

Berry Hill, Christchurch and Edge End Neighbourhood Development Plan 2016-2026

**A report to Forest of Dean District Council on the
Berry Hill, Christchurch and Edge End
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Forest of Dean District Council in June 2017 to carry out the independent examination of the Berry Hill, Christchurch and Edge End Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 31 July 2017.
- 3 The Plan includes a series of policies and seeks to bring forward positive and sustainable development in the plan area. It has a focus on safeguarding its character and appearance, promoting appropriate housing and stimulating sustainable economic development. The Plan is very distinctive to the neighbourhood area and has been presented and prepared in an exemplary fashion.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to the series of recommended modifications set out in this report I have concluded that the Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
3 October 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Berry Hill, Christchurch and Edge End Neighbourhood Plan 2016-2026 ('the Plan').
- 1.2 The Plan has been submitted to Forest of Dean District Council (FoDDC) by West Dean Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by FoDDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both FoDDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment on behalf of the Parish Council. The conclusion of the Screening Report was that the Plan would not have any

significant environmental effects. A proportionate Statement of Reasons is included within the screening opinion. In summary, the screening report adopts its conclusion for the following reasons:

- the limited geographic spread of the Plan;
- its effects are limited and no new allocation are identified;
- the Plan does not create a new framework or programme beyond those that already exist (including the Core Strategy);
- the Plan provides policies to assess the impact of development; and
- the Plan includes environmental and associated mitigation issues.

2.7 The required consultation was carried out with the three prescribed bodies and the responses received are included within the report. The wider screening report is exemplary in its approach. Its conclusion is immediately apparent and is underpinned by a comprehensive and relevant range of information.

2.8 FoDDC has also prepared a Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The assessment has been produced in a similar standard to the SEA screening report. It was screened in both April 2016 and January 2017 as the Plan was refined during that period. This approach is best practice. In reaching its conclusion the report took account of:

- any potential impacts on the River Wye and Severn SAC;
- any potential impacts on the Wye Woodlands and the Walmore Common SACs;
- any potential impacts on the Wye Valley and Forest of Dean Bat SAC; and
- any potential impacts on the Severn Estuary SAC/SPA Ramsar site

2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The various reports set out a robust and compelling assessment of the relevant information. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

2.11 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan and its various maps.
 - the Basic Conditions Statement.
 - the Consultation Statement and its Appendix 1
 - the FoDDC SEA and HRA reports.
 - The Plan character assessments
 - the representations made to the Plan.
 - the adopted Forest of Dean Core Strategy 2012.
 - the saved policies in the Forest of Dean Local Plan 2005.
 - the Forest of Dean Allocations Plan Submission Draft 2015 and the Main Modifications (April 2016).
 - the National Planning Policy Framework (March 2012).
 - Planning Practice Guidance (March 2014 and subsequent updates).
 - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 31 July 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised FoDDC of this decision early in the examination process.
- 3.4 Section 7 of this report sets out a series of recommended modifications to the policies in the submitted Plan where this approach is necessary to ensure that they meet the basic conditions. The FoDDC will need to consider the various recommended modifications and decide what action to take in response to each recommendation in turn.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the Regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement provides an appropriate balance of detail and presentation. It designed and presented in a complementary fashion to the Plan itself and other related documents. It provides specific details on the consultation process that took place on the draft version of the Plan from November and December 2016. The Statement sets out how the emerging plan took account of the various comments and representations.
- 4.3 Section 2.4 and Section 5 of the Statement also set out a summary of the wider consultation techniques that have been used throughout the evolution of the Plan. Details are provided about:
- The engagement of the Gloucestershire Rural Community Council;
 - A stakeholder workshop (February 2013)
 - Meetings with community groups and organisations;
 - The Enquiry by Design Workshop (October 2013)
 - The organisation of two drop in events (October 2013 and June 2015); and
 - Specific consultation on the Five Acres site.
- 4.4 The Consultation Statement provides very useful information on the various events, the publicity materials and the survey results. Various photographs give a useful flavour of the approaches taken and the key issues that were addressed. This approach provides a very strong sense of assurance that the local community has been engaged in the plan-making process.
- 4.5 On this basis it is clear to me that consultation has fundamentally underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the limited number of representations received to the submitted plan (see 4.8 below) and their generally positive nature.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the

opinions of all concerned throughout the process. The FoDDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 4 July 2017. This exercise generated comments from the following persons and organisations:

- Theatres Trust
- Sport England
- Environment Agency
- Gloucestershire County Council
- Showmen's Guild
- Charles Taylor
- Forest of Dean District Council
- Natural England
- Gladman Developments Limited
- Historic England
- Homes and Communities Agency

