PLANNING AND COMPULSORY PURCHASE ACT 2004
SECTION 20

REPORT ON THE EXAMINATION INTO THE CINDERFORD NORTHERN QUARTER AREA ACTION PLAN
DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 26 July 2011
Examination hearings held on 18 and 19 October 2010

File Ref: PINS/P1615/429/6
Abbreviations Used in this Report

AA  Appropriate Assessment  
AAP  Area Action Plan  
CS   Core Strategy  
DCLG Department for Communities and Local Government  
DPD Development Plan Document  
EIA Environmental Impact Assessment  
FC   Forestry Commission  
FPC Further Proposed Change  
FW   Forest Waste  
HCA Homes and Communities Agency  
LDS Local Development Scheme  
LH   Lesser Horseshoe  
LP   Local Plan  
LTP Local Transport Plan  
NPPF National Planning Policy Framework  
NQ   Northern Quarter  
NU   Northern United  
PC   Proposed Change  
PPS Planning Policy Statement  
RS   Regional Strategy (draft)  
SA   Sustainability Appraisal  
SAC Special Area of Conservation  
SCI Statement of Community Involvement  
SCS Sustainable Community Strategy  
SF   Statutory Forest

Non-Technical Summary

This report concludes that the Cinderford Northern Quarter Area Action Plan Development Plan Document provides an appropriate basis for the planning of the area over the next 15 years. The Council has sufficient evidence to support the plan and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Amend policies 10, 15 and 21, as well as their supporting text, to fully acknowledge the ecological interest of the site;
- Amend Figure 11 (and others) to reflect the revised alignment of the proposed new spine road;
- Add new policies on Minerals and Waste and amend the supporting text accordingly, including with reference to sub surface mineral resources.

Most of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. They do not alter the thrust of the Council’s overall strategy.
Introduction

1. This report contains my assessment of the Cinderford Northern Quarter (NQ) Area Action Plan (AAP) Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paras 4.51- 4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for the examination is the submitted AAP of July 2011, which is the same as the document published for consultation in April 2011, as amended by the Council’s Proposed Changes (PCs). It was made clear at the Pre Hearing Meeting that all of these changes would be accepted as minor ones; not directly related to soundness.

3. The Further Proposed Changes (FPCs) put forward by the Council during the examination hearings and shown in Appendix A are all directly related to soundness. Together with the PCs, they have all been subject to further public consultation and I have taken the responses into account in writing this report. I am also content for the Council to make any minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.

4. This report also deals with the additional changes that I recommend are needed to make the DPD sound and they are identified in bold in the report (IC) and set out in Appendix B. None of these changes materially alters the substance of the plan and its policies, or undermines the sustainability appraisal and participatory processes undertaken by the Council.

Assessment of Soundness

General

5. The passing of the Localism Act on 15 November 2011 finally confirms that the draft Regional Strategy (RS) for the South West will not be pursued further and that the neither the Council’s Core Strategy (CS) nor the AAP has to follow its policies. However, as referred to in the DCLG Chief Planning Officer’s letter to Local Planning Authorities of July 2010, the evidence and background information underlying the recent regional planning process remains relevant. In the absence of any alternative up to date studies, it remains reasonable and realistic for the Council to rely on that information, as well as the CS, to help provide a sound evidence base for the AAP. I have also had regard to the draft National Planning Policy Framework (NPPF) document, issued for consultation on 25 July 2011, but it is still in draft form and subject to change so have accorded its policies little weight.

Main Issues

6. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified four main issues upon which the soundness of the plan depends.

1 - Vision, Objectives, Strategic Role and Character Areas
1.1 – Does the plan have a sound spatial strategy/vision and objectives, having regard to the local context and needs?

7. In common with those of the CS, the vision and objectives for the NQ seek the implementation of a significant mixed use scheme on a sufficiently strategic scale to deliver a major improvement in the overall economic prospects of Cinderford. In particular, the spatial strategy recognises the need to provide a greater range of jobs, improve education and enhance the quality of the built environment in the town. This is entirely in accord with the relevant national guidance, including PPS 4 and the emerging NPPF, in addressing the comparative underperformance of the local economy relative to others in the district, county and region. The AAP also reflects a long history of community support for action to enhance public services and facilities in Cinderford.

