would normally require a full planning application as explained in paragraph 9.15 of Part One of the Plan.
- 6.12 In reaching these general conclusions I note, but give little weight to, certain prior appeal decisions cited by the Council as supporting the equivalent level of restriction in the current Local Plan. This is unsurprising, given the adoptive status of those provisions, which are now properly before me for review on the basis the duly made objections.
- 6.13 Several objectors put forward the view that relaxing the Restriction on Development policies would result in a substantial contribution to District housing land supply by additional small-scale developments in settlements, easing pressure for greenfield urban extensions. It may be that such restrictions in the currently adopted Local Plan have held down the level of development, as foreseen by the Inspector in the report on the last Inquiry. In practice, whilst there may be some addition to the supply by small sites under six units, I do not myself foresee a major increase in development in the areas concerned on deletion of these restrictions, due to the remaining level of policy restraint. Accordingly, I make no specific adjustment in this respect to the estimates of unidentified site completions in connection with policy (R)FH.1. However the practical effect of removing the restriction policies is a matter for monitoring.

Recommendation

- 6.14 **I recommend the addition of a new section of text after Paragraph 6.19 as follows:**

Development in certain areas of Settlements

6.20a Some areas of certain settlements possess an open and sporadic character as a result of their unplanned development at the Forest Fringe. Typically they contain a mix of dwellings, areas of Forest Waste or plantation, enclosed paddocks, tracks and verges. These features are important to the overall landscape and pattern of development in the Forest of Dean District. All development in these areas will therefore be carefully controlled to ensure that it complements its surroundings, or results in improvements to the built environment or the amenity of the area. Such improvements might include the replacement of unsubstantial or derelict buildings of little or no architectural merit, or the replacement of inappropriate uses. However, it is not intended to favour the development of sites which are only superficially untidy.

Policy (R)FBE.2 - Infrastructure Provision

Objections

5/51232	Swanhill Homes Limited
6/70384	Barratt Bristol
36/51984	Three Counties Planning Consultancy
36/52069	Three Counties Planning Consultancy
50/50083	NHS Executive South West
150/70246	Mr R Brock
288/50842	Gloucestershire County Council
288/70271	Gloucestershire County Council
313/70451	The House Builders Federation
394/70580	Mr & Mrs M J Jones
539/50129	Coleford Town Council
842/70800	Prowting Projects Ltd
847/70763	Mr J Kendrick
848/70558	Tidenham Parish Council

Supporting Statements

24/51948	Newent Town Council
288/70272	Gloucestershire County Council
840/70706	Dwr Cymru Welsh Water
840/70707	Dwr Cymru Welsh Water
840/70712	Dwr Cymru Welsh Water

Issues

- a. Developer Contributions with reference to Government guidance in Circular 1/97.
- b. Viability of development, particularly on previously developed land.
- c. Lack of specific references to education, infrastructure and deficiencies in infrastructure.
- d. Requirement for sustainable drainage.
- e. Stormwater drainage in Coleford.
- f. Clarification of paragraph 6.21

Reasoning and Conclusions

Developer Contributions

- 6.15 Where the infrastructure necessary for new development is lacking, it may be possible for arrangements for its provision to be made by way of a planning condition. If not, Circular 1/97 provides for legal planning obligations, made unilaterally or by agreement with the Council, to meet such needs. Planning obligations should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. According to para B16 of Circular 1/97, the Plan should set out the requirements for a development to proceed, as a basis of any planning obligation. Here, policy (R)FBE.2 is intended to set the general framework for infrastructure provision, leaving site-specific requirements to Part 2 of the Plan.
- 6.16 The Council proposes Voluntary Changes to amend the first and second sentences of Revised Deposit policy (R)FBE.2 to read ‘Where there are deficiencies in existing

infrastructure which would be further exacerbated by new development, if new development created a shortfall in existing services or if existing services cannot cope with the additional development, proposals for development will be required to make satisfactory provision for the infrastructure required to enable the development to proceed. Such provision may include education and social ...’. The Council also proposes to add at the end of the first paragraph of the policy the words: ‘In all cases, the contributions sought from a particular development must be related to the needs of that development and any identifiable shortfalls.’ I consider that these proposed changes adequately clarify, and where appropriate strengthen, the meaning of the policy and supporting text. I conclude that, subject to the above changes, the policy and supporting text would not be unreasonable or onerous and would accord with Circular 1/97.

Viability of Development

- 6.17 As the actual requirements for a specific site would, where disputed, be subject to negotiation, I consider that there would be ample opportunity to test whether they would meet the tests set out in Government guidance. Should it be demonstrated that a particular requirement would render a development non-viable, it would be necessary to establish, firstly, whether the requirement met the relevant tests and, secondly, to explore whether there were any alternative means of making the necessary infrastructure provision. If necessary infrastructure could not be provided then the development should not proceed. In particular, the desirability of giving priority to the redevelopment of previously-developed land should not override the need to ensure that the development is adequately serviced. I see no need for modification in this regard.

Lack of Specific References

- 6.18 The Revised Deposit amendments added a reference in policy (R)FBE.2 to education and social infrastructure. Many of the most important deficiencies are indicated among the required infrastructure for individual allocations. However these may not be comprehensive and further requirements could arise, both from those developments and from windfall sites which will only become apparent nearer the date of the development. It would therefore be impractical to list here all deficiencies in existing infrastructure, and I consider that the Revised Deposit version is acceptable in the circumstances.

Drainage

- 6.19 Drainage matters specific to Coleford are covered in more detail in Part 2 Chapter 3.
- 6.20 It would be impractical for the Plan to define in detail the adequacy or otherwise of existing drainage provision to serve all proposed development in the District. In some cases, such as at Coleford, that position is currently disputed by the relevant parties and further technical investigations will be required before planning permission is granted. The Plan properly encourages sustainable drainage solutions, which may themselves reduce the need for off-site surface water drainage provision but rightly provides that they would not be required where they would be impractical. The provision of particular drainage systems is a matter to be negotiated by developers and the test of necessity sought by one objector would not be appropriate.



Paragraph 6.21

6.21 I consider that the content of paragraph 6.21 is generally relevant to the policy and to infrastructure provision in general. However the final phrase, added at the request of the Environment Agency refers to ‘first time rural sewerage’ and its meaning is unclear, although the earlier part of the sentence suggests that this is a reference to mains sewerage provision as opposed to septic tanks or small package treatment plants. If so, clearer wording should be used and jargon avoided.

Recommendations

6.22 **I recommend that Policy (R)FBE.2 be modified by the incorporation of the Voluntary Changes as set out in Document LPD75 [see above].**

6.23 **I recommend that the final phrase of Paragraph 6.21 be modified to clarify the meaning of ‘first time rural drainage’.**

Policy (R)FBE.3 - Energy Conservation

Objections

5/51231	Swanhill Homes Limited
49/51563	Westbury Homes Holdings
51/51576	Westbury & Persimmon Homes
313/51872	The House Builders Federation

Issues

- a. Degree to which the policy is prescriptive.
- b. Scope of paragraphs 6.24 and 6.25.

Reasoning and Conclusions

6.24 The conservation of energy accords with the objectives of sustainable development. The scope for a Local Plan to influence this matter is limited and would, for example, exclude matters covered by other legislation, for example the Building Regulations. However matters such as the orientation of buildings, the provision of shelter belts and considerations of transport and accessibility are material land-use matters. The use of more efficient, or renewable, energy sources may also have land-use implications. Utilising locally-sourced materials in construction would reduce journey lengths and associated greenhouse gas emissions from transport, as well as potentially reducing the amount of waste material going to landfill.

6.25 At the Revised Deposit stage the Council amended the policy so that it would encourage the specified energy conservation measures rather than making them a requirement. Paragraph 6.24 was also amended by the addition of wording to explain which matters were considered to lie within the scope of a Local Plan. I consider that these amendments suitably define the role of the Planning Authority and the Local Plan and that, as amended, the policy is not unduly prescriptive.

6.26 Paragraph 6.25 refers to the National Home Energy Rating Scheme and is subject to objection by the House Builders Federation as also lying outside the scope of the planning system. There is potential for the NHER to address matters which are

outside the scope of planning and to overlap or conflict with the Building Regulations. I conclude that the paragraph should be deleted.

Recommendation

6.27 **I recommend that Paragraph 6.25 be deleted.**

Policy (R)FBE.4 - Flood Risk and Development

Objections

150/52810	Mr R Brock
175/51435	Hallam Land Management
216/52326	Environment Agency
288/50844	Gloucestershire County Council
312/51544	Government Office for the South West
313/51873	The House Builders Federation
651/51879	Watts of Lydney Group Ltd
778/70118	Environment Agency
778/70119	Environment Agency
841/70722	Mabey Developments (SW) Ltd
847/70766	Mr J Kendrick

Supporting Statements

18/50519	English Nature
41/51051	Countryside Agency
175/51437	Hallam Land Management
293/51976	Mr M J Ellington

Issues

- a. Identification of areas at risk of flooding.
- b. Landscape protection within floodplains.
- c. Environment Agency access to watercourses.
- d. Exceptions.
- e. Protection of existing properties at risk.
- f. Restriction by Revised Deposit paragraphs 6.27-9.

Reasoning and Conclusions

Identification of Areas at Risk of Flooding

6.28 PPG25 of July 2001, on Development and Flood Risk, provides more up-to-date guidance for development plan policies on the matter of flood risk than PPG12, to which the GOSW objection refers. It is also more up-to-date than Policy F.1 of the Structure Plan of November 1999, which provides that local plans will define areas of flood risk. At paragraph 51, PPG25 includes advice that areas of flood risk should be shown on local plans where specific policies are to be applied to minimise and manage the risk. The paragraph goes on to say that ‘It might be appropriate to include the latest version of [the Environment Agency’s] indicative flood plain maps, including the extreme flood line when it becomes available, as technical support to the

local plan or in supplementary planning guidance to indicate where consideration of flood risk is likely to be necessary.’

- 6.29 Policy (R)FBE.4 is intended to apply throughout the District and is not only directed at development proposals within defined areas of flood risk. The only information currently available to the Council on specific areas at risk from flooding is that provided by the Environment Agency. Their flood plain maps are published on the Environment Agency website but are only indicative and are liable to change over time as new information becomes available, particularly in priority areas. The maps have important limitations, including that they do not differentiate between defended and undefended areas. To include the present indicative maps on the proposals map would risk a reliance on information which is uncertain, imprecise and liable to change. Moreover paragraph 25 of PPG25 includes the advice that local planning authorities and developers need to make their own assessments of risk when proposing sites for development. The Council has proposed a change to paragraph 6.28 of the Plan based on wording suggested by the Environment Agency. This would replace the first sentence with the following: ‘The Council will consult the Environment Agency about development proposals located in areas at risk of flooding, as identified on the Agency’s indicative floodplain maps.’ I conclude that this would be a preferable approach to attempting to define flood risk areas on the Proposals Map.
- 6.30 PPG25 applies a more rigorous test than previously to development in the functional floodplain and post-dates the Revised Deposit Plan. Therefore, during the Inquiry I requested the Council to consider broadly the implications of PPG25 for the practical delivery of the sites allocated in the Plan and in turn the supply of land for development in the Plan period. Their response is contained in Document FOD TP2.2 where the overall conclusion is that, subject to flood risk assessment of certain sites to accompany planning applications, all can be satisfactorily developed. On that basis there is no evidence that the higher priority given to flood risk in current policy will radically affect planned District land supply.
- 6.31 Matters of flood risk also arise in connection with certain specific site allocations covered in Part 2 of this report.

Landscape Protection within Floodplains

- 6.32 I consider that the amendment of paragraph 6.27 with the reference to landscape considerations at the Revised Deposit stage suitably addressed the Countryside Agency’s objection related to landscape.

Environment Agency Access to Watercourses

- 6.33 The Council appears to have agreed to the maintenance access requirements requested by the Environment Agency, even though it did not subsequently propose an amendment. This would replace the final sentence of paragraph 6.29 as follows: ‘It will normally be a 9m strip in the case of a main river and a 5m strip for an ordinary watercourse with a clear access route from the nearest public highway with gated openings of a minimum 4m wide. This may need to be of greater width where floodplain, wildlife habitat or conservation factors so require’. This modification would appropriately make developers aware of the requirements at an early stage in their proposals.

Exceptions

- 6.34 Having regard to the greater importance attached to flood risk by PPG25, I consider the negative form of the policy wording appropriate. More positive wording or an increased emphasis on permissible exceptions would risk devaluing the issue and reducing the weight to be accorded to it.

Protection of Existing Properties at Risk

- 6.35 It is understandable that an objector with property in an area currently at risk from flooding would seek proposals to reduce that risk. However no specific proposals have here been suggested by the objector for incorporation in the Plan and there are mechanisms other than the local plan process for assessing and responding to such risks.

Paragraphs 6.27 and 6.28

- 6.36 I do not consider that the changes which were made to paragraphs 6.27 and 6.28 at the Revised Deposit stage make these paragraphs either uncertain or too restrictive and the objection is not substantiated. However I agree that, for other reasons, the wording of paragraph 6.28 should be amended as now proposed by the Council as a Voluntary Change in Document LPD75 [see above].

Recommendations

- 6.37 **I recommend that Paragraph 6.28 be modified by deleting the first sentence and substituting:**

The Council will consult the Environment Agency about development proposals located in areas at risk of flooding, as identified on the Agency’s indicative floodplain maps.

- 6.38 **I recommend that Paragraph 6.29 be modified by deleting the final sentence and substituting:**

It will normally be a 9m strip in the case of a main river and a 5m strip for an ordinary watercourse, with a clear access route from the nearest public highway with gated openings of a minimum 4m wide. These may need to be of greater width where floodplain, wildlife habitat or conservation factors so require.

Policy (R)FBE.5

Non-Residential Re-Use of Buildings in the Countryside

Objections

36/52071	Three Counties Planning Consultancy
245/50992	Mr J Edginton King
246/51018	Ms P Edginton King
288/50846	Gloucestershire County Council
293/51979	Mr M J Ellington
343/51874	Country Landowners Association
488/51200	Friends of the Earth (Forest of Dean)
847/70764	Mr J Kendrick

Supporting Statements

41/51053	Countryside Agency
343/53076	Country Landowners Association

Issues

- a. The importance of the re-use of buildings to farm incomes.
- b. Definition of acceptable forms of re-use.
- c. Clarification of Criterion 4.
- d. Non-car access and road passing places.

Reasoning and Conclusions

Farm Incomes

6.39 Para 3.14 of PPG7 on the countryside supports the re-use of rural buildings as contributing to the needs of rural areas for commercial and industrial development, tourism, sport and recreation. A series of criteria are advised for assessing such proposals. Paragraph 3.15 favours business re-use over residential uses, especially in areas where the creation of local employment is a priority. A change to paragraph 6.30 at the Revised Deposit stage has already introduced a reference to the importance of building re-use to farm incomes. I do not consider further modification necessary.

