

Forest Edge South Neighbourhood Development Plan 2022-2041

**A report to the Forest of Dean District Council
on the Forest Edge South Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by the Forest of Dean District Council in January 2024 to carry out the independent examination of the Forest Edge South Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 14 February 2024.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the character of the villages and the surrounding landscape.
- 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 a series of recommended modifications set out in this report, I have concluded that the Forest Edge South 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 area.

Andrew Ashcroft
Independent Examiner
10 April 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Forest Edge South Development Plan 2022-2041 (the 'Plan').
- 1.2 The Plan has been submitted to the Forest of Dean District Council (FDDC) by West Dean Parish Council (WDPC) 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 (NPPF) 2012 and its updates in 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It has a clear focus on maintaining the character and appearance of the neighbourhood area and safeguarding its landscape setting.
- 1.6 Within the context set out above, 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.
- 1.7 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 neighbourhood 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 FDDC, with the consent of WDPC, to conduct the examination of the Plan and to prepare this report. I am independent of both FDDC and WDPC. 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 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. 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 as submitted proceeds 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.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am 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.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 I have considered the following documents during the examination:

- the submitted Plan;
- the Basic Conditions Statement (including the SEA/HRA screening exercises);
- the Consultation Statement;
- the Design Guidance;
- WDPC's responses to the clarification note;
- the representations made to the Plan;
- the National Planning Policy Framework (December 2023);
- the adopted Forest of Dean Core Strategy;
- the adopted Forest of Dean Site Allocations Plan;
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 14 February 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.15 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.

3.4 The NPPF was updated in December 2023 after the Plan was submitted. Plainly this was beyond WDPC's control. For clarity I have assessed the Plan against the contents of the December 2023 version of the NPPF.

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 WDPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It captures the key issues in a proportionate way. The Statement is commendably brief with appropriate details in ten appendices.
- 4.3 The Statement comments about then distinctive phases of the consultation exercises as follows:
- Initial public consultation was undertaken in 2019 and 2020 to raise awareness of neighbourhood planning and how it could benefit Forest Edge South. Residents were asked to identify key issues within the area including what is important to the people of Forest Edge South and what they like and dislike about the area and how it could be improved. The responses from this consultation were then used to inform the draft vision and objectives for the Neighbourhood Plan. A summary of the findings from this consultation exercise are outlined in Section 2 of the Statement.
 - Drop-in sessions were held in 2019 to launch the plan preparation process. This was followed by both a Community and Voluntary Organisations survey and a Business and Employment survey (February and March 2020).
 - Consultation on the pre-submission Plan took place between March and May 2023. The responses and comments received during that consultation are detailed in Appendix 10 of the Statement.
- 4.4 The Statement also provides details of the way in which WDPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.5 I am satisfied that consultation has been an important element of 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.
- 4.6 From all the evidence provided to me as part of the examination, I am satisfied that WDPC sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by FDDC and ended on 30 January 2024. This exercise generated comments from the following organisations:

- Severn Trent
- Environment Agency
- Coal Authority
- Canal and River Trust
- Historic England
- Natural England
- National Highways
- Defence Industry Organisation

4.8 Two representations were also made by residents.

4.9 I have taken account of the various representations as part of the examination of the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is part of the parish of West Dean. The population of the parish in 2011 was 10242 persons living in 4527 houses. It was designated as a neighbourhood area in November 2017. The neighbourhood area sits in attractive countryside to the north of the A48 and Lydney.
- 5.2 The neighbourhood area consists of six villages and hamlets - Whitecroft, Pillowell, Yorkley, Oldcroft, Viney Hill and Parkend. Other than Parkend, they form a crescent at the southern edge of the Forest of Dean. As the Plan describes the delineation points between Whitecroft, Pillowell and Yorkley are hard to define. Oldcroft does enjoy some degree of separation from Yorkley and Viney Hill sits in its entirety. Pillowell is a Conservation Area as it encapsulates the traditions of Forest development. Access between the villages is from Main Road which connects with the B4234 at Whitecroft giving a southerly route to Lydney and the A48.
- 5.3 The character of the various settlements reflects their location at the southern edge of the Forest and the way in which they have been influenced by the natural environment. The villages have grown up from haphazard development which became more prevalent in the early and mid-19th Century coinciding with the growth of commercial mining. The juxtaposition of houses with their neighbours is often one of setting back or at different angles. The older houses often sit in large plots with gardens big enough to feed a family. Although many of the houses (built of stone with slate roofs) were originally small many have been extended and modernised. There are areas of more modern planning and layout within the villages. Oldcroft has a centre of twentieth century houses build around the older cottages, Parkend, Yorkley and Whitecroft have areas of twentieth century social housing. The style of housing is similar across all the villages.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Forest of Dean Core Strategy 2012 and the Allocations Plan 2006 to 2026. Collectively they set out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the District up to 2026.
- 5.5 Policy CSP4 of the Core Strategy sets out a focus for new development based around the existing settlements. It also includes a series of settlement-based policies. Parkend is identified as one of fifteen service villages within the context of Policy CSP16. Paragraph 7.65 of the Core Strategy comments that within service villages new housing and employment opportunities are likely to be small in scale. Whitecroft-Pillowell-Yorkley are identified as one of two sets of group villages.
- 5.6 The Allocations Plan 2026 was adopted in June 2018. It is complementary to the Core Strategy and provides further details about the key allocated development sites in the District. Sections 33 and 34 of the Plan comment about Oldcroft/Viney Hill and Parkend

respectively. Policies AP110 and AP111 of the Plan comment about employment uses at Lydney Road, Whitecroft and Whitecroft Scovill respectively.

