

Forum questions October 2021

The following are questions received in respect of either or both forums by the end of the day 15th October. Questions (in *italics*) and responses are below.

From John Payne

1. How do we construct a thriving Bioregional Economy that plays to our resources and resilience. My particular interests are housing and sustainable agriculture.

A variety of actions and initiatives are likely to be involved, not least the possible move to a biosphere reserve with which the L P will need to be compatible and supportive.

2. How do we set and achieve a target for Re wilding The FOD?

Re wilding is something that is relevant to but not central to the Local Plan. The Local Plan will need to ensure that it supports improved biodiversity and habitat improvements and also takes account of initiatives that assist with better management of flood catchments etc. It will not in itself consider re wilding although it may be able to contribute through for example biodiversity enhancements that are required as part of the development process. The LP will need to ensure that its development proposals do not have an adverse effect overall on the environment.

From Alana Allsop

I would like to ask a question about the local plan outline, when is this being reviewed please, as I have land outside of the village boundary (Tideneham & Sedbury) that I want to apply for planning.

Is there a way I can apply before this gets reviewed?

You are free to submit a planning application at any time which will be determined with regard to the policies and other material considerations that apply at the time. Otherwise there are several opportunities to engage in the LP process the next formal one being at the publication of the draft LP. If you would like to be kept informed of this process please confirm.

All settlement boundaries are being reviewed as part of the LP process and any representations received will be taken into account. You may also like to consider submitting a site for possible inclusion in the separate “register of sites that may have development potential”, SHLAA which is a bank of sites considered by their owners and or agents to have development potential. <https://www.fdean.gov.uk/planning-and-building/planning-policy/strategic-housing-land-availability-assessment/>

From Edmund Cracknell

I believe a sustainable transport strategy is key to all development proposals.

Will there be a dedicated focus group to define what we mean by sustainable transport, gather community views, understand future needs and propose a range of options?

Enabling and making use of sustainable transport along with a reduction in the need to travel are essential goals for the LP. Although it is not at present proposed to have a separate transport group, because of the importance of a LP which supports and promotes sustainable transport, any discussion about the planned distribution of development and the LP's policies and proposals is likely to be indivisible with the discussion of how to make travel more sustainable and locations more self contained. The FoDDC is also considering how to promote and deliver active travel your engagement on this subject is welcome. Gloucestershire County Council is responsible for many transport matters and there are opportunities to engage in their policy making and implementation too.

From Chris Ricketts LLB (Hons), CF2006, Chairman BOBA

Questions for Planning Forum from C Ricketts on behalf of Beachley Old Boys Association

FoDDC were not able to substantiate a 5-year land supply at the planning appeal for Land off Bradfords Lane, Newent (Appeal decision date 9th October 2020)? The Council should know the rules for making such assessments -

Question - Why could it not do so?

The requirements of a five year land supply are set out in the National Planning Policy Framework (NPPF) which was updated in 2019 in a manner that clarified what information would be necessary to establish a five year land supply. Sites with detailed permission may be included unless there is evidence that they may not be deliverable. In addition sites that have only outline permission or are otherwise allocated or identified "it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years". Although there is some evidence available for many sites in the FoDD, there is not the level of proof required which would place them in the five year deliverable category. See <https://www.fdean.gov.uk/media/nchbsxab/housing-delivery-note-2021.pdf> for further information- a document which shows how the land supply is derived.

2. The 2020 SHLAA identified 21,000+ plots for homes and a 5-year supply (2020-2025), is 2,260 (Par 15) a cover ratio of 9.2 of land availability. The Inspector rejected the Councils' figures and the Council's own trajectory of 3,135 because too few sites identified had planning consent to allow the delivery timetable to be met and sites such as Cinderford Northern Quarter which had consent were not being delivered.

Question - The Councils' management of housing delivery is failing in several respects can you explain why this is?

Supplementary Question - What are you going to do to correct this housing delivery failure?