Acceptable Forms of Re-use

- 6.40 The Forest of Dean is an area where the creation of local employment is a priority, particularly in the South Forest. It is appropriate for the Plan to apply different policies for residential and non-residential re-use. Residential re-use [other than as holiday accommodation which would support the local economy], is appropriately excluded from Policy (R)FBE.5.
- 6.41 Apart from the practical difficulty of distinguishing craft and office uses from other small-scale industrial and commercial re-use, to seek to exclude the latter, as suggested, would be to ignore the industrial and commercial background of the District. This is an important asset of the local economy and is reflected in the skills of many of its residents. The policy criteria would be sufficient to protect the area from uses harmful to their surroundings. These criteria echo those of para 3.14 of PPG7.
- 6.42 Text para 6.30 provides that buildings should not be precluded from consideration for re-use because they are ‘modern’ or ‘have been designed for a relatively short-life’. I

consider that the latter term would invite dispute as to its meaning and because Criterion 3 of the Policy requires buildings to be of ‘permanent and substantial construction’. The later test reflects the above Government guidance, which also supports the re-use of modern buildings. The National Farmers Union queries how the test would apply to a building such as a Dutch barn and I agree that it is ambiguous. To resolve this ambiguity, I conclude that this phrase should be deleted from para 6.30, leaving the test that buildings should be of permanent and substantial construction.

Criterion 4

- 6.43 Criterion 4 is largely self-explanatory and does not require further definition beyond that already provided in the supporting paragraphs.

Access

- 6.44 I agree with the County Council that accessibility by means other than the car should be a material consideration in schemes for building re-use, particularly in remote rural locations and in larger schemes offering significant employment. This may entail measures such as the enhancement of local bus services or the provision or improvement of footpaths and cycle links. Where such measures are impractical the consequences may need to be weighed with other benefits of the proposal. Regard should be had to the history of travel movements to and from the building and also to whether a new use in a rural location would reduce other longer travel movements into or out of the area. However accessibility by means other than the car is referred to elsewhere in the plan at Policy (R)FT.1, and paragraph 7.27 provides that a realistic view will be taken in rural areas where different considerations apply. I see no need for additional text on the matter here.
- 6.45 The provision of passing places, where appropriate, on approach roads is a matter of detail best left to the development control stage and does not warrant a modification of the Plan.

Recommendation

- 6.46 **I recommend that Paragraph 6.30 be modified by deleting ‘or have been designed for a relatively short life’.**

Policy (R)FBE.6 - Residential Re-Use of Buildings in the Countryside

Objections

17/52502	British Telecommunications
27/52656	Lydney Park Estate
29/51312	Diocese of Gloucester
150/52812	Mr R Brock
288/50850	Gloucestershire County Council
312/51545	Government Office for the South West
343/51732	Country Landowners Association
663/51761	Tufnell Town & Country Planning
847/70767	Mr J Kendrick

Supporting Statements

343/53074

Country Landowners Association

Issues

- a. The principle of the restriction on residential use with reference to PPG3.
- b. Qualification period for exceptional re-use permission.
- c. Flexibility of policy application.
- d. Mixed residential and business use
- e. Accessibility by means other than the car.

Reasoning and Conclusions

Principle

6.47 Government advice in PPG3 to favour previously-developed land for housing development is qualified by the definition of previously-developed land in Annex C. This definition excludes the agricultural buildings to which this policy would often be applied. It is also qualified by criteria which seek that housing sites should be accessible to jobs, shops and services by means other than the car. This is less likely to be the case for locations outside settlements. Regard must also be had to other Government guidance in PPG7 which favours the re-use of rural buildings for business purposes. I conclude that the policy appropriately restricts the residential re-use of buildings outside settlements.

Qualification Period for Exceptional Re-use

6.48 Government guidance in PPG7 favours business re-use of rural buildings over residential re-use. However paragraph 3.15 does allow exceptions where, either, the applicant shows that every reasonable attempt has been made to secure suitable business re-use, or, residential conversion is a subordinate part of a scheme for business re-use. This advice is not specific as to what comprises ‘every reasonable attempt’ to secure business re-use, and this Plan reasonably seeks to apply a precise test.

6.49 Revised Deposit paragraph 6.33 reduces to one year the period over which alternative uses should have been actively sought. However the policy and paragraph both retain the discretionary further period which may be required, robbing the test of its intended precision and certainty. That in my view is unreasonable since the extended period could be brought into play even where clear evidence had been demonstrated that there was a lack of demand for non-residential use. If the test is satisfied at the end of one year, planning permission for residential use should be granted. If the test is not satisfied, perhaps because of insufficient evidence, planning permission should be refused.

Flexibility

6.50 The Council made other amendments to the policy at the Revised Deposit stage removing some criteria and enhancing flexibility. The policy refers to the criteria used in policy (R)FBE.5 which echo those advised in PPG7. I consider the degree of flexibility sufficient.

Mixed Residential and Business Use

- 6.51 The Council propose a Voluntary Change [LPD75] that the following wording be added to the end of paragraph 6.34: ‘The residential re-use of a building in the countryside may be considered appropriate, if it is undertaken as part of a larger scheme for the conversion of buildings to be used for primarily employment generating purposes. The business use will be the predominant use on the site. The conversion should be undertaken simultaneously and in conjunction with the business use. Where permission is granted, it will be subject to a condition limiting occupancy to persons employed in the adjoining business.’ This generally accords with the approach advised in PPG7.

Accessibility

- 6.52 I refer to my comments above on the similar County Council objection to Policy (R)FBE.5 and consider that this issue is adequately addressed by other Plan policies.

Recommendations

- 6.53 **I recommend that Policy (R)FBE.6 be modified by deleting Criterion 1 and substituting:**
- Every reasonable attempt has been demonstrated over a period of at least one year to secure a suitable re-use within the terms of Policy (R)FBE.5.**
- 6.54 **I recommend that Paragraph 6.33 be modified by deleting the final sentence.**
- 6.55 **I recommend that Paragraph 6.34 be modified in accordance with the Voluntary Change proposed by the Council in Document LPD75 [see above].**

Policy (R)FBE.7 - Protection of Open Areas

Objections

25/51923	Chelbury Homes Ltd
150/52808	Mr R Brock
312/51547	Government Office for the South West
25/51748	Chelbury Homes Ltd
25/51941	Chelbury Homes Ltd
29/51307	Diocese of Gloucester
29/51345	Diocese of Gloucester
49/51591	Westbury Homes Holdings
49/51597	Westbury Homes Holdings
55/51775	G Holtham Will Trust
130/52183	B L Boseley Ltd
201/52715	Gloucestershire Housing Association
258/52293	Mr Evans
323/52790	Mr J E Hatton
375/52479	Mrs M G Jenkins
386/51653	Mr B Jones
406/52184	Mr H Kear
422/52687	West Dean Parish Council
467/52238	Mr Morgan
541/52837	Lydney Recreation Trust
579/52519	Ash & Co
644/52949	Mrs C M Thomas

652/51863	Mr J C Thurston
666/50288	Mr D Tweed
693/51642	Longhope Parish Council
700/70137	Cannop Foundry Ltd
702/52919	Mr G M Wildin

Supporting Statements

41/51055	Countryside Agency
538/50189	Mrs M Price
543/52623	Mrs R Raymond
644/52947	Mrs C M Thomas

Issues

- a. Site specific objections
- b. Need for and clarification of policy objectives.
- c. Definition and assessment of Important Open Areas

Reasoning and Conclusions

Site specific objections

6.56 Many objections have been submitted to the designation of specific sites as Important Open Areas. These are considered within the relevant chapters for that location.

Need and Clarification

6.57 Policy (R)FBE.7 is directed primarily at open areas of visual amenity or character value within, or adjoining, Defined Settlement Boundaries, whereas Policy (R)FBE.9 addresses the protection of public open space and other outdoor areas of recreational value.

6.58 PPG17 applies to all open space of public value, with or without public access, and includes the advice at para 10 that existing open space should not be built on unless an assessment has been undertaken which has clearly shown it to be surplus to requirements having regard to all the functions that open space can perform. Para 11 says that areas of open space that are of high quality, or of particular value to a local community, should be recognised and given protection through appropriate policies in local plans.

6.59 Areas of open space, often of irregular form, are a notable and valued characteristic of many settlements in the District. Their openness can make a positive contribution to visual amenity, even where they lack public access and are only informally maintained. They are particularly important to the character of the unusually open-textured settlements which ring the Statutory Forest. Elsewhere in the District, open spaces can also enhance the character and appearance of more densely built settlements. The value of open areas will necessarily vary and some may be suitable for development. It is therefore appropriate that the Plan should identify and protect open areas of importance.

Definition of Important Open Areas

6.60 The policy and identification criteria are similar to those in the previously-adopted Local Plan of 1996, and many of the identified areas are also the same. Objectors have drawn attention to the views of the Local Plan Inspector at that time [Document 842F Appendix 6] that the justification for some areas was questionable and that each

area should be reviewed to verify that it did fully meet the designation criteria which at that time were set out in Core Paper FDC.5. Those criteria differ from those in the adopted plan. It is not obvious that such a review of the areas has since been carried out.

- 6.61 I would consider it desirable for the Council to identify formally the attributes of every designated Important Open Area [IOA]. However, this would not warrant a delay in the adoption of the Plan whilst that exercise was undertaken. The Council has identified what, in its view, are the attributes of those areas which are subject to objections, and it may be taken that the attributes of the other areas are not disputed.
- 6.62 At the Inquiry, the current identification criteria as set out in paragraph 6.39 prompted considerable debate as to whether they applied to particular sites. The Plan does not record which attributes apply to which designated IOA and it was alleged that the Council had misapplied or double-counting some criteria. I consider that the criteria are over-complex and confusing and that they are poorly related to the wording of the policy in a number of ways.
- 6.63 In particular, the term ‘amenity’ in Criterion 3 is not defined and would be better expressed as ‘visual amenity’ [as opposed, for example, to ‘recreational amenity’]. The reference to ‘public access’ in Criterion 4 is open to misinterpretation as to whether it applies to the whole area or could be satisfied, for example, by footpath access across part of an area; moreover, public access may not be important if the area is publicly visible, as set out in Criterion 2. Finally, Criteria 5, 6 and 7 overlap one another and may be interpreted as excluding open areas which make a different, but no less important, contribution to an area’s character.
- 6.64 I consider that the test for designation could usefully be simplified, and made more certain, if it were reduced to satisfying 3 out of 4 attributes comprising:- the present Criteria 1 and 2; a modified Criterion 3 relating to visual amenity; and a new Criterion 4 referring to a positive contribution to the character of the settlement.
- 6.65 The policy wording itself could be clarified and otherwise improved by adopting the wording suggested by the GOSW, as set out in my recommendation below. Since the term ‘Important Open Areas’ is widely used by the Council and others when referring to the policy, the heading above the policy should be amended to ‘Protection of Important Open Areas’.

Recommendation

- 6.66 **I recommend** that the policy heading be modified to ‘Protection of Important Open Areas.’
- 6.67 **I recommend** that Policy (R)FBE.7 be modified to:
Development on Important Open Areas identified on the Proposals Map will only be permitted if it does not detract from the character of the settlement, its form and setting, visual amenity, or the quality of the existing environment.
- 6.68 **I recommend** that Paragraph 6.39 be modified as follows:
- a. In line 4 replace the word ‘four’ with ‘three’.
 - b. Replace the seven listed criteria with the following four criteria:
 - (i) Are located within or adjoining a defined settlement boundary

- (ii) Are visible from a public place or from a group of properties**
- (iii) Make a positive contribution to the visual amenity of the locality**
- (iv) Make a positive contribution to local character, whether individually or in combination with other areas.**

Policy (R)FBE.8 - Protection of Forest Waste

Objections

25/51916	Chelbury Homes Ltd
394/70581	Mr & Mrs M J Jones

Supporting Statements

41/51057	Countryside Agency
682/51339	The Ramblers Association

Issues

- a. Definition and extent of Forest Waste policy objectives.
- b. Crown Land within the Statutory Forest.
- c. Reference to harmful incremental loss.
- d. Future management of the protected land.

Reasoning and Conclusions

Definitions and Policy Objectives

- 6.69 At the First Deposit stage, the Government Office for the South West had sought the definition of ‘Forest Waste’ in the Plan to assist understanding of what the policy is seeking to achieve. Such a definition was incorporated in the Revised Deposit at paragraph 6.41. However this has attracted a further objection from Mr and Mrs Jones who dispute that definition. This has much broader implications as it relates to a large number of other objections by Mr and Mrs Jones and others to the development of Forest Waste and other Crown land within the Statutory Forest.
- 6.70 The term ‘Forest Waste’ as used in the policy is evidently not widely understood. Revised Deposit paragraph 6.41 includes the statement: ‘Forest waste is land within the Statutory Forest that is in the ownership and management of Forest Enterprise but is not managed for timber production.’ The paragraph refers to Forest Waste as land lying both within and outside Defined Settlement Boundaries and which may include a margin of land between a settlement and operational forest. However there is evidently an alternative meaning which would also include other land that is managed for timber production but is not enclosed. Such land may be found anywhere in the forest and would not necessarily adjoin a settlement. Rights of common exist over Forest Waste. Enclosure by fencing is typically used to protect vulnerable young trees from grazing animals and the location and extent of such enclosure will vary over time. This dual meaning risks considerable uncertainty as to where the policy is to be applied. The Plan needs to be clear and certain in its meaning and thus further examination of the objectives of the policy is appropriate, in order to determine the appropriate definition of its terms and application.

- 6.71 The policy is unusual in that it is concerned with the change of use of land in a particular ownership. Ownership is rarely a material consideration for planning purposes. However in this case the owner is the Crown, the steward is the Forestry Commission and land is managed by its subsidiary, Forest Enterprise. The Forestry Commission has a general statutory duty of promoting the interests of forestry, the development of afforestation, and the production and supply of timber and other forest products. In discharging their functions the Commissioners are to endeavour to achieve a reasonable balance between: ‘(a) the development of afforestation, the management of forests and the production and supply of timber; and (b) the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological and physiographical features of special interest’ [Section 1 (3A) of the Forestry Act 1967 (as amended)].
- 6.72 In addition to these forestry and conservation roles, Document FOD/TP5.3 confirms that the Crown land within the Statutory Forest is included in the designated Dean National Forest Park. The National Forest Park also includes other Crown forest land outside the Statutory Forest but within the District [for example Highmeadow Woods, Staunton (near Coleford), Kidnalls Wood, between Allaston and Pillowell, and Flaxley Woods/Hope Wood to the south of Longhope]. Also included is other Crown forest land in some neighbouring local authority areas along the Wye Valley in both England and Wales such as Lords Wood at Symonds Yat in Herefordshire. Public access is thus available to most of this land for recreation purposes. When the Wye Valley AONB was designated in 1971, the then National Parks Commission excluded the Forest of Dean was a ‘distinct entity’ because it was ‘already in good hands, being largely administered by the Forestry Commission, who will have wide powers for meeting amenity and recreational needs under the Countryside Act’ [Paragraph 9.3, Document LPD69A].
- 6.73 The aims and objectives of the Forestry Commission are set out in legislation. Planning applications for the change of use of the land it controls are unlikely to come forward except in the context of an intended disposal of land for another use. That would normally be land which is not being managed for timber production and which the Commission considers to be unsuited to those aims. Section 39 of the Forestry Act 1967 as amended grants the Minister powers to acquire and dispose of relevant land. Subsection 2A applies stricter criteria for the disposal of such land in the Forest of Dean than those which apply elsewhere in the country. Such disposals may involve the exchange of land for other land better suited to afforestation or any purpose connected with forestry. The Town and Country Planning (Crown Land Applications) Regulations 1992 require that the District Council be notified of the subsequent disposal of Crown land where a planning permission has previously been granted under Section 299 of the Town and Country Planning Act 1990.
- 6.74 The issues which would arise in relation to the associated changes of use are set out in policy (R)FBE.8 and would be material, whichever definition of Forest Waste were employed. However there is no apparent logic in creating a test for the change of use of Crown land in the Statutory Forest which would only apply within or on the margins of defined settlements. The definition of the area affected by the policy would also vary according to how the land was being managed. Similar issues would arise in relation to the proposed change of use of such land anywhere within the Statutory Forest, as is evident from the numerous duly made objections to the Plan’s proposals for the allocation of development sites involving Crown land. At the

Inquiry the Council confirmed that the policy is intended to apply to the change of use of any Crown forest land. To avoid ambiguity I therefore consider that policy (R)FBE.8 should be amended to include reference to all Crown land within the Statutory Forest and that associated modifications are made to the supporting text. However, as the policy objectives have already been taken into account when deciding to allocate land for development involving Crown Land in the Plan, it follows that the policy should not apply to changes of use which accord with those allocations.