- 5.7 FDDC is preparing a Local Plan for the period up to 2041. In due course, it will replace the existing development plan. WDPC has sought to work with FDDC to ensure that the submitted Plan will be complementary to the emerging Local Plan. The submitted Plan has been designed to correspond with this period.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned previous and existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

The Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 14 February 2024. I approached from Gloucester on the A48. This helped me to understand its setting within the wider landscape. I saw that the topography of the wider landscape was heavily influenced by the River Severn.
- 5.10 I left the A48 on Main Road and headed northwards to Viney Hill. The significance of the topography in the neighbourhood area was immediately obvious. I followed Main Road to Whitecroft and, in doing so, passed through Oldcroft, Yorkley, and Pillowell.
- 5.11 I looked at the proposed local green spaces in the various settlements. It was clear that they had been carefully-selected and contributed to the openness and attractiveness of the villages concerned.
- 5.12 I also looked at the various community facilities. I saw the importance of the recreation ground and the Community Centre in Yorkley.
- 5.13 From Whitecroft I drove to Parkend. I saw that it was more free-standing than the other settlements. I walked around the village centre and saw the significance of the village shop/ Post Office/café and the Dean Field Studies Centre.
- 5.14 I took the opportunity to look at the Parkend railway station. I saw that it had been beautifully-restored and contributed significantly to tourism and economic activity in the neighbourhood area.
- 5.15 I left the neighbourhood area by driving to the south to Lydney. This highlighted the relationship between the various settlements and the wider geography of this part of the Forest of Dean.

6 The Neighbourhood Plan and the Basic Conditions

- 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 and informative document. It is also proportionate to the Plan itself.
- 6.2 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;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under the following headings.
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in December 2023.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Forest Edge South Neighbourhood Plan:
- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Core Strategy, and the Allocations Plan;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 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.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 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 subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of distinctive policies to shape new development in the Plan period. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 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 (paragraph 16d). This matter is reinforced in Planning Practice Guidance. Paragraph ID: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.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Many 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

- 6.11 There are clear overlaps between national policy and the way in which the submitted Plan contributes towards sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for infill residential development (Policy 9) and for employment development (Policies 14 and 15). In the social dimension, it includes policies on community facilities (Policies 20 and 21), on housing mix and affordability (Policy 11), and on the needs of older people (Policy 12). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy 5), heritage assets (Policy 6), and biodiversity (Policy 2). WDPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the Forest of Dean in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the

development plan. Subject to the recommended modification in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan. Indeed, the Plan adds distinctive local value to the contents of the Core Strategy and the Allocations Plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement FDDC prepared a screening report. The resulting report (April 2023) is thorough and well-constructed. It assesses the environment implications of the objectives and the policies included the Plan. Following consultation with the three consultation bodies, it concludes that the Plan is unlikely to have significant environmental effects and thus does not require a Strategic Environmental Assessment (SEA).

Habitat Regulations Assessment

- 6.16 FDDC prepared a separate Habitats Regulations Assessment (HRA) screening report (March 2023). It is both thorough and comprehensive. It takes appropriate account of the significance of the following protected sites:
- the River Wye SAC;
 - the Wye Valley and Forest of Dean Bat Sites SAC; and
 - the Severn Estuary SAC/SPA/Ramsar.
- 6.17 The Assessment concludes that the Plan is unlikely to have significant effects on designated sites, either alone or in combination with other plans and projects.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with the appropriate regulations.

Human Rights

- 6.19 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. In addition, 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. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 The modifications 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 modifications 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 distinctive and proportionate to the neighbourhood area. The wider community and WDPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) 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. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies in the Plan.
- 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 section of the Plan (Parts 1-9)

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in an effective way. It makes good use of photographs and well-selected maps. A very clear distinction is made between the policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies. It focuses on distinctive issues within the parish and consolidates the approach already taken in the Core Strategy and the Allocations Plan.
- 7.9 The Introduction addresses the background to neighbourhood planning. It comments about how the Plan was prepared and how it will be used. This part of the Plan also includes a map of the neighbourhood area and describes the Plan period (in paragraph 1.3). It also explains how the neighbourhood plan process overlaps with national planning policies and the planning policies produced by FDDC. Finally, it comments about the structure of the Plan and its six topic themes. In the round it is a very effective introduction to a neighbourhood plan.
- 7.10 Section 2 of the Plan provides a range of helpful information about the neighbourhood area. Key elements of this analysis have underpinned the production of the Plan and its policies.