The SHLAA identifies land that is considered to be able to be developed if planning policy is set aside. It is in effect a register of sites that owners and or their agents consider could be developed and where there are no major technical problems which can be readily identified. This is explained in the documents such as <https://www.fdean.gov.uk/media/j5cbairn/strategic-housing-and-economic-land-availability-assessment-2021-report.pdf> . The register forms a bank of sites that may be considered for identification when a LP is being revised or prepared. Many of the sites that could be developed may never meet the policies of an existing or new LP even though the land is physically capable of being developed. Some may be developed and also allocated where they accord with a strategy and for example fall within a settlement boundary and are considered beneficial to allocate. The new LP will need to identify sufficient suitable land for development from various sources including SHLAA, registers of brownfield land to be able to demonstrate an adequate land supply.

3. With regard to Beachley Tutshill and Sedbury, these are Defined Boundary Settlements in the Adopted Plan Local Plan meaning, they are small settlements that the Adopted Plan has not considered part of its core policy for further development. The Council's new adopted Preferred Strategy decided upon in 8th/15th October 2020 seeks to change the current Local Plan in the next Local Plan 2026-2041 to create a new town by merging the existing settlements and the development of 800 new homes at Beachley camp plus 200 existing married quarters and further housing development at Tutshill and Sedbury all amounting to circa 2000 homes. This will put the wider area on a growth trajectory over the life of the next Local Plan to 2041 with further land allocations in open countryside.

Question - What consultation has there been with the Southwest of England regional authorities and cross border with the Welsh Devolved Authority about this change to core policies of the current Adopted Local Plan?

Neighbouring Authorities are consulted as part of the LP process and this includes Monmouthshire and those in the West of England, for example South Gloucestershire.

Although the “Preferred option” of 2020 did propose a substantial development at Beachley and a possible additional development at Tutshill it was not suggested that the existing settlements at Tutshill/ Sedbury and Beachley would merge. It did of course propose that a major change in the form of the redevelopment of previously developed land at Beachley Camp would be part of the strategy for the LP.

Supplementary Question - What consultation has there been with the English public service provider, e.g., health, education, highways etc to support this change in regional spatial hierarchy?

Supplementary Question - The Avison Young's supporting statement to the master plan for redeveloping Beachley Camp for housing states that many of these services will be provided in Chepstow because it is close to Beachley. To make such a statement and for FoDDC to have adopted the Preferred Strategy implies the Welsh Authorities have been consulted and agree. Is this correct, if so where is the report on such consultation?

Providers of services are consulted as part of the plan process and any responses received from the most recent consultation which ended in January 2021 are published. The material

submitted by Avison Young is a third party representation on behalf of a land owner and not part of the FoDDC's own evidence. <https://fdean-consult.objective.co.uk/portal/planning/plan41/po/lppo> is a link to the comments received (select view comments from the page). Comments include those from Monmouth CC, and Highways England, Stagecoach, as well as the material by Avison Young.

4. Good plan making requires all options for future land use to consider the widest needs and requirements of local areas within adopted core policies in accordance with National Planning Policy Framework (NPPF) set by Government. Critical to those policies are a Local Planning Authorities (LPA) requirement to provide for housing land over the period of the Local Plan in particular the minimum of a 5-year supply. The 5-year supply is not a cap but a minimum. This does not mean where an LPA cannot provide for the 5-year supply agreed when adopting the Local Plan that it can simply allow any site to be developed for housing or exclude alternative uses of a particular site to facilitate housing to achieve a target number driven objective. That is not good plan making it is expediency to cover its own failures as a Local Planning Authority.

Question - Alternative uses of Beachley Camp were put to the FoDDC in May 2018 and ignored. Why was that? Why were those alternative uses not noted or put to Cabinet or Full Council in October 2020 when it was considering its Housing Land Allocation Preferred Strategy?

