

Alvington Parish Neighbourhood Development Plan 2016-2026

**A report to the Forest of Dean District Council on
the Alvington Parish Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by the Forest of Dean District Council in November 2019 to carry out the independent examination of the Alvington Parish Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 16 December 2019.
- 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 local character and providing a context within which new homes can be accommodated within the Settlement Boundary. It proposes a series of local green spaces. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted Local Plan. It has a particular focus on maintaining the rural identity of the neighbourhood area.
- 4 The Plan has been underpinned by community support and engagement. It is clear that 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 Alvington Parish 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
17 April 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Alvington Parish Neighbourhood Development Plan 2016-2026 (the 'Plan').
- 1.2 The Plan has been submitted to the Forest of Dean District Council (FDDC) by Alvington 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 (NPPF) 2012 and its updates in 2018 and 2019. 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 or not 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 as a result 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 Forest of Dean Core Strategy and the Site Allocations Plan in particular. It has a clear focus on maintaining the integrity of the village and ensuring good design standards.
- 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 modifications 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 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 FDDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both FDDC 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 35 years' experience in various local authorities including 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.
- 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 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the appendices of the Plan;
- the additional package of information on Important Open Areas and Local Green Space
- the FDDC SEA screening report;
- the FDDC HRA screening report;
- the Parish Council's responses to my Clarification Note;
- the District Council's responses to my Clarification Note;
- the representations made to the Plan;
- the representations made to the additional package of information;
- the adopted Forest of Dean Core Strategy
- the adopted Forest of Dean Site Allocations Plan;
- the emerging Forest of Dean Local Plan 2041 issues and options;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 16 December 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit 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 FDDC of this decision following the receipt of the responses to the clarification note and the additional consultation exercise on the package of information on Important Open Areas and Local Green Space.

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 sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (March to April 2019). Its key feature is the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the October 2016 Public Drop-In consultation event;
 - the 2018 Business Consultation process;
 - the November 2018 Clanna Park Survey; and
 - the October 2018 Public Drop-In consultation event.
- 4.4 The Statement also provides details of the way in which the Parish Council engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 Appendix 24 of the Statement provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version.
- 4.6 It is clear 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.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. FDDC 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 second submitted plan was undertaken by FDDC for a six-week period that ended on 4 December 2019. This exercise generated comments from a range of organisations as follows:

- The Coal Authority
- Historic England
- Gloucestershire County Council
- Environment Agency
- National Grid
- Natural England
- Canal and River Trust
- Highways England

4.9 Two representations were also received from local residents.

4.10 The District Council carried out an additional period of consultation on further details submitted by the Parish Council on its package of proposed local green spaces. This exercise generated comments from:

- The Coal Authority
- Environment Agency
- Natural England
- Gloucestershire County Council
- Highways England
- Historic England
- Keith Urch
- National Grid

4.11 I have taken all these representations into account in preparing this report. Where it is appropriate to do so I refer to specific representations in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Alvington. Its population in 2011 was 506 persons living in 237 houses. It was designated as a neighbourhood area on 12 May 2016. It is an irregular area located around the A48 between Lydney to the north-east and Chepstow to the south-west. The neighbourhood area is predominantly rural in nature and much of its area is in agricultural use.
- 5.2 The principal settlement in the neighbourhood area is Alvington itself. As the Plan describes the village has largely developed alongside the A48. In this context the centre of the village has some older and traditional buildings with some terraced properties. The village has an open character in general, and to the south of the A48 and around the Church in particular. The designated conservation area includes the core of the historic village. In general terms the more modern residential development in the village is located to the north and west of the A48. This principally consists of the Garlands Road development.
- 5.3 The remainder of the neighbourhood area consists of an attractive agricultural hinterland. The character of the southern part of the neighbourhood area is heavily influenced by its proximity to the Bristol Channel.