8. Some representors argue that too much time, attention and public money is being directed to Cinderford, to the detriment of other towns and the rest of the forest and that this site in particular is too difficult and expensive to develop. However, the town centre and local service/commercial sectors are clearly underperforming economically, with an urban fabric that also needs improvement. All these factors are detrimental to local job opportunities as well as Cinderford’s present public image and, apart from the NQ, there is an obvious scarcity of developable land of any scale in and around the town.

9. This site provides a clear and major opportunity to utilise public resources, which may well not be available to use elsewhere, to overcome practical constraints and deliver new employment alongside local services and facilities in an attractive setting. This should benefit the economy of the whole town, its businesses and residents, as well as encouraging more tourists/visitors. Given that there would be no loss of the recreational value of the Linear Park, in which significant public resources have also been invested in the recent past, including in respect of access and usage, the AAP is considered to be sound, in principle, in responding to the local context and current needs.

10. The eight themes in the AAP are comprehensive in their coverage. They take into account the concerns and issues that emerged during public consultation, as well as the special opportunities that using the assets of such a site on the edge of the town present for improving the local economy, services and facilities. In particular, the “strategic amenity hub” (policy 1) should widen the direct benefits of the project to surrounding villages.

11. At the same time, the vision and objectives fully acknowledge the sensitive natural environment and attractive wooded landscape into which the development would be set and the importance of careful masterplanning and detailed design to minimise and/or mitigate potential ecological impacts. This is also reflected in the satisfactory ongoing Sustainability Appraisal (SA) process that has been appropriately undertaken at each stage to date. In such circumstances, it is concluded that the spatial strategy, vision and objectives are sound and the strategic role envisaged for the NQ is not only consistent with the CS but also national guidance such as PPS 1 and PPS 4, as well as the emerging NPPF.

1.2 – Are the policies and proposals consistent with national guidance and the CS, and/or supported by clear and robust evidence?
12. Cinderford is not a “deprived area” if considered on generally accepted social and economic measures and in the national context. Nevertheless, all the available evidence points to a general and persistent economic under-performance when compared to other Forest towns and the county as a whole. In this local context, the CS properly seeks to positively address the situation. Therefore, the total numbers and targets for new development in the AAP derive directly from it, notably in policy CSP.11. The AAP also emphasises that both the mixed use nature of the scheme and its co-ordinated delivery over time are equally essential elements for successful implementation.

13. In particular, the new college should specifically address identified educational under-attainment locally. It should also act as an economic catalyst for new employment, not least by its deployment of substantial public resources into the town, including improved road access and public transport. The extensive technical evidence that supports the proposals, albeit not yet complete in certain respects, such as mining legacy, nonetheless provides reassurance that likely practical difficulties, such as general ground conditions, have been anticipated and properly taken into account in the masterplanning work undertaken to date. This includes in respect of flood risk and drainage through the Level 2 Strategic Flood Risk Assessment, as now endorsed by the Environment Agency.

14. Other options have been considered. However, largely due to their physical, landscape and/or access constraints, no other areas on the town’s periphery are considered capable of accommodating a significant mixed use development with the potential to make a major contribution to revitalising the local economy. The fact that much of the NQ site is owned by public bodies, principally the Forestry Commission (FC), and that public money has been allocated for direct investment in this locality by the Homes and Communities Agency (HCA) reinforces the conclusion that it is the most appropriate and suitable location in and around the town, in principle.

15. Policy 2, relating to sustainability, properly recognises that not all site specific matters can (or should) be resolved at the AAP level but that ongoing SA at each more detailed stage continues to be essential. It is also clear that some flexibility is available for detailed amendments to be made, if necessary, and that an Environmental Impact Assessment (EIA) will be required to accompany any planning application(s). Accordingly, it is concluded that the policies and proposals are sound in principle, as well as justified by the available evidence.

1.3 – Is the strategic role of the Northern Quarter properly defined and are the Character Areas suitably identified?

16. Given the location on the edge of Cinderford, the physical definition of the NQ, with boundaries largely along the A4136 to the north west and A4151 to the north east, incorporating the Northern United (NU) site to the west and part of the Linear Park to the south, is clear and logical. The total area is also of sufficient scale to facilitate a comprehensive redevelopment project comprising complementary uses, whilst still retaining the majority of land open and undeveloped. Given its scale and close relationship with the present built up area of the town, successful development of the NQ should make a significant positive contribution to the future economic prospects of Cinderford and thereby help to fulfil the aims and objectives of the CS.
17. Within the defined NQ, the identification of five character areas in policy 6 is principally based on existing uses, general development potential and constraints, as well as accessibility considerations. It has also been sensibly influenced by practical implementation and phasing issues to assist delivery. Taking into account minor adjustments to address flooding concerns, there is no evidence that this process has been flawed in any way or requires significant amendment. Therefore, it is concluded that the NQ in total and the character areas individually have been suitably identified in the AAP.