- 7.11 Sections 3-7 are detailed profiles of the settlements in the neighbourhood area. This is a major achievement and the level of detail is very impressive. The sections provide a context for the policies in the Plan.
- 7.12 Section 8 sets out the opportunities and constraints for the neighbourhood area. It is structured around the themes which run through the Plan.
- 7.13 Section 9 comments about the Vision and the objectives of the Plan. The Vision is as follows:

'The six settlements that make up 'Forest Edge South' will continue to form an interconnected community valued by residents as a tranquil rural place to live within the wider and historic community of the Forest of Dean. The area will continue to be defined by its location, its history and unique culture, nestling against the ancient woodlands of the Forest.'

Future development within 'Forest Edge South' will sustain the needs of the community whilst conserving and protecting the special heritage of the traditional Forest. The Neighbourhood Plan will support and enable this future growth in a sustainable and environmentally considerate way.

The area will provide suitable and appropriate housing; transport, social and communications infrastructure; and employment opportunities across the six settlements to meet the developing needs of the local community.'

- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report. For convenience, the topic areas used in the Plan are used to break the policies into distinct themes.

General comments on the policies

- 7.15 Several of the policies display two general characteristics. The first is that the policy concerned is caveated so that the support offered to proposals is subject to satisfying the requirements of the other relevant policies. Whilst this is understandable, a neighbourhood plan is prepared within the broader context of the development plan and that each of its policies will be applied by the local planning authority (here FDDC) as they are relevant to the proposal concerned. In this context I recommend that, where necessary, this element is deleted from the policies concerned and replaced with a general statement at the beginning of the section of the Plan which includes the policies.

At the end of Section 10 of the Plan add a new paragraph (10.3) to read:

'The policies in this Plan form part of the development plan for the neighbourhood area. In determining planning applications, the District Council will take account of all relevant policies in the development plan.'

- 7.16 The second is that several policies offer support to specific development proposals. Whilst this approach is positive, it does not take account of the need for FDDC to balance a range of issues in the development management process. In these circumstances, I recommend that the relevant policies are modified so that they set out

the requirements for the development concerned rather than anticipating the outcome of planning applications. I do not repeat these two matters on a policy-by-policy basis.

Climate Change, Sustainability and Biodiversity Policies

Policy 1 Sustainable design and construction in new developments

- 7.17 This policy sets out the Plan's approach to sustainable design. It advises that all new developments should utilise sustainable design and construction methods, where feasible, including the principles set out in Design Guidelines 09 to 16 of the Forest Edge South Design Guidance (2022). The policy also sets out a series of principles with which development proposals should comply.
- 7.18 In general terms the policy takes a positive approach to this matter and has regards to Section 14 of the NPPF. I am satisfied that the specific criteria in the policy are both appropriate and distinctive to the neighbourhood area.
- 7.19 I recommend that the first part of the policy is modified so that it can be applied in a proportionate way by FDDC through the development management process. I also recommend that the second part of the policy comments about the requirements for new development rather than anticipating the outcome of planning applications (which may be influenced by other development plan policies).
- 7.20 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace 'All new developments' with 'As appropriate to their scale, nature, and location, development proposals'

Replace 'Subject to satisfying the requirements of the other relevant policies within the development plan, proposed developments will be supported where they' with 'Development proposals should'

Policy 2 Green spaces and biodiversity in new developments

- 7.21 This is a comprehensive policy on green spaces and biodiversity. It advises that development proposals should:
- deliver a minimum 10% net gain in biodiversity (in line with requirements set in national policy or the Forest of Dean Local Plan, whichever is higher);
 - adhere to the principles set out in Design Guideline 16 (Biodiversity) of the Forest of Dean Design Guidance (2022); and
 - incorporates accessible semi-natural or amenity green space within the development itself (in accordance with minimum standards set in local policy) or provide improved access and enhancements to existing green spaces nearby.
- 7.22 In the round the policy takes a positive approach to green spaces and biodiversity. I am satisfied that it has regard to Section 15 of the NPPF.

- 7.23 In this supportive context, I recommend a series of modifications to the policy to bring the clarity required by the NPPF. They provide a wider context to the policy and incorporate one of the latter parts of the policy into its wider criteria-based approach. In addition, the recommended modified policy acknowledges that some of the policy's elements may not always be practicable.
- 7.24 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

'Development proposals should respond positively to the natural environment of the parish and:

- **deliver a minimum 10% net gain in biodiversity (in line with requirements set in national policy or the Forest of Dean Local Plan, whichever is higher);**
- **accord with the principles set out in Design Guideline 16 (Biodiversity) of the Forest of Dean Design Guidance (2022);**
- **where practicable, incorporate accessible semi-natural or amenity green space within the development itself (in accordance with minimum standards set in local policy) or provide improved access and enhancements to existing green spaces nearby; and**
- **where practicable, and as appropriate to their scale, nature, and location, comply with the standards in the Building with Nature Framework.**

The development of flood resilience schemes within green spaces should not unacceptably affect the primary function of the green space.'