- 6.75 Where the proposed change of use is demonstrated to be subject to the provision of compensatory land to be used for forestry purposes, the supporting text should state that the Council will take account of that provision when assessing the overall effect of the proposal.
- 6.76 To clarify to which part of the District the policy applies, the boundary of the Statutory Forest should be shown on the Proposals Map.
- 6.77 As I am recommending that the policy clearly applies to all Crown forest land, a precise definition to distinguish Forest Waste from other forest land does not need to be included in the Glossary.
- 6.78 I agree with the Countryside Agency that reference should be made to harmful incremental loss.

Future management of the protected land

- 6.79 In relation to the Chelbury Homes objection, the policy is concerned with the development of land. How retained Forest Waste is managed is a matter for the landowner. There is no role in this for the Local Plan.

Recommendation

- 6.80 **I recommend that the title of Policy (R)FBE.8 be modified to:**
‘Protection of Forest Waste and other Crown Land in the Statutory Forest of Dean’
- 6.81 **I recommend that Policy (R)FBE.8 be modified to:**
‘Except where it is in accordance with an allocation for development elsewhere in this Plan, the change of use of Forest Waste or other Crown land within the boundary of the Statutory Forest will not be permitted where it would detract from the amenity, or the recreational, environmental or historic value, or the integrity of the area of forest or forest waste concerned.’
- 6.82 **I recommend that the Proposals Map including relevant Inset Maps be modified to show the boundary of the Statutory Forest wherein this policy will apply.**
- 6.83 **I recommend that Paragraphs 6.41-6.43 be deleted and new paragraphs substituted as follows:**
- 6.41 The boundary of the Statutory Forest is marked on the Proposals Map. Policy (R)FBE.8 applies only to Crown land within that area and not to land in other ownership. Forest Waste is Crown land within the Statutory Forest other than that currently enclosed for timber production. It includes patches of open Forest Waste within settlements. Many such areas are identified on the settlement Inset Maps as Important**

Open Areas, protected by (R)FBE.7. However there are also other areas of Forest Waste lying both within and outside Defined Settlement Boundaries. There are also areas of Forest Waste within settlements which do not have Inset Maps. Forest Waste may include open land, unenclosed areas of trees, and areas formerly used for mining, quarrying, industry and associated activities.

6.42 Some areas of Forest Waste form open spaces over which the public frequently gain access. These add interest and a particular character to the forest and to settlements within it; they provide recreational space, and add greatly to the amenity of the area. They are often attractive in their own right. They may be grassed areas maintained by sheep grazing or they may support tree cover of amenity value. They reflect the heritage of the area, as do some areas of Crown land with a history of mining, quarrying or industrial use. Areas of forest and Forest Waste are susceptible to loss through redevelopment or incorporation into the curtilages of adjoining developed sites. Incremental loss of small areas can cause cumulative harm. Also any paths or tracks across the land need to be safeguarded to maintain the integrity of the forest or Forest Waste and provide continued access. For the reasons quoted above, unless development is proposed in accordance with an allocation in the Local Plan, proposals to change the use of forest waste and other Crown land within the Statutory Forest will not be permitted where it is considered they are of amenity, recreational, environmental or historical value to their surroundings.

6.43 In all cases, the District Council will require the submission of a letter of authorisation from the Forestry Commission with any applications to change the use of Forest Waste or other Crown land within the Statutory Forest. (Town and Country Planning ‘Crown Land Applications Regulations’ 1992). Where the proposed change of use is demonstrated to be subject to the provision of compensatory land to be used for forestry purposes, the District Council will take account of that provision when assessing the overall effect of the proposal.

Policy (R)FBE.9 - Protection Of Outdoor Recreational Space

Objections

29/51348	Diocese of Gloucester
201/53172	Gloucestershire Housing Association
702/52911	Mr G M Wildin

Supporting Statements

13/52021	Sport England SWR
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6.84 There are no objections to this policy in principle. All three objections are to the designation of specific areas of land to be protected by the policy and they are addressed under the respective chapter headings in Part 2.

Policy (R)FBE.10 - Play Space Standards

Objections

150/70787 Mr R Brock

Supporting Statements

13/52025 Sport England SWR

6.85 This objection was submitted at the Revised Deposit stage. However no amendments had been made to Policy (R)FBE.10 at that stage. The related Policy (R)FBE.11 and the supporting text were amended and the objector’s identical objection [150/70788] to those changes is considered below.

Policy (R)FBE.11 - Play Space Provision

Objections

13/52031 Sport England SWR
 150/70788 Mr R Brock
 288/50852 Gloucestershire County Council
 313/51893 The House Builders Federation
 313/51922 The House Builders Federation

Supporting Statements

13/52027 Sport England SWR

Issues

- a. Local need for open space related to new development.
- b. Location of open space.
- c. Maintenance of open space.
- d. Thresholds for provision, including with reference to increasing development density.

Reasoning and Conclusions

Need for Open Space

6.86 In relation to need, the Council’s most recent survey of open space provision was in 1994 and is outdated. The survey results are included in Annex 2 of LPD8 and were amended during the Inquiry by LPD8.1, which converts the figures to hectares. Some of the results are difficult to interpret and it is not self-evident how all of the figures were arrived at, particularly in relation to private sports grounds and the contribution made by informal open space. Neither does the survey reflect changes which have been made since 1994. The Local Plan is proposing a substantial population increase in some towns and the survey does not relate open space provision to future population needs.

6.87 The standard of recreational open space provision set out in Policy (R)FBE.10 appears to be based on a national standard advised by the National Playing Fields Association. Since the Revised Deposit Plan was published, the revised PPG17 on sport and recreation has advised that open space standards are best set locally and

should include an assessment of the quality and accessibility of open space as well as quantitative elements.

- 6.88 Revised Deposit paragraph 6.46 now refers to the possible need for a survey of the area to establish the adequacy of existing open space provision. For example, in Cinderford, the 1994 survey already indicates a major shortfall of both children’s and adult provision. Also in Lydney, where overall provision and needs were more evenly matched in 1994, there was a significant shortfall of equipped children’s play space. I conclude that a new survey is needed which takes account of the proposed population expansion. It should also consider the distribution of open space within these towns and the quality of provision, including whether upgrading of existing provision is needed.
- 6.89 Revised Deposit paragraph 6.46 makes clear that the requirements for open space provision for each development will be related to the needs of the development itself and will only be sought where there is a deficiency. I consider that this provides for the flexibility sought by one objector, by taking local needs and provision into account.

Location of Open Space

- 6.90 I consider that the wording of the policy is clear that open space provision is to be made either on site or nearby. In many cases provision would be enhanced if the requirements of several developments were met on a combined site and this would be particularly true of small developments. However off-site provision would need to be suitably accessible from the relevant development. Also there should be confidence that it will actually be provided where it is not to be implemented as part of the development itself, or where it involves land in other ownership or control. I conclude that the use of the term ‘satisfactory alternative provision’ provides adequate scope for the Council to assess these matters and impose planning conditions as appropriate, so that no further amendment is needed.

Maintenance

- 6.91 Objection 315/70347 concerns the policy’s requirement for development proposals to provide for the maintenance of the open space it includes, and seeks the substitution of a requirement for maintenance contributions. However paragraph 6.48 already makes clear that the Council will be prepared to adopt play areas if required, subject to agreement on a suitable commuted sum for future maintenance costs. I consider the present policy wording to be satisfactory in this respect.

Thresholds

- 6.92 The policy, as worded, only requires contributions toward play space provision from developments of more than 10 dwellings or 0.4ha, or from smaller groups of dwellings where only part of a larger site is being developed. Whilst the Council supports the principle that all development should contribute to facilities for sport and recreation, it considers that the practicalities of negotiating a contribution would make it very difficult. I disagree. Many local planning authorities operate successful schemes for obtaining contributions from developments as small as one dwelling. Notable examples exist in Hampshire. The use of standard Section 106 obligations and fixed sum contributions to specified relevant facilities, usually off-site, greatly simplifies negotiation. Failure to obtain contributions from smaller developments risks continued or growing deficiencies in open space provision and would be unfair

to developers operating just above the threshold. The particular threshold selected by the Council of 10 dwellings or 0.4ha [equivalent 25 dwellings per hectare] is at odds with density advice in PPG3 that normally seeks developments of 30-50 dwellings per hectare and would encourage developments at lower densities to escape the requirement to make provision.

Recommendation

- 6.93 **I recommend that the District-wide survey of open space needs and provision be updated, commencing with Cinderford and Lydney and taking account of advice in PPG17 [2002].**
- 6.94 **I recommend that the first paragraph of Policy (R)FBE.11 be modified to:**
Proposals for residential development involving additional dwellings will be required to make provision for recreational open space on the site, based on standards set out in Policy (R)FBE.11, or to include proposals which will enable satisfactory alternative provision to be made nearby. Such proposals will be required to provide for the maintenance of the space provided.
- 6.95 **I recommend that paragraph 6.46 be modified by deleting the third and fourth sentences.**

PRE-INQUIRY CHANGE NO 1 to Policy (R)FBE.11a & Paragraph 6.46a - Public Art

Objection

273/80029

Mr R Freshwater

Reasoning and Conclusions

- 6.96 Objection 273/80029 considers the publication of the policy after the Deposit stage to be undemocratic. I disagree as there was the opportunity for public comment on the change and the opportunity to submit formal objections, as this representation demonstrates.

Recommendation

- 6.97 **I recommend that the Plan be modified by the addition of Policy (R)FBE.11a and the supporting paragraph.**
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Policy (R)FBE.12 - Crime Prevention

Objection

313/51895 The House Builders Federation

Issues

Proposed removal of supporting text to supplementary Residential Design Guide.

Reasoning and Conclusions

- 6.98 According to Circular 5/94 ‘Planning Out Crime’, the Plan should establish principles for the design, layout and landscaping of new residential or commercial development that reassure the public by making crime more difficult to commit and easier to detect, and provide a safer, more secure environment. No objection has been raised here to the inclusion of policy (R)FBE.12. and no reasons have been given for the objection to the supporting text. Neither is there specific objection to its wording.
- 6.99 Paragraph 24 of PPG12 ‘Development Plans’ (1999) includes the advice that policies should be accompanied by a brief and clearly presented reasoned justification. As part of the plan, this carries more weight than supplementary planning guidance. In fact the Council also produces a Residential Design Guide [LPD7] which contains additional advice on security and is referred to in paragraph 6.52 of the Plan.
- 6.100 I conclude that the reasoned justification in paragraphs 6.49-6.52 is appropriately included in the Local Plan as explanation and justification for policy (R)FBE.12.

Recommendation

- 6.101 **I recommend no modification to paragraphs 6.49-6.52.**

Policy (R)FBE.14 - Disabled Access and Mobility

Objections

313/51896 The House Builders Federation
313/51899 The House Builders Federation

Issues

- a. Overlap with the Building Regulations
- b. Works in Conservation Areas

Reasoning and Conclusions

Overlap with the Building Regulations

- 6.102 The Revised Deposit policy excludes reference to internal features that would be addressed by the application of the Building Regulations and concentrates on matters of access. These will not necessarily be covered by the requirements of the Building Regulations and I conclude that they are appropriately included in the Plan.

Works in Conservation Areas

- 6.103 The statutory duty to have regard to preservation or enhancement of character or appearance may present a greater design challenge in Conservation Areas for the

provision of works for access for the disabled, as it may where development proposals affect listed buildings. Where there is a conflict between the Plan’s objectives for access for the disabled and the protection of the historic environment, these matters would need to be weighed on the merits of the particular case. Such balancing exercises are a common characteristic of planning control and it would be inappropriate for the text of the Plan to seek to pre-judge them in this case by modification in the case of Conservation Areas.

Recommendation

6.104 **I recommend no modification to Policy (R)FBE.14 or paragraph 6.55.**

Policy (R)FBE.15 - Renewable Energy Development

Objections

313/51901	The House Builders Federation
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Supporting Statements

4/53034	ETSU
4/53036	ETSU (para 6.56)
343/53077	Country Landowners Association

Issue

Relationship of the policy and text would to policy (R)FBE.3 on Energy Conservation.

Reasoning and Conclusions

6.105 Policy (R)FBE.3 deals with energy conservation in the design of new development whilst policy (R)FBE.15 is concerned with energy production. Whilst both relate to sustainable development there is little overlap between the issues, and the potential confusion associated with the renumbering and reordering of the plan would be likely to cancel out any other benefits of placing these policies together.

Recommendation

6.106 **I recommend no modification in response to this objection.**

Policy (R)FBE.16 - Telecommunications Development

Objections

24/51972	Newent Town Council
35/52676	T-Mobile (UK) Ltd
35/52678	T-Mobile (UK) Ltd
41/70733	Countryside Agency
288/50854	Gloucestershire County Council
291/52975	Mr A S Goodenough
650/52787	Vodafone
651/51880	Watts of Lydney Group Ltd

Issues

- a. Landscape protection.
- b. Health and safety
- c. Policy coverage and emphasis.

Reasoning and Conclusions

Landscape

6.107 The Council proposes a Voluntary Change [LPD75] to policy (R)FBE.16, adding reference to ‘protecting sensitive landscapes from intrusive development’ to the requirement for siting, design and landscaping to minimise visual impact. This wording closely reflects that sought by the Countryside Agency, as well as paragraph 37 of PPG8 ‘Telecommunications’ [August 2001]. I therefore support the proposed change. However, as policy (R)FNE.4 gives priority in Areas of Outstanding Natural Beauty to the conservation of the landscape, it is not necessary to repeat that criterion in this policy, as suggested, as I consider this already makes due mention of the AONBs and other designated locations.

Health and Safety

6.108 Two objectors seek to include policy criteria relating to matters of health and public safety. PPG8 ‘Telecommunications’, revised in August 2001, and advises that health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. However the advice continues that the planning system is not the place for determining health safeguards and that if a mobile phone base station meets ICNIRP guidelines for public exposure to electromagnetic fields as expressed in the EU Council Recommendation of 12 July 1999, it should not be necessary for a local planning authority to consider further the health aspects and concerns about them. Paragraph 91 of the Appendix to PPG8 advises that all new mobile phone base stations will meet the ICNIRP guidelines and sets out the audit and other measures which the Government is putting in place in response to the recommendations of the Stewart Report. In the light of these current standards and guidance, I conclude that no modifications to policy (R)FBE.16 should be made in relation to health and safety issues.