While the FoDDC are aware of alternative views about the future of Beachley Camp, the view of the Council was that it should be proposed as a site for mixed use, to include possibly 600 dwellings. This would leave potential for other uses to be accommodated. Potential alternatives were proposed to the FoDDC in the 2020/ 21 consultation but the Council has yet to decide if these should be followed in the next stages of the LP.

Chris Ricketts LLB (Hons), CF2006, Chairman BOBA

From SF Planning (Paul Jenkins)

Please find a few of questions ahead of next weeks forum;

- 1. **Employment Land** - The Council's approach to employment land protection / allocation in light of Class E being introduced which widens the use classes order and PD rights to switch from Class E to other uses.*

The revisions are being considered as part of the Local plan Review and clearly there will need to be an approach that takes account of these in the LP. It is likely that the LP will continue to promote a wide range of employment types and also support both identified sites used for employment and others. While it will be important to continue to protect some sites where possible, others (notably some of the previously developed sites) are likely to have a more positive future being used for other purposes.

2. **Self build** – Are the Council looking at a specific policy in the new local plan which supports individual / small scale self / custom build plots (not just a % of a larger strategic allocation)? Also is there any information on how many self build plots have been delivered (and secured via s106 / condition as there's no CIL) in the District?

Yes the recent changes in government guidance as to how self and custom build housing should be approached will need to be taken into account in the emerging LP and more specific policies will be necessary. The Council do have information on delivery which will be made available after the forum.

3. **CIL** – Is there any update?

No update at present although the situation of awaiting either guidance from government about any proposed change or the lack of it is likely to remain for the time being.

Paul Jenkins MRTPI

From Julian R Davies FRICS

I have a couple of questions/ observations

Development

When planning permissions are given for housing what obligations are put on the developer to ensure a carbon neutral construction?

What requirements for example are in place for the use of non fossil fuel heating systems(mandatory) not optional or offset with other measures. Gas or oil seems to be the preferred form of heating . Can the FODDC establish a policy on making this mandatory on any planning approval and also apply this retrospectively where housing and other forms of new build are being considered.

Construction standards are likely to remain tied to the current Building regulations, but the LP review is considering how and if more ambitious targets and requirements can be incorporated into its policies. The FoDDC objectives would support these but they would need to be able to be incorporated into a LP which could be supported by an Inspector at Examination. It is hoped that government policy provides sufficient scope for better standards to be achieved. This also applies to heating which is a matter where a LP can have only limited influence.

Where say 5-20 houses are built or indeed any new building as a group then a mandatory district type system needs to be a condition of any permission this could be ground source /air source. There is no excuse for any development to be serviced by fossil fuels.

The LP will encourage district schemes and local renewable energy generation and possibly carbon offsetting. This will apply especially to larger schemes and LP allocations. It is considered that the best way to proceed would be with clear technical guidance from

government but the LP will also need to support local initiatives and encourage carbon neutral developments. Given that the LP is only able to provide policies for new building development it is especially important that the highest standards are achieved in construction and on going use of buildings. The LP has greater influence over the location of new development and thence on the likely use of sustainable transport and the overall need for transport.

From Ian Gower - local Mitcheldean resident and old building conservation enthusiast.

I have a question for the Community FOD Planning forum on 20th October:

What is the plan to revitalise the heart of Mitcheldean Conservation Area, on the site that was formerly the iconic George Hotel, and surrounding area?. Planning assessments from the Conservation Officer and the County Archaeologist often consider the "special character of the Mitcheldean Conservation Area" when considering planning applications.

The current LP and the Mitcheldean Neighbourhood Development Plan (NDP) both consider the issues raised. The site of the George Hotel had a planning permission for redevelopment (P1106/18/APP) until recently but this has now lapsed. Unfortunately the building decayed over a long period and then was destroyed by fire. The site remains allocated in the current LP for housing, and is also considered specifically in the NDP which also supports this use. Otherwise the Conservation Area and the need to preserve and enhance that as well as the need to protect Listed buildings and their settings are important considerations. Government emphasis on the design and character of areas will be translated into more local policies in the new LP and supporting material such as the NDP evidence and additional character assessments would be welcome.