Policy 3 Allotments and community gardens

- 7.25 The policy celebrates the importance allotments and new community gardens. It also comments that new development should provide new allotments and community gardens.
- 7.26 I am satisfied that the identified allotments and community gardens are appropriate for the protection which the Plan proposes.
- 7.27 I recommend that the requirement for new development to provide allotments is modified in two ways. The first is that it relates only to residential developments. The second is that it is applied on a proportionate basis. I also recommend other detailed modifications to the wording used so that the policy has the clarity required by the NPPF.
- 7.28 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Reverse the order of the first two parts of the policy

In the second part of the policy (as submitted) replace the opening element with: ‘The Plan identifies the following existing allotments and new community gardens (as defined on the Policies Map):’

Replace the final part of the policy with:

‘As appropriate to their scale, nature and location, new residential developments should:

a) provide allotments or community growing spaces or community gardens, either on-site or off-site, where appropriate; or

b) in the case of developments that include shared communal facilities or open spaces, an element of community growing space is included within the development itself.’

Policy 4 Renewable and low carbon energy developments

- 7.29 This is a comprehensive policy on renewable and low carbon energy developments. It has two principal parts. The first comments about how development proposals should seek to mitigate the effect of climate change and incorporate renewable technology. The second part offers support to proposals for renewable and low carbon energy generation schemes subject to certain criteria.
- 7.30 In the round I am satisfied that the policy takes a positive approach to this important matter and has regard to Section 14 of the NPPF. Nevertheless, I recommend modifications to the two main elements of the policy to bring the clarity required by the NPPF and to allow FDDC to apply its contents in a consistent way.
- 7.31 I recommend the deletion of the element of the policy which requires higher standards for building refurbishments and extensions than those set out in Part L of the Building Regulations. The Building Regulations are applied at a national level and the Plan offers no evidence to support its intended approach. In addition, the proposed approach offers no guidance about the higher standards which need to be met.
- 7.32 In December 2023 a Written Ministerial Statement updated the national position about the way in which development plans should address matters of this nature. I recommend that the supporting text is expanded text to acknowledge the Statement. In coming to this conclusion, I have taken account of WDPC’s response to the clarification note. I have addressed the specific issue raised about Part L of the Building Regulations in the preceding paragraph of this report.
- 7.33 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘As appropriate to their scale, nature and location, development proposals should:

- a) work towards achieving net zero carbon emissions, including how they meet the principles set out in Design Guidelines 09 (Minimising Energy Usage), 11 (Minimising Construction Waste) 12 (Re-use and Re-purpose), and 13 (Electric Vehicle Charging Points) of the Forest of Dean Design Guidance (2022); and**
- b) comprehensively harness passive solar gain and provide cooling for buildings, gardens, and communal areas at the appropriate times of the year.**

Proposals for renewable and low carbon energy generation schemes will be supported where:

- a) any noise, highways or visual impacts of the proposed development are, or can be made, acceptable; and**
- b) the proposed development complies with the design and landscape impact criteria set out in Policy 5 (Design in new developments), Policy 6 (Historic environment) and Policy 7 (Landscape character) of this Plan.’**

At the end of paragraph 11.26 add: ‘In December 2023 the government published a Written Ministerial Statement (Local Energy Efficiency Standards Update) on energy efficiency. The non-prescriptive approach taken in Policy 4 of this Plan is consistent with the Written Ministerial Statement.’

Design and Environment Policies

Policy 5 Design in New Developments

- 7.34 This is an important policy in the Plan. It comments that all new developments must be of a high-quality design and adhere to the Design Guidelines set out in Section 4 of the Forest Edge South Design Guidance.
- 7.35 The policy also advises that major developments (as defined in Annex 2 of the NPPF) will also be assessed against the 12 questions in Building for a Healthy Life (2020) or its replacement. In this context it comments that developments will be expected to achieve a minimum of nine out of twelve green ratings unless it can be demonstrated that there are practical reasons why this cannot be achieved.
- 7.36 The policy also includes a series of other design criteria which are distinctive to the neighbourhood area.
- 7.37 In the round the policy is an excellent local response to Section 12 of the NPPF.
- 7.38 In this context I recommend that the first part of the policy is modified so that it can be applied in a proportionate way by FDDC through the development management

process. I also recommend other modifications to the policy based on my general comments on the wording used in policies throughout the Plan.

- 7.39 Finally I recommend that the specific way in which WDPC anticipates that FDDC will implement the policy approach to major developments is repositioned from the policy into the supporting text. It describes how the policy will be managed rather than being a specific land use policy.
- 7.40 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace ‘All new developments with ‘As appropriate to their scale, nature, and location, development proposals’

In the second part of the policy delete the final sentence.

In the third part of the policy replace ‘Subject to satisfying the requirements of the other relevant policies within the development plan, proposed developments will be supported where they’ with ‘Development proposals should’

At the end of paragraph 12.9 add: ‘This matter will be reviewed by the Forest of Dean District Council as part of the development management process.’