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. The submitted Plan has been designed to correspond with this period.
- 5.5 Policy CSP4 of the Core Strategy sets out a focus for new development based around the existing settlements in the District. The Core Strategy also includes a series of settlement-based policies. Alvington is identified as one of fifteen service villages within the context of Policy CSP16. Paragraph 7.65 comments that within service villages new housing and employment opportunities are likely to be small in scale.
- 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. Alvington has a detailed inset map in the Allocations Plan. A small site (AP81) is allocated for residential development off Clanna Road. In a more general sense, the settlement boundary is drawn tightly around the existing built-up area of the village. As a result, the settlement is expected only to see limited change in the Plan period. The Allocations Plan comments that the designated Conservation Area and the open and sporadic nature of the village will be protected.

- 5.7 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.8 The submitted Plan has been prepared within its wider adopted and emerging development plan context. In doing so it has generally relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 16 December 2019.
- 5.10 I drove into the neighbourhood area from Chepstow along the A48. This gave me an initial impression of its setting and the character. It also highlighted its connection to the strategic road system and to Chepstow to the west and to Lydney to the east. I saw the traffic calming measures and the speed camera as I approached the village.
- 5.11 I parked by The Globe P.H. Given the compact nature of the village I was able to carry out the majority of the visit on foot. I looked initially at the layout of the village. I saw the attractive open spaces and how they contributed to its overall character and appearance. In particular I saw the way in which open spaces ran up to the main road, and enhanced the rural nature of the village along this busy thoroughfare.
- 5.12 Thereafter I looked at the area to the north of the village. I saw the BP petrol filling station and the associated shop. I then walked along Court Lane to the Sports Ground.
- 5.13 I then walked along Church Lane towards the Church. In doing so I saw several impressive buildings including Oak Barn, Barn Lodge and Severn Lodge. I looked at the Church and its well-maintained churchyard. I saw the very distinctive triangular George Williams gravestone. I carried on to the southern part of Church Lane and was rewarded with extensive views to the south of the River Severn Estuary.
- 5.14 I then walked around The Knapp loop. I saw the Village Hall and its extensive car park. At various points throughout the village I saw the various open and green spaces in this part of the village and the way that they provided a context to its character and appearance.
- 5.15 I then looked at the traditional buildings along the Main Road. I saw the rather hidden Old Parsonage, Duncastle Road and the Blacksmiths Arms.
- 5.16 I finished my visit by driving into the northern part of the neighbourhood area. I saw its attractive and isolated nature. I also saw the Clanna Country Park as detailed in Section 10 of the Plan. I also looked at the houses off Garland Road.

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) and European Convention on Human Rights (ECHR) obligations; 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 February 2019. This approach is reflected in the submitted Basic Conditions Statement.

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 of particular relevance to the Alvington Parish Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the policies of the FDDC Core Strategy and the Site 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. It sets out a positive vision for the future of the neighbourhood area. In particular it includes a series of policies on the scale and nature of new development. It proposes local green spaces. 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 was reinforced with the publication of Planning Practice Guidance in March 2014. 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. 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

- 6.11 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 that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for employment development (Policies E1-3). In the social role, it includes policies on community facilities (C1 and C2) and on local green spaces (Policy BE1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on wildlife (Policy NE1), landscape (Policy NE2) and on design (Policies BE1/2). The Parish Council 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. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

6.14 The Neighbourhood Plan General 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 undertook a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The principal reasons for this conclusion were as follows:

- the geographic spread of the Plan is limited;
- the locations, scale and effects of the Plan are very limited;
- the Plan does not create a significant new framework or programme in addition to the existing Development Plan (Core Strategy & Allocations Plan);
- the Plan is generally supportive and interpretive rather than instructive; and
- the Plan in combination with the wider development plan contains environmental mitigation and 'cancelation' factors.

6.16 FDDC has produced a separate Habitats Regulations Assessment (HRA) of the Plan. It is a thorough and comprehensive document. In particular it assesses the likely impact of the Plan's policies on the following protected sites:

- the Wye Valley and Forest of Dean Bat SAC (Adjoining / Within plan area W);
- the Wye Valley Woodlands SAC (Nearest location 8km W);
- the River Wye SAC (Nearest location 1.5km W);
- the Severn Estuary SAC/SPA Ramsar (Nearest location 10km S); and
- the Walmore Common SPA Ramsar (Nearest location 5km SE).