Policy Coverage and Emphasis

6.109 A reference is sought to the relationship between telecommunications and transport links, however this has already been added to paragraph 6.58 at the Revised Deposit stage.

- 6.110 Several objectors seek a policy which is more positive and encouraging of the growth of telecommunications and the provision of a network of cable and wireless links between organisations. Another considers that references to mast sharing and careful location are unnecessary as they are already contained in national guidance. A reference is sought in the policy to technical, material and operational considerations.
- 6.111 I consider that the policy and supporting text already have an appropriately positive emphasis whilst properly seeking to minimise the impact of proposals. Statute requires that the development plan is the primary consideration in determining planning applications and it is appropriate here to emphasise considerations which are relevant to visual impact in line with national advice. There is no reason why the Plan should not refer to a relevant matter which is also the subject of national guidance. However further reference to technical, material and operational considerations is not necessary.

Recommendation

- 6.112 **I recommend no modification to Policy(R)FBE.16 or the supporting paragraph 6.58.**

Policy (F)FBE.17 - Proposals for Electrical Power Lines

Objections

288/50857	Gloucestershire County Council
291/52976	Mr A S Goodenough
343/52068	Country Landowners Association

Issues

Placement of lines underground.

Reasoning and Conclusions

- 6.113 The policy and the supporting text refer to power lines being placed underground ‘wherever possible’. One objector seeks the amplification of that criterion to emphasise that this must be practically and economically possible. However, as written, the policy would literally permit in the alternative that lines be placed above ground on wooden poles even if it were practically and economically possible to place them underground. I conclude that a modification is necessary to clarify when lines should be placed underground and when overhead.

Recommendation

- 6.114 **I recommend that Policy (R)FBE.17 be modified to:**

Electrical power lines should be placed underground wherever practically and economically possible. Where lines need to be placed overhead they should: be placed on wooden poles following existing landscape features such as hedgerows; be positioned so as to avoid undue impact upon the landscape; and, where possible, not located in areas safeguarded for their bird populations.’

Policy (R)FBE.18 - Development Near Sewage Treatment Works

Objection

663/51721

Tufnell Town & Country Planning

Issues

Criteria for restrictions on development with reference to human occupation and exclusion zones.

Reasoning and Conclusions

- 6.115 Policy (R)FBE.18 seeks to restrict development where there would be harm to human occupiers by reason of proximity to the sewage works. The policy test is relatively straightforward and would allow proposals to be considered on their merits, having regard to the likely harm and whether any measures were available to overcome it. It is the assessment of that harm which is important, rather than the definition of what would constitute human occupation. The supporting text in my view confuses the issue by attempting to amplify and extend the test and in its reference to a fixed ‘cordon sanitaire’ or exclusion zone which it implies will be determined primarily to suit the operator of the sewage works. This is not shown on the Proposals Map.
- 6.116 I consider that the policy provides a useful warning of a potential problem of nuisance and that it would serve to protect both the occupiers of proposed development and the operators of an essential public service. However, it should not be applied in a way which would be unfair to nearby landowners and developers where there would be no nuisance or as a means of avoiding the implementation of measures to control or reduce any nuisance generated by the works under other legislation or in co-operation with the developer. I conclude that paragraph 6.60 should be modified to permit proposals to be determined on their merits and according to the best advice available at the time of a development proposal.

Recommendation

- 6.117 **I recommend that paragraph 6.60 be modified to:**

The operation of sewage treatment works may give rise to problems of odour, noise or other affects which could be a nuisance to the occupiers of proposed development in the vicinity. If such nuisance appears likely to occur and could not be avoided, prevented or adequately mitigated, the development will not be permitted. An exception may be made where the development would only be occupied for brief periods, such as a sports use.

Policy (R)FBE.19 - Contaminated and Unstable Land

Objections

216/52351	Environment Agency
778/70120	Environment Agency

Issues

Reference to the contamination of controlled waters.

Reasoning and Conclusions

- 6.118 Objection 216/52351 to the First Deposit Plan sought the rewording of the policy by replacing the words ‘pollution arising within or adjoining’ with ‘contamination of controlled waters on or off the site’. At the Revised Deposit stage the Council made a different amendment. Objection 778/70120 to the Revised Deposit Plan was made by the same objector and seeks reference to the prevention of pollution of controlled waters as follows: ‘adequate measures to ensure that there will be no unacceptable risk of contamination including controlled waters, as a result of the development’.
- 6.119 The Council proposes a Voluntary Change [LPD75] to further amend the wording of this policy by adding after ‘unacceptable risk of contamination’ the words ‘including contamination of controlled waters’. This appears suitably to resolve the objection.

Recommendation

- 6.120 **I recommend that Policy (R)FBE.19 be modified as proposed in Document LPD 75.**

Policy (R)FBE.20 - Environmental Pollution

Objections

36/52073	Three Counties Planning Consultancy
207/52303	Mr M Crofts
288/50859	Gloucestershire County Council
806/70313	Walmore Common Trustees

Issues

- a. Degree of harm.
- b. Scope of policy

Reasoning and Conclusions

- 6.121 Three First Deposit objections sought to qualify the degree of harm by way of pollution which would warrant a refusal of planning permission. The Council amended the wording of the policy at the Revised Deposit stage to define the harm as that giving rise to a loss of amenity. However that did not address these objections. I consider that defining the loss of amenity as ‘unacceptable’ would help to avoid the risk of spurious objections or reasons for refusal even though it would remain necessary to determine what is unacceptable in any particular case.
- 6.122 Objection 806/70313 seeks the reinstatement of a reference to the amenity of the surrounding area. However I consider that the effect on the surrounding area would

be integral to the test set out in the policy as amended at the Revised Deposit stage and conclude that the additional words would be superfluous.

- 6.123 The same objection seeks to extend the policy to cover considerations of noise and light pollution. Whatever the merits of that suggestion, the objection was submitted at the Revised Deposit stage and this part of the objection goes beyond the Revised Deposit amendments. It thus does not appear to be a duly-made objection and it has been disregarded by the Council in its Responses to Objections Document LPD39. In consequence I am bound to disregard this part of the objection.

Recommendation

- 6.124 **I recommend that Policy (R)FBE.20 be modified by the insertion of the word ‘unacceptable’ before ‘loss of amenity’.**
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CHAPTER 7 - TRANSPORT

General

Objections

24/51974	Newent Town Council
36/52076	Three Counties Planning Consultancy
36/52079	Three Counties Planning Consultancy
273/51666	Mr R Freshwater
288/50862	Gloucestershire County Council
288/70295	Gloucestershire County Council
431/51122	FFRD (MAFF)
495/52988	Mr M Norris
578/50786	Ms H Schell
651/51875	Watts of Lydney Group Ltd

Supporting Statements

41/50993	Countryside Agency
313/51902	The House Builders Federation
343/53079	Country Landowners Association
343/53080	Country Landowners Association
343/53081	Country Landowners Association
359/51217	CPRE Forest of Dean
830/70563	Highways Agency

Issues

- a. Integrated and inter-modal transport.
- b. Public transport and cycling provision.
- c. Traffic management and highway improvements.
- d. Potential conflict of environmental and economic considerations.

Reasoning and Conclusions

- 7.1 I note that the broad text of this Transport Chapter fails to mention the integration of transport modes. It merely implies such reference by rehearsing the problems of modal shift in a rural area such as the Forest of Dean District. That is in connection with the strategic focus of new development mainly in towns to obviate excessive out-commuting. However, I agree with the Council that it is the role of the Structure Plan and Local Transport Plan to establish an integrated approach to transport. I do not therefore consider it necessary to add general transport integration or public transport promotional policies to this Local Plan, as has been suggested. Text paras 7.16-17 sufficiently highlight the need for improved transport corridors, subject only to one point of clarification volunteered by the Council concerning the trunk road highway authority.
- 7.2 Nor is it necessary for the Plan to promote traffic management, road improvements or maintenance, save in criteria related to new development where appropriate. For the purpose of this Plan is to support strategic transport proposals in the manner and terms in which it seeks to locate specific development, rather than to duplicate or substitute for them. For example, the Plan does promote certain practical objectives such as improvements and freight facilities at Lydney Station in Chapter 2 of Part 2. However, I do not think it practical or necessary for the Plan to make detailed

reference to such as the Wye Valley Cycle route, given the expressed support for a cycling and walking network in policy (R)FT.6, later in this Chapter.

- 7.3 I consider that any tension between transport and economic objectives is resolved by way of the Revised Deposit version of the final sentence of text para 7.2.

Recommendation

- 7.4 **I recommend that the penultimate sentence of Paragraph 7.16 be modified by adding ‘, presently the responsibility of the Highways Agency,’ before ‘are scheduled for de-trunking.’**

- 7.5 **I recommend no other modifications in response to these objections.**

Policy (R)FT.1 – Provision for Alternative Modes of Access

Objections

5/51226	Swanhill Homes Limited
6/51747	Barratt Bristol
288/50877	Gloucestershire County Council
288/50879	Gloucestershire County Council
288/50881	Gloucestershire County Council
288/70296	Gloucestershire County Council
288/70299	Gloucestershire County Council
293/51980	Mr M J Ellington
312/51557	Government Office for the South West

Supporting Statements

830/70564	Highways Agency
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Issues

- Terms and flexibility of the policy, especially with respect to off-site works requirements, in the light of Government guidance on Transport in PPG13.
- Express reference to public transport, cycling and walking and Transport Assessments.
- Reference to the location, scale, density, design and mix of land uses.
- Dependence on road transport by rural employment and farm businesses.
- The presence of Huntley on a transport corridor.

Reasoning and Conclusions

- 7.6 In the light of Government policy on Transport in PPG13, noted in the supporting text, I consider that it is right for this policy expressly to require appropriate provision for multi-modal access, including public transport, cycling and walking, together with any off-site improvements necessary to achieve it. The question of what measures are appropriate or necessary to any particular case is a matter of judgement as part of the development control process, taking account of established guidance in Circulars 11/95 and 1/97 on the use of planning conditions and obligations. That judgement will necessarily depend on the scale, nature and location of any proposal, including rural employment or farm businesses, but it would be appropriate for such reference to be added to the policy.

- 7.7 Due mention is made in text para 7.28 of Transport Plans or Transport Assessments, subject to a voluntary clarification by the Council. I propose a modest rewording of the policy accordingly, together with the Council’s concession to spell out what is meant by a choice of modes of transport, notwithstanding that such terms are now in common use.
- 7.8 In this general policy, no mention of the status of any particular settlement or highway within the transport network is necessary.

Recommendation

- 7.9 **I recommend that Policy (R)FT.1 be modified to:**
Proposals for development must make appropriate provision for accessibility by a choice of modes of travel, including public transport, cycling and walking. Where off-site improvements are necessary to achieve the appropriate choice of modes of access, these will be required as part of the development proposed.
- 7.10 **I recommend that Paragraph 7.28 be modified by deleting ‘Green Transport Plan and’, and substituting ‘Travel Plan and/or a Transport Assessment’.**

Policy (R)FT.2 – Site Development Requirements

Objections

5/51387	Swanhill Homes Limited
51/51600	Westbury & Persimmon Homes
91/53003	Ms M Barnett
293/51983	Mr M J Ellington

Issues

Flexibility of policy criteria, including with respect to rural farm businesses.

Reasoning and Conclusions

- 7.11 I consider that the policy is over prescriptive to the extent that Criteria 1-3 require no adverse impact on the highway network, road safety and the environment. Room should be left for judgement as to what is acceptable in each case. Introducing that degree of flexibility in the rewording I propose will also allow the comparative dependence of rural farm businesses on road transport to be taken into account.

Recommendation

- 7.12 **I recommend that Criterion 1 of Policy (R)FT.2 be modified by deleting ‘does not adversely affect’ and substituting ‘has no unacceptably adverse effect on’.**
- 7.13 **I recommend that Criteria 2 and 3 of Policy (R)FT.2 be modified by adding ‘unacceptably’ before ‘detrimental’ in each case.**

Policy (R)FT.3 – Parking Provision

Objections

48/51494	SW RSL Planning Consortium
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48/70544	SW RSL Planning Consortium
52/51720	H Kear & R Hitchins
312/51562	Government Office for the South West
313/51903	The House Builders Federation
315/50911	Robert Hitchins Limited

Issues

- a. Inclusion of maximum parking guidelines with reference to the provisions of PPG3, PPG13 and RPG10.
- b. Reference to use of existing car parking facilities.

Reasoning and Conclusions

- 7.14 The Revised Deposit version of the policy properly includes maximum parking guidelines according to PPG3, PPG13 and RPG10, implying due flexibility in assessing individual proposals, subject to variations in car ownership levels with the type of development, but supporting essential principles of sustainability.
- 7.15 I consider that the Revised Deposit amendment to text para 7.32 adequately clarifies reference to reliance by new development on existing car parking facilities.

Recommendation

- 7.16 **I recommend no modification to Policy (R)FT.3 or its supporting text.**

Policy (R)FT.5 – Protection of Railway Facilities**Objections**

651/51877	Watts of Lydney Group Ltd
779/70127	Railtrack plc
779/70128	Railtrack plc

Issues

- a. Status of the former Parkend rail sidings as a designated freight site with respect to the Lydney Station proposals.
- b. Use of Parkend sidings for rail freight with reference to the quality of road access.

Reasoning and Conclusions

- 7.17 These site-specific objections are covered in the Parkend Chapter 34 of in Part 2

Recommendation

- 7.18 **I recommend no modification to policy (R)T.5 in response to these objections.**

Policy (R)FT.6 – Walking and Cycling**Objections**

41/51064	Countryside Agency
273/52315	Mr R Freshwater

312/51564 Government Office for the South West
487/51191 WEA

Supporting Statements

41/51063 Countryside Agency
634/51265 Gloucestershire Wildlife

Issues

- a. Integration of District-wide cycle network, including links to schools and transport interchange points.
- b. Environmental impact of walking and cycling routes.

Reasoning and Conclusions

- 7.19 There is tension between those who would prefer to see the Plan go further in promoting a District-wide walking and cycle network integrated with other transport modes and others who fear intrusion into the Forest landscape by walking and cycle tourists damaging its environment. There is cogent evidence that over use of off-road routes is to be actively avoided to prevent unacceptable harm.
- 7.20 The Plan needs to strike a balance between promoting linked cycle routes including connections to schools, town centres and transport interchanges in conjunction with the County Highway Authority and limiting their impact in sensitive areas.
- 7.21 Policy (R)FT.6 and its Revised Deposit supporting text makes practical provision for town networks and inter-community links, given that the lead is to be taken by the County Highway Authority in promulgating integrated transport initiatives. It is primarily the role of this Plan to implement the strategic framework. I see no need for amendment in this regard.
- 7.22 However, I understand the concern of local people who see the development of walking and cycle facilities as going well beyond community needs and endangering their Forest heritage by encouraging tourist access. The advancement of tourism as a significant District industry though is now a major Plan objective to be supported, subject to appropriate controls. To give due emphasis to the need for environmental protection, I propose a modest but important change to the penultimate sentence of text paragraph 7.39. I consider that the policy and text will then set the balance required when applied with the other relevant provisions of the Plan, which must be read as a whole.