Policy 6 Historic environment

- 7.41 This policy comments about built heritage matters. Its principal focus is the identification of a series of non-designated heritage assets. The Plan advises that the assets identified have heritage value when assessed against a series of criteria as recommended in Historic England guidance (‘Local Heritage Listing: Identifying and Conserving Local Heritage’, Historic England Advice Note 7 (Second Edition)).
- 7.42 I looked carefully at some of the proposed non-designated heritage assets during the visit. The reasoning for their inclusion in the policy was self-evident. Nevertheless, I recommend that this element of the policy is consolidated so that it provides a local iteration of paragraph 209 of the NPPF.
- 7.43 I recommend that the element of the policy about designated heritage assets is deleted as the policy does not bring any added value to national and local plan policies on this matter. In coming to this conclusion, I have considered carefully WDPC’s response to the question on this matter in the clarification note.
- 7.44 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

The Plan identifies the buildings in paragraph 12.18 and as shown on the Policies Map as non-designated heritage assets.

The effect of a development proposal on the significance of an identified non-designated heritage asset should be taken into account in determining planning

applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Policy 7 Landscape character

- 7.45 This is a comprehensive policy on landscape character. It is underpinned by the Design Guidance and the character assessments of the various communities.
- 7.46 The policy sets out three landscape related matters with which development proposals should comply. In general terms the policy takes a positive approach to this matter. Nevertheless, I recommend modifications to the policy based on my general comments on the wording used in policies throughout the Plan. The recommended modification includes a proportionate element to allow FDDC to be able to apply the policy in a meaningful way through the development management process. I also recommend modifications to the wording of the criteria to bring the clarity required by the NPPF.
- 7.47 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

'To protect and enhance the valued local landscape character (as set out in the Forest Edge South Design Guidance (2022) and Character Assessments), and as appropriate to their scale, nature and location, development proposals should:

- a) safeguard and, where practical, enhances the intrinsic character and beauty of the Neighbourhood Plan area, as defined in sections 3.4 and 3.5 of the Forest Edge South Design Guidance (2022);**
- b) sensitively manage change in the countryside around the existing settlements of Pillowell, Oldcroft, Viney Hill, Whitecroft, Parkend and Yorkley to ensure the landscape character is respected; and**
- c) not have an unacceptable effect on the landscape setting of existing settlements, as defined in the Landscape Character Assessments.'**

Policy 8 Local Green Spaces

- 7.48 This policy proposes the designation of ten local green spaces (LGSs). The policy is supported by maps and site-by-site commentary in the supporting text.
- 7.49 I looked at several of the proposed LGSs during the visit. The reasons for their selection by the community was self-evident. In many cases they are an important part of the character and appearance of the community in which they are located.
- 7.50 Based on all the information available to me, including my own observations, I am satisfied that each of the proposed LGSs comfortably comply with the three tests in paragraph 106 of the NPPF. Several of the proposed spaces are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy on this important matter.

- 7.51 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that the designations are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.
- 7.52 The policy advises that where very special circumstances are found to exist, replacement open space provision will be required of a size and quality equivalent or better than what is lost. This approach does not have regard to the matter-of-fact approach towards LGS as set out in paragraph 107 of the NPPF. I sought WDPC's comments on this matter. In its response to the clarification note, it advised that:
- 'We do not wish for it to be changed to a matter-of-fact approach – please see new paragraph below and note that (The King's) Forest Waste and our Green Spaces have a very particular meaning within our plan. Some of them are land held in Trust (having been granted either by the Crown or local landowners) and some are spaces within the Crown Estate on the edges of settlements well used by local communities.'*
- 7.53 I have considered this matter very carefully. On the one hand, neighbourhood plans allow local communities to produce policies to reflect local circumstances. On the other hand, those policies must have regard to national policy. In this case, the proposed approach to LGSs would not have regard to the NPPF. Indeed, it cuts across the key principles of LGS designation that such spaces should be capable of enduring beyond the end of the Plan period. On this basis I recommend a modification to the final part of the policy so that it has regard to national policy. If proposals come forward which would involve a replacement of the green space concerned, FDDC will be able to come to an informed judgement on the merits of the scheme and the extent to which very special circumstances exist to support the proposal. In this context I recommend that the supporting text is expanded to comment on this matter.
- 7.54 I also recommend the deletion of the first sentence of the policy. Its content is addressed in the second part of the policy (as recommended to be modified).
- 7.55 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy delete the first sentence.

Replace the final part of the policy with: 'Development proposals within the designated local green spaces will only be supported in very special circumstances.'

At the end of paragraph 12.23 add:

'The policy takes the matter-of-fact approach used for local green spaces in the NPPF. Should proposals come forward on the local green spaces which would detract from their openness or affect their continued function as a green space, the District Council will be able to come to an informed judgement on the merits of the proposal and the extent to which very special circumstances exist to support the proposal.'

