

Mitcheldean Neighbourhood Development 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 provides a distinctive vision for the neighbourhood area.

The presentation of the Plan is good. The difference between the policies and the supporting text is very clear. The maps are very effective. The use of colour is helpful to the layout of the Plan. The photographs are particularly helpful and well-chosen

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council. There is also a separate question for the District Council

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan.

Questions for the Parish Council

Policy H1

With a tightly-defined settlement boundary and a strong focus on the re-use of brown field sites is the Plan likely to bring forward sustainable development in a positive fashion?

Yes.

- NDP has responded positively to community consultation responses and sought to ensure Mitcheldean remains a vibrant village with a central community and redundant buildings (some of which are in disrepair/dangerous) are brought back into use and used for housing development.
- There are no brownfield sites outside the settlement boundary.
- Going outside the settlement boundary would produce unsustainable isolated communities reliant on the car and encroach on identified environmentally sensitive countryside as identified by the Glos Local Nature Partnership and in line with Micheal Gove's 25 year Environmental Plan and the FODDC Adopted Bat Strategy.
- Additional potential housing sites to the allocations plan have also been identified such as the Townsend House site now being marketed for sale by Alder King for development and the redundant Farm Plan building.
- George Site has been granted planning permission this year.
- Parish Council may contemplate a Community Housing Scheme if planning doesn't come forward in a reasonable timeframe.
- In line with NPPF – 63 and 68, 118 and 119
- In line with Allocations Plan 29.2

- In line with NPPF 15- (conserving & enhancing the natural environment) 170 a) – protecting & enhancing valued landscapes, sites of biodiversity or geological value and soils & b) recognising the intrinsic character & beauty & the wider benefits from natural capital & eco-system services including the economic & other benefits of the best & most versatile agriculture land...
- In line with FODDC - CSP1, CSP4, CSP5, AP1, AP7

To what extent are the final parts of the policy on parking requirements in general conformity with District Council policies?

Is this part of the policy necessary?

Responded to feedback from consultations and followed FODCC design and guidance

Policy H2

Does the reference to Protection Zones in this policy directly relate to the Zones as shown on Map 8 and referenced in Policy E4 (6)?

Wilderness is included in E4 due to the topography and landscape restrictions/sensitivity.

Map 8 refers to the Environmentally sensitive areas as given by Glos Local Nature Partnership, in line with Michael Gove's 25 year Environmental Plan, plus protected due to the valued Landscape Character Assessment, setting and views.

Updated Map attached illustrates the "protection zones" and reasonings.

Is there any evidence to support the Parish Council's assertions about the two landscapes in the fourth paragraph of the policy? Is the approach one of a strategic nature and not directly for a neighbourhood plan to address?

Landscapes are locally important to the setting of the village being in a "bowl" and its distinctive and valued views. Impact of development has been considered. In line with Core Strategy and NPPF

NDP has identified Brownfield sites within the settlement boundary and these should be prioritised for development in order to protect outlying environmentally sensitive areas and to ensure retention of the community?

In line with preventing isolated communities and building in open countryside or within SSSI impact zones where it is not necessary to do so as there is a suitable alternative of brownfield sites within the settlement boundary.

Habitat and Species Regulations 2017 Regulation 55 (9) Derogation tests, test 2 – "there should be no satisfactory alternative" = we have positively identified satisfactory alternatives.

Core Strategy 6.24, 6.4, 6.5, 6.6 (inc. squatter settlement patterns), & 6.8

To what extent does the Parish Council consider that the section on brownfield land (paragraph 2) has regard to national policy?

In line with NPPF 118, 119, 63 and 68

NDP has identified Brownfield sites within the settlement boundary and these should be prioritised for development in order to protect outlying environmentally sensitive areas and to and in line with preventing isolated communities, building in open countryside or within SSSI impact zones.

NB there are currently no brownfield sites outside the settlement boundary.

To what extent does the Parish Council consider that the section on agricultural land (paragraph 3) has regard to national policy?

In line with NPPF 170 (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

In line with the Government's "Safeguarding our Soils Strategy" and Natural England's Agricultural Land Classification System – best and most versatile land/soils.

Policy B1

It appears that criteria 1-9 refer to the statement about new or expanded employment development. It then appears that points 10-13 inclusive are separate policies. Was this the Parish Council's intention?

All points to be included as policies.

Policy B2

In Section 3a) is there a conflict between local policies and this part of the submitted policy? Could the development identified take place if the habitats issue could be safeguarded by conditions?

- No - it would still be unsustainable as there would be a reliance on the car
- No – landscape would still be harmed
- In line with FODDC adopted Bat Strategy policy – cannot mitigate for loss of habitat due to the specific requirements of the horseshoe bat and proximities of the static position of the SSSI hibernation mines and roosting sites and larger landscape scale connections (Natural Englands SSSI Impact zones, SAC, European Protected Species)
- In line with NPPF174a and 174b
- In line with FODDC Destinations Management plan whereby central tourist hubs identified do not include Mitcheldean.
- Habitat and Species Regulations 2017 Regulation 55 (9) Derogation tests, test 2 –“ there should be no satisfactory alternative” = we have positively identified satisfactory alternatives There are other more suitable sites within the district in less environmentally sensitive areas (Glos Local Nature Partnership)

- No – Local tourism visitor segmentation is established. Policy positively supports the commercial viability of responsible and sustainable tourism of the current visitor offer and experience and to avoid conflict or spoiling the landscape/views that they come for and experience e.g. from the identified viewpoints and public footpaths.