It is noted that there are some areas in the Conservation Area that would benefit from improvement. We have passed your correspondence to colleagues to consider and respond in connection with potential enforcement action and the safety of the building(s).

(the full text of the material received is attached below)

"I have a question for the Community FOD Planning forum on 20th October:

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Here is the original structure



in more modern times:



Here is what it looks like today:



I understand from Mitcheldean Parish Council that it has outline planning permission for development which includes compulsory retention of the two remaining historic buildings on the site (picture below taken from the planning application P1104/18/FUL):



and here are those two buildings today:



Without control of the vegetation growing on/around them, they will surely end up in the same state as the George Hotel.

I know that there may not be the budget to compulsorily purchase the site, but surely a planning enforcement order on the owners could be applied to try and prevent further degradation of the two remaining historic buildings.

Here is the abandoned building on the opposite side of the road (next door to the Gooches estate agent listed building), where the degenerated render falls onto the pedestrian walkway below. This is also not in keeping with the "special character of the Mitcheldean Conservation Area" as well as being a clear health and safety issue:



Kind regards,

Ian Gower - local Mitcheldean resident and old building conservation enthusiast”

From Cross Parish Communications Group.- sent in by John Francis

Dear FODDC, Here are some questions for the community group forum from the Cross Parish Communications Group.

Question 1

Given the Prime Ministers pledge at the recent Tory conference that 'houses should not be built on green fields' and the fact ministers are abandoning proposals for an overhaul of planning rules is it not the time to challenge the housing quotas allocated to the Forest of Dean that no one thinks is right and is too high given the local need and likely employment prospects in the area? Other authorities have done this successfully why don't we?

Question 2

Where are we on the 5 year land supply for the FODDC? What is the shortfall? What applications are in the planning department waiting for approval? What is the 'roadmap' to address this shortfall? This is crucial to avoid speculative applications from developers.

Question 3

Where are the results from the consultation on the 'preferred strategy' over 7000 respondents to a petition (which prompted a discussion at the full council meeting). All the reports from parishes, legal representations and the CPRE, Environmental Law Foundation how will they be aired and given consideration as we move through the LP process.

many thanks

John Francis

(Chair Churcham Parish and Cross Parish Communications Group)

Question 1

Given the Prime Ministers pledge at the recent Tory conference that 'houses should not be built on green fields' and the fact ministers are abandoning proposals for an overhaul of planning rules is it not the time to challenge the housing quotas allocated to the Forest of Dean that no one thinks is right and is too high given the local need and likely employment prospects in the area? Other authorities have done this successfully why don't we?

It is agreed that it seems likely that the government are reviewing the proposed planning reforms. Various reports have indicated that there are likely to be changes but none have yet been announced. The new LP is being prepared in accord with the current guidance and the method of calculating housing “need” that goes with it. This remained the case last year when for example a proposal to increase further the requirement for new housing was published by government and then abandoned.

Although the current so called standard method of housing calculation is that which the LP uses for the present, it is considered flawed and the FoDDC could challenge it up to and at the LP examination. For the present it is however considered appropriate to await any revised guidance from government and for the emerging LP to use the so called standard method as an indication of the requirements. The calculation of the overall number of new dwellings required will clearly affect the strategy that a LP may follow. It does however remain likely that there will be a need for a substantial additional provision to be made in a plan that covers the period to 2041. The broad strategic options are still considered valid especially in the context of the need to address climate change, although one has yet to be finally selected for the draft LP.

Question 2

Where are we on the 5 year land supply for the FODDC? What is the shortfall? What applications are in the planning department waiting for approval? What is the 'roadmap' to address this shortfall? This is crucial to avoid speculative applications from developers.