Housing Policies

Policy 9 Infill development

- 7.56 This is an important policy in the wider context of the Plan. It focuses on infill development and advises that development proposals on brownfield infill and redevelopment sites, will be supported where they meet a series of criteria. The criteria are appropriate and distinctive to the neighbourhood area. It complements the wider approach taken in the adopted Core Strategy.
- 7.57 I recommend other modifications to the policy based on my general comments on the wording used in policies throughout the Plan. I also recommend modifications to the wording in two of the criteria to bring the clarity required by the NPPF.
- 7.58 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete 'Subject to satisfying the requirements of the other relevant policies within the development plan,'

In e) replace 'harmfully' with 'unacceptably'

In i) replace 'adversely' with 'unacceptably'

Policy 10 Live-work units and working from home

- 7.59 This policy seeks to encourage the development of live-work units and working from home. The policy is underpinned by the results of the Local Business Survey
- 7.60 The intention of the policy is appropriate and reflects the ongoing ability and willingness of people to work from home. However, as submitted, the policy has a confusing format. In its response to the clarification note WDC suggested some revisions to the policy. I have considered all the information carefully. I recommend that the policy is recast so that it has a simpler format. The recommended modification offers support for new development which will incorporate dedicated space for home working and a study rather than requiring such provision. In any event in many cases working from home can be achieved by persons working from existing space or rooms. The recommended modification does not comment about the delivery of broadband to new residential properties as this matter is now addressed by the Building Regulations at a national level.

- 7.61 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘To facilitate home-working residential developments which incorporate dedicated space for home working and study will be supported.

Where planning permission is required, proposals for garden offices will only be supported where they would not have an unacceptable impact on the amenity of nearby residential properties by virtue of their location, design, scale, and mass.’

Policy 11 Housing mix and affordable housing

- 7.62 This is a comprehensive policy on housing mix and affordable housing. It is underpinned by the Housing Needs Survey and the Housing Needs Assessment (HNA). Based on the findings of the HNA, a key element of the policy is that the mix of affordable housing provided on each development site must meet identified needs. This should represent, as close as possible, a split of 30% affordable home ownership (including 25% First Homes and 5% shared ownership/rent-to-buy) and 70% affordable housing for rent.

- 7.63 The policy takes a very positive approach to these matters and is evidence-based.

- 7.64 I recommend modifications to the policy based on my general comments on the wording used in policies throughout the Plan. I also recommend modifications to the wording used in two of the other elements of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening element of the first part of the policy with: ‘Proposals for new residential development will be supported where they:’

In the second part of the policy replace ‘must’ with ‘should’

In the third part of the policy (first sentence) replace ‘must’ with ‘should’

Policy 12 Housing for older people

- 7.65 This policy comments that proposals for specialist older persons housing, including sheltered accommodation and extra care accommodation or residential care facilities, including nursing homes, will be supported where they meet a series of criteria.
- 7.66 The policy takes a positive approach to this matter. It acknowledges the ageing population in this part of the Forest.
- 7.67 I recommend modifications to the policy based on my general comments on the wording used in policies throughout the Plan. I also recommend modifications to the wording of some of the criteria so that they have the clarity required by the NPPF, and to acknowledge that their ambitions may not always be practicable.

- 7.68 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘Proposals for specialist older persons housing, including sheltered accommodation and extra care accommodation or residential care facilities, including nursing homes, will be supported provided that:

- a) they are located within an identified settlement boundary (as defined in the Forest of Dean Local Plan Policies Map);**
- b) the accommodation includes an area of communal open space for residents’ exclusive use;**
- c) the accommodation provides the highest standards of accessible and inclusive design;**
- d) where practicable, the accommodation provides pick up and drop off facilities close to the main entrance suitable for taxis, minibuses, and ambulances; and**
- e) they comply with Policy 5 (Design), Policy 6 (Historic Environment) and Policy 7 (Landscape Character) of this Plan.’**

Policy 13 First Homes

- 7.69 The policy comments about First Homes (FH). It has two parts. The first comments that FH must be delivered in accordance with the minimum requirements set out in national planning policy and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. It also advises that any FH that are delivered must be discounted by a minimum of 50% against the market value, unless it can be demonstrated by the applicant that this would be unviable, in which case a lower discount of 40% or 30% would be accepted.
- 7.70 The second advises that any FH that are delivered must be sold to a person or persons meeting the FH eligibility criteria set out in national planning policy, in addition to which they must also be able to demonstrate a local connection to the Forest of Dean area.
- 7.71 The policy has been well-considered. I am satisfied that meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Employment and Tourism Policies

Policy 14 New employment floorspace

- 7.72 This policy advises that proposals which help to generate employment and develop business through the extension, conversion and replacement of existing buildings or provision of new buildings within existing or allocated employment sites or within defined settlement boundaries (as defined in the Forest of Dean Local Plan Policies Map) will be supported if they are in accordance with other relevant development plan policies and meet a series of environmental and amenity criteria.