2 - Urban Design, Transport and Land Use

2.1 – Is the approach to the built environment and sustainable design soundly based and consistent with national guidance, including regarding heritage assets, and is it reasonable and realistic bearing in mind associated costs?

18. In line with the relevant national guidance in PPS 1 and elsewhere, the AAP aims to deliver a high quality scheme, incorporating distinctive buildings that will enhance the physical environment of the locality once completed. Between them policies 7, 8 and 9 set detailed and challenging standards for delivery to help ensure this outcome on a co-ordinated basis over time.

19. Given the evident commitment of the many and various public sector organisations involved, including the HCA, the FC and Glos. College, as well as the Council, there is no reason to doubt their joint ability to meet these specific requirements. Bearing in mind the content of policies CSP.2 and CSP.3 of the CS and their consistency with national guidance and local circumstances, including in terms of economic viability, nor is there any firm evidence to indicate that the associated implementation costs would be unrealistic or unreasonable spread over the plan period.

20. Regarding heritage assets, policy 12 refers specifically to the results of the County Council’s 2009 study of the site’s archaeological and historic features being taken into account in any proposals, including at Steam Mills as well as NU. Also, acknowledging the particular requirements of policy CSP.1, it is clear that the policy approach on this matter is consistent with the most up to date national guidance in PPS 5 and should ensure that the local historic and architectural interest of the area is appropriately respected. Accordingly, policies 7 – 13 inclusive and the overall approach of the AAP to the built environment and sustainable design are considered to be sound.

2.2 – Are the transport policies and proposals consistent with national guidance, including PPS 13 and the CS, and are they clear and deliverable in the plan period?

21. It is generally acknowledged by all involved that better accessibility is essential if the site’s full potential is to be realised, including for public transport and with Cinderford town centre in terms of walking and cycling. Thus, the proposed new spine road from the NU site in the north west to Broadmoor Road in the south east is clearly a vital element of the overall scheme. It would also have considerable benefits in providing a new “entrance” to the town from the north off the main A4136 road and for the Steam Mills area. Building the new road from the south eastern end first to serve the new college site as part of phase 1, albeit subject to a full EIA of the
detailed design, is also sensible in principle to "kick-start" the scheme. The HCA remains committed to the project, with adequate funding in place and the County Council, who are designing the new road route and junctions, have included the scheme in their 2011 Local Transport Plan 3.

22. At present, some flexibility has to remain in relation to the exact route alignment in the vicinity of the NU site. This is due to potential influences on the important bat colonies that require a sustainable detailed design solution. Moreover, the route as a whole needs to include habitat mitigation measures set out in policy 15, as now amended by the Council’s FPCs that are particularly important for soundness in this context. As a consequence, the Council’s latest revised Figure 11: Phase 1 plan (October 2011), tabled at the hearings, indicates more accurately a suitable alignment and I therefore recommend that it should replace the version in the submitted document (IC 1), in addition to the Council’s FPCs to policy 15.

23. Policies 16 and 17 properly require the provision of an extensive network of pedestrian and cycle links, within and outside the overall site, with all new homes expected to be close to jobs, shops, bus stops and other facilities on foot and by cycle, in accordance with national guidance in PPS 13. In terms of public transport, under policy 18, the college campus is to function as a new hub for local bus services, with increased frequencies that should also benefit the town as a whole. In the light of all of the above, it is clear that, subject to the Council’s FPCs and IC 1, policies 14 – 19 inclusive and the transport elements of the overall proposals are sound and sensible to assist delivery, as well as consistent with the relevant national guidance and the CS.

2.3 – Are the proposals for growth and change in this area appropriate and justified in terms of their economic and social impacts?