4.9 As part of my examination of the Plan I have taken account of all the comments received.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area sits to the immediate north of Coleford. In 2011, it had a population of 2477 persons. It was designated as a neighbourhood area on 21 January 2013.
- 5.2 The Plan area is irregular in shape. It includes the whole of the ward of Berry Hill together with the contiguous inhabited areas of Christchurch ward extended to include the settlement of Edge End to the east. The majority of its built development is within the village of Berry Hill itself. The village sits to the north of the A4136 which is one of the main roads in the District. The Five Acres site is located in the southern part of the Plan area to the immediate north of the A4136.
- 5.3 Edge End sits as a separate small settlement in the eastern part of the Plan area. It is laid out around the A4136. The majority of its built form is to the north of the main road. The Plan area is surrounded to the north, west and east by very pleasant countryside that is typical of the wider Forest of Dean area. There are several impressive and extensive views to the north from the northern parts of the Plan area. The views from Edge End are particularly extensive.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Core Strategy 2012 together with the saved policies of the Forest of Dean Local Plan 2005. The Core Strategy sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the District up until 2026. The Plan has been designed to respect this period.
- 5.5 Policy CS14 of the Core Strategy identifies Berry Hill as a part of the area covered mainly by the Coleford urban area to its south. Specific growth levels are identified within that policy and are largely provided with Coleford itself. Edge End is identified as a small village within the context set out in Policy CS16. In these villages, new housing and employment opportunities are likely to be limited.
- 5.6 The Basic Conditions Statement has very helpfully listed the policies in both the adopted development plan documents with which the Plan is considered to be consistent. It highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.7 At the time of the examination a separate inquiry was taking place on the FoDDC Allocations Plan. This Plan sets out key allocations to supplement the adopted Core Strategy. That Plan includes the allocation of the Five Acres site (AP58).

- 5.8 The existing development plan has provided a clear and strong context for the preparation of the neighbourhood plan. The submitted plan provides a distinctive local dimension both to national policy and to the policies in the Core Strategy. It also takes account of the emerging Allocations Plan.

Visit to the neighbourhood area

- 5.9 I carried out an unaccompanied visit to the Plan area on 31 July 2017. I approached the Plan area from Herefordshire to its north.
- 5.10 I initially went to the Five Acres site. I saw its relationship to the A4136 and the surrounding land uses. I looked in particular at the relationship between the buildings and the open spaces to the north. I saw the area of proposed local green space.
- 5.11 I then drove to the heart of Berry Hill at the junction of Park Road and Coverham Road. I saw the concentration of shops and other commercial services.
- 5.12 I then took the opportunity to walk up Nine Wells Road. I saw the Primary School. In walking up the hill I saw the character of the village become more open. I was also able to experience the extensive views over open countryside.
- 5.13 I continued my visit by walking along Park Road to Christchurch. Whilst in that part of the Plan area I looked at some of the proposed local green spaces.
- 5.14 I also took the opportunity to walk along Ross Road to the south and into Kells Road and onto the proposed local green space (LGS3). I saw that the playground concerned was both well-maintained and well-used.
- 5.15 I then drove to Edge End along the A4136. I looked in particular at the two proposed local green spaces. I was rewarded with spectacular views to the north from Area 1.
- 5.16 In order to get a full impression of the Plan area I drove around the Plan area in general, and along the roads leading to the north from Berry Hill/Christchurch, and from Edge End to Coleford.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document. It follows other submission documents in terms of its design, format and presentation.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the submitted Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
- actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.
- taking account of and supporting local strategies to improve health, social and cultural well-being.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and recent ministerial statements.

6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the

future of the plan area and promotes sustainable growth. At its heart are a suite of policies that aim to bring forward sensitive housing development to meet local needs, to safeguard its inherent character and to identify and to allow for the improvement of valued community facilities. It also proposes the designation of local green spaces. It sets out an imaginative policy to shape the future development of the important Five Acres site.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the original publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence. As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.9 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension, the Plan includes policies to promote sensitive new residential development and to promote business start-ups and working from home. It proposes a comprehensive mixed-use package on the Five Acres Site. In the social role, it includes policies to promote affordable housing and to protect important community facilities. In the environmental dimension, the Plan positively seeks to protect the distinctive character of the neighbourhood area. It seeks to preserve and enhance wildlife corridors and proposes a policies on tree planting and local landscape character.