6.17 It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site.

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 this aspect of European obligations.

- 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. On the basis of 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. In particular, it makes a series of recommended modifications to ensure that they 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 distinctive and proportionate to the Plan area. The wider community and the Parish Council 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 (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan includes a series of Parish Projects. They are appropriately distinguished from the principal land use policies.
- 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. The Parish Projects are addressed after the 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 section of the Plan (Sections 1-3)

- 7.8 These 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 a very professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text.
- 7.9 Section 1 describes the stages of plan-making and their relationship to the NPPF.
- 7.10 Section 2 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It has a particular focus on its built

heritage and its demographic profile. It is a very helpful context to the neighbourhood area.

- 7.11 Section 3 sets out the Plan's Vision and Objectives. The key strength of these parts of the Plan is the way in which the objectives directly stem from the vision and then provide the context for the structure and arrangement of the resulting policies.
- 7.12 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. Policy C1: Local Community, Retail and Commercial Facilities and Services
- 7.13 This policy recognises the importance of community facilities to the well-being of the neighbourhood area. It identifies a series of community facilities (listed in the policy and shown on map 3. It then sets out a policy approach which would resist their change of use unless the existing use is no longer economically viable or equivalent or a better provision of the facility to be lost is made in an equally or more accessible location. The policy also comments about the marketing period required to be able to demonstrate that economic viability no longer exists.
- 7.14 The policy is well-developed. In particular the identified facilities have been chosen in a realistic fashion. In general terms the policy meets the basic conditions. I recommend three modifications to the wording used to ensure that it meets the basic conditions. The first clarifies the changes of use which would be affected by the policy, the second clarifies the policy wording used and the third clarifies the nature of the second part of the policy.

After '(as shown on Map 3)' add 'to other non-community uses'

Replace 'be resisted' with 'not be supported'

Replace 'If the existing.... viable' with 'Where a development proposal contends that the existing use of one of the community, retail and commercial premises shown on Map 3 is no longer economically viable'

Policy C2: New Community and Recreation Facilities

- 7.15 This is a hybrid policy. In general terms it offers support for the development of new community and recreational facilities in the neighbourhood area. In specific terms it allocates land at the Sports Field for a new pavilion building.
- 7.16 The approach taken is appropriate and distinctive to the neighbourhood area. I recommend that the order of the policy is reversed so that the proposed new pavilion is seen as a specific example or outcome of the policy. In addition, there is no specific need to 'allocate' land for a sports pavilion. Otherwise it meets the basic conditions.

Replace the policy with:

‘Development proposals for new or expanded community and recreation facilities will be supported subject to the following criteria:

- **insert the first criteria from the policy (replacing ‘the’ with ‘their’);**
- **they are accessible to the local community;**
- **they take account of the location of residential properties in the immediate local area and do not have an unacceptable impact on their amenity; and**
- **they prove appropriate levels of car parking; and**
- **they can be satisfactorily accommodated into the capacity of the local highway network.**

Proposals for the development of a pavilion building at the Sports Field will be particularly supported’

Policy F1: Reducing Surface Foul/Water Flooding

- 7.17 This policy comments about surface water flooding in the neighbourhood area. It relies on extensive supporting text in paragraphs 5.1 to 5.10 of the Plan. In this regard it is well-evidenced.
- 7.18 The policy addresses a series of interconnected issues to good effect. In general, it relates well to the Drainage Hierarchy in the NPPF and looks to maximise the use of sensitive and/or sustainable drainage systems.
- 7.19 Subject to detailed wording modification paragraphs 2-6 of the policy meet the basic conditions.
- 7.20 The first paragraph comments generally about the relationship between new residential development proposals and the potential need to improve existing sewerage systems and/or to protect against surface water flooding. However as submitted this part of the policy is not set out in a policy format which could be applied clearly and consistently by FDDC. I recommend accordingly.
- 7.21 The final paragraph of the policy comments about the potential for the development of flood alleviation schemes in areas at high risk. The Parish Council agreed in its response to the clarification note that this part of the policy is effectively an additional Project to be included in Section 15 of the Plan. I recommend accordingly.