24. Both PPS 4 and the emerging NPPF emphasise the importance of new economic development, together with the necessary supporting infrastructure and in parallel with new housing. The aims, objectives and policies of both the CS and the AAP fully support this general approach in the current local context, notably for Cinderford. If successful, the AAP proposals should deliver a major boost to the town’s economy, by directly and indirectly increasing and widening job opportunities, as well as enhancing and expanding the range of local services and facilities for both residents and visitors.

25. In particular, a new further education college should provide a significant benefit to local educational attainment and aspirations. It would be an important community asset in its own right, as well as helping to attract other businesses and enterprises to the site and town, both directly and indirectly. As a result, considerable social and community, as well as commercial, benefits should follow, helping to improve the town’s prospects and prosperity. It may therefore be concluded that the local economic and social impacts of the AAP proposals are likely to prove very positive in all respects.

2.4 – Are the proposals for new education and community facilities, open space and recreation etc suitable to meet local needs?

26. The new Glos. College campus is intended to not only be the focus and a vital initial component in the delivery of the overall scheme, but also an economic catalyst to attract complementary and related employment uses to the site.
Moreover, as now committed (July 2011), the college would offer significantly enhanced facilities for students in an attractive location that should also be reasonably well served by public transport.

27. In such circumstances, it should provide a substantial improvement on the further education options and services available locally and materially reduce the need to commute to institutions further afield, including outside the county. Taking into account Glos. College’s recent track record of similar successful schemes, including in Gloucester and Cheltenham, and the evident strong commitment to this one, the education facility envisaged would constitute a major benefit of the scheme, as well as meeting local needs.

28. In addition to policies 5 and 25 of the AAP, any specific requirements for additional community facilities and services arising directly from the development would also be assessed under policy CSP.9, including in respect of open space to serve the new housing proposed. This should ensure that suitable provision is made, including for the emergency services if necessary.

3 - Environment, Landscape, Minerals, Waste and Energy

3.1 – Are the proposals for growth and change in this area appropriate and justified in terms of their landscape, environmental, ecological and biodiversity impacts?

29. Development on the scale envisaged inevitably has an impact on the local landscape on and around the site. It would lead to some views changing, including from surrounding development and the various paths that cross the site, including the long distance Gloucestershire Way. However, the northern part of Cinderford is not subject to any statutory or non statutory landscape designations. Moreover, the site location is such that there are no significant long distance public views, apart from glimpses from paths between trees on the opposite side of the valley to the east and north east, which would be materially affected by the AAP proposals.

30. In addition, policy 7 requires a Masterplan and Design Codes to be adopted to ensure that a high quality of development is achieved and policy 11 limits the height of new buildings to three storeys, notably around Steam Mills Lake. Even so, some new structures might well be visible from some parts of Cinderford but this is specifically intended to act as a visual link and enhance future integration between the new development and the present town.

31. The clear design concept is for high quality buildings in a semi rural setting with a well wooded backdrop, to the north and west in particular, also taking advantage of the lake and its tributaries. Augmented as proposed with green buffer zones, wildlife corridors, pedestrian/cycle links and new planting this provides the best prospects for minimising any harmful landscape impacts initially and, potentially, overall enhancement in the long term.

32. In the same way, the retention of the Linear Park in the southern part of the AAP area, which is a locally defined key wildlife site, should ensure that the public access benefits of the land reclamation works of the early 1990s following opencast coal extraction would not be lost. Overall, therefore, the landscape impact of the proposals should be limited in effect and extent and not such as to outweigh the likely economic and social advantages of the
scheme, particularly over time.

33. Many concerns have been expressed in relation to the potential local environmental and ecology/biodiversity impacts of the scheme. However, as now amended by the Council’s **FPCs**, policy 10 and its supporting text, plus figure 15, provide an appropriate and comprehensive framework against which to assess detailed proposals. In particular, policy 15, with the significant additions in the **FPCs** relating to the design of the new spine road that are necessary for soundness, now also addresses the specific issues concerning primary bat corridors, including at the junction with the A4136. The fact that Natural England now endorses these policies as consistent with national guidance in PPS 9, Circular 06/2005 and Biodiversity 2020 (DEFRA - April 2011) and satisfactory reinforces these conclusions.

34. The Habitats Regulations Screening Assessment (HRSA) (March 2011) (CD 121) identified features, sensitivities and threats, as well as conservation objectives and specifically, six potential significant effects, as well as where mitigation measures and future assessment may be necessary to avoid them. It also said that more detailed work would be required at a later stage, including on bat foraging and commuting routes, as well as roosting sites, so that bat movements on and around the site would be better understood.