General conformity with the strategic policies in the development plan

- 6.10 I have already commented in detail on the development plan context in the wider Forest of Dean District Council area in paragraphs 5.4 to 5.8 of this report.
- 6.11 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Core Strategy. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy/saved Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in the Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan has largely been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan

- 7.8 The introduction to the Plan set the scene for the range of policies. It does so in a concise and proportionate way. The Plan is presented in an exemplary and professional way. It is colourful and makes a very effective use of high quality photographs and maps. It makes a very clear distinction between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies. The Plan also includes high quality maps.
- 7.9 The Foreword to the Plan sets out the Plan period and its overarching vision. The vision itself strikes an appropriate balance between protecting and enhancing the natural beauty of the Plan area on the one hand with supporting economic regeneration, and employment and leisure development on the other hand. This then cascades into a series of measures about how the vision will be achieved.
- 7.10 The Introduction provides a very clear context to the neighbourhood plan process. In particular it sets out a brief description of the various settlements in the Plan area in an interesting and proportionate way. This description is supported by several well-

chosen photographs and maps. The casual reader is left in no doubt about the character, appearance and distinctiveness of the Plan area.

Policies in General

- 7.11 The Plan policies are helpfully set out to respond to important identified objectives and key local issues. The presentation of the Plan will ensure that decision-makers have clarity on its policies. These are produced in a colour-coded fashion. The Plan's structure is very easy to follow for the decision-maker, the developer and the local community alike.

Housing Policy 1

- 7.12 This policy sets out the Plan's approach to the delivery of new housing in the Plan area. It also addresses proposals for the Berry Hill Primary School. The third part of the policy addresses the design of new houses
- 7.13 Policy HP1.1 addresses two separate matters. The first is the general location of new housing development within the settlement boundary and the second is its support for small-scale development. On the latter point small scale is not defined in the Plan. The Parish Council has proposed to define small scale as five dwellings in its response to my Clarification Note.
- 7.14 Given the way in which the settlement boundary is drawn it is probable that most new infill developments will be small scale in nature. However, the Core Strategy places no such restrictions on the size of new development in the Coleford part of the District. Any proposal within the neighbourhood plan to introduce a size restriction without any detailed justification would not be in accordance with important strategic policies in the Core Strategy. Plainly the size of individual schemes will be informed by the size of the site concerned and the application of development management policies. I recommend that any reference to small scale is removed. This approach would also be consistent with the second part of the policy which supports the potential of the Berry Hill School for housing purposes should the school relocate.
- 7.15 The second part of the policy addresses the potential to redevelop the Berry Hill school for residential purposes should it relocate at some point. The Parish Council has clarified the position on this matter as part of the examination. Whilst there is no certainty on the matter this policy will make a positive statement about its potential future use. If developed in this fashion it would have regard to national policy by boosting the supply of housing land in the Plan area. I recommend modifications to bring clarity to the policy. As drafted it touches on civil matters (covenants) and matters to be addressed separately by the education authority (the delivery of educational facilities in the Plan area).
- 7.16 The third part of the policy touches on design and amenity issues. I recommend modifications to its structure so that it has the clarity required by the NPPF. In particular I recommend the deletion of the second criterion. It would be impractical to

implement on a consistent basis both in general terms and for the decision maker to come to a view on the size required for a 'productive' family garden.

In HP1.1 delete 'small-scale' and 'including infill on sites'

Replace HP1.2 with:

'Proposals for the redevelopment of the Berry Hill Primary School as shown on the Policies Map will be supported.'

In HP1.3 replace 'must' with 'should'

At the end of the first criterion add 'in the immediate locality of the proposed development; and'

Delete the second criterion

Housing Policy 2

- 7.17 This policy supplements Policy HP1. It addresses current and future demographic trends and the needs of different social groups. It has four parts. HP2.1 addresses rural exception sites. HP2.2 refers to the design standards of open market and social housing. HP2.3 refers to design issues and HP2.4 promotes self-build housing.
- 7.18 I sought clarification from the Parish Council on this suite of policies. As submitted some of the policy elements are less than clear and others have the potential to conflict with the delivery of District-wide local policies.
- 7.19 I recommend the deletion of HP2.1. This approach was agreed by the Parish Council. In effect, the policy does not establish what is meant by 'some developments'. In any event rural exception sites can be determined on their merits by FoDDC.
- 7.20 I recommend modifications to the other components of the policy to ensure that they have the clarity required by the NPPF. In particular I recommend that HP2.4 makes direct reference to other development plan policies to prevent unintended consequences.

Delete HP2.1

Replace the first sentence of HP2.2 with:

'Proposals that deliver new housing proposals will be supported where their design and distribution do not differentiate between open market and social housing'.

Delete the final sentence of HP2.2.