Recommendation

- 7.23 **I recommend that Paragraph 7.39 be modified by deleting the penultimate sentence and substituting:**

There may be further opportunities to provide cycle and pedestrian links between communities, including using old railway lines and Forest tracks, provided the use of any route has no unacceptable environmental impact on surrounding areas.

Policy (R)FT.7 – Road Schemes - Safeguarding

Objections

227/52548 Mr R Dawson-Marsh

247/50423	Mr & Mrs R Edwards
312/51566	Government Office for the South West
442/50417	Mr & Mrs R C Matthews
458/50573	Mr A R Midgley
523/52360	Mr K Phelps

Issues

- a. Definition of safeguarded routes.
- b. Specific highway and traffic concerns.

Reasoning and Conclusions

- 7.24 Most of these objections are either site-specific and the subject of individual settlement chapters of Part 2 of the Plan, or relate to a need for road improvements or traffic management under the purview of the County Highway Authority and not directly within the scope of this Local Plan.
- 7.25 The supporting text sets down proper concerns in relation to the need for road improvements in relation to the development provisions of the Plan. However, the policy itself is unacceptably vague concerning the A4136, in the absence of specific proposals for its improvement. In the event that any clear road improvement proposals come into the public domain before the Plan is adopted, such that safeguarded routes can be depicted on the Proposal Maps, the policy could be reworded to identify them, but that would potentially give rise to delay in the modification procedure. On present evidence, the policy itself serves no effective purpose and should be deleted.

Recommendation

- 7.26 **I recommend that Policy (R)FT.7 be deleted but that the supporting text be left in place, subject to any consequential modifications.**
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CHAPTER 8 - NATURAL ENVIRONMENT

General - Paragraphs 8.1 - 8.22

Objections

41/70734	Countryside Agency
216/52356	Environment Agency
288/70274	Gloucestershire County Council
353/51412	CPRW
353/51416	CPRW
353/51420	CPRW
353/51421	CPRW
353/51426	CPRW
353/51613	CPRW
353/70466	CPRW
353/70467	CPRW
353/70468	CPRW
359/51222	CPRE Forest of Dean
394/70586	Mr & Mrs M J Jones
486/51188	RAGE
488/51207	Friends of the Earth (Forest of Dean)
679/51935	Westbury on Severn Parish Council
778/70121	Environment Agency
811/70362	Forestry Commission
833/70614	Mr & Mrs D Coe
834/70631	Mr B Whittington
835/70660	Mr R Smurthwaite
836/70664	Ms L Daniels
838/70697	Mr J W Hine
839/70701	Dean Forest Voice

Supporting Statements

41/50981	Countryside Agency
41/51075	Countryside Agency
41/51076	Countryside Agency
41/51079	Countryside Agency
313/51904	The House Builders Federation
343/53082	Country Landowners Association
707/50498	Royal Society for the Protection of Birds

Issues

- a. Aquifer and public water supply.
- b. Integrated Rural Development Project.
- c. Rural character.
- d. Nature conservation.
- e. Agriculture.
- f. Woodlands.
- g. Mineral extraction.
- h. Application of AONB policies.

Reasoning and Conclusions

Aquifer and Public Water Supply

- 8.1 Paragraph 8.2 was amended at the Revised Deposit stage to refer to the important aquifer which lies beneath the Forest of Dean District. However the Plan still omits to describe its role in the public water supply as had been requested by the Environment Agency. The Council has now proposed that the words ‘including public water supply sources’ should be added after ‘important aquifer’. This would draw attention to the need to be aware of pollution risks. I conclude that the text should be so modified.

Integrated Rural Development Project

- 8.2 Paragraph 8.6 was amended at the Revised Deposit stage in respect of its reference to the work of the Countryside Agency. Several objectors consider that the chosen wording did not accurately reflect the current situation. The Council and the Agency have since agreed a revised form of words to replace the fourth sentence of the paragraph as follows: ‘The Countryside Agency is near the end of the first three years of a pilot project exploring whether Integrated Rural Development, as a way of working towards sustainable rural regeneration, can deliver a locally owned and managed mechanism for protecting the important landscape and heritage of the Forest of Dean, as well as contributing effectively to the regeneration of the District. The ‘special status’ part of the Agency’s work is divided into four initiatives, which comprise a Landscape Character Appraisal; the Forest of Dean by Definition project; an archaeology contract; and a biodiversity contract. The Agency will in 2003 review with its partners the progress made towards improved management and protection mechanisms.’ I support that modification. However it is likely to be necessary to further update the statement by the date that the Plan is adopted, according to the outcome of the Agency’s review.

Rural Character and Nature Conservation

- 8.3 In text para 8.7, I do not consider that there is so material a difference between the terms ‘rurality’ and ‘rural nature’ as to warrant reverting to the First Deposit text as one objector would wish.
- 8.4 Paragraph 8.12 was amended at the Revised Deposit stage to adopt the wording suggested by an objector in relation to enhancement of the countryside and nature conservation. No further modification is necessary.

Agriculture

- 8.5 The Council agreed [LPD26] to a requested amendment to the third sentence of text para 8.13, but failed to make that amendment in the Revised Deposit Plan. The wording suggested by the objector is ‘Agricultural change needs to be handled in a sympathetic manner if a well-managed, attractive and wildlife-rich countryside is to be retained’. I agree that this has a clearer meaning and objective and that paragraph 8.13 should be modified to replace the Revised Deposit wording.
- 8.6 Objection 353/51613 urges the District Council to press for Environmentally Sensitive Areas [ESA] status for the Wye Valley to resist damaging change from agricultural and forestry practices. The Council disagrees. Many agricultural and forestry practices do not qualify as development and I do not consider it to be appropriate to use the Plan as a lobbying document in respect of matters which lie

outside the Council’s control. Moreover the specific wording change sought by the objection concerns the Council’s Landscape Character Assessment [LPD 10]. However that is supplementary planning guidance and is not part of the Plan which is before me. I conclude that the Plan should not be modified in this respect.

Woodlands

8.7 Paragraph 8.15 refers only to Forest Enterprise as a manager of woodlands when, as the Forestry Commission points out, there are significant areas of woodland in other ownerships and management. The Council propose to add after ‘Dean Forest Park’ the words ‘but there are also large areas of important privately owned woodland’. □ I agree that this modification should be made. However, apart from the correction of a spelling error, I do not consider that the minor further modifications requested to this paragraph are necessary. Brief mention in para 8.15 of the National Agenda for Woodland would be appropriate background, as suggested by the Forestry Commission.

Mineral Extraction

8.8 Paragraph 8.16 refers to mineral planning. However this is primarily the responsibility of Gloucestershire County Council as Mineral Planning Authority and the separate Minerals Local Plan. The Council appear to have agreed to the County Council’s request to replace the third sentence of the paragraph with: ‘As the Minerals Planning Authority (MPA) the County Council is responsible for preparing mineral policy and the determination of planning applications for mineral development. The MPA has prepared a Minerals Local Plan which was the subject of a public inquiry held between September and November 2000.’ I agree with that modification, subject to updating according to the adoptive status of the MLP. Whilst mineral working is a subject which can give rise to strong feelings, it would be inappropriate for the this Local Plan to go further than it does in acknowledging the impact of mineral working on the area. Whereas the wording of the paragraph is a little repetitive, it is not essential to modify it.

Application of AONB policies

8.9 I conclude in respect of policy (R)FNE.2 that no Special Landscape Area is warranted. Even were such an area to be designated, I conclude that it would not be appropriate or desirable to add a new policy which sought to apply the policy for AONBs within that area. That would directly contravene Government guidance at paragraph 4.16 of PPG7 that development plans should not apply the same policies to local countryside designation as to national designations without identifying the particular features of the local countryside which need to be respected or enhanced.

Objectives

8.10 An objector seeks that Objective 5 should be worded in a similar manner to Objective 3 by adding a comma after ‘protect’ and ‘where appropriate to’ before ‘enhance’. □ The Council indicated its agreement to make this modification but has not done so. □ I conclude that it should be made.

Recommendation

8.11 **I recommend that the Paragraphs 8.1-22 be modified only as supported by the above conclusions [and indicated by underlining].**

Policy (R)FNE.1 - Protection of the Countryside

Objections

41/70735	Countryside Agency
49/51589	Westbury Homes Holdings
150/52245	Mr R Brock
180/70113	Hewelsfield & Brockweir Parish Council
288/50889	Gloucestershire County Council
312/51567	Government Office for the South West
343/53096	Country Landowners Association
343/53102	Country Landowners Association
353/51698	CPRW
353/70469	CPRW
431/51133	FFRD (MAFF)
488/70728	Friends of the Earth (Forest of Dean)
663/51805	Tufnell Town & Country Planning
788/70182	Mr A Prufer
815/70400	Mr J P Norman
816/70402	Mr D N Powney
816/70406	Mr D N Powney
817/70408	Miss J Lewis
818/70412	Mr A Carpenter
818/70809	Mr A Carpenter
819/70415	Mr M Harris
819/70418	Mr M Harris
820/70420	Ms L J Enderspy
820/70423	Ms L J Enderspy
821/70428	Brockweir Gateway Action
821/70429	Brockweir Gateway Action

Supporting Statements

634/51266	Gloucestershire Wildlife
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Issues

- a. Degree of policy protection against harmful development not needed in the countryside, including with respect to visual intrusion in the AONBs.
- b. Accessibility by non-car transportation.
- c. Terminology regarding encroachment of towns into countryside.

Reasoning and Conclusions

Degree of Protection

8.12 The countryside is defined in the Plan’s Glossary as ‘the area outside defined settlement boundaries’. The Plan needs to be read as a whole and a number of different policies set out the tests for what development may be acceptable in the countryside. For example policy (R)FH.6 defines the limited categories of new dwellings that may be permitted and policy (R)FE.5 defines what employment development is acceptable and refers to other relevant policies on such rural uses as agriculture, forestry and recreation, as well as the re-use of existing buildings for employment. Several objectors seek to reintroduce into policy (R)FNE.1 a test, deleted from the First Deposit version, that only ‘essential’ development would be permitted in the countryside. However such a requirement is unnecessary as other policies provide adequate control and there would be no alternative basis for determining what development qualified as ‘essential’.

8.13 The deletion at the Revised Deposit stage of the requirement that rural development be not visually intrusive, nor detract from the character and appearance of the landscape, is the subject of numerous objections on the basis that it weakens landscape protection. Criterion 3 of the Revised Deposit policy contains a similar test but one that is limited to ‘structures’. The Council has put forward Voluntary Change 7 substituting the word ‘development’ for ‘structures’. I consider that this would provide an appropriate level of control over intrusion by development in the countryside. Regard must also be had to the relevant provisions of other policies. Policy (R)FNE.2 also provides for the conservation and enhancement of the landscape. Within the AONB, policy (R)FNE.4 properly gives priority to the conservation of the natural beauty of the landscape in accordance with national guidance. In this context, the reintroduction of a further landscape criterion into policy (R)FNE.1 would serve no purpose.

Accessibility

8.14 The County Council seeks a requirement in the policy that all development in the countryside be adequately accessible by means other than the car, in order to reflect Structure Plan Policy T.1. However, Revised Deposit policy (R)FT.1 already requires all development to provide for accessibility by a choice of transport modes, including by way of off-site measures if necessary, consistent with current advice in PPG13. Therefore, although I uphold the County Council objection in principle, the Plan is to be read as a whole and it is not necessary to repeat the requirements of one policy throughout a number of others.

8.15 In this case the County Council’s suggested access criteria wording differs both from that in Policy (R)FT.1 and from that in Structure Plan Policy T.1. That would invite confusion and I do not support it. On the other hand, Criterion 6 of policy (R)FNE.1 requires access and parking provision in a manner that inappropriately implies reliance on the car. I conclude that policy (R)FNE.1 should be modified simply to refer to appropriate access provision. The appropriateness of such provision in any particular case would depend upon a number of factors, as suggested in PPG13. These need to be referred to in the supporting text.

Encroachment

8.16 I take encroachment literally to imply development beyond the margins of a settlement, rather than anywhere in the countryside and I consider that para 8.25 reflects the strict control sought by national policy over such development. It does not therefore need to be more positively worded. However, para 8.25 could be combined with para 8.24 to improve readability and comprehension.

Recommendations

8.17 **I recommend that Criterion 3 of Policy (R)FNE.1 be modified by substituting ‘development’ for ‘structures’.**

8.18 **I recommend that Criterion 6 of Policy (R)FNE.1 be modified to:
Makes appropriate provision for access.**

8.19 I recommend that the supporting text for Policy (R)FNE.1 be modified by the addition of the following paragraph:

Where a proposed development in the countryside satisfies other policy criteria, consideration will also be required of its accessibility by means other than the car, its traffic generation implications, and the provision of safe access and any necessary parking. Small-scale business development including farm diversification can reduce the need for long-distance out-commuting and may be acceptable without alternative means of access if it would only give rise to modest additional traffic movements in comparison with uses already permitted on the site. Larger developments for employment, tourism, leisure, recreation or other purposes which would generate significant traffic movements should be located where alternative means of transport are available or can realistically be provided.

8.20 I recommend that Paragraphs 8.24 and 8.25 be deleted and replaced by the following single paragraph:

The Plan provides for development opportunities throughout the District in the towns and villages where employment, housing and other facilities can be provided close together. With a concentration of development in the towns and larger villages there is no general need for new development in the countryside. However, some development proposals may well require a rural location, including agriculture, horticulture, forestry, recreation, leisure and tourism. Other policies in the Plan provide for the circumstances in which these uses in the countryside may be permissible.

Policy (R)FNE.2 - Conservation and Enhancement of Landscape

Objections

5/51386	Swanhill Homes Limited
10/70200	Woolaston Parish Council
10/70201	Woolaston Parish Council
10/70202	Woolaston Parish Council
29/51290	Diocese of Gloucester
36/52083	Three Counties Planning Consultancy
49/51594	Westbury Homes Holdings
51/51598	Westbury & Persimmon Homes
180/70114	Hewelsfield & Brockweir Parish Council
288/70275	Gloucestershire County Council
288/70279	Gloucestershire County Council
312/51572	Government Office for the South West
343/53103	Country Landowners Association
353/51685	CPRW
486/51186	RAGE
488/70725	Friends of the Earth (Forest of Dean)
488/70813	Friends of the Earth (Forest of Dean)
679/51932	Westbury on Severn Parish Council
770/70074	Mr R G Brown
770/70077	Mr R G Brown
770/70078	Mr R G Brown
772/70080	Mr R G & Mrs J M Brown
772/70081	Mr R G & Mrs J M Brown

788/70183	Mr A Prufer
788/70184	Mr A Prufer
806/70314	Walmore Common Trustees
806/70315	Walmore Common Trustees
807/70319	Mrs J Storrar
807/70320	Mrs J Storrar
812/70367	Woolaston Against Quarrying
816/70403	Mr D N Powney
818/70413	Mr A Carpenter
819/70416	Mr M Harris
820/70421	Ms L J Enderspy
826/70440	Mr B Wittington
826/70442	Mr B Wittington
850/70731	Mrs M Newton
850/70738	Mrs M Newton
850/70812	Mrs M Newton

Supporting Statements

41/51080	Countryside Agency
431/51127	DEFRA (MAFF)

Issues

- a. Special Landscape Area designation.
- b. Strength and meaning of landscape protection, enhancement and key characteristics.
- c. The work of the Countryside Agency.