Replace the first paragraph of the policy with:

‘As appropriate to their scale and location proposals for new residential development should include any necessary improvements to the existing sewerage system and protect against surface water flooding in general, and in high risk areas in particular including Clanna lane and Swan Hill’

In the second paragraph replace ‘be strongly resisted’ with ‘will not be supported’

In the third paragraph replace ‘must not.... but ensure no’ with ‘should protect the proposed development site itself and also ensure that there is no unacceptable’

In the sixth paragraph replace ‘Practical and... established’ with ‘Development proposals should incorporate practical and effective management regimes’

Delete the seventh paragraph of the policy.

Reposition the seventh paragraph of the policy as an additional Project in Section 15 of the Plan

Policy NE1: Protecting and Enhancing Local Wildlife

- 7.22 This policy comments about local wildlife. It does so to good effect. Subject to detailed modifications to the wording used it meets the basic conditions.
- 7.23 The policy is different to other policies to the extent that it includes the policy aim and rationale within the policy box itself. I recommend that these elements are repositioned into the supporting text as the Parish Council sees fit.

In the first paragraph delete ‘could’ and replace must with should

In the second and third paragraphs replace possible with practicable

Delete the ‘Policy aim’ and the ‘Rationale’

Reposition ‘Policy aim’ and the ‘Rationale’ into the supporting text

Policy NE2: Protecting and Enhancing Local Landscape Character

- 7.24 This policy takes a similar approach to Policy NE1. In this case its focus is on local landscape character. It has an interesting and distinctive focus on the panoramic views down towards the Severn Estuary which are characteristic of the neighbourhood area.
- 7.25 The policy safeguards local landscape character to good effect. I recommend that the fourth paragraph is replaced so that it written in a policy format. Subject to detailed modifications to the wording used in its other elements the policy meets the basic conditions.

In the first paragraph replace ‘will be required to’ with ‘should’

In the third paragraph replaced ‘Map 6 and page 22’ with ‘Map 8 and page 25’

Replace the fourth paragraph with: ‘Development proposals should safeguard or incorporate areas of woodland, small copses and hedgerows within their layouts where it is practicable to do so’

Policy BE1: Design Guidance for new buildings and extensions in the Alvington Conservation Area

- 7.26 This is a comprehensive policy that addresses a series of design matters in the Conservation Area including plot and density, building heights, scale, materials and sustainable urban drainage. Subject to detailed modifications to the wording used the majority of the elements of the policy meet the basic conditions.
- 7.27 The policy includes policy commentary on open spaces and Local Green Spaces (LGSs). This element sits uncomfortably with the remainder of the policy. In addition, Map 11 and Table 4 in the submitted Plan do not provide the necessary distinction between LGSs and important open spaces. This distinction is particularly important given the status given to LGSs in the NPPF.
- 7.28 In response to the issues raised in the clarification note the Parish Council prepared a revision to the Plan which addresses open spaces. In particular the revisions propose a separate policy for LGSs and important open spaces (Policy NE3). The revisions were the subject of a proportionate consultation exercise (see Section 4 of this report).
- 7.29 The revised approach addresses open spaces in a more comprehensive and logical fashion. For the purposes of clarity, I highlight recommended modifications in relation both to the relevant section in the submitted Plan and that in the revised version.
- 7.30 I am satisfied that the proposed LGSs have properly been assessed against the three criteria for such designation in the NPPF. In addition, they relate to the open character of the village of Alvington. Table 4 (in the revised version of the policy) provides a proportionate justification for the designation of each of the proposed LGSs.
- 7.31 In addition, I am satisfied that the proposed designations accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. Their designation does 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. Indeed, 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 local green spaces would not endure until 2026.
- 7.32 I recommend modification to the first part of the proposed new policy NE3 in relation to the element on important areas. As proposed the policy restrictions within these

areas would be more stringent than those which would affect the proposed LGSs. This would not have regard to national policy in general terms, and would devalue the importance of the proposed LGSs in particular.