In HP2.3 replace 'will' with 'should' and 'delivered' with 'designed'

In HP2.4 replace 'any with 'other' and 'can embrace' with 'embraces' and 'meets the needs...will be supported' with 'meets the identified housing needs

of local people will be supported where they conform with policies in the neighbourhood plan and other development plan policies.'

Housing Policy 3

- 7.21 This suite of policies sets out to ensure that affordable housing is delivered in the Plan area to meet the needs of local people. The various policy components address general affordable housing numbers and their long-term retention, the needs of first time buyers and families, and the needs of the elderly and disabled. Policy HP3.2 makes specific reference to the Five Acres site.
- 7.22 I recommend the deletion of HP3.1 (general affordable housing) and HP3.5 (the retention of affordable housing). They do not add any local distinctiveness to existing development plan policies. I also recommend the deletion of HP3.2. It sits far more comfortably within the wider context of the Five Acres policies later in the Plan.
- 7.23 The other two policy components are appropriate and are underpinned with relevant information. I recommend modifications so that they have the clarity required by the NPPF.

Replace HP3.3 with the following:

'Proposals which deliver houses to meet the needs of first-time buyers and families will be supported where they conform with policies in the neighbourhood plan and other development plan policies.'

Replace HP3.4 with the following:

'Proposals which deliver houses to meet the needs of the elderly and persons with disabilities will be supported where they are located close to key facilities.'

Housing Policy 4

- 7.24 This policy sets out a series of design expectations for new residential development. It is very distinctive to the Plan area. I sought clarification from the Parish Council on some elements of the policy.
- 7.25 I recommend a series of modifications to the policy both to bring the clarity required by the NPPF and to ensure that the Plan has appropriate regard to national policy in general terms and the content of neighbourhood plans in particular. In HP4.1 I recommend the deletion of the references to the Building Regulations.
- 7.26 I also recommend the deletion of HP4.3. Whilst many of the developments in the Plan are likely to be undertaken by local builders the focus of the planning system is on the development itself and not the applicant/builder.

In HP4.1 replace 'must' with 'should' and are not likely to' with 'will not'

In HP4.1 replace the final sentence with:

‘All developments should otherwise conform to the Forest of Dean District Council Residential Design Guide or its equivalent if replaced or updated in the Plan period’

In HP4.2 replace the various references to ‘must’ with should’

Delete HP4.3

Replace HP4.4 with:

‘New development proposals should provide off road car parking spaces to development plan standards.’

Housing Policy 5

- 7.27 This policy seeks to ensure that new developments are resilient to the effects of climate change, flooding and that they take account of sustainable water and sewage management. I sought clarification from the Parish Council on the extent to which HP5.1 added any local value to guidance already included in the NPPF and on the structure of HP5.2 which reads as a series of planning conditions rather than as a policy
- 7.28 Taking all matters into account, including the representations made to the policy, I recommend that the policy is deleted. Policy HP5.1 adds no local distinctiveness to national policy and HP5.2 addresses issues that are planning conditions and not policies.

Delete HP5.1/HP5.2

Delete the supporting text

Transport Policy 1

- 7.29 This policy addresses a series of matters with the intention of providing good traffic management and promoting road safety.
- 7.30 Policy TR1.1 is not in itself a land use policy. Rather it is a proposal for the Parish Council to work with Gloucestershire County Council to promote a series traffic and transport initiatives in the Plan area. National policy anticipates that proposals of this nature may arise as part of the preparation of a neighbourhood plan. However, it comments that such policies should be located in a discreet part of the Plan and which would not form part of the development plan. Plainly these circumstances apply here and I recommend accordingly.
- 7.31 Policy TR1.2 seeks to ensure that developers mitigate the effects of inappropriate traffic on rural lanes. It has attracted a representation from the highways authority referring the national policy. I recommend modifications to address this matter. I also recommend a modification so that the policy adopts a positive rather than a negative approach. As submitted the policy seeks to address potential problem areas rather

than to identify what is required to avoid such problems in the first instance. This modified approach will generate the clarity required by the NPPF.

- 7.32 Policy TR1.3 promotes specific examples of traffic calming measures as those generally identified in TR1.1. I recommend a modification as that recommended for TR1.1

Reposition TR1.1 and TR1.3 to a separate part of the Plan addressing non-land use proposals

In TR1.2 add the following at the start:

Proposals for new development should be designed to ensure that they can be satisfactorily located within the highway network.