35. However, this was not the first assessment work carried out on the NQ site, as some representors seem to have assumed, as the presence of the Lesser Horseshoe bat colony was well known beforehand. In fact, the colony has been monitored since at least 2003 and the artificial bat roost house constructed at public expense in 2004 to help ensure their sustainable future on the site in accordance with relevant legislation.

36. Following the HRSA, further extensive survey work, including radio tracking of bats, was carried out over Summer 2011 as reported in the Council’s updated (Sep 2011) Keynote Paper on Biodiversity and Nature Conservation (CD 5A). This identified that the primary bat foraging areas are not within the areas proposed for development in the AAP but that at least four important flight corridors from the main roosts around the NU site need to be protected in any detailed scheme.

37. With hindsight, it may well have been preferable for the Council to have carried out the AA process earlier, ideally before the CS and AAP were submitted, particularly in view of the level of local concern about the proposals relating to possible environmental impacts. However, the Council has acted at all times in accord with the advice of NE, the relevant statutory advisor. The fact that other plans elsewhere in the south west have been assessed at different stages does not invalidate or undermine the work that has now been done in this instance and it has been appropriate in its content and coverage to meet the relevant legal requirements.

38. As para 98 of Circular 06/2005 confirms, there is no requirement to undertake additional surveys to satisfy professional curiosity. Whilst more details could have been provided earlier in some respects, the test is whether further work was needed to assess the likely significant impacts, as it is not necessary to consider every possible limited or very detailed impact that would not have an influence on the form and content of the AAP proposals.
39. Notwithstanding, the Appropriate Assessment (AA) (CD 5a) subsequent to the HRSA concluded that five particular changes to the AAP would ensure that there are no significant negative effects as a result of the proposals. Suitable amendments have now been made to the policies and proposals of the AAP in the **FPCs** and all are clearly required for soundness. Moreover, flexibility remains in terms of the exact design and location of the new spine road, which will be subject to an EIA, and particularly the junction with the A4136 so that it can be adjusted to take into account potential mitigation measures.

40. These could include underpasses, culverts, hedges, “green bridges” and minimal lighting, as well as new tree and shrub planting/screening. In extremis, it is not out of the question that the new junction itself could be moved, presumably to the west. Accordingly, it may be concluded that an acceptable detailed design can be delivered, without excessive cost or delay, to enable the new spine road to be built.

41. Policy 26 deals directly with European Nature Conservation Designations and refers specifically to the Wye Valley and Forest of Dean Bat Sites Special Area of Conservation (SAC) about 1.5 km away from the NQ site as supporting about a quarter of the current UK population of Lesser Horseshoe bats. It also confirms the need for ongoing AA under the Habitat Regulations as more detailed proposals emerge. I recommend adding an important reference to the network of breeding and wintering roosts to which those on the AAP site make a valuable contribution, even though not within the designated SAC itself, into para 5.104. This is necessary for soundness (**IC 4**).

42. Surveys indicate that great crested newts are present in and around the ponds within the Linear Park but not in areas that would be directly affected by the AAP’s development proposals. Nevertheless, as a protected species, it is appropriate that the overall scheme incorporates measures to retain and enhance their local habitat, where possible, and following the AA, the AAP has been amended accordingly by the Council. However, under policy 10 and the supporting text, including para 5.40, which refers to making good use of the site’s environmental assets, such as the lake and forest edges, the scheme is required to improve biodiversity as part of an agreed overall strategy. Specifically, the reconfiguration of Old Engine Brook, as described in para 5.45, provides an opportunity for amphibian habitat creation/enhancement, quite close to the present breeding ponds used by great crested newts.

43. Similarly, given the positive co-operation already evident between the various public sector bodies involved, including the FC, the overall biodiversity strategy required under policy 10 should be capable of delivering net habitat enhancement for other species as well, both protected and not, including adders, butterflies and moths. In particular, the felling and thinning of coniferous woodlands of around 5 hectares on and around the AAP site to create rides and glades, together with the creation of two new ponds, including on land south of the proposed college car park, have already been identified as potential habitat enhancement measures for these species. Notably, a butterfly distribution corridor has also now been proposed to enhance their local habitat as part of the overall scheme.