In Policy BE1 (as submitted) replace ‘are required to’ with should

In 1 replace ‘It is important.... respected’ with ‘Existing proportions of space, plot division and density should be respected’

In 3 replace ‘will be considered to be inappropriate’ with ‘will not be supported’

In 4 replace ‘is encouraged’ with ‘will be supported’ and replace ‘possible’ with ‘practicable’ (and as it appears twice in this element)

Delete section 6.

In criterion 7 replace the final sentence with: ‘These drainage systems should incorporate rain gardens and green roofs where it is appropriate and practicable to do so’

In Policy NE3 (as submitted as a revised part of the Plan) in the first part of the policy replace the final sentence with:

‘Development within the identified Important Open Spaces will only be supported where it is associated with, or otherwise consolidates their existing open uses’

In the second part of the policy replace ‘permitted’ with ‘supported’

Policy BE2: General Building Design Principles

7.33 This policy sets out general design principles for development within the settlement boundary. It does so to good effect and in a way which is distinctive to the neighbourhood area. It has a particular focus on design and the use of local materials. The policy uses the settlement boundary as defined in the Site Allocations Plan.

7.34 I recommend detailed modifications to the wording used so that the policy has the clarity required by the NPPF. In particular in the opening sentence I recommend that the position of the ‘enhance and reinforce’ elements are reversed. The overall policy requirement is that new development should reinforce local character. In certain circumstances it may be practicable for new development also to enhance local distinctiveness and character.

In the opening sentence replace ‘enhance and reinforce’ with ‘reinforce and where practicable enhance’

In the second sentence replace ‘are required to’ with ‘should’

In criterion 2 replace ‘is encouraged’ with ‘will be supported’

In criterion 4 replace ‘are required to’ with ‘should’

Replace criterion 5 with ‘Development proposals should provide car parking provision to meet national and local parking standards’

In criterion 7 replace the final sentence with: ‘These drainage systems should incorporate rain gardens and green roofs where it is appropriate and practicable to do so’

Policy HM1: Housing Mix

- 7.35 This policy comments about the scale and nature of new housing development within the settlement boundary. It comments on the size of residential developments and their ability to meet local housing needs. In general terms it is a well-designed criteria-based policy.
- 7.36 The Parish Council advised that the definition of small-scale housing (1-3 units) included the policy reflected community feedback received during the plan preparation process. I acknowledge that most schemes will be of such a limited scale. However, I recommend that the policy refers to the relationship between yield and the capacity and the sensitivity of the site concerned. I also recommend that the community’s feedback is included in the supporting text.
- 7.37 I recommend the deletion of the first criterion of the policy. The development plan is read as a whole and there is no need for a neighbourhood plan policy to repeat or re-emphasise national or local policies.
- 7.38 I also recommend detailed modifications to the second and third paragraphs of the policy.

In the opening part of the policy delete ‘of 1 to 3 units’

Replace 1 with ‘the proposed development takes account of the size of the site concerned and its location within the village’

In the second paragraph of the policy replace ‘possible’ with ‘practicable’

In the third paragraph of the policy replace ‘achieved’ with ‘provided’

At the end of paragraph 8.1 add: ‘The first criterion of Policy HM1 comments about the relationship between the number of houses that could be developed on any site and the sensitivity and scale of the site concerned. Community feedback during the development of the Plan was that new development should generally be of three houses or less’.

Policy E1: Business Conversions

7.39 This policy seeks to offer continued support for business and tourism. Paragraph 9.3 helpfully sets the context about the character of the neighbourhood area attracting visitors for its landscape setting, views and wildlife. It also draws attention to the Visit Britain Project Lion initiative.