Insert ‘significantly and unacceptably’ between ‘add’ and ‘to’ and replace ‘must’ with ‘should’

Transport Policy 2

- 7.33 This policy sets out the Plan’s support for development which would maximise the opportunities for walking and cycling from the development concerned to shops and the wider range of community facilities in the Plan area. It has sustainable development at its core. I sought clarification on the intent of the policy and possible unintended consequences. This clarification also sought to address the representation made by the County Council.
- 7.34 It is this basis that I recommend a series of modifications to the policy. They bring about a stronger relationship with development plan policies and delete the part of the policy that would otherwise have placed an unreasonable burden on developers. I also recommend a modification to the title of the Transport section of the Plan to reflect the retention of some of the submitted policies (as addressed and modified in this report) and the relocation of the traffic management elements to a separate part of the Plan.

Replace the policy with:

‘Proposals that would maximise the opportunity for local residents to walk or cycle between new development and bus stops, schools, shops and other community facilities will be supported where they otherwise comply with policies in this Plan and with other development plan policies’.

Modify the section title from ‘Transport and Traffic Management’ to ‘Transport and New Development’.

Countryside and Environment Policy 1

- 7.35 This policy sets out the Plan’s approach towards open spaces and natural features in the Plan area. It has a degree of overlap with Policy CE2 which has a particular focus on the designation of local green spaces. Some of my recommended modifications

overlap with CE2 and have been informed by the Parish Council's very helpful response to my Clarification Note.

- 7.36 The thrust of these two policies respects the setting of the Plan area within the wider Forest of Dean. There are a variety of open spaces, some of which are designated as Forest Waste.
- 7.37 Policy CE1.1 sets out a general expectation for the provision of new natural landscaping within developments. CE1.2 identifies that development proposals are expected to maintain or enhance the natural features in the Plan area in general, and in relation to wildlife corridors in particular. Whilst the approach adopted in both policies stems from the supporting text the policies themselves are unclear in terms of their obligations on developers. They read as generalised expectations rather than as development plan policies.
- 7.38 Within the context of the Plan area I can see the appropriateness of the approach intended. I recommend that the policies are combined into a single policy which provides clarity both to the decision maker and to the developer.
- 7.39 CE1.3 sets out the policy implications for designated local green spaces. On this basis, I recommend that it is deleted from this policy and is incorporated into a wider package of recommended modifications associated with Policy CE2.

Replace CE1.1 and CE1.2 with the following:

'Proposals for new development should safeguard and where possible enhance the natural environment in the Plan area. Particular attention should be given in the design of development proposals to the retention of native trees, hedgerows, wetland areas and wildlife corridors. Proposals which would detract from the conservation and natural wildlife value of the Plan area will not be supported'.

Delete CE1.3

Countryside and Environment Policy 2

- 7.40 The policy sets out the Plan's approach to the identification and designation of local green spaces and other open spaces. It does so in a very comprehensive way.
- 7.41 Within this overall context the presentation of the Plan is unclear in two important areas. In the first instance, it fails to make a clear distinction between local green spaces and other open spaces. Plainly all are important locally. However, for the purposes of planning policy local green spaces have to be assessed against specific criteria in the NPPF. In simple terms, they should have more important characteristics than other open spaces. In the second instance, the identification of local green spaces in the Plan makes the distinction between those which are Forest Waste and those which are not. In the context of the Plan area this approach is understood. Nevertheless, for planning policy purposes it is irrelevant.

- 7.42 In neither the case of local green spaces nor of other open spaces do the policies identify the policy implications of these designations. I recommend a modification to address this matter. In part, it relocates the deleted part of CE1.3 into this policy.
- 7.43 On the matter of local green spaces I am satisfied that they all meet the criteria identified in paragraph 77 of the NPPF. The Plan's assessment of the matter is very helpfully set out in Table 4. I saw the various sites on my visit to the Plan area. In their different ways, they are obvious contenders for such designation.

Replace CE2.1/2.2/2.3 as follows:

'The following parcels of land as shown on the Policies Map are designated as local green space:

[List LGS1-5 and EE LGS1-2 (both reference and titles)]

New development will not be supported on land designated as Local Green Space except in very special circumstances'.

'The following parcels of land as shown on the Policies Map are identified as open space areas

[List OGS6-10 (both reference and titles)]

Proposals for development on the open spaces areas will not be supported unless:

- **it can be demonstrated that the open space concerned is surplus to requirements; or**
- **the loss resulting from the proposed development would be replaced by an equivalent or better provision in terms of quantity and quality in a suitable location; or**
- **the proposed development itself is for alternative recreational provision and which would serve the local community in an equivalent or enhanced fashion.'**

Countryside and Environment Policy 3

- 7.44 This policy addresses landscape issues, planting and the need to safeguard local character. It is a distinctive policy which reflects the Plan area.
- 7.45 CE3.1 sets out a policy on planting issues. It meets the basic conditions
- 7.46 CE3.2 sets out proposals for multi-agency landscape and habitat connectivity work. In its response to my clarification note the Parish Council agrees that the policy is not land use based and should be deleted. I recommend accordingly.
- 7.47 CE3.3 refers to local landscape character. I recommend modifications so that it has the clarity required by the NPPF by ensuring direct reference to the submitted character assessments in the Plan.