Reasoning and Conclusions

Special Landscape Area

- 8.21 Policy NHE.5 of the adopted Gloucestershire Structure Plan describes the broad locations of Special Landscape Areas [SLAs] and provides that their precise boundaries will be identified in Local Plans. A SLA was defined in the Local Plan adopted in 1996 and was carried forward to the First Deposit of this Local Plan Review. The boundaries identified then covered a large upland area of the District, whilst excluding land within Defined Settlement Boundaries or within the Wye Valley and Malvern Hills AONBs. However the SLA was deleted at the Revised Deposit stage and a number of objectors seek its reinstatement with the objective of increasing protection for the landscape.
- 8.22 An area similar to the SLA has been considered on more than one occasion for national designation as an AONB. It remains one of a number of options being considered by the Countryside Agency. However, such a designation is beyond the scope of this Plan and, if it is pursued by the Countryside Agency, the process of designation could take several years. As I ruled on submissions made before the Inquiry, to delay the adoption of this Plan pending any such decision would impede necessary development across the District, with potentially serious adverse social and economic effects. Were a new AONB to be designated after the adoption of the Plan, national planning guidance for AONBs would become a material consideration for planning decisions in that area, and in any future review of the Plan. The current issue for the Plan is, instead, whether its own policies will provide suitable protection for the landscape during the period of the Plan or pending any such national designation.

- 8.23 Paragraph 4.16 of PPG7 says that local countryside designations carry less weight than national designations and that development plans should not apply the same policies to them. Thus it would not be appropriate to create a SLA, or some other landscape designation, and make it subject to the same policies as would apply within an AONB. Paragraph 4.16 also advises that local planning authorities should only maintain or extend local countryside designations, such as this, where there is a good reason to believe that normal planning policies cannot provide the necessary protection.
- 8.24 The wording of First Deposit policy (R)FNE.2 would have applied essentially the same landscape test within the SLA as is applied outside, with only a marginal difference of emphasis. The Revised Deposit wording of the policy and its supporting text still requires that proposals for development in the countryside have regard to conserving and enhancing the key characteristics of their surroundings with respect to the natural and historic landscape, wherever they are in the District. The supporting text refers to existing supplementary planning guidance [LPD10] which identifies those landscape characteristics and which is to be reviewed when the Countryside Agency’s updated Landscape Character Appraisal is available.
- 8.25 The area formerly covered by the SLA designation includes several areas identified in the supplementary planning guidance as being of distinctly different character. Gloucestershire County Council has approved the draft Third Review of the Structure Plan for consultation purposes and is itself proposing to delete Special Landscape Areas in favour of Landscape Character Assessments for the County, similar to that in progress in the Forest of Dean District. This character-based approach accords with Government advice in paragraphs 2.14 and 2.15 of PPG7 and avoids creating a complex hierarchy of areas or the making of judgements about the relative worth of different areas. What is important is that development proposals respect the landscape character of their own surroundings.
- 8.26 I conclude that the re-designation of a Special Landscape Area would provide no material additional protection that is not already provided by policy (R)FNE.2, duly read with its supporting text. Such a designation would risk cutting across the character-based approach to landscape protection as well as appearing to devalue the worth of areas outside the SLA. A SLA should thus not be referred to in the policy or the supporting text.

Policy Wording

- 8.27 The first sentence of policy (R)FNE.2 merely requires development proposals to have regard to conserving and enhancing the key characteristics of their surroundings with respect to the natural and historic landscape. I share the view of one objector that this is too tentative should be strengthened to make landscape conservation and, where appropriate enhancement, a positive requirement. At the same time, I am concerned that the second sentence unjustifiably seeks betterment of the landscape, at the expense of new development, where the landscape has suffered decline. Justified enhancement is a matter for judgement on the merits of individual development proposals, in the light of existing circumstances irrespective of past trends. Accordingly, the second sentence is unnecessary in the context of the more positive wording I propose.

- 8.28 As to the supporting text, the Council propose Voluntary Change 8 [LPD75] to the wording of paragraph 8.27. This is to make clear that any landscape enhancement sought by the Council will be based on relevant issues identified in adopted supplementary planning guidance on Landscape Character appraisal, and will in all cases be compliant with the provisions of Circular 1/97 on planning obligations. That is, they will be necessary, relevant, directly related in scale and kind to the development and reasonable in all respects. It should be explicit that landscape enhancement will not require a planning obligation in all cases, for example where the developer controls all the relevant land, but otherwise this modification satisfactorily clarifies the intention of the policy.
- 8.29 In para 8.28 I favour the further addition of the word ‘positive’ before ‘feature in the landscape’. Otherwise a visually intrusive or otherwise harmful development could qualify as a feature in the landscape.

The Work of the Countryside Agency

- 8.30 Reference is made in paragraph 8.29 to the previous appraisals of the high landscape quality of upland parts of the District and to a major project currently being undertaken in the District by the Countryside Agency. At the Inquiry, the Countryside Agency agreed with the Council a description of its current work for inclusion in paragraph 8.6 of the Plan [see above]. Paragraph 8.29 dwells on the landscape aspect of this work and does not repeat or conflict with paragraph 8.6. However, whether the project will ultimately lead to some form of national designation as an AONB or otherwise is uncertain. In the meantime it is contentious to include the phrase ‘Although the current trend is away from the further designation of AONBs’ and I conclude that this should be omitted. However the rest of that sentence appears to be an accurate reflection of the Countryside Agency’s work and should be retained.

Recommendations

- 8.31 **I recommend that Policy (R)FNE.2 be modified to:**
Proposals for development will be expected to conserve and, where appropriate enhance, the key characteristics of their surroundings with respect to the natural and historic landscape, wildlife and natural features.
- 8.32 **I recommend that Paragraph 8.27 be modified in accordance with Voluntary Change 8 [LPD75].**
- 8.33 **I recommend that Paragraph 8.28 be modified by adding the word ‘positive’ before ‘feature in the landscape’.**
- 8.34 **I recommend that paragraph 8.29 be modified by deleting the words ‘Although the current trend is away from further designation of AONBs’.**

Policy (R)FNE.3 - Protection of Important Natural Features

Objections

216/52361	Environment Agency
353/51689	CPRW
353/70472	CPRW
778/70122	Environment Agency

Issues

- a. Wording of the policy and paragraph 8.32.
- b. Reference to culverts in paragraph 8.31.

Reasoning and Conclusions

Policy Wording

8.35 Some of the revised policy wording suggested by the CPRW was incorporated in the Revised Deposit Plan. Whereas the other suggested amendments would make the policy more concise, the retention of examples of natural features within the policy helps to clarify its intention. I agree that the use of English in paragraph 8.32 could be improved.

Culverts

- 8.36 The reference to bridges and culverts in paragraph 8.31 appears to meet a First Deposit objection by the Environment Agency. However the Agency then sought the deletion of all references to culverts as opposes new culverts, as these can contribute to flooding where they restrict the capacity of watercourses. In all cases the capacity of culverts and bridges relates more to the size of their opening than to their length. The paragraph makes clear that opportunities for opening up culverted watercourses should be taken where appropriate. Also culverts are not only associated with access proposals and such reference makes the meaning of the relevant sentence unclear. It would be logical for the paragraph to be amended to provide that new culverts should be avoided.
- 8.37 I conclude that policy (R)FNE.3 does not require modification but that minor modifications to paragraphs 8.31 and 8.32 would be appropriate.

Recommendation

- 8.38 **I recommend that Paragraph 8.31 be modified by deleting ‘New culverts or bridges should be kept to a minimum length required for access’ from the third sentence and substituting: ‘New culverts should be avoided and bridges should be kept to the minimum length required for access.’**
- 8.39 **I recommend that Paragraph 8.32 be modified to:**
- In some instances a landscaping scheme will be required in the early stages of the consideration of an application to identify how a development proposal will affect important natural characteristics of a site. In the preparation of landscaping schemes, consideration must be given to the use of landform, drainage patterns, and vegetation appropriate to the site. The use of native trees and shrubs will be encouraged.**

Policy (R)FNE.4 - Areas of Outstanding Natural Beauty

Objections

41/51068	Countryside Agency
41/70736	Countryside Agency
116/51644	Lower Wye Valley Preservation Society
180/70112	Hewelsfield & Brockweir Parish Council
312/51580	Government Office for the South West
343/53104	Country Landowners Association
353/51429	CPRW
353/70473	CPRW
488/70724	Friends of the Earth (Forest of Dean)
764/70059	Mr I H Williams
770/70075	Mr R G Brown
788/70185	Mr A Prufer
815/70398	Mr J P Norman
816/70401	Mr D N Powney
816/70405	Mr D N Powney
817/70410	Miss J Lewis
818/70411	Mr A Carpenter
818/70808	Mr A Carpenter
819/70414	Mr M Harris
819/70417	Mr M Harris
820/70419	Ms L J Enderspy
820/70422	Ms L J Enderspy
821/70427	Brockweir Gateway Action

Issues

- a. Degree of protection for the landscape and natural beauty of the designated Areas of Outstanding Natural Beauty and compliance with national policy in respect of major developments.
- b. Reference to environmental statements, recreation, economic activity, small-scale development and cross reference to policy (R)FNE.1
- c. Management Plans for AONBs.

Reasoning and Conclusions

Protection of AONBs

8.40 Many objectors are concerned that the rewording of policy (R)FNE.4 at the Revised Deposit stage appears to weaken the protection of those parts of designated Areas of Outstanding Natural Beauty lying within the District. AONBs are nationally designated and it is thus appropriate for planning policies to protect the qualities which led to their designation by according closely with relevant national policy guidance in PPG7. The guidance for major development proposals was modified on 13 June 2000 when the Government announced that the assessment process for major projects in AONBs should be the same as that which applies in National Parks, as set out in paragraph 4.5 of PPG7, deleting the guidance in the final two sentences of paragraph 4.8. Paragraph 4.5 of PPG7 requires major developments to be demonstrably in the public interest and subject to an assessment of need, economic impact, alternative means of provision and the effect on the environment and landscape.

- 8.41 Policy (R)FNE.4 accords with the retained guidance for AONBs in paragraph 4.8 of PPG7 in that it favours the conservation of the natural beauty of the landscape. However this objective becomes confused when it is followed firstly by the statement that development which would harm the natural beauty of the landscape will not be permitted and then by an indication that major or commercial development may be permitted in the public interest and where its effect on the landscape can be satisfactorily moderated.
- 8.42 The full text of paragraph 4.5 of PPG7 makes clear that the need for major developments in AONBs should be assessed in terms of national considerations when determining if it is demonstrated to be in the public interest. This should be expressed in the policy. Exceptionally, a demonstrable national need for a development may have to be weighed against a detrimental effect on the environment and the landscape which cannot be fully mitigated. Regard must also be had to the local economic effect of the development. There is no evident local justification for a policy differing from those applying in other AONBs. I thus conclude that policy (R)FNE.4 should be reworded to accord more closely with the guidance in PPG7.

Other Matters

- 8.43 The Council proposes to add at the end of the policy a requirement that all proposals which may have a significant adverse environmental impact will be accompanied by an Environmental Statement. However it would be inappropriate for the Plan to require Environmental Statements in AONBs where the relevant Regulations might not require it in connection with a particular application.
- 8.44 An objector refers to the omission of any reference to economic activity in AONBs. Paragraph 4.8 of PPG7 advises that, in addition to the major consideration of environmental effects of new proposals in AONBs, it will also be appropriate to have regard to the economic and social well-being of the areas. However no specific reference to small-scale development is necessary as the policy wording I recommend will be cover all such proposals.
- 8.45 The Plan is to be read as a whole and the criteria of policy (R)FNE.1 would apply to all proposals in the countryside of the AONB. To include a cross-reference to that policy, as one objector would wish, would risk down-playing other relevant policies in the Plan.

Management Plans

- 8.46 Paragraph 8.36 makes adequate reference to Management Plans for the AONBs and this does not need to be mentioned in the policy itself.

Recommendation

8.47 **I recommend that Policy (R)FNE.4 be modified to:**

Within the Wye Valley and Malvern Hills AONBs, priority will be given to the conservation of the natural beauty of the landscape. The environmental effects of new development proposals will be a major consideration whilst regard will also be had to the economic and social well-being of the areas. Development for recreation may be appropriate so far as that is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses. Major developments should be demonstrated to be in the public interest and consideration of such applications will include an assessment of:

- 1. the need for the development, in terms of national considerations, and the impact of permitting it or of refusing it upon the local economy;**
- 2. the cost of and scope for locating the development elsewhere outside the AONB or for meeting the need for it in some other way;**
- 3. any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.**

Policy (R)FNE.5 - Protection of Agricultural Land

Objections

36/52084	Three Counties Planning Consultancy
41/51070	Countryside Agency
150/52243	Mr R Brock
288/50890	Gloucestershire County Council
312/70126	Government Office for the South West
353/70474	CPRW
359/51223	CPRE Forest of Dean
431/51126	DEFRA
788/70181	Mr A Prufer
805/70305	Mr C S Evers
806/70316	Walmore Common Trustees
816/70405	Mr D N Powney
818/70808	Mr A Carpenter
819/70417	Mr M Harris
820/70422	Ms L J Enderspy

Supporting Statements

175/51440	Hallam Land Management
770/70076	Mr R G Brown
772/70079	Mr R G & Mrs J M Brown

Issues

- a. Compliance with Structure Plan policy NHE3 and PPG7.
- b. Balance between development needs and the protection of the best and most versatile agricultural land, with reference to landscape interests, agricultural decline and the priority for the re-use of land.
- c. Identification of agricultural land classification for allocated sites.

Reasoning and Conclusions

- 8.48 Voluntary Change 9 [LPD75] proposes to adopt wording for policy (R)FNE.5 suggested by GOSW and DEFRA as being more consistent with Government guidance and Structure Plan policy NHE.3. I agree with this modification.
- 8.49 The protection of the best and most versatile agricultural land grades 1, 2 and 3A land remains an objective of Government guidance and is appropriately included in the Plan. It reinforces other national objectives and other policies of this Plan to make the best use of previously-developed land and also land in urban areas and these do not need to be repeated here. I see no ambiguity in the Revised Deposit wording of the policy or that now proposed by the Council.
- 8.50 The Plan, in allocating sites for development, takes agricultural land classification into account. However it would be impractical to identify the current agricultural land classification of this and all other land in the Plan.
- 8.51 Some objectors consider that agricultural protection should be balanced with environmental considerations where lower grade agricultural land has other recognised qualities. It is appropriate, where there is a need to develop agricultural land and there is a choice of sites, that preference should be given to land of the lower agricultural grades. However consideration also needs to be given to the environmental value of land, which may outweigh agricultural considerations. This is recognised in PPG7 [as revised in 2001] and in policy NHE.3 of the Structure Plan, and is imported into the modified wording of policy (R)FNE5 proposed by GOSW and DEFRA and I support this modification below.
- 8.52 References in the text to the Ministry of Agriculture [MAFF] should be replaced with the Department for Environment, Food and Rural Affairs [DEFRA].