The requirements of a five year land supply are set out in the National Planning Policy Framework (NPPF) which was updated in 2019 in a manner that clarified what information would be necessary to establish a five year land supply. A site that has detailed permission would be included as contributing unless there is evidence that it may not be deliverable. In addition sites that have only outline permission or are otherwise allocated or identified “should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years”. Although there is some evidence available for many sites in the FoDD, there is not the level of proof required which would place them in the five year deliverable category and the supply of sites with detailed permission does not provide a five year supply especially after taking account of the likely rate of delivery that can be supported where there is a concentration of permissions (eg Lydney). See <https://www.fdean.gov.uk/media/nchbsxab/housing-delivery-note-2021.pdf> for further information. This is a document which shows how the land supply is derived. Also of interest may be <https://www.fdean.gov.uk/media/3vcny23a/housing-action-plan-march->

[2021.pdf](#) which considers the actual delivery of new dwellings as distinct from the future supply of land.

The current estimate is that there is not a five year supply of land and it is as a minimum about 3.9years'. Please see the note referenced above for further details. To raise the supply requires more land with detailed planning permission. Even though the outgoing LP (Allocations Plan) identifies sufficient to meet its needs this will not support the required five year supply without an increase in detailed permissions. This would require an increased demand for new dwellings.

There are a number of current applications most of which are referenced in the above housing delivery note or in the trajectory table. From this it will be noted that there are a number of outline applications pending, and some allocated sites which have yet to be subject to applications but are at the pre application stage.

Question 3

Where are the results from the consultation on the 'preferred strategy' over 7000 respondents to a petition (which prompted a discussion at the full council meeting). All the reports from parishes, legal representations and the CPRE, Environmental Law Foundation how will they be aired and given consideration as we move through the LP process.

The material received as part of the consultation has been published but the FoDDC response has not. This is something that will be discussed as part of the current exercise and which members will need to consider especially because many of the responses depend on the overall strategy that the LP follows. It is hoped that the forums will help in reviewing the overall strategy and lead towards a position where full responses to the representations received can be published.

From Robert Hitchins Limited

The following questions have been received and are responded to below.

- 1. Could we have an update regarding ongoing discussions with the JCS authorities under the Duty to Cooperate.*

Discussions continue with neighbouring authorities as the Local Plan evolves, and it is understood that the current timetable for the Joint Core Strategy in the form of an update Development Scheme is being prepared. The individual Gloucestershire Authorities also meet on a regular basis and exchange information about their respective plan programmes.

- 2. The LPR spatial strategy is central to the Council's efforts to address climate change. With that in mind, would perpetuating a dispersed pattern of development within the District, which would result in higher levels of harmful carbon emissions, represent a missed opportunity for the Council to make a difference?*

Although the matter will need to be further examined and supported by additional evidence, there are potential advantages from the concentration of development whether at existing settlements or elsewhere. While sustainable building construction can be applied in a variety of locations, transport is the largest source of carbon emissions and consequently the location of development is critical to achieving the necessary targets. A plan should seek to reduce the need to travel, enable active travel where possible and accommodate public transport. Development should be located where there are existing facilities or where these can be provided in a sustainable manner.

- 3. Public engagement is key to plan making; however can we be assured that the weight attached to representations by the Council when taking the plan forward will be based on planning merit?*

The Council are mindful of the need to make planning decisions on the basis of planning merit and to do so on the basis of relevant evidence. Included in the evidence that will be considered will be any representations received which relate to the planning issues involved.

- 4. And following on from question 3, have Councillors been briefed that only 142 of the 6,155 people who signed the petition received by the Council in January 2021 objecting to the preferred option of locating development “in the vicinity of where the A40 and A48 meet” specified a Huntley, Churcham or Highnam origin? This represents just 2.3% of those signing, and clearly presents a totally different picture of the declaration of local public sentiment than that intended by the promoters of the petition. Nearly 75% of signatories did not specify a GL post code and up to an alarming 35% originated from outside the UK.*

The document referred to was provided in support of representations to the “Preferred Option” consultation which was commenced in 2020. It will be taken into account as part of the evidence on which the Local Plan will be based. It should be considered alongside all representations received, many of which referred to important planning considerations which must be taken into account. These include landscape, transport, vulnerability to flooding, impact on agriculture etc. Members of the Council are aware of the petition and the large number of signatories.