Delete CE3.2

Replace CE3.3 with the following:

‘Development proposals should be designed so that they are assimilated into the character of its immediate locality as set out in the Plan’s character assessments.

Development proposals should maintain any access from the site into the Forest.’

Countryside and Environment Policy 4

- 7.48 CE4.1 addresses landscape and scenic beauty and CE4.2 addresses heritage assets. I recommend that both of these policies are deleted. They add no value to national policy. The Parish Council has advised that CE4.2 addresses non-designated assets. Whilst I acknowledge this point such buildings are covered elsewhere in the Plan (in CO1.1).

Delete CE4.1/CE4.2

Delete supporting text

Countryside and Environment Policy 5

- 7.49 Policy CE5.1 provides commentary on the visual impact of development in the countryside. It comments that solar or windfarms will be subject to special scrutiny. However, the approach adopted is one of narrative rather than policy. In any event the issue is already addressed in national policy. On this basis, I recommend that the policy is deleted.
- 7.50 CE5.2 sets out robust policy guidance for renewable or low-carbon energy resources. It is underpinned by a series of well-constructed criteria. It meets the basic conditions.

Delete CE5.1

Countryside and Environment Policy 6

- 7.51 This suite of policies addresses general amenity issues including lighting, noise and privacy issues. CE6.1-6.3 are objectives rather than policies. On this basis, I recommend that they are deleted. CE6.3 refers to the underground disposal or storage of waste. These are ‘excluded’ matters which cannot be included in a neighbourhood plan.
- 7.52 CE6.4 refers to external lighting schemes. It sets out robust policy guidance on this matter. It is underpinned by well-constructed criteria. It meets the basic conditions.

Delete CE6.1/6.2/6.3

Economy Policy 1

- 7.53 This policy provides general support for new retail and business start-ups and the expansion of existing businesses. This policy (and the following two policies) respond in a sympathetic and distinctive way to the circumstances in the Plan area. Its economy is based on local businesses, many of which are small in scale. It also reflects a desire for a more sustainable community. At present many local residents need to travel elsewhere to work.
- 7.54 The policy is arranged in four parts. EC1.1 provides general support for new businesses. EC1.2 refers to proposals on existing employment sites. EC1.3 supports tourism related development. EC1.4 refers to home working. Whilst the four elements of the policy overlap to some extent I am satisfied that they are appropriate to the Plan area and tackle in their own way a series of employment-related issues.
- 7.55 Nevertheless, I recommend a series of modifications so that the policy components have the clarity required by the NPPF. This will allow them to be applied in a clear and consistent fashion by FoDDC throughout the Plan period. In particular I recommend the deletion of elements of EC1.1 that refer to viability and sustainability. Paragraph 21 of the NPPF is very clear about reducing planning burdens on business growth and development. In any event it would be impractical for start-up businesses to demonstrate their effectiveness on the ‘wellbeing of the neighbourhood area’.

EC1.1

Replace ‘provided’ with ‘where’.

Delete ‘can be shown.... NDP area. They’

EC1.2

Replace ‘provided’ with ‘where’

EC1.3

Replace the policy with:

‘Proposals that would stimulate tourism activity will be supported’

EC1.4

Replace the opening part of the policy with the following:

‘Insofar as planning permission is required proposals for home working will be supported where the development is:’

In the third criterion replace ‘significantly’ with ‘unacceptably’.

Economy Policy 2

- 7.56 This policy supports the expansion of tourist-related activities subject to five criteria. It overlaps to some extent with Policy EC1.3. The approach adopted has regard to the NPPF.
- 7.57 I recommend two modifications to the policy. The first deletes the word ‘sustainable’ from its initial part. Its application is not defined in the Plan and is likely to lead to Berry Hill, Christchurch and Edge End Neighbourhood Plan – Examiner’s Report

disagreements in the operation of the development management process. In any event the supporting text and the various criteria adequately set out the type of development that will and will not be supported. The second deletes the first criterion in the policy which is inherently unnecessary.