Recommendation

- 8.53 **I recommend that Policy (R)FNE.5 be modified in accordance with Voluntary Change 9 [LPD75].**
- 8.54 **I recommend that the supporting text be modified by deleting reference to the former Ministry of Agriculture [MAFF] and substituting Department for Environment, Food and Rural Affairs [DEFRA].**

Policy (R)FNE.6 - Protection of the Coastal Zone

Objections

18/50536	English Nature
18/70507	English Nature
44/51310	Federal Mogul
145/52517	Mr C J Britton
147/52515	Mr R G Britton
148/52511	Mr R J Britton
149/52516	Mr S J Britton
150/52692	Mr R Brock
288/50899	Gloucestershire County Council
288/70278	Gloucestershire County Council
343/53097	Country Landowners Association
343/53105	Country Landowners Association

353/51696	CPRW
376/52506	Mr & Mrs Jesnick
488/51212	Friends of the Earth (Forest of Dean)
707/50502	Royal Society for the Protection of Birds
806/70317	Walmore Common Trustees

Supporting Statements

288/50899	Gloucestershire County Council
315/70345	Robert Hitchins Limited

Issues

- a. Proposal to delete the designated Coastal Zone.
- b. Degree of restriction within the Coastal Zone.
- c. Proposal to extend the designated Coastal Zone.

Reasoning and Conclusions

- 8.55 Government guidance in PPG20, ‘Coastal Planning’ supports the definition of a coastal zone as a necessary basis for the application of planning powers to coast-related planning issues. These include flooding, sea defences and land stability. It includes the advice that, in a coastal zone, development plan policies should not normally provide for development which does not require a coastal location. I thus conclude that it is appropriate to retain the designation.
- 8.56 The Coastal Zone in this Plan is a broad and generally low-lying area beside the Severn Estuary. The area includes existing built development for agricultural, recreational, residential and other uses as well as designated Sites of Special Scientific Interest. At the Revised Deposit stage the policy was amended to widen the categories of development to be permitted within the Coastal Zone and to permit planned retreat by the alteration of sea defences and the creation or enhancement of habitats for wildlife conservation. These categories would now include all forms of development which the Plan would otherwise permit elsewhere in the countryside, but subject to compliance with the coast-related criteria set out in the policy. This relaxation of the previously very restrictive approach to development addresses most of the objections.
- 8.57 The Council propose a further Voluntary Change to the Policy which would delete the words: ‘for alterations to sea defences to enable planned retreat’ and add to the last sentence: ‘appropriate alterations to sea defences to enable planned retreat may also be permitted’. The Council also proposes to change the reference in paragraph 8.40 to the Severn Estuary being a ‘candidate’ Special Area of Conservation to it being a ‘possible’ Special Area of Conservation, as requested by English Nature. To correct another inaccurate description the Council also proposes to change the reference to the West Gloucestershire Internal Drainage Board in paragraph 8.44 to the ‘Lower Severn Internal Drainage Board’. □ I agree with these changes and conclude that the Plan should be so modified.
- 8.58 Some objectors seek the extension of the Coastal Zone. However this appears to relate mainly to a misunderstanding of the Proposals Map which is divided into two parts. At the Inquiry, those objectors present acknowledged that the defined Zone does extend the full length of the coast within the District. They no longer seek its extension except for an area between the railway and the A48 road to the west of

Westbury on Severn, as this is an area that the objectors believe to suffer flooding due to the meeting of fluvial and tidal flood waters.

- 8.59 The definition of the Coastal Zone appears to have been informed by the advice of the Environment Agency but it is not intended precisely to define the area at risk of flooding. Some parts of the Zone may have little or no risk of being flooded, whilst other areas outside the Zone may be at risk, particularly near watercourses. Policy (R)FBE.4 addresses flood risk in relation to all forms of development. The land between the A48 and the railway to the west of Westbury is separated from the defined Coastal Zone by the railway embankment, which forms an appropriate boundary. I conclude that the disputed area should not be included within the Coastal Zone.

Recommendation

- 8.60 **I recommend that Policy (R)FNE.6 and Paragraphs 8.40 and 8.44 be in accordance with Voluntary Changes set down in LPD75 [see underlined text above].**

Policy (R)FNE.7 - Promotion of Biodiversity

Objections

288/50901	Gloucestershire County Council
312/51582	Government Office for the South West

Supporting Statements

18/50537	English Nature
634/51269	Gloucestershire Wildlife
707/50510	Royal Society for the Protection of Birds

Issues

- a. Compliance with national policy on developer contributions and justification for local variation from national policy.
- b. Targets for enhancing bio-diversity.

Reasoning and Conclusions

National Policy

- 8.61 PPG9 on Nature Conservation defines biodiversity as ‘the sum total of life’s variety on earth’ and states the objectives that policies contribute to the conservation of the abundance and diversity of British wildlife and its habitats, or to the minimisation of the adverse effects on wildlife where conflict of interest is unavoidable, and to meet international responsibilities and obligations for nature conservation.
- 8.62 GOSW considers that, without local justification, policy (R)FNE.7, by implying that all development must enhance biodiversity, goes beyond what may reasonably required. In particular GOSW refers to the tests for seeking planning obligations in PPG1 and Circular 1/97. Whilst the policy does not refer specifically to planning obligations, it does require development proposals to ‘incorporate appropriate opportunities to enhance biodiversity’. In my view this is unacceptable. The Revised Deposit supporting text, however, differs in that it appropriately encourages the

creation or restoration of habitats where appropriate and requires mitigation of any adverse effects of the development.

- 8.63 The policy should be amended consistent with the text to require development proposals to protect biodiversity and mitigate any adverse effects of the development. In that context, Circular 1/97 provides at paragraph B11 that a planning obligation may be appropriate to offset the loss of, or impact on, a resource present on a site [the example happens to be a wetland habitat] or to protect or reduce harm to protected sites or species acknowledged to be of importance. The policy may also encourage the enhancement of biodiversity but it should not require such enhancement measures by means of a planning obligation or planning conditions unless they meet the usual tests for obligations or conditions as set out by the courts and Government Circulars.

Targets

- 8.64 The Council proposes Voluntary Change 10 to policy (R)FNE.7, referring to appropriate opportunities to enhance biodiversity with emphasis upon creating or enhancing habitats and populations of species identified as priorities in Biodiversity Action Plans. I consider this wording to represent an improvement. However it does not address the equally important conservation of biodiversity where it exists or the mitigation of adverse impacts of development on biodiversity. These matters are referred to in the supporting text but I conclude that they would be better included in the policy itself.
- 8.65 The County Council seeks the identification of targets for enhancing biodiversity as stated in Structure Plan policy NHE.2. Revised Deposit paragraph 8.45 refers to proposed monitoring of biodiversity against targets set elsewhere. The Gloucestershire Biodiversity Action Plan [GBAP] is stated at paragraph 14.2.15 of the Structure Plan [LPD 46] to identify targets for increasing habitat and species diversity in Gloucestershire, and the District Council intends to set out targets in Supplementary Planning Guidance. There is no evidence before me as to the particular targets which might be included in the Plan and I conclude that supplementary planning guidance would appropriately address this matter.

Recommendation

- 8.66 **I recommend that Policy (R) FNE.7 be modified to:**

Where development is proposed, consideration will be given to the need to conserve biodiversity and to mitigate any adverse effects of the development upon it. Encouragement will be given to opportunities to enhance biodiversity and such enhancement may become a requirement of development where an associated planning obligation or planning condition would satisfy the relevant legal tests for obligations and conditions set out in Government guidance. Where enhancement opportunities exist, emphasis will be placed upon creating or enhancing habitats and populations of species identified as priorities in the Biodiversity Action Plans for Gloucestershire, the South West Region and the United Kingdom.

- 8.67 **I recommend that Supplementary Planning Guidance be prepared to identify specific targets for biodiversity enhancement.**

Policy (R)FNE.8 - Nature Conservation Sites

Objections

36/52088	Three Counties Planning Consultancy
288/50903	Gloucestershire County Council
343/52505	Country Landowners Association

Supporting Statements

18/50539	English Nature
634/51270	Gloucestershire Wildlife
707/50513	Royal Society for the Protection of Birds

Issues

- a. Policy title.
- b. Compensatory measures.
- c. Definition of harm to SSSIs.
- d. Partnership working.

Reasoning and Conclusions

- 8.68 The policy heading was broadened to cover all Nature Conservation sites at the Revised Deposit stage and I conclude that this has suitably resolved any objection to the title.
- 8.69 The County Council considers that the policy clauses that would exceptionally allow development, particularly in respect of sites of national conservation interest, do not reflect policy NHE.2 of the Structure Plan and weaken the policy commitment there to protecting sites of value. The County Council therefore seeks that the final sentence be replaced with ‘Where development is permitted, proposals must incorporate appropriate measures (and use of conditions and planning obligations) to compensate for the feature which would be lost or harmed by the development.’
- 8.70 To exceptionally justify development harmful to an SSSI or other site of national interest the policy, as worded, only provides that the reasons for development should clearly outweigh the harm to the site. I conclude that the policy test should be strengthened to correspond with the supporting text at paragraph 8.48 which requires there to be demonstrable reasons of overriding public interest for allowing development. This would remain less restrictive than Structure Plan policy NHE.2, which does not allow for exceptions, but would be consistent with national policy at paragraph 27 of PPG9 on Nature Conservation, that does provide for overriding factors that would warrant permitting development in or near an SSSI. However where development is exceptionally to be permitted, I conclude that the policy, as worded, provides sufficient scope to seek compensatory or mitigating measures where appropriate.
- 8.71 It would be impractical for the Plan to include indicators as to what would harm any particular SSSI. The variety of features, locations and potential threats would be too great and specialist advice is likely to be needed to assess the impact of a particular proposal. Each site is shown on the Proposals Map and has a published description prepared by English Nature with a schedule of the species and habitats that are protected. PPG9 advises at paragraph A8 that English Nature will specify to site

owners and occupiers the operations which they consider to be harmful to their conservation interest.

- 8.72 Voluntary Change 11 would add to paragraph 8.47 a statement that the Council will work in partnership with English Nature, local conservation bodies and landowners to ensure the most effective management and protection for nature conservation sites. I consider that this amendment would suitably address an objection to the lack of reference to partnership working.

Recommendation

- 8.73 **I recommend that the penultimate paragraph of Policy (R)FNE.8 be modified by deleting ‘unless the reasons interest of the site’ and substituting ‘unless there are demonstrable reasons of overriding public interest’.**
- 8.74 **I recommend that paragraph 8.47 be modified in accordance with Voluntary Change 11 [LPD75].**

Paragraphs 8.53-8.56 - Requirement for an Environmental Statement

Objections

288/70276	Gloucestershire County Council
313/51907	The House Builders Federation
343/52505	Country Landowners Association
353/70476	CPRW
353/70477	CPRW
707/50475	Royal Society for the Protection of Birds
805/70306	Mr C S Evers

Issues

- a. Appropriate reference to the relevant Regulations.
- b. Clarity of text paragraph 8.55.

Reasoning and Conclusions

- 8.75 Notwithstanding the content of these objections and the Council’s response, I take the view that this section unnecessarily and inappropriately restates the provisions of the current Environmental Impact Assessment [EIA] Regulations which make separate statutory provision for requiring an Environmental Statement, depending on the details and likely effects of a proposal. The requirement of para 8.56 merely states the normal development control procedure for requiring additional information where this is justified.
- 8.76 I understand the intention to make clear the likely requirements of a proposal affecting nature conservation interests and so propose that para 8.56 remains largely unchanged. However, bearing in mind that statutory provisions can change within the Plan period, a single short paragraph preceding it is all that is needed to remind intending developers of the statutory duties of both themselves and the Council with respect to environmental impact.

Recommendation

8.77 **I recommend** that Paragraphs 8.53 to 8.55 be deleted and replaced by a single paragraph as follows:

Where a development proposal is subject to a statutory requirement for an Environmental Impact Assessment under current Regulations, an Environmental Statement will be required from a professional and reputable source, to include sufficient detailed information for the likely environmental effects of the development on nature conservation interests to be properly assessed.

8.78 **I recommend** that Paragraph 8.56 be modified by deleting the first clause [from ‘Development Proposals ...’ to ‘... Regulation,’] and substituting ‘Development proposals which are not subject to statutory Environmental Impact Assessment,’.

Policy (R)FNE.9 - Sites of Local Nature Conservation Interest

Objections

36/52091	Three Counties Planning Consultancy
313/51909	The House Builders Federation
313/51911	The House Builders Federation
315/50934	Robert Hitchins Limited
343/52541	Country Landowners Association
353/70479	CPRW
431/51105	DEFRA
488/51213	Friends of the Earth (Forest of Dean)
707/50516	Royal Society for the Protection of Birds
707/50518	Royal Society for the Protection of Birds
811/70363	Forestry Commission

Supporting Statements

315/70346	Robert Hitchins Limited
634/51276	Gloucestershire Wildlife

Issues

- a. Appropriate test for acceptable development.
- b. Enhancement of biodiversity.
- c. Policy terms including with respect to compensatory provision and benefits.
- d. Identification of protected sites on the Proposals Map.
- e. Reference to ancient woodlands.

Reasoning and Conclusions

Acceptable Development and Enhancement of Biodiversity

8.79 The Revised Deposit versions of Criterion 3 of policy (R)FNE.9 and text para 8.59 uses the wordings suggested by the RSPB to strengthen the test for acceptable development and refer to biodiversity enhancement, and no further modification is needed.

Policy Terms and Compensatory Provision

- 8.80 Criterion 2 is only one of three criteria for allowing development. In summary they would permit development which either does not cause damage, or for which there are overriding benefits and compensatory measures are to be provided. I conclude that the policy could not be made less restrictive without negating its fundamental and proper objective to protect sites of local nature conservation interest. Objection 313/51909 seeks the rewording of the policy so that it is expressed in a more positive fashion. However I consider that to do so is unnecessary and would make no effective difference to the implementation of the its provisions.
- 8.81 Objection 313/51909 seeks the deletion of reference in paragraph 8.59 to habitat translocation. However, whilst it is debatable how often such instances would occur, I conclude that the phrase should be retained to emphasise that satisfactory transfer or relocation may prove difficult or impossible and should not be assumed. For example, as DEFRA points out in its objection, geological features or ancient woodland could not be recreated at a different location.
- 8.82 DEFRA is also concerned that the compensatory development required by Criterion 3 of the policy may occupy land elsewhere which could be better used, and that the provision could be of a lower standard, or of reduced interest, and may detract from the landscape character of the area. I agree that the quality and impact of compensatory provision would be material considerations which would need to be taken into account. However the Plan has other policies for the protection of the landscape and of the most versatile agricultural land and I do not consider that policy (R)FNE.9 as written would result in such considerations being automatically overridden. This is addressed in part in paragraph 8.59 but some additional explanation is needed there to clarify that like-for-like compensatory provision may not always be possible or appropriate.
- 8.83 The word ‘unacceptably’ is deleted from the Revised Deposit version of Criterion 1 in response to objection 488/51213 but Criteria 2 and 3 are not deleted as the objector wishes. However, to do so would rule out any development that damaged the key features of a site of local nature conservation interest. That would conflict with Government policy in paragraph 27 of PPG9. This advises local planning authorities not to refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features, or if other material factors are sufficient to override nature conservation interests. There is no evidence before me of a local justification to follow a different approach.

Site Identification

- 8.84 In respect of the identification of sites covered by the policy, paragraph 26 of Annex A to PPG12 states that the Proposals Map should, amongst other things, define the areas to which specified development control policies will apply and should show the boundaries of locally designated areas. Here objection 315/50934 seeks that the sites affected by this policy are so identified by the Proposals Map. The Council has resisted this and is instead intending to publish a separate map as supplementary planning guidance. This is referred to in paragraph 8.57 which also refers to an on-going review of the sites. That review addresses another objection reference 343/52541 which queries whether all current sites merit continued retention and identification.