44. Natural England has been continuously involved in all relevant stages of the AAP process to date, in accordance with Circular 06/2005 and PPS 9 guidance.
Moreover, there is no reason to doubt that the close co-operation on the SAC and related nature conservation issues relevant to the AAP scheme will not continue, also including the other public sector bodies directly engaged.

45. In common with Natural England, I am therefore satisfied that a sustainable future for the Lesser Horseshoe bat colony, and for other protected species, including other bats, on this site is achievable alongside the development. However, as discussed at the hearings, to fully clarify the position relating to subsequent detailed proposals two further small changes to the wording of paras 5.46 and 5.104 are required for soundness (IC 2 and IC 3).

3.2 – Are the proposals consistent with national minerals, waste and energy policies and guidance, as well as the CS?

46. The Council has responded to criticisms of the AAP in relation to minerals and waste issues by including three new policies on mining legacy (30), sterilisation of mineral resources (32) and waste (33), together with further supporting text, in the FPCs. Save in one aspect, these new minerals and waste policies are satisfactory and consistent with national guidance and the CS, with the wording endorsed by the Coal Authority amongst others. It is not essential that they include specific references to the role of the County Council as the minerals and waste planning authority as nothing in the policies or elsewhere in the AAP can alter the legal position in this respect.

47. However, new para 5.122, concerning the need to consider potential extraction prior to development, refers twice to “surface mineral resources” when there are also known reserves below ground that must also be taken into account. Accordingly, for soundness, both references to “surface” should be deleted and I recommend accordingly (IC 5). In the light of the above and as the County Council is currently preparing a Minerals and Waste Strategy, it is not essential that this text is “upgraded” to policy status in the AAP.

48. Regarding energy, the AAP’s focus on renewables in policy 31 (formerly 30) and its supporting text is considered appropriate and in accord with national guidance. Moreover, the opportunity for linkages between uses as part of a co-ordinated masterplan, the overall scale of the development and the application only to the larger elements all reinforce the suitability of seeking a 20% renewables provision in this particular local context, without materially threatening the overall viability of the scheme.

4 - Delivery, Phasing, Implementation, Monitoring and Review

4.1 – Are the proposals deliverable in the timescale envisaged and with the phasing proposed, including in terms of providing the necessary supporting infrastructure?

49. The new college is now committed to be built in Cinderford (as of July 2011) and is intended to be the main anchor for the overall scheme. This is not just in terms of timing, in conjunction with the southern part of the new spine road in Phase 1, but also in relation to the delivery of public funding from the HCA. At the hearings it was confirmed that £14.75 million remains a committed funding approval. Some £6 million of this approval has already been expended to progress the overall scheme.
50. All the available evidence also demonstrates that a co-ordinated public sector effort, with an impressive list of relevant bodies and local/regional organisations committed to deliver the NQ proposals, is underway. In particular, the HCA and Glos. College are ready, willing and able to proceed. The possibility of the college’s acceptance by government/Skills Funding Agency as an exemplar eco project, thereby attracting additional funding, could only assist in this respect.

51. The proposed phasing, with the new education facility and the southern part of the spine road to connect it to the main road network coming first, is logical and appropriate. It should act as a catalyst for new commercial enterprises, whether directly/indirectly related or not, as well as additional local services and facilities, not least better bus links. Starting in this way also allows more time for the very detailed technical issues around the exact new road alignment near the NU site to be fully and sustainably resolved and the AAP necessarily retains some flexibility in that respect.

52. Considerable technical and design work, albeit by no means all that will eventually be necessary, has been completed in support of the proposals, including in relation to flood risk and ground conditions. As a result, all significant potential constraints appear to be realistically capable of satisfactory resolution in the course of the more detailed planning application process. This includes surface water drainage matters, involving the use of sustainable urban drainage systems.

53. Notwithstanding earlier practical concerns relating to the extensive and detailed mining legacy across the site, in the light of the Council’s FPCs the Coal Authority is also now satisfied that the AAP is sound in these respects and that delivery is realistic. This is despite considerable work, albeit mostly affecting the northern part of the area and not the new college site, remaining to be completed in the interests of health and safety. Consequently, the proposals are considered to be realistically deliverable.

4.2 – Is the plan reasonably flexible to assist implementation and does it enable adequate monitoring and review of its effectiveness and delivery?