- 7.73 The policy takes a positive approach to these matters and has regard to Section 6 of the NPPF. I recommend modifications to the policy based on my general comments on the wording used in policies throughout the Plan. I also recommend modifications to the wording of some elements of the policy and of the criteria.
- 7.74 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the opening element of the policy with:

‘Development proposals which help to generate employment and develop business through the extension, conversion and replacement of existing buildings or provision of new buildings within existing or allocated employment sites or within defined settlement boundaries (as defined in the Forest of Dean Local Plan Policies Map) will be supported provided they do not have unacceptable impacts in terms of:’

Policy 15 Tourism related development

- 7.75 This policy advises that proposals for tourism-related development will be supported where it can be demonstrated through a planning supporting statement that a series of criteria are met.
- 7.76 The policy takes a positive approach to this matter and has regard to Section 6 of the NPPF.
- 7.77 I recommend modifications to the policy based on my general comments on the wording used in policies throughout the Plan. I also recommend modifications to the wording of some elements of the policy and of the criteria.
- 7.78 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the opening element of the policy with:

‘The Plan seeks to encourage, support, and promote the Forest of Dean’s leisure, culture and tourism offer in a sustainable way. Development proposals for tourism-related development will be supported where it can be demonstrated through a Planning Supporting Statement that:’

In c) replace ‘adverse’ with ‘unacceptable’

Transport and Access Policies

Policy 16 Parking for new developments

- 7.79 This policy comments that development proposals must demonstrate how car parking requirements likely to be generated by the development will be met. The adequacy of how those requirements will be met will be assessed in terms of any detrimental impact on highway safety, and any severe cumulative impacts on the road network. It also advises that new developments will be supported where the design of parking adheres to the principles set out in the Forest Edge South Design Guidance. One of the sections of the policy comments about requirement for electric vehicle charging facilities.
- 7.80 In general terms the policy takes a positive approach to parking. However, as submitted, it is repetitive and includes elements of explanatory text. I recommend that the policy is recast so that it has the clarity required by the NPPF and can be applied consistently by FDDC through the development management process. The recommended modified policy does not include any reference to charging facilities for electric vehicles as this is now a matter which is managed through the Building Regulations at a national level. Nevertheless, I recommend that the local initiative is addressed in the supporting text.
- 7.81 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘Development proposals should incorporate appropriate levels of on-site parking, including disabled parking and cycle parking.

The design layout and design of parking facilities should respond positively to the principles set out in the Forest Edge South Design Guidance (2022) and the following: [add a) to e) of the submitted policy].’

At the end of paragraph 15.4 add: ‘The Building Regulations provide requirements for the provision of electric vehicle charging points in new developments at a national level. Local ways to achieve the delivery of charging points is included in the Forest of Dean EV Charging Consultancy Support report and the Gloucestershire County Council Ultra Low Emission Vehicle (ULEV) Strategy.’

Policy 17 Access for new developments and sustainable transport

- 7.82 This policy seeks to ensure that adequate transport infrastructure and safe access (including access to sustainable and active travel modes) is provided in new developments. It also advises that new developments should integrate cycle paths and pedestrian footpaths to provide connectivity between the development site and surrounding active travel networks.
- 7.83 The ambitions of the policy are commendable. However, its first element takes no account of the ability of development proposals to achieve the policy ambitions or the practicality of doing so. I recommend modifications to address these issues. I also

recommend modifications to the second part of the policy to bring the clarity required by the NPPF and to ensure that it is consistent with the initial part.

- 7.84 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the first part of the policy with:

‘As appropriate to their scale, nature, and location, new developments should, wherever practicable, integrate cycle paths and pedestrian footpaths to provide connectivity between the development site and surrounding active travel networks.’

Replace the opening element of the second part of the policy with: ‘Wherever practicable developments proposals should also:’

In b) replace ‘Are located’ with ‘Be located’

In e) replace ‘Where.... link in’ with ‘Connect’

In f) replace ‘Are located’ with ‘Be located’

Policy 18 Lydney-Parkend multi-use track (Dean Forest Greenway)

- 7.85 This policy offers support to the development of a multi-use track between Lydney and Parkend subject to certain criteria. In the round the delivery of the Dean Forest Greenway is an important initiative in this part of the Forest.
- 7.86 The policy seeks to respond to the findings and recommendations of the HRA on this matter. I recommend detailed modifications both to the policy and to the supporting text to achieve the intended outcome and to bring the clarity required by the NPPF.
- 7.87 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace c) with: ‘can demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered through a project specific Habitats Regulations Assessment.’

At the end of paragraph 15.10 add: ‘Planning applications should be supported by a project-specific Habitats Regulations Assessments.’