- 8.85 Although the final sentence of paragraph 8.57 was only added at the Revised Deposit stage, the Council has proposed its rewording to state that nature conservation designations are under review and that the responsible bodies should be consulted for up to date information, and that a map will be published outside the Plan once the review is complete. This would improve the readability of the paragraph and suitably address objection 353/70479.
- 8.86 Whereas there would be advantages in defining the protected sites on the Proposals Map, the sites are generally identified, designated and modified by bodies other than the District Council. This presents difficulties in ensuring that the information is accurate and up-to-date and could result in the unintentional omission of sites from the Map or a failure to protect sites which are newly identified during the life of the Plan. I conclude that the information would be better provided in the form of supplementary planning guidance and that the text of paragraph 8.57 should be further modified to make that clear.

Ancient Woodland

- 8.87 The Council has accepted an objection from the Forestry Commission to paragraph 8.57 and proposes to add before the final sentence a statement that the Forestry Commission should be consulted on development proposals for sites that are in, or within 500 metres of, an ancient semi-natural woodland or ancient replanted woodland. This would accord with advice in the Government document ‘Trees and Preservation Orders - A Guide to the Law and Good Practice’. I therefore support it.

Recommendation

- 8.88 **I recommend that Paragraph 8.57 be modified by the deleting the final sentence and substituting:**

The Forestry Commission should be consulted on development proposals for sites which are in, or within 500 metres of, an ancient semi-natural woodland or ancient replanted woodland. Sites falling under the above designations are presently being reviewed. The bodies responsible for the review of these designations should be consulted if up to date information is required. Once the designations are reviewed, a map will be published and made available as supplementary planning guidance.

- 8.89 **I recommend that paragraph 8.59 be modified by adding before the final sentence:**

For example, a geological feature could not be recreated elsewhere and some wildlife habitats could not be precisely replicated. These circumstances would need to be weighed against the benefits of permitting the development. However it may be possible to create a different form of provision of equal or greater value to that which would be lost.

Policy (R)FNE.10 - Features of Habitat Interest

Objections

18/50540	English Nature
707/50520	Royal Society for the Protection of Birds
707/50478	Royal Society for the Protection of Birds

Issues

- a. Protection of species and habitats.
- b. Possible damage to features of habitat interest.

Reasoning and Conclusions

- 8.90 The Revised Deposit version of text para 8.63 incorporates an appropriate reference to European Protected Species identified in the Annex of the Habitats & Species Directive and the provisions for their enhanced protection in the Conservation (of Natural Habitats etc.) Regulations 1994.
- 8.91 The Revised Deposit version of policy (R)FNE.10 suitably addresses objection 707/50520 by amending the first sentence to refer to loss or significant damage to features of habitat interest. No further change is necessary to meet this objection.

Recommendation

- 8.92 **I recommend no further modifications to Policy (R)FNE.10 or its supporting text.**

Policy (R)FNE.11 - Species Protection

Objections

414/51650	Forest of Dean Badger Patrol
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Supporting Statements

18/50540	English Nature
634/51273	Gloucestershire Wildlife

Issues

Badger protection.

Reasoning and Conclusions

- 8.93 The objection seeks a requirement in the Plan that all areas proposed for development should be surveyed for badger activity by a competent badger consultant before any development is considered. Revised Deposit paragraph 8.65 suitably addresses this objection and no further amendment is needed.

Recommendation

- 8.94 **I recommend that no modification be made to Policy (R)FNE.11 or the supporting text.**

Paragraph 8.67 - Severn Estuary

Objection

18/50544 English Nature

Issue

Scheme of Management for the Severn Estuary

Reasoning and Conclusions

8.95 The Revised Deposit text suitably addresses this objection by due reference to the Severn Estuary Partnership the Association of Severn Estuary Relevant Authorities.

Recommendation

I recommend no further modification in response to this objection.

Policy (R)FNE.13 - Development Affecting Surface and Coastal Waters

Objections

313/51912 The House Builders Federation
353/51431 CPRW

Issues

- a. References to sustainable drainage.
- b. References to the enhancement of water quality.

Reasoning and Conclusions

8.96 The HBF object to the degree of emphasis given to sustainable urban drainage in paragraph 8.70. However such measures are recommended by the Environment Agency and can be an important aspect of sustainable development. The Revised Deposit wording reasonably provides that sustainable urban drainage be incorporated in development proposals wherever possible, rather than in all circumstances.

8.97 CPRW object to the wording of paragraph 8.70 with respect to water quality. If this is adequately maintained, it would not be in need of enhancement [sentence 1 of paragraph 8.70]. The Revised Deposit wording of the paragraph includes qualifications as to the necessity for enhancement of water quality and implementation of drainage measures where possible. I do not consider it necessary to substitute the word ‘improving’ for ‘enhancing’ as suggested, because the meaning is similar.

Recommendation

I recommend no modification to Policy (R)FNE.13 or its supporting text.

CHAPTER 9 - HISTORIC ENVIRONMENT

General

Objections

288/50946	Gloucestershire County Council
353/51432	CPRW
353/51433	CPRW
806/70318	Walmore Common Trustees

Supporting Statements

41/51071	Countryside Agency
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Issues

- a. Protection of historic landscape.
- b. Terms and clarity of the text.

Reasoning and Conclusions

- 9.1 Landscape protection is a matter for policy (R)FNE.2 in Chapter 8 on the Natural Environment. The introductory text of Chapter 9 draws attention in paras 9.1, 9.2 and 9.5 to the importance of historic features present in the landscape as a consequence of the cultural and industrial past of the Forest of Dean. Such features enjoy the protection of the historic environment policies below but, to the extent that they contribute to the character of any particular landscape area, they are also safeguarded by policy (R)FNE.2, as well as Criteria 3 and 4 of countryside protection policy (R)FNE.1. The Revised Deposit text supporting policy (R)FNE.2, in particular para 8.29, refers to the man-made landscape. The wider historic landscape is thus afforded due protection in line with para 2.26 of PPG15. Given that the Plan is to be read as a whole, I do not see a need for an additional general historic landscape protection policy in Chapter 9, albeit a cross-reference to the Natural Environment Chapter could beneficially be included.
- 9.2 However, I find the Revised Deposit version of text para 9.5 unclear in its terms and propose that it be divided and the second half modified to make the whole more readable, and at the same time include the cross reference to Chapter 8. On a further point of detailed clarification, whilst it is not necessary to recite national policy, it would be consistent within the style of this Plan to quote the title of PPG15 on the historic environment in text para 9.4, as suggested by CPRW.

Recommendation

- 9.3 **I recommend that Paragraph 9.4 be modified by including the title of PPG15 ‘Planning and the Historic Environment’.**
- 9.4 **I recommend that the second half of Paragraph 9.5 from ‘One major objective to previous generations’ be deleted and replaced by a new paragraph as follows:**

These features of the natural and man-made environment are to be conserved by the implementation of the policies of the Plan in line with Strategic Objective No 4. More specifically, the Plan protects certain statutorily designated areas of national significance, as well as locally important sites where careful interpretation helps to explain their historic development and particular

character. There is an increasing awareness of the importance of the interrelationship of individual sites within the landscape. These matters are the subject of policy (R)FNE.2 on the Conservation and Enhancement of the Landscape, and all development proposals must take into account archaeological interests in line with policies (R)FHE.6 and (R)FHE.7.

Policy (R)FHE.1 – Preservation and Enhancement of Conservation Areas

Objection

36/52093

Three Counties Planning Consultancy

Issue

Clarity of the policy.

Reasoning and Conclusions

- 9.5 This objection essentially seeks clarification of the identity and characteristics of the designated Conservation Areas covered by the policy, which itself reaffirms the law and national guidance, and suggests a criterion-based wording. Further detail of the Conservation Areas of the District are a matter for supplementary guidance outside the Plan itself, to be read with the Plan and relevant legislation and national guidance. The Revised Deposit addition to text para 9.12 makes this clearer, but the text as whole should be updated to reflect the current position regarding conservation area assessment and designation. In the absence of detailed evidence from either the Objector or the Council, I do not propose a criterion-based policy, given the other provisions and guidance available in this context.

Recommendation

- 9.6 **I recommend that Paragraphs 9.12 to 9.16 be updated as necessary to reflect the current position regarding conservation area assessment and designation.**

Policy (R)FHE.3 – Alterations to Listed Buildings and their Settings

Objection

651/51881

Watts of Lydney Group Ltd

Supporting Statement

129/52107

The Boocock Family

Issues

Economic considerations of preserving Listed Buildings, with respect to the grade of listing.

Reasoning and Conclusions

- 9.7 It is inescapable that there is a cost implication of undertaking alterations to any listed building, due to their legal protection, that can extend to their very viability. However, the same statutory duty applies to all grades of listed building and is duly

reflected in the policy. The supporting text sets out criteria for judgement of all cases on merit, including the importance of the building concerned. I do not consider any modification justified.

Recommendation

9.8 **I recommend no modification to Policy (R)FHE.3 or its supporting text.**

Policy (R)FHE.4 – Demolition Affecting Listed Buildings

Objection

312/51586

Government Office for the South West

Issue

Demolition of Listed Buildings as a rare occurrence.

Reasoning and Conclusions

9.9 The demolition of a listed building is a rare occurrence and certainly not to be encouraged, as GOSW seem to fear, by stating criteria for demolition. I do not see the policy as strictly necessary in the general terms set down, but it is worded strongly in the negative and can perform a useful purpose where proposed demolition affecting a listed building is to be assessed, without conveying an impression of encouragement.

Recommendation

9.10 **I recommend no modification to Policy (R)FHE.4 or its supporting text.**

Policy (R)FHE.5

Change of Use of Buildings of Architectural or Historic Importance

Objection

343/53106

Country Landowners Association

Supporting Statement

343/53084

Country Landowners Association

Issue

Encouragement of redevelopment and re-use of historic buildings for future generations.

Reasoning and Conclusions

9.11 I consider that the addition of Objective 4 to text para 9.11 appropriately meets this objection in supporting beneficial re-use of important buildings. However, I do not consider an express allusion to sustainability to be necessary in this context, given that such provision is made by the strategic provisions of the Plan.

Recommendation

9.12 **I recommend no modification to Policy (R)FHE5 or its supporting text.**

Policy (R)FHE.6 – Development Affecting Archaeological Sites**Policy (R)FHE.7 – Requirement to Provide Archaeological Information****Objections**

312/51590 Government Office for the South West
41/51066 Countryside Agency

Issue

Definition of areas of application of the policies.

Reasoning and Conclusions

9.13 I do not support the suggested general inclusion on the Proposals Map of information such as the location and extent of archaeological sites, which may be incomplete and can be subject to change beyond the control of the Council. It is sufficient for the Plan to draw attention to the need for archaeological interests to be considered in connection with any development proposal. The Proposals Map shows Scheduled Ancient Monuments in any event.

Recommendation

9.14 **I recommend no modification in respect of these objections.**

Policy (R)FHE.8 – Historic Parks and Gardens**Objection**

288/70273 Gloucestershire County Council

Reasoning and Conclusions

9.15 On a corrective point, text para 9.32 should refer to the Gloucestershire Gardens and Landscape Trust.

Recommendation

9.16 **I recommend that Paragraph 9.32 be modified by inserting ‘Landscape’ before ‘Trust’.**

REQUEST FOR NEW POLICY

Objection

790/70579 Awre Parish Council

Issue

Protection of historic structures.

Reasoning and Conclusions

9.17 This does not appear to be strictly a duly-made objection and the Council indicate that it is being taken up elsewhere. It seems to me, in any event, that non-designated structures enjoy the general protection of the Plan on merit, whilst there are separate procedures for the evaluation of proposals for listing or other types of recognition, beyond the scope of this report.

Recommendation

9.18 **I recommend no modification in response to this objection.**

CHAPTER 10

IMPLEMENTATION, MONITORING AND REVIEW

APPENDICES A TO H TO PART 1 OF THE PLAN

Objections

18/70506	English Nature
175/51441	Hallam Land Management
175/51442	Hallam Land Management
291/53177	Mr A S Goodenough
313/51921	The House Builders Federation

Supporting Statement

41/51088	Countryside Agency
312/51592	Government Office for the South West

Issues

- a. Clarity and detail of monitoring framework.
- b. Public consultation.
- c. Accuracy of appendices

Reasoning and Conclusions

- 10.1 There is no doubt in the context of PPG3 of the high importance of monitoring the performance of the land allocations of the Plan. This is a process essential to the management of land supply. To achieve it, a clearly detailed monitoring framework must be laid down within the Plan itself. On that framework will depend the efficacy of phasing land release to give due priority to the re-use of previously developed land, a requirement in some tension with the necessary timely achievement of the strategic Plan objective of providing sufficient housing in balance with employment in each settlement. This process is thus especially crucial to the major town housing sites as provided in policy (R)FH.2 and phased according to policy (R)FH.2a.
- 10.2 In this context, I find the relevant text paras 10.9 to 10.12 to be a far too general a description of the monitoring process. In my view this section should be substantially expanded to give clear definition of when and how the performance of the Plan, and especially the town housing allocations, will be reviewed, and sites re-phased where necessary, to ensure an adequate, ongoing land supply. This needs to be achieved within the terms of the Plan, without the necessity of awaiting formal Plan review, and avoiding the requirement for fresh analysis of land supply issues in connection with individual planning applications.
- 10.3 The Plan should itself undertake a detailed commitment that regular review of its performance will take place, based on a clear matrix of informatives from all potential providers of information, including the private sector of the development industry. This should be established through advance agreement on targets and indicators and the form and frequency of data collection by way of tabular questionnaires and records.
- 10.4 Particular points for monitoring emerge from my conclusions and recommendations elsewhere in this report. Monitoring should be as site-specific, detailed and transparent as possible, involving close examination of all categories of housing and

employment supply and need examined in Chapters 2 and 3 of Part 1. I there note residential intensification and conversion rates as being in particular need of improved monitoring. Any impact of my recommended deletion of Restriction on Development policies on housing supply on small unidentified sites should also be detected.

- 10.5 Given the important strategic link between employment and housing in achieving the Plan’s aim of sustainable, balanced settlements, close attention also needs to be paid to the uptake, conversion or re-allocation of employment land to correspond with the rate of new housing development in each town or village. This will involve regular review of the practical delivery of previously developed sites especially. Efforts should also be made to identify locations for employment corresponding with housing allocations in settlements other than the main towns, as I recommend in connection with policy (R)FE.4.
- 10.6 In addition the effectiveness of all the Plan’s qualitative provisions should be subject to monitoring. An appropriate methodology for this whole process is the First Deposit Monitoring Framework [LPD18] coupled with the Monitoring Manual to RPG10 [SWRDA May 2002]. Chapter 10 should be redrafted accordingly before formal adoption of the Plan.
- 10.7 Appendices A to H should be reviewed and updated to present the latest information available from the agencies concerned.

Recommendations

- 10.8 **I recommend that Chapter 10 be redrafted on the lines of the Monitoring Manual to RPG10 taking into account and Monitoring Framework Document LPD18, as described above.**
- 10.9 **I recommend that Appendices A to H be reviewed to include the latest information from the agencies concerned.**