

Berry Hill, Christchurch and Edge End Neighbourhood Plan

Examiner's Clarification Note

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

Initial Comments

The Plan is very well-presented. It provides a clear and distinctive vision for the neighbourhood plan area. It addresses an extensive series of issues and includes a comprehensive suite of policies.

In addition, it is clear that there has been a close overlap between the evolution of the Neighbourhood Plan and its consultation and evidence base. The Plan also takes account of the emerging Forest of Dean Allocations Plan. This is best practice and follows the approach set out in Planning Practice Guidance.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the Plan area.

I am now in a position to raise some initial issues for clarification. They are designed mainly for the Parish Council. I set out later in this note where clarity is also required from the District Council. The comments that are made on these points will be used to assist in the preparation of my report and any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

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

General Policy clarification

Policy HP1.1 – What is the definition of 'small-scale' development? Is it the same as the definition in the Core Strategy?

Policy HP1.2 – What is the likelihood of the Primary School relocating? Have alternative school sites been identified? If so how would the two separate developments be related to each other?

Is the second part of the policy a land use policy or a statement about the provision of services by the education authority?

Are sites 1-5 intended to be housing allocations? In particular are the sites outside the settlement boundary intended to be Rural Exception sites?

Should site 4 be included in Table 1 rather than as a site with potential for development?

Policy HP2.1– What is meant by 'some developments'?

Policy HP2.2 – What is intended by the final sentence of this policy? What are the ‘standards’?

Policy HP2.4 – Would this policy apply both inside and outside the settlement boundaries?

Policy HP3.1 – As H2.4

Policy HP3.2 – Is the policy a land use policy? Or is it the application of the FoDDC policy in its capacity as the housing authority?

Policy HP3.3 – How would the Parish Council expect this policy to be applied by FoDDC? Should it be a policy about house sizes (which the planning system can control) rather than their eventual occupation (which in most cases it cannot control)?

Policy HP3.5 – To what extent does this policy add any distinctive value to existing development plan policies?

Policy HP4.1 – Is it appropriate for a neighbourhood plan to require compliance with the Building Regulations in general, and to optional standards in particular?

Policy HP4.3 – Is the policy a land use policy? In any event does it imply that developments that do not use local employment/contractors/materials will not be supported?

Policy HP4.4 – How would the definition of ‘sufficient’ car parking spaces to be clear to a potential developer? Is the policy effectively requiring the provision of car parking spaces to development plan standards?

Policy HP5.1 – To what extent does the policy restate the approach captured in the NPPF? Is there a particularly significant local dimension to the policy?

Policy HP5.2 – This ‘policy’ reads as a series of planning conditions rather than as a policy. Was this the intention? In any event to what extent does the approach restate the approach already adopted to such matters by FoDDC?

Policy TR1.1 – This reads as a non-land proposal rather than as a policy. Was this its intention?

Policy TR1.2 – Does the Parish Council wish to comments on the representations made by Gloucestershire County Council?

Policy TR1.3 – As TR1.2

Policy TR2.1 – Is the use of ‘support any development’ deliberate? Has the Plan considered the unintended consequences of a very literal application of the policy? Should it say that the Plan will support proposals where they otherwise comply with development plan policies?

What is the purpose of the final sentence of the policy? Does the Parish Council wish to comments on the representations made by Gloucestershire County Council?

Policies CE1.1 to CE1.3 and CE2.1 to CE2.3 – As I read this combination of policies I conclude that there are general policies and then a separate policy for proposed Local Green Spaces and other open spaces. Is this correct?

Policies CE2.2 and 2.3 are schedules of LGSs and other open spaces. Are they intended to be safeguarded through the application of policy CE1.3?

If this is the case is it appropriate that the same policy approach is applied to both LGSs and other open spaces given that the approach in paragraphs 76-78 of the NPPF only applies to LGSs?

Is there any reasoning behind the identification of the proposed LGSs in two separate policies?

Are the Forest Waste areas those areas shown in green on Maps 1 and 2?

Policy CE3.2 - This reads as a non-land proposal rather than as a policy. Was this its intention? If not, how is it intended to be implemented by a private developer?

Policies CE4.1/CE4.2 - To what extent do the policies restate the approach captured in the NPPF? Do they have a particularly significant local dimension?

Policies CE6.1 to CE6.4 – the policies have little internal consistency. Policy CE6.4 is plainly a policy. ‘Policies’ 6.1/6.2 are objectives. ‘Policy’ 6.3 is also an objective written in a negative format. Please can the Parish Council explain the purpose, intention and format of this suite of policies?

Policy EC1.4 – does the use of the expression ‘in some instances’ refer to proposed developments that comply with the four stated criteria?

Policy EC2.2 – I can see the cross reference in the policy to Policy FA1.1/1.2. Is there any specific need for this policy when the principal details on Five Acres come later in the Plan?

Policies EC3.1/3.2 – I can understand the thrust of the policies. Nevertheless, neither policy specifies the type of development that will be supported. Policy EC3.1 requires the demonstration of connectivity and EC3.2 requires that new developments should ‘aim’ to have internet connectivity. Was this intentional? If so how would the Parish Council expect FoDDC to apply the policies in a consistent and transparent way?

Policy CO1.1 – This ‘policy’ reads as an objective. How is it expected to be applied through the development management process?

Five Acres Policies (FA1.1-1.3) clarification

I looked at this site in considerable detail on my visit to the Plan area.

Does the Parish Council wish to comment on the representations of both the FoDDC and the Homes and Community Agency?

Given the contents of Planning Practice Guidance (ID:41-009-20160211) would it be more appropriate for the policy to follow the approach as set out in the emerging Local Plan Policy AP58?

Has the policy been tested for viability?

Should the policy be modified so that it sets a positive context for the sustainable development of the site through a master plan?

I can see that the existing playing field is proposed as a LGS (LGS4) in other parts of the Plan. In matter of fact terms its identification meets the NPPF criteria. Nevertheless, are all parties satisfied that this designation will not otherwise prevent a viable development coming forward on the wider site as promoted in both the FoDDC Allocations Plan and the submitted neighbourhood plan?

In policy FA1.2:

- Is the potential new location for the Gloscol use directly relevant to the policy?
- Why is the future ownership of the site considered to be relevant?
- Why does the policy seek to restrict housing development on the site only to affordable housing units? Does it serve a clear planning purpose? What impact will it have on the viability of the proposed development package?

Protocol for responses

I would be grateful for comments by Tuesday 22 August 2017. Please let me know if this timetable may be challenging to achieve. It is intended to maintain momentum on the examination. I would also be grateful for comments from the District Council on the Five Acres sites and on the policies where I have questioned how it would (or would be expected) to implement the policies through its delivery of day-to-day development management decisions. Please will each party ensure that the other is provided with a copy of its responses.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses make direct reference to the policy or topic concerned and indicate whether it is from the Parish Council or from FoDDC.

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Independent Examiner

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1 August 2017