Infrastructure and Amenities Policies

Policy 19 Digital infrastructure

- 7.88 The policy offers support to new digital infrastructure (including broadband and phone masts). It recognises the importance of good technology to effective modern lifestyles.
- 7.89 In general terms the policy takes a positive approach to such matters. However, as submitted, the policy includes significant elements of repetition. I recommend that the policy is recast so that it remedies this matter and has the clarity required by the NPPF. The recast policy acknowledges that not all such proposals need planning permission.
- 7.90 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘Insofar as planning permission is required, proposals for the installation new digital infrastructure, including the erection of additional mobile telephone masts, will be supported where their positioning and design is sympathetic to the landscape character of the immediate area and respects the local environment and the amenity of residential properties. Wherever practicable, new infrastructure should be easily accessible for maintenance purposes.’

Policy 20 Existing community facilities

- 7.91 This policy celebrates the importance of community facilities in the neighbourhood area. It comments that existing community facilities and public open spaces are important resources for the local community and should be retained as far as possible.
- 7.92 The policy advises that proposals for change of use or which would otherwise involve the loss of existing community facilities, including those designated as assets of community value, will not be supported unless the application site is allocated within the development plan for an alternate use or a series of criteria/circumstances can be met. The policy also supports proposals for the improvement of existing community facilities.
- 7.93 In general terms the policy takes a positive approach to this important matter. Nevertheless, I recommend that the order of the policy is reversed so that it has a more positive focus.
- 7.94 The element of the policy about proposals for a change of use of such facilities has been carefully considered. It acknowledges that replacement facilities may come forward and that the viability of existing facilities may alter within the Plan period.
- 7.95 The recommended modified policy does not comment about either the maintenance of Yorkley Community Centre or enhancements to local playing fields to make them suitable for multiple sports (as identified in the submitted policy). Such works are unlikely to need planning permission and cannot therefore be addressed in a land use planning policy. I have taken account of WDPC’s response to the clarification note in my assessment of this issue.

- 7.96 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘The Plan identifies the community facilities and public open spaces (including those identified in paragraph 15.13 above and shown as ‘Community Assets’ on the Neighbourhood Plan Policies Map) as important resources for the local community.

Proposals for improvements to the identified community facilities will be supported.

Development proposals for a change of use to non-community uses or which would otherwise result in the loss of the identified community facilities, including those designated as assets of community value, will not be supported unless the site is allocated within the development plan for an alternative use or:

Add a) to d) from the submitted policy’

Policy 21 New community facilities

- 7.97 This policy comments about new community facilities. It complements Policy 20. It offers support to the development of new community facilities subject to criteria.
- 7.98 As submitted, the policy has a complicated format and its different elements potentially pull in different directions. I recommend that the policy is recast so that it brings the clarity required by the NPPF and is internally consistent.
- 7.99 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening element of the policy with:

‘Proposals for new community services, community facilities or public open spaces that meet the needs of existing and future residents and enhanced sports and play facilities will be supported where they meet the following criteria:

Thereafter add criteria a) to c) from the submitted policy’

Policy 22 Small-scale retail

- 7.100 This policy comments about small-scale retail development. Its focus is on the promotion of community-based retail schemes (as defined in Use Class F2A). It comments that proposals for new small-scale retail units for local community use, falling within Use Class F2(a) of the Town and Country Planning (Use Classes), will be supported. I am satisfied that this part of the policy meets the basic conditions.
- 7.101 The second part of the policy comments that major residential developments should also address the requirement for community shops and provision should be made for

one within the application site (subject to the above criteria being met) if there is not already one located within reasonable walking distance of the proposed development.

- 7.102 This part of the policy seeks to ensure that new residential developments are sustainable. However, as submitted, it would apply to proposals for ten or more houses. In most cases, proposals for modest levels of new homes would not naturally generate the need to provide new retail floorspace. It is also unlikely that larger developments would generate such need or any level of commercial interest.
- 7.103 In these circumstances I recommend that the policy is modified so that it supports such provision but does not require it to be delivered. In reaching this conclusion, I have taken account of WDPC's suggested revisions to the policy.
- 7.104 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the second part of the policy with:

'Proposals for the incorporation of small-scale retail uses for community use (Use Class F2A) within major residential developments will be supported where they would complement the overall design and layout of the development.'

Monitoring and Review

- 7.105 Section 18 of the Plan addresses the way in which WDPC will monitor the effectiveness of the Plan. It does so to good effect. It also comments about the potential need for a review of the Plan. Paragraph 18.9 advises that it may be necessary to review components of the plan based on future changes to national planning policy and changes to other components of the wider development plan. I recommend that this paragraph is expanded so that it gives clarity to all concerned about how this matter will be addressed.

At the end of paragraph 18.9 add: 'The Parish Council will assess the need for a full or a partial review of the neighbourhood plan within 6 months of the adoption of the emerging Local Plan.'

Other matters - General

- 7.106 This report has recommended a series of modifications both to the policies and the text in the submitted Plan. Where consequential changes to the text are required directly because 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 because of the recommended modifications to the policies. It will be appropriate for FDDC and WDPC 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.

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 2041. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Forest Edge South Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to the recommended modifications included in this report.

Conclusion

- 8.3 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 the Forest Edge South Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the designated neighbourhood area. In my view, that 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 in November 2017.
- 8.5 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
10 April 2024