The following issues have been identified in a communication:

From Mrs Janet Marrott

Good afternoon,

Many thanks for your email.

May I please put forward some matters which concern me personally and I feel sure are being voiced by others.

When having to agree the number of areas to be identified to satisfy the government's requirement for more housing, Local Government is given very little credit for concern for the population of the area and the geographic constrictions of that area.

As we are all very much aware in the Forest of Dean there is a lack of sufficient land for development of businesses requiring large numbers of employees, little concern is shown by successive governments regarding the need for local employment instead of the need to access employment outside the area. This alone causes a great deal of daily movement in and out of the area.

The transport infrastructure West of Severn is woefully inadequate forcing people to use private transport and this obviously creates pollution in a geographically amazing area.

The Covid pandemic has shown how working from home, especially using good internet connectivity, can assist in making our communities work in more diverse ways and this should be encouraged in several ways including housing provision. However this is not possible for everyone. Whilst higher salaries may on times be achievable by commuting the life of the community itself can suffer and places become dormitories. Also disposable income is badly affected by the cost of travel. Electric cars are not yet proved to be sufficiently effective or less costly in the fight to cut pollution and the need for more than one car per household in areas such as the Forest of Dean still means there is a lot of wear and tear on tyres and other components of a vehicle and is not likely to decrease. The cost of running good public transport is extremely expensive and difficult to provide when flexible working is a regular occurrence. People working in the medical profession at lower salary levels are particularly affected especially when shift working is essential.

Our Market Towns do not attract larger retail and similar enterprises resulting in much more online purchasing which offers no employment locally with the exception of the ever-increasing number of "little white vans". Our small retailers also suffer from a lack of footfall due to people being away from the area. Even cities like Gloucester no longer have any appeal to those who used to be employed in the retail sector. There are would-be developers locally who have had excellent ideas for creating good employment opportunities but so far they have not received any consideration in putting forward a case to government for "Levelling Up" money. Good local employment with good quality housing is a must for the Forest of Dean.

Scattered villages and hamlets have difficulty maintaining services that once existed and primary schools particularly are very much affected by both parents having to travel to work, resulting in schools along the route of the daily commute being populated by children

who have no social contact away from school. Social contact is also very important to adults of all age groups.

Health and Care providers find it difficult to attract committed staff and “Care in the Community” is not effective mainly due to the amount of travelling incurred by staff members in carrying out their duties. Dora Matthews House is an example of how Coleford has achieved a good result for people wishing to continue to live in their local community with support provided for their daily living and this could be a better step than having to go directly into Care Homes, many of which are in danger of closure and often miles from their friends and family on whom they also rely for support.

There needs to be more flexibility in house design itself to allow for the changing demands of the residents and this should be given equal consideration in the building of affordable housing.

If people are to be given the opportunity of working from home on a regular basis, then provision of a serviced office could become a ground floor bedroom with facilities in later life. All properties should have underground storage for recycling of rainwater to flush toilets instead of using fresh water of drinking water quality and adequate room on building sites would need to reflect this. SUDS provision must be adequate with the Local Authority not relying on the response from the sewage authority to judge whether the systems can cope with increased foul water and surface water run-off. The percentage increase of flooding will only increase unless this nettle is firmly grasped in the Local Plan.

The Landscape and Undesignated Heritage factors are both very important actors in that they attract economic visitors to the area as well as tourists. These in turn could attract more investment from outside the area instead of creating communities of increasing numbers of elderly and infirm people and young people with little hope of opportunity of good employment.

I do hope that my concerns can be taken into serious consideration and may help to formulate some of the ways in which the community can assist the District Council in developing an outline of proposals to be further discussed with developers.

Kind regards,

Janet Marrott (Mrs)