Policy B3

The second part of this policy repeats the third part of Policy B2. Was this intentional?

Yes. To reinforce and they overlap but could refer one to the other.

Policy AC1

The fifth criterion appears to be a separate policy rather than the fifth of five criteria. Is this assumption correct?

Whatever is the case, does the fifth point meet the basic conditions? How will the government funding be achieved? What would be the threshold to which this policy would apply?

Use of Section 106 Agreement

Policy AC2

The assessment of the proposed Local Green Spaces is very well-organised. However please can you advise on the size of the parcels of land concerned.

Areas 1/3/4/5/6 are adjacent parcels of land. To what extent do they have common or separate management regimes?

Each parcel of land has a different amenity use and therefore a different/separate maintenance regime commensurate with that use.

1. 2.49 Acres Harp Grove - Private Ownership with public footpaths. Used by dog walkers
3. 2.97 Acres Recreation Ground, Football Field drainage maintained by a third party contractor for the parish. Grass cutting of pitch undertaken by Contractor approx. every 2 weeks. Childrens play area mowed 16 times a year and grass banks 4 times a year by contractor, PC ground staff strim & mow the more difficult areas eg around the bollards and gym equipment. Area used for football matches and events.
4. 0.18 Acres Glebe Close, mowed 6 times a year by contractor with vegetation cut back by ground staff as required. Open space
5. 1.0 Acres Dirt Jumps, cut/strimmed 4 times a year by contractor with vegetation cut back as required by ground staff. Used by older children on bikes.
6. 2.58 Acres Sheeps Field – ground staff strim around trees and footpath as required, grass cut 4 times a year by contractor. Used by dog walkers. Dog walkers encouraged to use this area rather than recreation ground.

At the end of the policy there is reference to land north of Carisbrook Road and the Castiard Valley as 'valued open green space'. What is the purpose of this part of the policy? Am I correct in concluding that they are not intended to be designated as Local Green Spaces?

Not local green space should be in Landscape Assessment as significant as part of the landscape setting of Mitcheldean e.g. topographically in a bowl.

Policy E1

The fourth criterion appears to be a separate policy (on the conservation area) rather the fourth of four criteria. Is this assumption correct?

Yes

Policy E2

I am minded to recommend a modification to this policy so that it has regard to national policy on the balance between importance of the asset and the significance of the potential harm caused by the development.

Does the Parish Council have any comments on this proposition?

Would expect Conservation/Heritage consultants to be consulted to assess the importance/significance (of both heritage and non-heritage assets identified) of any development proposal of the asset itself or development in proximity to assets that could cause harm.

Policy E3

The latter parts of this policy appear to overlap and/or repeat other policies. Please can the Parish Council comment on this matter?

Yes policies do overlap.

Policy E4

On what basis have the Protection Zones been identified in the sixth part of the policy?

Landscape Character, views and setting

Glos Local Nature Partnership identified Environmentally Sensitive Areas and part of larger landscape wildlife corridors. Michael Gove's 25 year Environmental Plan.

Forest of Dean adopted Bat Strategy (inc. Davod Priddis response) – Retention of dark skies.

Retention agricultural land on the forest fringes is optimum habitat for the foraging and commuting rare bats (European Protected Species) NPPF 174a and 174b

Is a blanket restriction on development necessary to achieve the wildlife objectives of the policy? In any event is a more stringent policy than the approach taken in Green Belts necessary?

Yes

FODDC - Adopted Bat Strategy to protect and enhance interlinked habitats and wildlife corridors for the horseshoe bat. SAC.

Protection of hedgerows for the bat habitat and landscape character, setting and views

Response from consultant David Priddis

Natural England SSSI Impact Zones as part of the SAC

Michael Goves adopted 25 year Environmental Plan

Glos Local Nature Partnership larger landscape plan

Preservation of Dark Skies NPPF 180c

In line with NPPF 174a and 174b, 176a

Habitat and Species Regulations 2017 Regulation 55 (9) Derogation tests, test 2 –“ there should be no satisfactory alternative” = we have positively identified satisfactory alternatives
There are other more suitable sites within the district in less environmentally sensitive areas (Glos Local Nature Partnership)

Policy E5

The policy reads as a series of objectives rather than as a policy. Please can the Parish Council elaborate on its intention for this policy?

These objectives should be written into a policy in order to protect the landscapes, views and hedgerows and setting.

Question for the District Council

The Plan places significant emphasis on the allocation/delivery of the three housing sites in the neighbourhood area in the Allocations Plan. Please can I be given an update on the delivery of the three sites?

Representations

Does the Parish Council have comments on any of the representations made to the Plan?

- No brownfield sites have been identified outside the settlement.
- The NDP is alignment with the FODDC aims in relation to the environment.
- NDP supports the FODDC Bat Strategy, Biosphere and AONB application proposals.
- The NDP recognised the importance of David Priddis response and the ongoing bat surveying/tracking in conjunction with Natural England.
- Response to Gladmans remains the same. See objection letters from the Parish and NDP group to the refused application on land north of Carisbrook Road – Planning Application
- Ref Plainview Planning – Basic Conditions have been met. Consultations were wider than the initial drop in, it was also about engagement. Locality guidelines for methodology was used.

Protocol for responses

I would be grateful for responses and the information requested by 4 July 2019. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

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 could it all come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Mitcheldean Neighbourhood Development Plan.

18 June 2019