54. Beyond Phase 1, the remainder of the proposed phasing is suitably indicative rather than fixed and could be altered should circumstances so dictate to assist delivery. Similarly, within the five identified character areas, the land allocations are largely generic rather than overly specific. They are therefore capable of minor amendment without prejudice to the delivery of the overall scheme within the plan period to facilitate implementation should this prove necessary. Accordingly, the plan is considered to be reasonably flexible.

55. The Council’s Annual Monitoring Report will constitute the main monitoring component and provide most of the necessary evidence on which to assess the success or failure of delivery, and what alternatives might realistically be pursued in the event of the latter. The Monitoring Keynote Paper (CD 86) has further clarified what is set out in Chapter 6 and Table 3 of the AAP and provides reassurance that the relevant monitoring indicators to be utilised should be sufficient. Accordingly, it ensures that the effectiveness of the implementation of the AAP would be adequately monitored.

56. In the absence of any specific commitment otherwise, it may reasonably be
assumed that the Council would intend to conduct a review of the AAP around 5 years after adoption and this is considered appropriate. However, in the event of serious difficulties arising, with consequent delays to implementation, this would need to be conducted earlier.

**Legal Requirements**

57. My examination of the compliance of the Cinderford Northern Quarter Area Action Plan with the legal requirements is summarised in the table below. I conclude that the Cinderford Northern Quarter Area Action Plan meets them all.

<table>
<thead>
<tr>
<th>LEGAL REQUIREMENTS</th>
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<tbody>
<tr>
<td>Local Development Scheme (LDS)</td>
<td>The AAP is identified within the approved LDS of 2007 which sets out an expected adoption date of February 2012. The AAP’s content and timing are compliant with the LDS.</td>
</tr>
<tr>
<td>Statement of Community Involvement (SCI) and relevant regulations</td>
<td>The SCI was adopted in 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission Proposed Changes (PC) and Further Proposed Changes (FPC).</td>
</tr>
<tr>
<td>Sustainability Appraisal (SA)</td>
<td>SA has been carried out and is adequate.</td>
</tr>
<tr>
<td>Appropriate Assessment (AA)</td>
<td>The Habitats Regulations AA Screening Report (March 2011) sets out why continuing AA is necessary.</td>
</tr>
<tr>
<td>National Policy</td>
<td>The AAP complies with national policy except where indicated and changes are recommended.</td>
</tr>
<tr>
<td>Core Strategy (CS)</td>
<td>The AAP is in general conformity with the CS.</td>
</tr>
<tr>
<td>Sustainable Community Strategy (SCS)</td>
<td>Satisfactory regard has been paid to the SCS.</td>
</tr>
<tr>
<td>2004 Act and Regulations (as amended)</td>
<td>The AAP complies with the Act and the Regulations.</td>
</tr>
</tbody>
</table>
Overall Conclusion and Recommendation

58. I conclude that with the further proposed changes proposed by the Council, set out in Appendix A, and the changes that I recommend, set out in Appendix B, the Cinderford Northern Quarter Area Action Plan DPD satisfies the requirements of S20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore, I recommend that the plan be changed accordingly.

Nigel Payne

Inspector

This report is accompanied by:

Appendix A (separate document) - Council’s Further Proposed Changes.

Appendix B - Changes that the Inspector considers are needed to make the plan sound.
Appendix B – Changes that the Inspector considers are needed to make the plan sound

These changes are required in order to make the Area Action Plan sound.

<table>
<thead>
<tr>
<th>Inspector Change No.</th>
<th>Policy/Paragraph/Page</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>IC1</td>
<td>Figure 11 – Phase 1 (and all other Figures 12 – 28).</td>
<td>Replace with October 2011 version (and Figures 6-10 and 12 – 28).</td>
</tr>
<tr>
<td>IC 2</td>
<td>Para 5.46</td>
<td>Add “and improve” after “maintain” in line 4.</td>
</tr>
<tr>
<td>IC 3</td>
<td>Para 5.104</td>
<td>Replace “River Wye” with “Wye Valley”.</td>
</tr>
<tr>
<td>IC 4</td>
<td>Para 5.104</td>
<td>Replace all after “population” in third sentence with “covering a network of both breeding and maternity roosts.”.</td>
</tr>
<tr>
<td>IC 5</td>
<td>Para 5.122</td>
<td>Delete “surface” (twice) from lines 2 and 4.</td>
</tr>
</tbody>
</table>