EC2.1

Replace the opening part of the policy with the following:

‘Proposals for the expansion of tourism-related attractions will be supported where they:’

Delete the first criterion

- 7.58 The submitted Plan includes a second component to the policy (Ec2.2) which refers specifically to the Five Acres site. It adds little if any value to the more comprehensive policy on this site which appears later in the Plan. I sought clarification on this matter from the Parish Council where this point was agreed. On this basis, I recommend the deletion of this part of the policy.

EC2.2

Delete policy

Economy Policy 3

- 7.59 This policy seeks to encourage and support the improvement of electronic connectivity in the Plan area. The policy sets out a specific significance for connectivity with the existing local fibre system or wider internet connectivity.
- 7.60 There is a degree of disjoint between the policy itself and the supporting text. The former places specific requirements on developers to ensure connectivity into existing systems. The latter highlights the strategic importance of electronic connectivity in the Plan area and the community’s wish to see it improved to support economic and social development.
- 7.61 Plainly the upgrading of existing networks will be managed and developed by communications companies in their own right. Other developers carrying out the usual range of residential and commercial development have neither the ability nor the remit to improve the overall standards of electronic connectivity.
- 7.62 On this basis I recommend a modification that replaces both policies with one which supports the installation of new electronic infrastructure. This will bring the clarity required by the NPPF and will make a better linkage between policy and supporting text.

Replace EC3.1/3.2 with:

‘Proposals for the consolidation, extension or upgrading of the fibre connectivity and internet access will be supported’.

Community Policy 1

- 7.63 This policy has a focus on the variety of community facilities in the Plan area. It is extensive given the range of facilities which it addresses. CO1.1/2/3 identify and safeguard undesignated heritage assets. CO1.4 addresses more general community facilities.
- 7.64 I recommend modifications to the various components of the policy so that they have the clarity required by the NPPF. In particular CO1.1 does not identify the level of protection that will be afforded to undesignated heritage assets. In particular it does not have regard to national policy which indicates that the responsibility for preparing local lists rests with the local planning authority (here FoDDC). The recommended modifications remove any direct reference to undesignated heritage assets as this is terminology usually associated with the preparation of a local list of heritage buildings. I recommend that the buildings are instead identified as 'character buildings'. The effect would be identical. I also recommend the deletion of UHA 6: TPO lime trees. By definition the trees concerned are already protected. The policy would also be far clearer if it included a schedule of buildings affected in a similar style to that adopted in CO1.4.

Replace CO1.1 with the following:

The buildings set out below and shown on Figure 14a are identified as important character buildings:

Tanyard

Spion Kop

The House of Bread

Christchurch School House

Salem Chapel and Band Hut

Brick House

Proposals for the demolition, redevelopment or substantial alterations to the important character buildings should demonstrate the consideration that has been given to retaining:

- **The important character building itself;**
- **Its most distinctive and important features;**
- **The positive elements of its setting and its relationship to its immediate surroundings; and**
- **The contribution that the building and its setting makes to the character of the local area.**

In CO1.4 replace 'on the map' with 'in figure 14a' and delete 'comprising the following elements'

At the end of the paragraph in the supporting text that straddles pages 50/52 of the Plan add:

'Whilst the Five Acres site is identified as a community facility in policy CO1.4 of this Plan it is recognised that the implementation of Policy FA 1 will have an impact on the overall mix of uses on this site. That policy sets out appropriate guidance on this matter.'

Community Policy 2

- 7.65 The policy sets out support for proposals for health and health care facilities. I recommend a modification so that it has the clarity required by the NPPF. As submitted it merely provides ‘positive encouragement’ for such proposals.

Replace the policy with:

‘Proposals for health care and health outreach facilities will be supported.’

Community Policy 3

- 7.66 This policy supports both proposals for a community orchard (CO3.1) and to produce locally-grown produce (CO3.2). In both cases the policy reads more as an objective than a policy. In neither case are any specific proposals identified.

- 7.67 To address these matters in general, and to provide the clarity required by the NPPF I recommend that the two policies are combined into a general, supporting policy.

Replace CO3.1/3.2 with:

‘Proposals to use land for a community orchard project or for other initiatives that would produce locally-grown food produce will be supported’.

Five Acres Policy 1

- 7.68 This policy sits at the heart of the Plan. It is based on exciting and emerging proposals for the redevelopment of this important site. It is located in the centre of the Plan area off the A4136. It represents the most significant development opportunity in the Plan area. It also represents the most significant opportunity for the Plan area to contribute towards the achievement of sustainable development.