7.40 Some of these broader elements translate directly into the policy. On balance I recommend their removal from the policy given that they are not directly land use based. In the round I am satisfied that paragraph 9.3 properly explains the purpose of the policy. However, I recommend associated modifications to the supporting text.

Replace the policy with:

‘Proposals for the conversion of redundant agricultural buildings for business or tourism use will be supported where they are sympathetic to the building concerned and are proportionate to their surroundings’

In paragraph 9.3 add at the end:

‘This approach is also captured in the Forest of Dean and Wye Valley Destinations Management Plan 2015-2020. Policy E1 has been designed to ensure that any building conversions respond sensitively in meeting these tourism opportunities’

Policy E2: Sustainable and Responsible Tourism

7.41 This policy comments about sustainable and responsible tourism. As with Policy E1 it connects into wider local initiatives on tourism.

7.42 The Parish Council acknowledged in its response to the clarification note that the second part of the policy was submitted in a double negative fashion. I recommend that it is modified in the way in which the Parish Council responded to the clarification note.

In the first paragraph replace ‘is not detrimental to’ with ‘sensitively safeguards’

In the opening element of the second paragraph of the policy replace ‘does not support’ with ‘supports’

In the criteria thereafter:

- **in 1 delete ‘not’**
- **in 2 replace ‘Do not protect’ with ‘Protect’**
- **in 4 replace ‘Do not protect’ with ‘Protect’**
- **in 5 add at the beginning ‘Do not’**
- **in 6 add at the beginning ‘Do not generate an unacceptable’**

Policy E3: New or expanded business or tourism development

7.43 This policy continues the approach taken in Policy E2. In this case its focus is on new or expanded business or tourism use. As with Policy E1 it seeks to link into the Destinations Management Plan.

7.44 The policy takes an appropriate criteria-based approach towards development of this nature. I recommend detailed modifications to the wording used so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

In the opening part of the policy replace ‘does not impact.....Plan 2015-2020 v2 P32)’ with ‘does not have an unacceptable impact on the amenities of residential properties in the immediate location or on the natural environment’

In 1 replace ‘a detrimental’ with ‘an unacceptable’

Project List

7.45 Section 13 of the Plan and Appendix 15 identifies a list of projects which have been developed as part of the plan-making process. The Plan correctly comments that they fall outside the neighbourhood plan process itself. They are properly included in a separate part of the Plan as advised by national policy.

7.46 The projects include a series of environmental, community and traffic management issues. They are as follows:

- Traffic – A48 Main Road and Traffic Safety;
- Footpaths and Pavements;
- Sports Field Pavilion;
- Utilities – Digital Improvements; and
- Flooding and Sewage overflow

7.47 I am satisfied that the Projects are both distinctive and appropriate to the neighbourhood area.

Other matters

7.48 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 FDDC 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.

Monitoring and Review of the Plan

- 7.49 Section 12 of the Plan comments about its implementation and monitoring. Paragraph 12.5 comments that the Parish Council will review the Plan in the light of revisions to local and national planning guidance.
- 7.50 In this context FDDC has now embarked on the initial stages in the preparation of a new Local Plan. It will cover the period up to 2041. The Local Development Scheme indicates that the Plan will be submitted for examination in Autumn/Winter 2021. The adoption of this Plan may have an impact on the scale and nature of development in the neighbourhood area. As such I recommend that review cycle of the neighbourhood plan incorporates this matter specifically.
- 7.51 The scale and nature of how the Parish Council proceeds on any review will be a matter for its own judgement. It will be heavily influenced by the approach taken in the emerging Local Plan

At the end of Section add: 'Within the context provided by the emerging Forest of Dean Local Plan 2041 the Parish Council will assess the need or otherwise for a review of the neighbourhood plan within twelve months of the adoption of the emerging Local Plan'

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 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 Alvington Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

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 that the Alvington Parish 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 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 originally approved by the District Council on 12 May 2016.
- 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
17 April 2020