- 7.69 The importance of the site is recognised in the FoDDC Allocations Plan. Policy AP58 of that Plan allocates the 18 hectares site for mixed development including education, recreation, tourism, open space employment community and possibly housing uses. The policy has attracted representations from FoDDC, the Homes and Communities Agency (HCA), the Theatres Trust and Gladman Development Limited. In most cases the representations relate to the relationship between the policy in the submitted Plan and Policy AP58 in the Allocations Plan. The matter is further complicated as Five Acres site in the submitted Plan occupies a more concentrated area than that in Policy AP58 of the Allocations Plan.

- 7.70 The eventual development of the various components of the site is being refined and developed. The Plan comments that the West Dean and Coleford Regeneration Board has been established to develop a master plan for the site and to secure its development with wider community support. In this context, it is important that the policy retains a degree of flexibility and respects the viability considerations that will need to be addressed. This is a key part of national planning policy and is reflected in the comments of the HCA.

- 7.71 The submitted policy reflects the current evolving discussions and negotiations on this site. This situation is also reflected in the comments by both FoDDC and the Parish Council to my clarification note. It is accepted by all parties that the project has not reached a sufficiently-mature stage to have generated a master plan. Similarly, it would be impractical for one to be promoted through the submitted plan in these circumstances.
- 7.72 Policy FA1.2 makes specific commentary on the potential for new houses on the site. It proposes around 40 dwellings. This takes account of the potential for the redevelopment of the existing primary school for residential development within the wider context of the development of Allocations Plan site AP58 (which refers to a total of 80 dwellings). I have commented on this matter in paragraph 7.15 of this report. The policy refers to specific restrictions which are commercial and project matters and not directly relevant to this policy.
- 7.73 Taking all matters into account, and to bring clarity to the policy in the context of the current circumstances, I recommend that the policy is recast to provide a supporting context to the on-going discussions and to the policy in the emerging Allocations Plan. I also recommend some associated modifications to the supporting text so that it has a closer and more functional relationship with the FoDDC's Allocations Plan. I recommend that the commercial and project matters that appear in FA1.2 of the submitted Plan are recast and repositioned into the supporting text. Plainly they will work themselves out as the project develops and as the Regeneration Board draws up its master plan.

Replace FA1.1-1.3 with the following:

'Proposals for the comprehensive redevelopment of the Five Acres (Gloscol) site as shown on Figure 17 will be supported.

All proposals should demonstrate how they relate to and secure the implementation of a master plan for the delivery of education, recreation, tourism, employment, community health and open space development.

Within the context of a comprehensive redevelopment of the site proposals for up to 80 dwellings will be supported where the dwellings concerned:

- **act as enabling development to support community health or other recreational uses; and/or**
- **form part of a mixed development in the event that there is not a viable community use for the wider site; and/or**
- **form part of a mixed development in the event that the entire site is not required for community uses and where part of the community provision is made elsewhere in the site included in the Allocations Plan AP58 or within the wider Plan area.**

The wider development package should be designed and arranged to ensure that it will have no significant adverse effects on the integrity of the River Wye and the Wye Valley Woodlands Special Area of Conservation.'

In the supporting text replace ‘The Five Acres.... (AP58)’ with ‘The area covered by this policy is a significant part of the wider site included in Policy AP58 of the emerging Forest of Dean Allocations Plan’

At the end of the paragraph that makes reference to the regeneration board (p.60) include the following additional text:

‘The wider package is likely to include the relocation of Gloscol to Cinderford, Northern Quarter and the transfer of the existing site to the Parish Council and to the District Council. These matters will be developed as the project evolves. In the case of the relocation of the Gloscol facility this will be subject to its own separate planning process.

- 7.74 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for FoDDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies

- 7.75 I have commented earlier in this report about the quality and the presentation of the submitted documents. This quality also extends to the two submitted maps (Map 1- the Plan area and Map 2 – an extract from the Allocations Plan map). These maps have been very helpful as part of the preparation of the neighbourhood plan and in engaging the general public in a clear and legible way.
- 7.76 Nevertheless in the event that the Plan is ‘made’ it will become part of the development plan and will need a degree of clarity as a Policies Map. On this basis, I recommend that two maps are retained. The first would be what is currently Map 1 (the neighbourhood area). The second would be the ‘Policies Map’ based on what is currently Map 2. For the purposes of the ‘Policies Map’ I recommend that it includes the information already captured in Figures 14a/14b/17. In effect, these are the key spatial policies of the Plan. The preparation of a single Policies Map will be invaluable for FoDDC as it implements the Plan through the development management process.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2026. It is concise and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Berry Hill, Christchurch and Edge End Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a series of modifications to the policies in the Plan. Nevertheless, it remains largely unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to the Forest of Dean District Council that subject to the incorporation of the modifications set out in this report that the Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 21 January 2013.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
3 October 2017

